

106TH CONGRESS
1ST SESSION

S. 1607

To ensure that the United States Armed Forces are not endangered by placement under foreign command for military operations of the United Nations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 1999

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To ensure that the United States Armed Forces are not endangered by placement under foreign command for military operations of the United Nations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preservation of the
5 United States Military Chain of Command Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) United Nations peacekeeping and peace en-
2 forcement operations inherently involve improvised
3 command and control structures that function poorly
4 under the pressure of combat situations, endan-
5 gering the lives of personnel engaged in the oper-
6 ations and undermining the objectives of the mis-
7 sions involved.

8 (2) The United Nations bureaucracy is poorly
9 structured to organize and administer complex mili-
10 tary operations involving combat.

11 (3) A tested and reliable command structure is
12 as essential to the safety of members of the United
13 States Armed Forces as sophisticated weaponry and
14 professional training.

15 (4) To protect the integrity of the United
16 States military chain of command and ensure the
17 highest possible level of security for the United
18 States Armed Forces, the United States should not
19 participate in military operations commanded or
20 controlled by the United Nations.

1 **SEC. 3. LIMITATION ON PLACEMENT OF ARMED FORCES**
2 **UNDER FOREIGN COMMAND FOR A UNITED**
3 **NATIONS PEACEKEEPING OR PEACE EN-**
4 **FORCEMENT OPERATION.**

5 (a) **LIMITATION ON PLACEMENT FOR OPERATIONS**
6 **GENERALLY.**—Members of the United States Armed
7 Forces may not be placed under the command or oper-
8 ational control of any foreign national for participation in
9 a United Nations operation unless the President certifies
10 to the appropriate congressional committees that such
11 members will not be involved in combat.

12 (b) **PROHIBITION ON PLACEMENT FOR CERTAIN OP-**
13 **ERATIONS.**—Members of the United States Armed Forces
14 may not be placed under the command or operational con-
15 trol of any foreign national for participation in a United
16 Nations operation authorized under chapter VII of the
17 United Nations Charter.

18 **SEC. 4. LIMITATION ON PARTICIPATION OF ARMED FORCES**
19 **IN UNITED NATIONS PEACEKEEPING OR**
20 **PEACE ENFORCEMENT OPERATIONS.**

21 (a) **IN GENERAL.**—Members of the United States
22 Armed Forces may not participate in conjunction with or
23 in support of a United Nations operation unless the fol-
24 lowing requirements are met:

25 (1) The President has certified to the appro-
26 priate congressional committees that the proposed

1 participation of such members in conjunction with or
2 in support of the operation is in the national secu-
3 rity interests of the United States.

4 (2) The President has certified to the appro-
5 priate congressional committees that the United Na-
6 tions has not imposed or sought to impose any con-
7 straints on United States participation in conjunc-
8 tion with or in support of the operation, including
9 limitations on the use of force by the United States
10 Armed Forces, the composition of the United States
11 Armed Forces participating in the operation, or tac-
12 tics employed by the United States Armed Forces to
13 achieve mission objectives, which could endanger the
14 lives of the members of the United States Armed
15 Forces participating in the operation.

16 (3) The President has certified to the appro-
17 priate congressional committees that the United
18 States Armed Forces participating in conjunction
19 with or in support of the operation are fully
20 equipped to defend themselves, to the extent pos-
21 sible, under any contingency in the operation.

22 (4) The Secretary of Defense has submitted to
23 the appropriate congressional committees a report
24 identifying the mission and structure of the oper-
25 ation, including an identification of United States

1 military objectives in the operation, an overview of
2 the United States Armed Forces to be deployed to
3 meet such objectives, and an assessment of potential
4 difficulties in command and control, logistics, and
5 interoperability of personnel and equipment which
6 could endanger the mission and the lives of members
7 of the United States Armed Forces.

8 (b) DEADLINE FOR MEETING REQUIREMENTS.—(1)
9 Except as provided in paragraph (2), the requirements in
10 subsection (a) shall be met with respect to the participa-
11 tion of the members of the United States Armed Forces
12 in a United Nations operation not fewer than 15 days be-
13 fore the commencement of the participation of such mem-
14 bers in the operation.

15 (2) The President may, upon determining that an
16 emergency exists which prevents meeting the requirements
17 in subsection (a) within the time otherwise provided for
18 in paragraph (1), meet the requirements at a later time,
19 but in no event later than 48 hours after the commence-
20 ment of the participation concerned.

21 (c) MONTHLY REPORTS.—While members of the
22 United States Armed Forces are participating in conjunc-
23 tion with or in support of a United Nations operation, the
24 Secretary of Defense shall submit to the appropriate con-

1 gressional committees on a monthly basis an assessment
2 of the following:

3 (1) United States military objectives in the op-
4 eration and whether such objectives are being met.

5 (2) The personnel strength of the operation,
6 whether any shortfall in such strength exists, and
7 whether such shortfall, if any, endangers members of
8 the United States Armed Forces participating in the
9 operation.

10 (3) An assessment of difficulties encountered in
11 command and control, logistics, and interoperability
12 of personnel and equipment.

13 (4) Any combat activity of the operation and
14 the performance of command and control structures,
15 logistical operations, and interoperability of per-
16 sonnel and equipment under such circumstances.

17 **SEC. 5. BIENNIAL REPORTS ON ARMED FORCES UNDER**
18 **FOREIGN COMMAND.**

19 (a) REPORTS REQUIRED.—Not later than January 1,
20 2000, and every six months thereafter, the Secretary of
21 Defense shall submit to the appropriate congressional
22 committees a report on the service of units of the United
23 States Armed Forces under the operational or tactical
24 control of a foreign national, whether in an established

1 regional alliance such as the North Atlantic Treaty Orga-
2 nization or in an ad hoc military coalition.

3 (b) ELEMENTS.—Each report under subsection (a)
4 shall set forth, for the six-month period ending on the date
5 of the report, the following:

6 (1) A description of the manner in which mem-
7 bers of the United States Armed Forces served
8 under foreign nationals.

9 (2) A description of any breakdown in the chain
10 of command during such service.

11 (3) An analysis of any difficulties in the inter-
12 operability of equipment and personnel in training
13 and combat operations during such service.

14 **SEC. 6. DEFINITIONS.**

15 In this Act:

16 (1) UNITED NATIONS OPERATION.—

17 (A) IN GENERAL.—The term “United Na-
18 tions operation” means a United Nations peace-
19 keeping or peace enforcement operation author-
20 ized and commanded or controlled by the
21 United Nations.

22 (B) EXCLUSION.—The term does not in-
23 clude an operation authorized but not adminis-
24 tered by the United Nations.

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the following:

4 (A) The Committees on Appropriations,
5 Armed Services, and Foreign Relations of the
6 Senate.

7 (B) The Committees on Appropriations,
8 Armed Services, and International Relations of
9 the House of Representatives.

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