

104TH CONGRESS
1ST SESSION

H. R. 7

IN THE SENATE OF THE UNITED STATES

FEBRUARY 22, 1995

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To revitalize the national security of the United States.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Security Revitalization Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, POLICY, AND PURPOSES

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TITLE IV—COMMAND OF UNITED STATES FORCES

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Sec. 501. Credit against assessment for United States expenditures in support of United Nations peacekeeping operations.

Sec. 502. Codification of required notice to Congress of proposed United Nations peacekeeping activities.

Sec. 503. Notice to Congress regarding United States contributions for United Nations peacekeeping activities.

Sec. 504. Revised notice to Congress regarding United States assistance for United Nations peacekeeping activities.

Sec. 505. United States contributions to United Nations peacekeeping activities.

Sec. 506. Reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities.

Sec. 507. Limitation on payment of United States assessed or voluntary contributions for United Nations peacekeeping activities.

Sec. 508. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.

Sec. 509. Codification of limitation on amount of United States assessed contributions for United Nations peacekeeping operations.

- Sec. 510. Buy American requirement.
 Sec. 511. United Nations budgetary and management reform.
 Sec. 512. Conditions on provision of intelligence to the United Nations.
 Sec. 513. Report regarding reimbursement levels paid by United Nations for costs incurred by nations and contractors furnishing personnel for peacekeeping activities.

TITLE VI—EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

- Sec. 601. Short title.
 Sec. 602. Findings.
 Sec. 603. United States policy.
 Sec. 604. Revisions to program to facilitate transition to NATO membership.

TITLE VII—BUDGET FIREWALLS

- Sec. 701. Restoration of budget firewalls for defense spending.

1 **TITLE I—FINDINGS, POLICY, AND**
 2 **PURPOSES**

3 **SEC. 101. FINDINGS.**

4 The Congress finds the following:

5 (1) Dramatic changes in the geo-political and
 6 military landscape during the last decade have had
 7 significant impacts on United States security.

8 (2) Those changes include the breakup of the
 9 Warsaw Pact alliance, the disintegration of the So-
 10 viet Union, and an increase in regional instability
 11 and conflict.

12 (3) While the magnitude and implications of
 13 these and other changes continues to evolve, the
 14 world remains an unstable and dangerous place.
 15 This uncertainty mandates the need for an on-going
 16 process to establish an appropriate national security

1 strategy and the forces needed to implement that
2 strategy.

3 (4) The centerpiece of the defense strategy of
4 the Administration, the review of the Department of
5 Defense conducted by the Secretary of Defense in
6 1993 known as the “Bottom Up Review”, deter-
7 mined that United States forces must be—

8 (A) prepared to fight and win two nearly
9 simultaneous Major Regional Conflicts;

10 (B) able to sustain robust overseas pres-
11 ence in peacetime;

12 (C) prepared for a variety of regional con-
13 tingencies; and

14 (D) able to deter and prevent attacks with
15 weapons of mass destruction against United
16 States territory and forces and the territory
17 and forces of our allies.

18 (5) The Bottom Up Review also recommended
19 significant reductions in military forces, including
20 reduction in the number of Navy ships by one-third,
21 the number of Air Force wings by almost one-half,
22 and the level of funding for missile defenses by over
23 50 percent.

24 (6) The General Accounting Office and the
25 Congressional Budget Office have estimated that the

1 mismatch between even the restrictive Bottom Up
2 Review force and the Administration defense budget
3 may be up to anywhere from \$65,000,000,000 to
4 \$150,000,000,000.

5 (7) Since January 1993, presidential budgets
6 and budget plans have set forth a reduction in de-
7 fense spending of \$156,000,000,000 through fiscal
8 year 1999.

9 (8) The fiscal year 1995 budget is the 10th
10 consecutive year of reductions in real defense spend-
11 ing and, with the exception of fiscal year 1948, rep-
12 resents the lowest percentage of gross domestic
13 product for any defense budget since World War II.

14 (9) During fiscal year 1995, the number of ac-
15 tive duty, reserve component, and civilian personnel
16 of the Department of Defense will be reduced by
17 182,000, a rate of over 15,000 per month or over
18 500 per day. The Bureau of Labor Statistics esti-
19 mates that 1,200,000 defense-related private sector
20 jobs will be lost by 1997.

21 (10) Despite severe reductions and shortfalls in
22 defense funding and force structure, since 1993
23 United States military forces have been deployed
24 more often and committed to more peacetime mis-
25 sions per year than ever before. Most of these mis-

1 sions involve United Nations peacekeeping and hu-
2 manitarian efforts. At the end of fiscal year 1994,
3 over 70,000 United States personnel were serving in
4 such regions as Iraq, Bosnia, Macedonia, the Adri-
5 atic Sea, Rwanda, and the Caribbean Sea for mis-
6 sions involving Haiti and Cuba.

7 (11) Despite the dramatic increase in the pace
8 of operations and the diversion of training and exer-
9 cise funds to cover the costs of unbudgeted contin-
10 gency operations, the Armed Forces of the United
11 States remain the most capable, motivated, and ef-
12 fective military force in the world. The ability to suc-
13 cessfully deploy and maintain support for the range
14 of on-going contingency operations demonstrates the
15 continued quality and professionalism of our troops.

16 (12) However, persistent indications of declin-
17 ing readiness demonstrate that military units are en-
18 tering the early stage of a long-term systemic readi-
19 ness problem. This downward readiness trend risks
20 a return to the “hollow forces” of the 1970s.

21 (13) At the end of fiscal year 1994, one-third
22 of the units in the Army contingency force and all
23 of the forward-deployed and follow-on Army divi-
24 sions were reporting a reduced state of military
25 readiness. During fiscal year 1994, training readi-

1 ness declined for the Navy's Atlantic and Pacific
2 fleets. Training funding shortfalls also resulted in a
3 grounding of Navy and Marine Corps aircraft squad-
4 rons and cancellation and curtailment of Army
5 training exercises. Marine and naval personnel are
6 not maintaining the standard 12- to 18-month res-
7 pite between six-month deployments away from
8 home.

9 (14) The significant increase in deployments in
10 support of peacekeeping, humanitarian, and contin-
11 gency operations has placed great personnel tempo
12 stress on many critical operational units.

13 (15) A real commitment to equitable compensa-
14 tion and protection of quality-of-life programs for
15 servicemembers and their families is an essential
16 component to ensuring high personnel morale and
17 sustaining force readiness. However, as of January
18 1, 1995, military pay is approximately 12.8 percent
19 below comparable civilian levels. As a result, it is es-
20 timated that close to 17,000 junior enlisted person-
21 nel have to rely on food stamps and the Department
22 of Defense will soon begin providing supplementary
23 food benefits to an estimated 11,000 military per-
24 sonnel and dependents living overseas.

1 (16) Critical long-term modernization programs
2 continue to be delayed or cancelled as resources are
3 diverted to cover short-term personnel and readiness
4 shortfalls resulting from an underfunded defense
5 budget and an overextended force, threatening the
6 technological superiority of future United States
7 forces.

8 (17) The fiscal year 1995 defense budget failed
9 to meet the current force structure goal of 184 mod-
10 ern long-range bombers, as established in the Bot-
11 tom-Up Review. Unless this long-range bomber ca-
12 pability shortfall is addressed promptly, the Nation's
13 ability to project force will be undermined and the
14 existing bomber industrial base may be placed at
15 risk.

16 (18) The Administration has initially agreed to
17 or proposed treaty limitations, or has unilaterally
18 adopted positions, that prohibit the United States
19 from testing or deploying effective missile defense
20 systems.

21 (19) United Nations assessments to the United
22 States for peacekeeping missions totaled over
23 \$1,000,000,000 in 1994. The United States is as-
24 sessed 31.7 percent of annual United Nations costs
25 for peacekeeping. The next highest contributor,

1 Japan, only pays 12.5 percent of such costs. The
2 Department of Defense also incurs hundreds of mil-
3 lions of dollars in costs every year for United States
4 military participation in United Nations peacekeep-
5 ing or humanitarian missions, most of which are not
6 reimbursed by the United Nations. For fiscal year
7 1994, these Department of Defense costs totaled
8 over \$1,721,000,000.

9 (20) Credible and effective collective action on
10 international security concerns through the United
11 Nations and regional organizations such as the
12 North Atlantic Treaty Organization can, in appro-
13 priate cases, advance world peace, strengthen the
14 national security of the United States, and foster
15 more equitable burden-sharing with friends and al-
16 lies of the United States in military, political, and fi-
17 nancial terms.

18 **SEC. 102. POLICY.**

19 The Congress is committed to providing adequate re-
20 sources to protect the national security interests of the
21 United States, including the resources necessary—

22 (1) to provide for sufficient forces to meet the
23 national security strategy of being able to fight and
24 win two nearly simultaneously major regional con-
25 flicts;

1 (2) to provide for sufficient forces to meet the
2 national security strategy of using forward-deployed
3 and forward-based forces to promote regional stabil-
4 ity, deter aggression, improve joint/combined oper-
5 ations among United States forces and allies, and
6 ensure timely crisis response;

7 (3) to provide pay and benefits necessary for
8 members of the Armed Forces (including members
9 of the National Guard and Reserve as well as active
10 duty members) to begin closing the gap between
11 rates of civilian pay and rates of military pay;

12 (4) to maintain a high quality-of-life for mili-
13 tary personnel and their dependents;

14 (5) to maintain a high level of military readi-
15 ness and take all necessary steps to avoid a return
16 to the “hollow forces” of the 1970s;

17 (6) to fully provide for the necessary mod-
18 ernization of United States military forces in order
19 to ensure their technological superiority over any ad-
20 versary; and

21 (7) to develop and deploy at the earliest prac-
22 tical date highly effective national and theater mis-
23 sile defense systems.

24 **SEC. 103. PURPOSES.**

25 The purposes of this Act are—

1 (1) to establish an advisory commission to as-
2 sess United States military needs and address the
3 problems posed by the continuing downward spiral
4 of defense spending;

5 (2) to commit the United States to accelerate
6 the development and deployment of theater and na-
7 tional ballistic missile defense capabilities;

8 (3) to restrict deployment of United States
9 forces to missions that are in the national security
10 interest of the United States;

11 (4) to maintain adequate command and control
12 by United States personnel of United States forces
13 participating in United Nations peacekeeping oper-
14 ations;

15 (5) to reduce the cost to the United States of
16 United Nations peacekeeping activities and to press
17 for reforms in United Nations management prac-
18 tices; and

19 (6) to reemphasize the commitment of the
20 United States to a strong and viable North Atlantic
21 Treaty Organization.

1 **TITLE II—POLICY REGARDING**
2 **PRIORITY FOR MISSILE DE-**
3 **FENSE PROGRAMS**

4 **SEC. 201. POLICY.**

5 The following, in the order listed, shall be the policy
6 of the United States with respect to the priority for devel-
7 opment and deployment of missile defense programs:

8 (1) First, ensuring operational readiness of the
9 Armed Forces and accomplishing programmed mod-
10 ernization of weapons systems.

11 (2) Second, as part of such modernization, com-
12 pleting the development and deployment at the earli-
13 est practicable date of more effective theater missile
14 defense (TMD) systems by adequately funding es-
15 sential theater missile defense programs.

16 (3) Third, developing as soon as practicable,
17 subject to the availability of funding, a ground-based
18 interceptor system capable of destroying ballistic
19 missiles launched against the United States.

20 **SEC. 202. SENSE OF CONGRESS ON THEATER MISSILE DE-**
21 **FENSE AND THE ANTI-BALLISTIC MISSILE**
22 **(ABM) TREATY.**

23 (a) FINDINGS.—The Congress makes the following
24 findings:

1 (1) The United States and its allies face exist-
2 ing and expanding threats from ballistic missiles ca-
3 pable of being used as theater weapon systems that
4 are presently possessed by, being developed by, or
5 being acquired by a number of countries, including
6 Iran, Iraq, Syria, Libya, and North Korea.

7 (2) Some theater ballistic missiles that are cur-
8 rently deployed or are being developed (such as the
9 Chinese CSS-2 missile and the North Korean Taepo
10 Dong-2 missile) have capabilities equal to or greater
11 than the capabilities of missiles that were deter-
12 mined to be strategic missiles more than 20 years
13 ago under the Strategic Arms Limitation Agreement
14 I (SALT I) Interim Agreement of 1972 entered into
15 between the United States and the Soviet Union.

16 (3) The Anti-Ballistic Missile (ABM) Treaty
17 was not intended to, and does not, apply to or limit
18 research, development, testing, or deployment of
19 missile defense systems, system upgrades, or system
20 components that are designed to counter modern
21 theater ballistic missiles, regardless of the capabili-
22 ties of such missiles, unless those systems, system
23 upgrades, or system components are tested against
24 or have demonstrated capabilities to counter modern
25 strategic ballistic missiles.

1 (4) It is a national security priority of the
2 United States to develop and deploy highly effective
3 theater missile defense systems capable of counter-
4 ing the existing and expanding threats posed by
5 modern theater ballistic missiles at the earliest prac-
6 tical date.

7 (5) Current United States proposals in the
8 Standing Consultative Commission (SCC) would
9 multilateralize the ABM Treaty, making future
10 amendments or changes to the Treaty more difficult,
11 and would impose specific design limitations on
12 United States theater missile defense (TMD) sys-
13 tems that would significantly compromise the United
14 States TMD capability.

15 (b) SENSE OF CONGRESS.—It is the sense of the
16 Congress that further formal negotiations in the Standing
17 Consultative Commission (SCC) and any informal discus-
18 sions or negotiations on either the demarcation between
19 theater missile defense (TMD) systems and anti-ballistic
20 missile (ABM) systems, or any other effort that bears on
21 the viability of the ABM Treaty, including
22 multilateralization of the treaty, should be suspended until
23 the One Hundred Fourth Congress has had the oppor-
24 tunity to review those matters.

1 **SEC. 203. BALLISTIC MISSILE DEFENSE AS A COMPONENT**
2 **OF MILITARY READINESS.**

3 (a) USE OF FISCAL YEAR 1996 FUNDS.—Of the total
4 amount of funds appropriated or otherwise made available
5 for the Department of Defense for fiscal year 1996, the
6 amount obligated for national missile defense programs
7 may exceed the amount made available for national missile
8 programs for fiscal year 1995.

9 (b) FINDINGS.—In carrying out program execution of
10 national missile defense programs using funds appro-
11 priated for fiscal year 1996, the Secretary of Defense shall
12 consider the following findings by Congress:

13 (1) A critical component of military readiness is
14 whether the Armed Forces are properly sized,
15 equipped, structured, and ready to carry out as-
16 signed missions as required by the national military
17 strategy.

18 (2) In testimony before the Committee on
19 Armed Services of the House of Representatives on
20 February 22, 1994, the Chairman of the Joint
21 Chiefs of Staff testified that “modernization is the
22 key to future readiness and it is the only way to pro-
23 vide our next generation with an adequate defense”.

24 (3) Given the growing ballistic missile threat,
25 the deployment of affordable, highly effective na-
26 tional and theater missile defense systems is an es-

1 sential objective of a defense modernization program
2 that adequately supports the requirements of the na-
3 tional military strategy.

4 (c) SENSE OF CONGRESS.—In light of the findings
5 in subsection (b), it is the sense of Congress that an effec-
6 tive national and theater missile defense capability is es-
7 sential to ensuring that United States Armed Forces are
8 ready to meet current and expected threats to United
9 States national security.

10 **TITLE III—ADVISORY COMMIS-**
11 **SION ON REVITALIZATION OF**
12 **NATIONAL SECURITY**

13 **SEC. 301. ESTABLISHMENT.**

14 There is hereby established an advisory commission
15 to be known as the “Revitalization of National Security
16 Commission” (hereinafter in this title referred to as the
17 “Commission”).

18 **SEC. 302. COMPOSITION.**

19 (a) APPOINTMENT.—The Commission shall be com-
20 posed of 12 members, appointed as follows:

21 (1) Four members shall be appointed by the
22 President.

23 (2) Four members shall be appointed by the
24 Speaker of the House of Representatives, one of
25 whom shall be appointed upon the recommendation

1 of the minority leader of the House of Representa-
2 tives.

3 (3) Four members shall be appointed by the
4 president pro tempore of the Senate, three of whom
5 shall be appointed upon the recommendation of the
6 majority leader of the Senate and one of whom shall
7 be appointed upon the recommendation of the mi-
8 nority leader of the Senate.

9 (b) QUALIFICATIONS.—The members of the Commis-
10 sion shall be appointed from among persons having knowl-
11 edge and experience in defense and foreign policy.

12 (c) TERM OF MEMBERS; VACANCIES.—Members of
13 the Commission shall be appointed for the life of the Com-
14 mission. A vacancy on the Commission shall not affect its
15 powers, but shall be filled in the same manner as the origi-
16 nal appointment was made.

17 (d) COMMENCEMENT.—The members of the Commis-
18 sion shall be appointed not later than 21 days after the
19 date of the enactment of this Act. The Commission shall
20 convene its first meeting to carry out its duties under this
21 section 14 days after seven members of the Commission
22 have been appointed.

23 (e) CHAIRMAN.—The chairman of the Commission
24 shall be designated jointly by the Speaker of the House
25 of Representatives and the majority leader of the Senate

1 (after consultation with the minority leader of the House
2 of Representatives and the minority leader of the Senate)
3 from among members of the Commission appointed under
4 subsection (a)(2) or (a)(3).

5 **SEC. 303. DUTIES.**

6 (a) **COMPREHENSIVE REVIEW.**—The Commission
7 shall conduct a comprehensive review of the long-term na-
8 tional security needs of the United States. The review
9 shall include the following:

10 (1) An assessment of the need for a new na-
11 tional security strategy and, if it is determined that
12 such a new strategy is needed, identification of such
13 a strategy.

14 (2) An assessment of the need for a new na-
15 tional military strategy and, if it is determined that
16 such a new strategy is needed, identification of such
17 a strategy.

18 (3) An assessment of the military force struc-
19 ture necessary to support the new strategies identi-
20 fied under paragraphs (1) and (2).

21 (4) An assessment of force modernization re-
22 quirements necessary to support the new strategies
23 identified under paragraphs (1) and (2).

1 (5) An assessment of military infrastructure re-
2 quirements necessary to support the new strategies
3 identified under paragraphs (1) and (2).

4 (6) An assessment of the funding needs of the
5 Department of Defense necessary to support the
6 long-term national security requirements of the
7 United States.

8 (7) An assessment of the adequacy of the force
9 structure recommended in the 1993 Bottom-Up Re-
10 view in executing the national military strategy.

11 (8) An assessment of the adequacy of the cur-
12 rent future-years defense plan in fully funding the
13 Bottom-Up Review force structure while maintaining
14 adequate force modernization and military readiness
15 objectives.

16 (9) An assessment of the level of defense funds
17 expended on non-defense programs.

18 (10) An assessment of the costs to the United
19 States of expanding the membership of the North
20 Atlantic Treaty Organization.

21 (11) An assessment of the elements of military
22 pay and allowances constituting the regular military
23 compensation of members of the Armed Forces and
24 the development of recommendations for changes in
25 those elements in order to end the dependence of

1 some members of the Armed Forces and their fami-
2 lies on Federal and local assistance programs.

3 (12) An assessment of the need to revise the
4 command and control structure of the Army Re-
5 serve.

6 (b) MATTERS TO BE CONSIDERED.—In carrying out
7 the review, the Commission shall develop specific rec-
8 ommendations to accomplish each of the following:

9 (1) Provide members of the Armed Forces with
10 annual pay raises and other compensation at levels
11 sufficient to begin closing the gap with comparable
12 civilian pay levels.

13 (2) Fully fund cost-effective missile defense sys-
14 tems that are deployable at the earliest practical
15 date following enactment of this Act.

16 (3) Maintain adequate funding for military
17 readiness accounts without sacrificing modernization
18 programs.

19 (4) Maintain a strong role for Guard and Re-
20 serve forces.

21 (5) Provide a new funding system to avoid di-
22 versions from military readiness accounts to pay for
23 peacekeeping and humanitarian deployments such as
24 Haiti and Rwanda.

1 (6) Support security enhancing measures in the
2 Asia-Pacific region, including support for the Asso-
3 ciation of Southeast Asian Nations (ASEAN) Re-
4 gional Forum.

5 (7) Reduce the level of defense expenditures for
6 non-defense programs.

7 **SEC. 304. REPORTS.**

8 (a) FINAL REPORT.—The Commission shall submit
9 to the President and the designated congressional commit-
10 tees a report on the assessments and recommendations re-
11 ferred to in section 303 not later than January 1, 1996.
12 The report shall be submitted in unclassified and classified
13 versions.

14 (b) INTERIM REPORT.—The Commission shall sub-
15 mit to the President and the designated congressional
16 committees an interim report describing the Commission’s
17 progress in fulfilling its duties under section 303. The in-
18 terim report shall include any preliminary recommenda-
19 tions the Commission may have reached and shall be sub-
20 mitted not later than October 1, 1995.

21 (c) DESIGNATED CONGRESSIONAL COMMITTEES.—
22 For purposes of this section, the term “designated con-
23 gressional committees” means—

24 (1) the Committee on National Security, the
25 Committee on International Relations, and the Com-

1 committee on Appropriations of the House of Represent-
2 atives; and

3 (2) the Committee on Armed Services, the
4 Committee on Foreign Relations, and the Committee
5 on Appropriations of the Senate.

6 (d) LIMITATION PENDING SUBMISSION OF INTERIM
7 REPORT.—The Secretary of the Army may not, during the
8 period beginning on the date of the enactment of this Act
9 and ending on the date on which the interim report under
10 subsection (b) is submitted, take any action to implement
11 the plan to reorganize the Army Reserve’s continental
12 United States headquarters structures that was an-
13 nounced by the Secretary on January 4, 1995.

14 **SEC. 305. POWERS.**

15 (a) HEARINGS.—The Commission may, for the pur-
16 pose of carrying out this section, conduct such hearings,
17 sit and act at such times, take such testimony, and receive
18 such evidence, as the Commission considers appropriate.

19 (b) ASSISTANCE FROM OTHER AGENCIES.—The
20 Commission may secure directly from any department or
21 agency of the Federal Government such information, rel-
22 evant to its duties under this title, as may be necessary
23 to carry out such duties. Upon request of the chairman
24 of the Commission, the head of the department or agency

1 shall, to the extent permitted by law, furnish such infor-
2 mation to the Commission.

3 (c) MAIL.—The Commission may use the United
4 States mails in the same manner and under the same con-
5 ditions as the departments and agencies of the Federal
6 Government.

7 (d) ASSISTANCE FROM SECRETARY OF DEFENSE.—
8 The Secretary of Defense shall provide to the Commission
9 such reasonable administrative and support services as the
10 Commission may request.

11 **SEC. 306. COMMISSION PROCEDURES.**

12 (a) MEETINGS.—The Commission shall meet on a
13 regular basis (as determined by the chairman) and at the
14 call of the chairman or a majority of its members.

15 (b) QUORUM.—A majority of the members of the
16 Commission shall constitute a quorum for the transaction
17 of business.

18 **SEC. 307. PERSONNEL MATTERS.**

19 (a) COMPENSATION.—Each member of the Commis-
20 sion shall serve without compensation, but shall be allowed
21 travel expenses including per diem in lieu of subsistence,
22 as authorized by section 5703 of title 5, United States
23 Code, when engaged in the performance of Commission
24 duties.

1 (b) STAFF.—The Commission shall appoint a staff
2 director, who shall be paid at a rate not to exceed the
3 maximum rate of basic pay under section 5376 of title
4 5, United States Code, and such professional and clerical
5 personnel as may be reasonable and necessary to enable
6 the Commission to carry out its duties under this title
7 without regard to the provisions of title 5, United States
8 Code, governing appointments in the competitive service,
9 and without regard to the provisions of chapter 51 and
10 subchapter III of chapter 53 of such title, or any other
11 provision of law, relating to the number, classification, and
12 General Schedule rates. No employee appointed under this
13 subsection (other than the staff director) may be com-
14 pensated at a rate to exceed the maximum rate applicable
15 to level 15 of the General Schedule.

16 (c) DETAILED PERSONNEL.—Upon request of the
17 chairman of the Commission, the head of any department
18 or agency of the Federal Government is authorized to de-
19 tail, without reimbursement, any personnel of such depart-
20 ment or agency to the Commission to assist the Commis-
21 sion in carrying out its duties under this section. The de-
22 tail of any such personnel may not result in the interrup-
23 tion or loss of civil service status or privilege of such per-
24 sonnel.

1 **SEC. 308. TERMINATION OF THE COMMISSION.**

2 The Commission shall terminate upon submission of
3 the final report required by section 304.

4 **SEC. 309. FUNDING.**

5 Funds for the activities of the Commission shall be
6 made available to the Commission by the Secretary of De-
7 fense from funds appropriated for activities of the Office
8 of the Secretary of Defense.

9 **TITLE IV—COMMAND OF UNITED**
10 **STATES FORCES**

11 **SEC. 401. LIMITATION ON EXPENDITURE OF DEPARTMENT**
12 **OF DEFENSE FUNDS FOR UNITED STATES**
13 **FORCES PLACED UNDER UNITED NATIONS**
14 **COMMAND OR CONTROL.**

15 (a) IN GENERAL.—(1) Chapter 20 of title 10, United
16 States Code, is amended by inserting after section 404 the
17 following new section:

18 **“§405. Placement of United States forces under**
19 **United Nations command or control: limi-**
20 **tation**

21 “(a) LIMITATION.—Except as provided in subsections
22 (b) and (c), funds appropriated or otherwise made avail-
23 able for the Department of Defense may not be obligated
24 or expended for activities of any element of the Armed
25 Forces that after the date of the enactment of this section

1 is placed under United Nations command or control, as
2 defined in subsection (f).

3 “(b) EXCEPTION FOR PRESIDENTIAL CERTIFI-
4 CATION.—(1) Subsection (a) shall not apply in the case
5 of a proposed placement of an element of the Armed
6 Forces under United Nations command or control if the
7 President, not less than 15 days before the date on which
8 such United Nations command or control is to become ef-
9 fective (or as provided in paragraph (2)), meets the re-
10 quirements of subsection (d).

11 “(2) If the President certifies to Congress that an
12 emergency exists that precludes the President from meet-
13 ing the requirements of subsection (d) 15 days before plac-
14 ing an element of the Armed Forces under United Nations
15 command or control, the President may place such forces
16 under such command or control and meet the require-
17 ments of subsection (d) in a timely manner, but in no
18 event later than 48 hours after such command or control
19 becomes effective.

20 “(c) ADDITIONAL EXCEPTIONS.—

21 “(1) EXCEPTION FOR AUTHORIZATION BY
22 LAW.—Subsection (a) shall not apply in the case of
23 a proposed placement of any element of the Armed
24 Forces under United Nations command or control if
25 the Congress specifically authorizes by law that par-

1 ticular placement of United States forces under
2 United Nations command or control.

3 “(2) EXCEPTION FOR NATO OPERATIONS.—
4 Subsection (a) shall not apply in the case of a pro-
5 posed placement of any element of the Armed
6 Forces in an operation conducted by the North At-
7 lantic Treaty Organization.

8 “(d) PRESIDENTIAL CERTIFICATIONS.—The require-
9 ments referred to in subsection (b)(1) are that the Presi-
10 dent submit to Congress the following:

11 “(1) Certification by the President that—

12 “(A) such a United Nations command or
13 control arrangement is necessary to protect na-
14 tional security interests of the United States;

15 “(B) the commander of any unit of the
16 Armed Forces proposed for placement under
17 United Nations command or control will at all
18 times retain the right—

19 “(i) to report independently to supe-
20 rior United States military authorities; and

21 “(ii) to decline to comply with orders
22 judged by the commander to be illegal,
23 militarily imprudent, or beyond the man-
24 date of the mission to which the United
25 States agreed with the United Nations,

1 until such time as that commander receives
2 direction from superior United States mili-
3 tary authorities with respect to the orders
4 that the commander has declined to com-
5 ply with;

6 “(C) any element of the Armed Forces
7 proposed for placement under United Nations
8 command or control will at all times remain
9 under United States administrative command
10 for such purposes as discipline and evaluation;
11 and

12 “(D) the United States will retain the au-
13 thority to withdraw any element of the Armed
14 Forces from the proposed operation at any time
15 and to take any action it considers necessary to
16 protect those forces if they are engaged.

17 “(2) A report setting forth the following:

18 “(A) A description of the national security
19 interests that require the placement of United
20 States forces under United Nations command
21 or control.

22 “(B) The mission of the United States
23 forces involved.

24 “(C) The expected size and composition of
25 the United States forces involved.

1 “(D) The incremental cost to the United
2 States of participation in the United Nations
3 operation by the United States forces which are
4 proposed to be placed under United Nations
5 command or control.

6 “(E) The precise command and control re-
7 lationship between the United States forces in-
8 volved and the United Nations command
9 structure.

10 “(F) The precise command and control re-
11 lationship between the United States forces in-
12 volved and the commander of the United States
13 unified command for the region in which those
14 United States forces are to operate.

15 “(G) The extent to which the United
16 States forces involved will rely on non-United
17 States forces for security and self-defense and
18 an assessment on the ability of those non-
19 United States forces to provide adequate secu-
20 rity to the United States forces involved.

21 “(H) The timetable for complete with-
22 drawal of the United States forces involved.

23 “(e) CLASSIFICATION OF REPORT.—A report under
24 subsection (d) shall be submitted in unclassified form and,
25 if necessary, in classified form.

1 “(f) UNITED NATIONS COMMAND OR CONTROL.—
2 For purposes of this section, an element of the Armed
3 Forces shall be considered to be placed under United Na-
4 tions command or control if—

5 “(1) that element is under the command or
6 operational control of an individual acting on behalf
7 of the United Nations for the purpose of inter-
8 national peacekeeping, peacemaking, peace-enforc-
9 ing, or similar activity that is authorized by the
10 Security Council under chapter VI or VII of the
11 Charter of the United Nations; and

12 “(2) the senior military commander of the
13 United Nations force or operation—

14 “(A) is a foreign national or is a citizen of
15 the United States who is not a United States
16 military officer serving on active duty; or

17 “(B) is a United States military officer
18 serving on active duty but—

19 “(i) that element of the armed forces
20 is under the command or operational con-
21 trol of a subordinate commander who is a
22 foreign national or a citizen of the United
23 States who is not a United States military
24 officer serving on active duty; and

1 “(ii) that senior military commander
2 does not have the authority—

3 “(I) to dismiss any subordinate
4 officer in the chain of command who
5 is exercising command or operational
6 control over United States forces and
7 who is a foreign national or a citizen
8 of the United States who is not a
9 United States military officer serving
10 on active duty;

11 “(II) to establish rules of engage-
12 ment for United States forces in-
13 volved; and

14 “(III) to establish criteria gov-
15 erning the operational employment of
16 United States forces involved.

17 “(g) INTERPRETATION.—Nothing in this section may
18 be construed—

19 “(1) as authority for the President to use any
20 element of the armed forces in any operation;

21 “(2) as authority for the President to place any
22 element of the armed forces under the command or
23 operational control of a foreign national; or

24 “(3) as an unconstitutional infringement on the
25 authority of the President as commander-in-chief.”.

1 (2) The table of sections at the beginning of sub-
2 chapter I of such chapter is amended by adding at the
3 end the following new item:

“405. Placement of United States forces under United Nations command or
control: limitation.”.

4 (b) REPORT RELATING TO CONSTITUTIONALITY.—
5 No certification may be submitted by the President under
6 section 405(d)(1) of title 10, United States Code, as added
7 by subsection (a), until the President has submitted to the
8 Congress (after the date of the enactment of this Act) a
9 memorandum of legal points and authorities explaining
10 why the placement of elements of United States Armed
11 Forces under the command or operational control of a for-
12 eign national acting on behalf of the United Nations does
13 not violate the Constitution.

14 (c) EXCEPTION FOR ONGOING OPERATIONS IN MAC-
15 EDONIA AND CROATIA.—Section 405 of title 10, United
16 States Code, as added by subsection (a), does not apply
17 in the case of activities of the Armed Forces as part of
18 the United Nations force designated as the United Na-
19 tions Protection Force (UNPROFOR) that are carried
20 out—

21 (1) in Macedonia pursuant to United Nations
22 Security Council Resolution 795, adopted December
23 11, 1992, and subsequent reauthorization Resolu-
24 tions; or

1 (2) in Croatia pursuant to United Nations Se-
2 curity Council Resolution 743, adopted February 21,
3 1992, and subsequent reauthorization Resolutions.

4 **SEC. 402. LIMITATION ON PLACEMENT OF UNITED STATES**
5 **ARMED FORCES UNDER FOREIGN CONTROL**
6 **FOR A UNITED NATIONS PEACEKEEPING AC-**
7 **TIVITY.**

8 (a) IN GENERAL.—Section 6 of the United Nations
9 Participation Act of 1945 (22 U.S.C. 287d) is amended
10 to read as follows:

11 “SEC. 6. (a) AGREEMENTS WITH SECURITY COUN-
12 CIL.—(1) Any special agreement described in paragraph
13 (2) that is concluded by the President with the Security
14 Council shall not be effective unless approved by the Con-
15 gress by law.

16 “(2) An agreement referred to in paragraph (1) is
17 an agreement providing for the numbers and types of
18 United States Armed Forces, their degree of readiness and
19 general locations, or the nature of facilities and assistance,
20 including rights of passage, to be made available to the
21 Security Council for the purpose of maintaining inter-
22 national peace and security in accordance with Article 43
23 of the Charter of the United Nations.

24 “(b) LIMITATION.—Except as provided in subsections
25 (c) and (d), the President may not place any element of

1 the Armed Forces under United Nations command or con-
2 trol, as defined in subsection (g).

3 “(c) EXCEPTION FOR PRESIDENTIAL CERTIFI-
4 CATION.—(1) Subsection (b) shall not apply in the case
5 of a proposed placement of an element of the Armed
6 Forces under United Nations command or control if the
7 President, not less than 15 days before the date on which
8 such United Nations command or control is to become ef-
9 fective (or as provided in paragraph (2)), meets the re-
10 quirements of subsection (e).

11 “(2) If the President certifies to Congress that an
12 emergency exists that precludes the President from meet-
13 ing the requirements of subsection (e) 15 days before plac-
14 ing an element of the Armed Forces under United Nations
15 command or control, the President may place such forces
16 under such command or control and meet the require-
17 ments of subsection (e) in a timely manner, but in no
18 event later than 48 hours after such command or control
19 becomes effective.

20 “(d) ADDITIONAL EXCEPTIONS.—

21 “(1) EXCEPTION FOR AUTHORIZATION BY
22 LAW.—Subsection (b) shall not apply in the case of
23 a proposed placement of any element of the Armed
24 Forces under United Nations command or control if
25 the Congress specifically authorizes by law that par-

1 ticular placement of United States forces under
2 United Nations command or control.

3 “(2) EXCEPTION FOR NATO OPERATIONS.—
4 Subsection (b) shall not apply in the case of a pro-
5 posed placement of any element of the Armed
6 Forces in an operation conducted by the North At-
7 lantic Treaty Organization.

8 “(e) PRESIDENTIAL CERTIFICATIONS.—The require-
9 ments referred to in subsection (c)(1) are that the Presi-
10 dent submit to Congress the following:

11 “(1) Certification by the President that—

12 “(A) such a United Nations command or
13 control arrangement is necessary to protect na-
14 tional security interests of the United States;

15 “(B) the commander of any unit of the
16 Armed Forces proposed for placement under
17 United Nations command or control will at all
18 times retain the right—

19 “(i) to report independently to supe-
20 rior United States military authorities; and

21 “(ii) to decline to comply with orders
22 judged by the commander to be illegal,
23 militarily imprudent, or beyond the man-
24 date of the mission to which the United
25 States agreed with the United Nations,

1 until such time as that commander receives
2 direction from superior United States mili-
3 tary authorities with respect to the orders
4 that the commander has declined to com-
5 ply with;

6 “(C) any element of the Armed Forces
7 proposed for placement under United Nations
8 command or control will at all times remain
9 under United States administrative command
10 for such purposes as discipline and evaluation;
11 and

12 “(D) the United States will retain the au-
13 thority to withdraw any element of the Armed
14 Forces from the proposed operation at any time
15 and to take any action it considers necessary to
16 protect those forces if they are engaged.

17 “(2) A report setting forth the following:

18 “(A) A description of the national security
19 interests that require the placement of United
20 States forces under United Nations command
21 or control.

22 “(B) The mission of the United States
23 forces involved.

24 “(C) The expected size and composition of
25 the United States forces involved.

1 “(D) The incremental cost to the United
2 States of participation in the United Nations
3 operation by the United States forces which are
4 proposed to be placed under United Nations
5 command or control.

6 “(E) The precise command and control re-
7 lationship between the United States forces in-
8 volved and the United Nations command struc-
9 ture.

10 “(F) The precise command and control re-
11 lationship between the United States forces in-
12 volved and the commander of the United States
13 unified command for the region in which those
14 United States forces are to operate.

15 “(G) The extent to which the United
16 States forces involved will rely on non-United
17 States forces for security and self-defense and
18 an assessment on the ability of those non-
19 United States forces to provide adequate secu-
20 rity to the United States forces involved.

21 “(H) The timetable for complete with-
22 drawal of the United States forces involved.

23 “(f) CLASSIFICATION OF REPORT.—A report under
24 subsection (e) shall be submitted in unclassified form and,
25 if necessary, in classified form.

1 “(g) UNITED NATIONS COMMAND OR CONTROL.—
2 For purposes of this section, an element of the Armed
3 Forces shall be considered to be placed under United Na-
4 tions command or control if—

5 “(1) that element is under the command or
6 operational control of an individual acting on behalf
7 of the United Nations for the purpose of inter-
8 national peacekeeping, peacemaking, peace-enforc-
9 ing, or similar activity that is authorized by the Se-
10 curity Council under chapter VI or VII of the Char-
11 ter of the United Nations; and

12 “(2) the senior military commander of the
13 United Nations force or operation—

14 “(A) is a foreign national or is a citizen of
15 the United States who is not a United States
16 military officer serving on active duty; or

17 “(B) is a United States military officer
18 serving on active duty but—

19 “(i) that element of the Armed Forces
20 is under the command or operational con-
21 trol of a subordinate commander who is a
22 foreign national or a citizen of the United
23 States who is not a United States military
24 officer serving on active duty; and

1 “(ii) that senior military commander
2 does not have the authority—

3 “(I) to dismiss any subordinate
4 officer in the chain of command who
5 is exercising command or operational
6 control over United States forces and
7 who is a foreign national or a citizen
8 of the United States who is not a
9 United States military officer serving
10 on active duty;

11 “(II) to establish rules of engage-
12 ment for United States forces in-
13 volved; and

14 “(III) to establish criteria gov-
15 erning the operational employment of
16 United States forces involved.

17 “(h) INTERPRETATION.—Except as authorized in
18 section 7 of this Act, nothing contained in this Act shall
19 be construed as an authorization to the President by the
20 Congress to make available to the Security Council United
21 States Armed Forces, facilities, or assistance.”.

22 (b) REPORT RELATING TO CONSTITUTIONALITY.—
23 No certification may be submitted by the President under
24 section 6(e)(1) of the United Nations Participation Act
25 of 1945, as amended by subsection (a), until the President

1 has submitted to the Congress (after the date of the enact-
2 ment of this Act) a memorandum of legal points and au-
3 thorities explaining why the placement of elements of
4 United States Armed Forces under the command or oper-
5 ational control of a foreign national acting on behalf of
6 the United Nations does not violate the Constitution.

7 (c) EXCEPTION FOR ONGOING OPERATION IN MAC-
8 EDONIA AND CROATIA.—Section 6 of the United Nations
9 Participation Act of 1945, as amended by subsection (a),
10 does not apply in the case of activities of the Armed
11 Forces as part of the United Nations force designated as
12 the United Nations Protection Force (UNPROFOR) that
13 are carried out—

14 (1) in Macedonia pursuant to United Nations
15 Security Council Resolution 795, adopted December
16 11, 1992, and subsequent reauthorization Resolu-
17 tions; or

18 (2) in Croatia pursuant to United Nations Se-
19 curity Council Resolution 743, adopted February 21,
20 1992, and subsequent reauthorization Resolutions.

TITLE V—UNITED NATIONS**SEC. 501. CREDIT AGAINST ASSESSMENT FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.**

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

“SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

“(1) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of peacekeeping operations for a fiscal year only to the extent that—

“(A) the amount of such assessed share exceeds—

“(B) the amount equal to—

“(i) the total amount identified in the report submitted pursuant to paragraph (2) for the preceding fiscal year, reduced by

“(ii) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United

1 States support for, or participation in,
2 United Nations peacekeeping activities for
3 that preceding fiscal year.

4 “(2) ANNUAL REPORT.—The President shall, at
5 the time of submission of the budget to the Congress
6 for any fiscal year, submit to the designated con-
7 gressional committees a report on the total amount
8 of incremental costs incurred by the Department of
9 Defense during the preceding fiscal year to support
10 or participate in, directly or indirectly, United Na-
11 tions peacekeeping activities. Such report shall in-
12 clude a separate listing by United Nations peace-
13 keeping operation of the amount of incremental
14 costs incurred to support or participate in each such
15 operation.

16 “(3) DEFINITIONS.—For purposes of this sub-
17 section:

18 “(A) UNITED NATIONS PEACEKEEPING AC-
19 TIVITIES.—The term ‘United Nations peace-
20 keeping activities’ means any international
21 peacekeeping, peacemaking, peace-enforcing, or
22 similar activity that is authorized by the United
23 Nations Security Council under chapter VI or
24 VII of the Charter of the United Nations, ex-
25 cept that such term does not include any such

1 activity authorized under chapter VII of such
2 Charter with respect to which the President has
3 certified to the Congress that the activity is of
4 such importance to the national security of the
5 United States that the United States would un-
6 dertake the activity unilaterally if it were not
7 authorized by the United Nations Security
8 Council.

9 “(B) DESIGNATED CONGRESSIONAL COM-
10 MITTEES.—The term ‘designated congressional
11 committees’ includes the Committee on Na-
12 tional Security of the House of Representatives
13 and the Committee on Armed Services of the
14 Senate.”.

15 (b) EFFECTIVE DATE.—The limitation contained in
16 section 10(a)(1) of the United Nations Participation Act
17 of 1945, as added by subsection (a), shall apply only with
18 respect to United Nations assessments for peacekeeping
19 operations after fiscal year 1995.

20 **SEC. 502. CODIFICATION OF REQUIRED NOTICE TO CON-**
21 **GRESS OF PROPOSED UNITED NATIONS**
22 **PEACEKEEPING ACTIVITIES.**

23 (a) REQUIRED NOTICE.—Section 4 of the United Na-
24 tions Participation Act of 1945 (22 U.S.C. 287b) is
25 amended—

1 (1) by striking the second sentence of sub-
2 section (a);

3 (2) by redesignating subsection (e) as sub-
4 section (f); and

5 (3) by inserting after subsection (d) a new sub-
6 section (e) consisting of the text of subsection (a) of
7 section 407 of the Foreign Relations Authorization
8 Act, Fiscal Years 1994 and 1995 (Public Law 103-
9 236), revised—

10 (A) in paragraph (2)—

11 (i) in the matter preceding subpara-
12 graph (A), by inserting “in written form
13 not later than the 10th day of” after
14 “shall be provided”;

15 (ii) in subparagraph (A)(iv), by insert-
16 ing “(including facilities, training, trans-
17 portation, communication, and logistical
18 support, but not including intelligence ac-
19 tivities reportable under title V of the Na-
20 tional Security Act of 1947 (50 U.S.C. 413
21 et seq.))” after “covered by the resolu-
22 tion”; and

23 (iii) in subparagraph (B), by adding
24 at the end the following new clause:

1 “(iv) A description of any other
2 United States assistance to or support for
3 the operation (including facilities, training,
4 transportation, communication, and
5 logistical support, but not including intel-
6 ligence activities reportable under title V of
7 the National Security Act of 1947 (50
8 U.S.C. 413 et seq.)), and an estimate of
9 the cost to the United States of such as-
10 sistance or support.”;

11 (B) by striking paragraph (3);

12 (C) by redesignating paragraph (4) as
13 paragraph (3) and in the last sentence of sub-
14 paragraph (A) of that paragraph by striking
15 “and (ii)” and inserting “through (iv)”;

16 (D) by inserting after paragraph (3) (as so
17 redesignated) the following new paragraph:

18 “(4) NEW UNITED NATIONS PEACEKEEPING OP-
19 ERATION DEFINED.—As used in paragraphs (2) (B)
20 and (3), the term ‘new United Nations peacekeeping
21 operation’ includes any existing or otherwise ongoing
22 United Nations peacekeeping operation—

23 “(A) that is to be expanded by more than
24 25 percent during the period covered by the Se-
25 curity Council resolution, as measured by either

1 the number of personnel participating (or au-
2 thorized to participate) in the operation or the
3 budget of the operation; or

4 “(B) that is to be authorized to operate in
5 a country in which it was not previously author-
6 ized to operate.”; and

7 (E) in paragraph (5)—

8 (i) by striking “(5) NOTIFICATION”
9 and all that follows through “(B) The
10 President” and inserting “(5) QUARTERLY
11 REPORTS.—The President”; and

12 (ii) by striking “section 4(d)” and all
13 that follows through “of this section)” and
14 inserting “subsection (d)”.

15 (b) CONFORMING REPEAL.—Subsection (a) of section
16 407 of the Foreign Relations Authorization Act, Fiscal
17 Years 1994 and 1995 (Public Law 103–236), is repealed.

18 (c) DESIGNATED CONGRESSIONAL COMMITTEES.—
19 Subsection (f) of section 4 of the United Nations Partici-
20 pation Act of 1945 (22 U.S.C. 287b(f)), as redesignated
21 by subsection (a), is amended to read as follows:

22 “(f) DESIGNATED CONGRESSIONAL COMMITTEES.—
23 As used in this section, the term ‘designated congressional
24 committees’ has the meaning given such term in section
25 10(f).”.

1 **SEC. 503. NOTICE TO CONGRESS REGARDING UNITED**
2 **STATES CONTRIBUTIONS FOR UNITED NA-**
3 **TIONS PEACEKEEPING ACTIVITIES.**

4 Section 10 of the United Nations Participation Act
5 of 1945 is amended by adding after subsection (a), as
6 added by section 501, the following new subsection:

7 “(b) NOTICE TO CONGRESS REGARDING CONTRIBU-
8 TIONS FOR PEACEKEEPING ACTIVITIES.—

9 “(1) NOTICE REGARDING UNITED NATIONS
10 BILLING REQUEST.—Not later than 15 days after
11 the date on which the United States receives from
12 the United Nations a billing requesting a payment
13 by the United States of any contribution for United
14 Nations peacekeeping activities, the President shall
15 so notify the designated congressional committees.

16 “(2) NOTICE REGARDING PROPOSED OBLIGA-
17 TION OF FUNDS.—The President shall notify the
18 designated congressional committees at least 15 days
19 before the United States obligates funds for any as-
20 sessed or voluntary contribution for United Nations
21 peacekeeping activities, except that if the President
22 determines that an emergency exists which prevents
23 compliance with the requirement that such notifica-
24 tion be provided 15 days in advance and that such
25 contribution is in the national security interests of
26 the United States, such notification shall be pro-

1 vided in a timely manner but no later than 48 hours
2 after such obligation.”.

3 **SEC. 504. REVISED NOTICE TO CONGRESS REGARDING**
4 **UNITED STATES ASSISTANCE FOR UNITED**
5 **NATIONS PEACEKEEPING ACTIVITIES.**

6 Section 7 of the United Nations Participation Act of
7 1945 (22 U.S.C. 287d-1) is amended—

8 (1) in subsection (a), by inserting “other than
9 subsection (e)(1)” after “any other law”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(e)(1) Except as provided in paragraphs (2) and (3),
13 at least 15 days before any agency or entity of the United
14 States Government makes available to the United Nations
15 any assistance or facility to support or facilitate United
16 Nations peacekeeping activities, the President shall so no-
17 tify the designated congressional committees.

18 “(2) Paragraph (1) does not apply to—

19 “(A) assistance having a value of less than
20 \$1,000,000 in the case of nonreimbursable assist-
21 ance or less than \$5,000,000 in the case of reim-
22 bursable assistance; or

23 “(B) assistance provided under the emergency
24 drawdown authority contained in sections 506(a)(1)

1 and 552(c)(2) of the Foreign Assistance Act of 1961
2 (22 U.S.C. 2318(a)(1), 2348a(c)(2)).

3 “(3) If the President determines that an emergency
4 exists which prevents compliance with the requirement in
5 paragraph (1) that notification be provided 15 days in ad-
6 vance and that the contribution of any such assistance or
7 facility is in the national security interests of the United
8 States, such notification shall be provided in a timely man-
9 ner but not later than 48 hours after such assistance or
10 facility is made available to the United Nations.

11 “(4) For purposes of this subsection, the term ‘assist-
12 ance’—

13 “(A) means assistance of any kind, including
14 logistical support, supplies, goods, or services (in-
15 cluding command, control or communications assist-
16 ance and training), and the grant of rights of pas-
17 sage; and

18 “(B) includes assistance provided through in-
19 kind contributions or through the provision of sup-
20 port, supplies, goods, or services on any terms, in-
21 cluding on a grant, lease, loan, or reimbursable
22 basis; but

23 “(C) does not include the payment of assessed
24 or voluntary contributions or intelligence activities

1 reportable under title V of the National Security Act
2 of 1947 (50 U.S.C. 413 et seq.).”.

3 **SEC. 505. UNITED STATES CONTRIBUTIONS TO UNITED NA-**
4 **TIONS PEACEKEEPING ACTIVITIES.**

5 Section 4(d)(1) of the United Nations Participation
6 Act of 1945 (22 U.S.C. 287b(d)(1)) is amended—

7 (1) by redesignating subparagraph (D) as sub-
8 paragraph (E); and

9 (2) by inserting after subparagraph (C) the fol-
10 lowing new subparagraph:

11 “(D) A description of the anticipated
12 budget for the next fiscal year for United
13 States participation in United Nations peace-
14 keeping activities, including a statement of—

15 “(i) the aggregate amount of funds
16 available to the United Nations for that
17 fiscal year, including assessed and vol-
18 untary contributions, which may be made
19 available for United Nations peacekeeping
20 activities; and

21 “(ii) the aggregate amount of funds
22 (from all accounts) and the aggregate costs
23 of in-kind contributions that the United
24 States proposes to make available to the

1 United Nations for that fiscal year for
2 United Nations peacekeeping activities.”.

3 **SEC. 506. REIMBURSEMENT TO THE UNITED STATES FOR**
4 **IN-KIND CONTRIBUTIONS TO UNITED NA-**
5 **TIONS PEACEKEEPING ACTIVITIES.**

6 (a) IN GENERAL.—Section 7 of the United Nations
7 Participation Act of 1945 (22 U.S.C. 287d–1), as amend-
8 ed by section 504, is further amended—

9 (1) in subsection (b)—

10 (A) by inserting “(1)” after “(b)”;

11 (B) by striking “United States: *Provided*,”
12 through “*Provided further*, That when” and in-
13 serting “United States. When”; and

14 (C) by adding at the end the following:

15 “(2) The Secretary of Defense may waive the require-
16 ment for reimbursement under paragraph (1) if the Sec-
17 retary, after consultation with the Secretary of State and
18 the Director of the Office of Management and Budget, de-
19 termines that an emergency exists which justifies waiver
20 of that requirement. Any such waiver shall be submitted
21 to the designated congressional committees, as defined in
22 section 10(a)(3)(B), at least 15 days before it takes effect,
23 except that if the President determines that an emergency
24 exists which prevents compliance with the requirement
25 that the notification be provided 15 days in advance and

1 that the provision under subsection (a)(1) or (a)(2) of per-
2 sonnel or assistance on a nonreimbursable basis is in the
3 national security interests of the United States, such noti-
4 fication shall be provided in a timely manner but no later
5 than 48 hours after such waiver takes effect.”; and

6 (2) by adding at the end the following new sub-
7 section:

8 “(f) The Secretary of State shall ensure that goods
9 and services provided on a reimbursable basis by the De-
10 partment of Defense to the United Nations for United Na-
11 tions peacekeeping operations under this section or any
12 other provision of law are reimbursed at the appropriate
13 value, as determined by the Secretary of Defense.”.

14 (b) INITIAL REPORT.—

15 (1) IN GENERAL.—Not later than one year
16 after the date of the enactment of this Act, the Rep-
17 resentative of the United States to the United Na-
18 tions shall submit to the designated congressional
19 committees a report on all actions taken by the
20 United States mission to the United Nations to
21 achieve the objective described in section 7(f) of
22 the United Nations Participation Act of 1945, as
23 added by subsection (a)(2).

24 (2) DESIGNATED CONGRESSIONAL COMMITTEES
25 DEFINED.—As used in this subsection, the term

1 “designated congressional committees” has the
2 meaning given such term in section 10(a)(3)(B) of
3 the United Nations Participation Act of 1945, as
4 added by section 501.

5 **SEC. 507. LIMITATION ON PAYMENT OF UNITED STATES AS-**
6 **SESSED OR VOLUNTARY CONTRIBUTIONS**
7 **FOR UNITED NATIONS PEACEKEEPING AC-**
8 **TIVITIES.**

9 (a) IN GENERAL.—Section 10 of the United Nations
10 Participation Act of 1945 is amended by adding after sub-
11 section (b), as added by section 503, the following new
12 subsection:

13 “(c) LIMITATION ON PAYMENT OF ASSESSED OR
14 VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING AC-
15 TIVITIES.—

16 “(1) LIMITATION.—Appropriated funds may
17 not be used to pay any United States assessed or
18 voluntary contribution during any fiscal year for
19 United Nations peacekeeping activities until the Sec-
20 retary of Defense certifies to the designated congress-
21 sional committees that the United Nations has reim-
22 bursed the Department of Defense directly for all
23 goods and services—

24 “(A) that were provided to the United Na-
25 tions by the Department of Defense on a reim-

1 bursable basis during a previous fiscal year
2 after fiscal year 1994 for United Nations peace-
3 keeping activities, including personnel and as-
4 sistance provided under section 7 (except to the
5 extent that the authority of subsection (b)(2) of
6 such section to waive the reimbursement re-
7 quirement was exercised with respect to such
8 personnel or assistance); and

9 “(B) for which a request for reimburse-
10 ment has been submitted to the United Nations
11 in accordance with paragraph (2).

12 “(2) REQUEST FOR REIMBURSEMENT.—The
13 President shall establish procedures for the submis-
14 sion to the United Nations of requests for reim-
15 bursement for goods and services provided to the
16 United Nations by the Department of Defense on a
17 reimbursable basis for United Nations peacekeeping
18 activities. Such procedures shall ensure that each
19 such request for reimbursement is submitted in a
20 timely manner.”.

21 (b) EFFECTIVE DATE.—The limitation in section
22 10(c)(1) of the United Nations Participation Act of 1945,
23 as added by subsection (a), shall apply only with respect
24 to fiscal years after fiscal year 1995.

1 **SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DE-**
2 **FENSE FUNDS FOR UNITED STATES SHARE**
3 **OF COSTS OF UNITED NATIONS PEACEKEEP-**
4 **ING ACTIVITIES.**

5 (a) IN GENERAL.—(1) Chapter 20 of title 10, United
6 States Code, is amended by inserting after section 405,
7 as added by section 401 of this Act, the following new
8 section:

9 **“§406. Use of Department of Defense funds for**
10 **United States share of costs of United Na-**
11 **tions peacekeeping activities: limitation**

12 “(a) PROHIBITION ON USE OF FUNDS.—Funds avail-
13 able to the Department of Defense may not be used to
14 make a financial contribution (directly or through another
15 department or agency of the United States) to the United
16 Nations—

17 “(1) for the costs of a United Nations peace-
18 keeping activity; or

19 “(2) for any United States arrearage to the
20 United Nations.

21 “(b) APPLICATION OF PROHIBITION.—The prohibi-
22 tion in subsection (a) applies to voluntary contributions,
23 as well as to contributions pursuant to assessment by the
24 United Nations for the United States share of the costs
25 of a peacekeeping activity.”.

1 (2) The table of sections at the beginning of such
2 chapter is amended by adding at the end the following
3 new item:

 “406. Use of Department of Defense funds for United States share of costs of
 United Nations peacekeeping activities: limitation.”.

4 (b) EFFECTIVE DATE.—Section 406 of title 10,
5 United States Code, as added by subsection (a), shall take
6 effect on October 1, 1995.

7 **SEC. 509. CODIFICATION OF LIMITATION ON AMOUNT OF**
8 **UNITED STATES ASSESSED CONTRIBUTIONS**
9 **FOR UNITED NATIONS PEACEKEEPING OPER-**
10 **ATIONS.**

11 (a) IN GENERAL.—Section 10 of the United Nations
12 Participation Act of 1945 is amended by adding after sub-
13 section (c), as added by section 507, the following new
14 subsection:

15 “(d) LIMITATION ON ASSESSED CONTRIBUTION
16 WITH RESPECT TO A PEACEKEEPING OPERATION.—
17 Funds authorized to be appropriated for ‘Contributions
18 for International Peacekeeping Activities’ for any fiscal
19 year shall not be available for the payment of the United
20 States assessed contribution for a United Nations peace-
21 keeping operation in an amount which is greater than 20
22 percent of the total amount of all assessed contributions
23 for that operation, and any arrearages that accumulate
24 as a result of assessments in excess of 20 percent of the

1 total amount of all assessed contributions for any United
2 Nations peacekeeping operation shall not be recognized or
3 paid by the United States. For any United Nations peace-
4 keeping operation that is initially authorized by the United
5 Nations Security Council before the date of the enactment
6 of this section, the applicable percentages under the pre-
7 ceding sentence shall be 25 percent. For United Nations
8 peacekeeping operations that are initially authorized by
9 the United Nations Security Council on or after the date
10 of the enactment of this section, the President may in-
11 crease the percentage limitations under the first sentence
12 of this subsection to a percentage not greater than 25 per-
13 cent. The President may exercise the authority under the
14 preceding sentence only after transmitting to Congress a
15 report providing notice of the percentage increase under
16 the preceding sentence and a statement of the reasons for
17 the increase.”.

18 (b) EFFECTIVE DATE.—The limitation contained in
19 section 10(d) of the United Nations Participation Act of
20 1945, as added by subsection (a), shall apply only with
21 respect to funds authorized to be appropriated for “Con-
22 tributions for International Peacekeeping Activities” for
23 fiscal years after fiscal year 1995.

24 (c) CONFORMING AMENDMENT.—Section 404(b) of
25 the Foreign Relations Authorization Act, Fiscal Years

1 1994 and 1995 (Public Law 103–236) is amended by
2 striking paragraph (2).

3 **SEC. 510. BUY AMERICAN REQUIREMENT.**

4 Section 10 of the United Nations Participation Act
5 of 1945 is amended by adding after subsection (d), as
6 added by section 509, the following new subsections:

7 “(e) BUY AMERICAN REQUIREMENT.—No funds may
8 be obligated or expended to pay any United States as-
9 sessed or voluntary contribution for United Nations peace-
10 keeping activities unless the Secretary of State determines
11 and certifies to the designated congressional committees
12 that United States manufacturers and suppliers are being
13 given opportunities to provide equipment, services, and
14 material for such activities equal to those being given to
15 foreign manufacturers and suppliers.

16 “(f) DESIGNATED CONGRESSIONAL COMMITTEES
17 DEFINED.—As used in this section, the term ‘designated
18 congressional committees’ means—

19 “(1) the Committee on International Relations
20 and the Committee on Appropriations of the House
21 of Representatives; and

22 “(2) the Committee on Foreign Relations and
23 the Committee on Appropriations of the Senate.”.

1 **SEC. 511. UNITED NATIONS BUDGETARY AND MANAGE-**
2 **MENT REFORM.**

3 (a) IN GENERAL.—The United Nations Participation
4 Act of 1945 (22 U.S.C. 287 et seq.) is further amended
5 by adding at the end the following new section:

6 “SEC. 11. (a) WITHHOLDING OF CONTRIBUTIONS.—

7 “(1) ASSESSED CONTRIBUTIONS FOR REGULAR
8 UNITED NATIONS BUDGET.—At the beginning of
9 each fiscal year, 20 percent of the amount of funds
10 made available for that fiscal year for United States
11 assessed contributions for the regular United Na-
12 tions budget shall be withheld from obligation and
13 expenditure unless a certification for that fiscal year
14 has been made under subsection (b).

15 “(2) ASSESSED CONTRIBUTIONS FOR UNITED
16 NATIONS PEACEKEEPING.—At the beginning of each
17 fiscal year, 50 percent of the amount of funds made
18 available for that fiscal year for United States as-
19 sessed contributions for United Nations peacekeep-
20 ing activities shall be withheld from obligation and
21 expenditure unless a certification for that fiscal year
22 has been made under subsection (b).

23 “(3) VOLUNTARY CONTRIBUTIONS FOR UNITED
24 NATIONS PEACEKEEPING.—The United States may
25 not during any fiscal year pay any voluntary con-
26 tribution to the United Nations for international

1 peacekeeping activities unless a certification for that
2 fiscal year has been made under subsection (b).

3 “(b) CERTIFICATION.—The certification referred to
4 in subsection (a) for any fiscal year is a certification by
5 the President to the Congress, submitted on or after the
6 beginning of that fiscal year, of each of the following:

7 “(1) The United Nations has an independent
8 office of Inspector General to conduct and supervise
9 objective audits, inspections, and investigations re-
10 lating to programs and operations of the United Na-
11 tions.

12 “(2) The United Nations has an Inspector Gen-
13 eral who was appointed by the Secretary General
14 with the approval of the General Assembly and
15 whose appointment was made principally on the
16 basis of the appointee’s integrity and demonstrated
17 ability in accounting, auditing, financial analysis,
18 law, management analysis, public administration, or
19 investigation.

20 “(3) The Inspector General is authorized to—

21 “(A) make investigations and reports relat-
22 ing to the administration of the programs and
23 operations of the United Nations;

1 “(B) have access to all records, documents,
2 and other available materials relating to those
3 programs and operations;

4 “(C) have direct and prompt access to any
5 official of the United Nations; and

6 “(D) have access to all records and offi-
7 cials of the specialized agencies of the United
8 Nations.

9 “(4) The United Nations has fully imple-
10 mented, and made available to all member states,
11 procedures that effectively protect the identity of,
12 and prevent reprisals against, any staff member of
13 the United Nations making a complaint or disclosing
14 information to, or cooperating in any investigation
15 or inspection by, the United Nations Inspector Gen-
16 eral.

17 “(5) The United Nations has fully implemented
18 procedures that ensure compliance with rec-
19 ommendations of the United Nations Inspector Gen-
20 eral.

21 “(6) The United Nations has required the
22 United Nations Inspector General to issue an annual
23 report and has ensured that the annual report and
24 all other reports of the Inspector General are made

1 available to the General Assembly without modifica-
2 tion.

3 “(7) The United Nations has provided, and is
4 committed to providing, sufficient budgetary re-
5 sources to ensure the effective operation of the
6 United Nations Inspector General.”.

7 (b) EFFECTIVE DATE.—Section 11 of the United Na-
8 tions Participation Act of 1945, as added by subsection
9 (a), shall apply only with respect to fiscal years after fiscal
10 year 1995.

11 **SEC. 512. CONDITIONS ON PROVISION OF INTELLIGENCE**
12 **TO THE UNITED NATIONS.**

13 (a) IN GENERAL.—The United Nations Participation
14 Act of 1945 (22 U.S.C. 287 et seq.) is further amended
15 by adding at the end the following new section:

16 “SEC. 12. (a) PROVISION OF INTELLIGENCE INFOR-
17 MATION TO THE UNITED NATIONS.—Before intelligence
18 information is provided by the United States to the United
19 Nations, the President shall ensure that the Director of
20 Central Intelligence, in consultation with the Secretary of
21 State and the Secretary of Defense, has established guide-
22 lines governing the provision of intelligence information to
23 the United Nations which shall protect intelligence sources
24 and methods from unauthorized disclosure in accordance

1 with section 103(c)(5) of the National Security Act of
2 1947 (50 U.S.C. 403–3(c)(5)).

3 “(b) PERIODIC AND SPECIAL REPORTS.—(1) The
4 President shall periodically report, but not less frequently
5 than semiannually, to the Committee on International Re-
6 lations and the Permanent Select Committee on Intel-
7 ligence of the House of Representatives and the Commit-
8 tee on Foreign Relations and the Select Committee on In-
9 telligence of the Senate on the types of intelligence pro-
10 vided to the United Nations and the purposes for which
11 it was provided during the period covered by the report.
12 The President shall also report to the Permanent Select
13 Committee on Intelligence of the House of Representatives
14 and the Select Committee on Intelligence of the Senate,
15 within 15 days after it becomes known to him, any unau-
16 thorized disclosure of intelligence provided to the United
17 Nations.

18 “(2) The requirement for periodic reports under the
19 first sentence of paragraph (1) of this subsection shall not
20 apply to the provision of intelligence that is provided only
21 to, and for the use of, United States Government person-
22 nel serving with the United Nations.

23 “(c) DELEGATION OF DUTIES.—The President may
24 not delegate or assign the duties of the President under
25 this section.

1 “(d) IMPROVED HANDLING OF INTELLIGENCE IN-
2 FORMATION BY THE UNITED NATIONS.—The Secretary of
3 State (or the designee of the Secretary), in consultation
4 with the Director of Central Intelligence and the Secretary
5 of Defense, shall work with the United Nations to improve
6 the handling, processing, dissemination, and management
7 of all intelligence information provided to it by its mem-
8 bers.

9 “(e) RELATIONSHIP TO EXISTING LAW.—Nothing in
10 this section shall be construed to—

11 “(1) impair or otherwise affect the authority of
12 the Director of Central Intelligence to protect intel-
13 ligence sources and methods from unauthorized dis-
14 closure pursuant to section 103(c)(5) of the Na-
15 tional Security Act of 1947 (50 U.S.C. 403–3(c)(5));
16 or

17 “(2) supersede or otherwise affect the provi-
18 sions of title V of the National Security Act of 1947
19 (50 U.S.C. 413 et seq.).”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 subsection (a) shall take effect 45 days after the date of
22 the enactment of this Act.

1 **SEC. 513. REPORT REGARDING REIMBURSEMENT LEVELS**
2 **PAID BY UNITED NATIONS FOR COSTS IN-**
3 **CURRED BY NATIONS AND CONTRACTORS**
4 **FURNISHING PERSONNEL FOR PEACEKEEP-**
5 **ING ACTIVITIES.**

6 (a) INFORMATION RELATING TO NATIONS FURNISH-
7 ING FORCES.—The Secretary of State shall submit to the
8 Congress a report on the amounts paid by the United Na-
9 tions during 1994 as compensation for expenses incurred
10 by nations which have provided forces for United Nations
11 peacekeeping activities. The report shall set forth—

12 (1) the total amount paid to each such nation
13 by the United Nations during 1994 for such pur-
14 pose; and

15 (2) with respect to each such nation, the total
16 amount that such nation spent for peacekeeping ac-
17 tivities for which it received a payment from the
18 United Nations during 1994, with separate displays
19 for the portion of that amount spent for pay and al-
20 lowances for personnel of that nation's Armed
21 Forces (including credit for longevity and retire-
22 ment), for other perquisites relating to the duty of
23 such personnel as part of such peacekeeping activi-
24 ties, and to the extent possible for related incremen-
25 tal costs incurred by such nation as part of such
26 peacekeeping activities.

1 (b) INFORMATION RELATING TO CONTRACTORS.—

2 (1) COMPENSATION LEVELS.—The Secretary
3 shall include in the report under subsection (a) a
4 separate report on amounts paid by the United Na-
5 tions during 1994 under contracts entered into by
6 the United Nations for the provision of civilian man-
7 agement services relating to United Nations peace-
8 keeping activities. The report shall include informa-
9 tion on the level of individual compensation received
10 by those contractors, or employees of those contrac-
11 tors, with respect to those peacekeeping activities,
12 including the level of salary, benefits, and allow-
13 ances.

14 (2) CONTRACTING PROCESS.—The Secretary
15 shall include in the report a review of the process by
16 which the United Nations selects contractors for the
17 provision of civilian management services relating to
18 United Nations peacekeeping activities. That review
19 shall describe the extent to which that process per-
20 mits competitive bidding.

21 (c) PLAN FOR REFORM.—The Secretary shall include
22 in the report under subsection (a) a plan for actions the
23 United States can take to encourage the United Nations
24 to reform the existing system for reimbursement to na-
25 tions which provide forces for United Nations peacekeep-

1 ing activities. The plan shall include recommended steps
2 leading to a reimbursement system in which nations con-
3 tributing forces to a United Nations peacekeeping activity
4 are compensated by the United Nations in a manner that
5 more accurately reflects their actual costs incurred in par-
6 ticipating in that activity.

7 (d) DEADLINE FOR REPORT.—The report required
8 by subsection (a) shall be submitted not later than 90 days
9 after the date of the enactment of this Act.

10 **TITLE VI—EXPANSION OF THE** 11 **NORTH ATLANTIC TREATY** 12 **ORGANIZATION**

13 **SEC. 601. SHORT TITLE.**

14 This title may be cited as the “NATO Expansion Act
15 of 1995”.

16 **SEC. 602. FINDINGS.**

17 The Congress makes the following findings:

18 (1) Since 1949, the North Atlantic Treaty Or-
19 ganization (NATO) has helped to guarantee the se-
20 curity, freedom, and prosperity of the United States
21 and its partners in the alliance.

22 (2) NATO has expanded its membership on
23 three different occasions since its founding in 1949.

24 (3) The steadfast and sustained commitment of
25 the member countries of NATO to mutual defense

1 against the threat of communist domination played
2 a significant role in precipitating the collapse of the
3 Iron Curtain and the demise of the Soviet Union.

4 (4) Although new threats are more geographi-
5 cally and functionally diverse and less predictable,
6 they still imperil shared interests of the United
7 States and its NATO allies.

8 (5) Western interests must be protected on a
9 cooperative basis without an undue burden falling
10 upon the United States.

11 (6) NATO is the only multilateral organization
12 that is capable of conducting effective military oper-
13 ations to protect Western interests.

14 (7) The valuable experience gained from ongo-
15 ing military cooperation within NATO was critical to
16 the success of joint military operations in the 1991
17 liberation of Kuwait.

18 (8) NATO is an important diplomatic forum for
19 discussion of issues of concern to its member states
20 and for the peaceful resolution of disputes.

21 (9) Admission of Central and East European
22 countries that have recently been freed from com-
23 munist domination to NATO could contribute to
24 international peace and enhance the security of
25 those countries.

1 (10) By joining the Partnership for Peace, a
2 number of countries have expressed interest in
3 NATO membership.

4 (11) The Partnership for Peace program is cre-
5 ating new political and military ties with countries
6 in Central and Eastern Europe and provides the
7 basis for joint action to deal with common security
8 problems. Active participation in the Partnership for
9 Peace will also play an important role in the evolu-
10 tionary process of NATO expansion.

11 (12) Numerous Central and East European
12 countries, particularly Poland, Hungary, the Czech
13 Republic, and Slovakia, have made significant
14 progress toward establishing democratic institutions,
15 free market economies, civilian control of their
16 Armed Forces, police, and intelligence services, and
17 the rule of law since the fall of their previous com-
18 munist governments.

19 **SEC. 603. UNITED STATES POLICY.**

20 It should be the policy of the United States—

21 (1) to continue the Nation's commitment to an
22 active leadership role in NATO;

23 (2) to join with the Nation's NATO allies to re-
24 define the role of the alliance in the post-Cold War
25 world, taking into account—

1 (A) the fundamentally changed security en-
2 vironment of Central and Eastern Europe;

3 (B) the need to assure all countries of the
4 defensive nature of the alliance and the desire
5 of its members to work cooperatively with all
6 former adversaries;

7 (C) the emerging security threats posed by
8 the proliferation of nuclear, chemical, and bio-
9 logical weapons of mass destruction and the
10 means to deliver them;

11 (D) the continuing challenges to the inter-
12 ests of all NATO member countries posed by
13 unstable and undemocratic regimes harboring
14 hostile intentions; and

15 (E) the dependence of the global economy
16 on a stable energy supply and the free flow of
17 commerce;

18 (3) to affirm that NATO military planning
19 should include joint military operations beyond the
20 geographic bounds of the alliance under Article 4 of
21 the North Atlantic Treaty when the shared interests
22 of the United States and other member countries re-
23 quire such action to defend vital interests;

24 (4) to expeditiously pursue joint cooperation
25 agreements for the acquisition of essential systems

1 to significantly increase the crisis management capa-
2 bility of NATO;

3 (5) that Poland, Hungary, the Czech Republic,
4 and Slovakia should be in a position to further the
5 principles of the North Atlantic Treaty and to con-
6 tribute to the security of the North Atlantic area in
7 the near future, and, in accordance with Article 10
8 of such Treaty, should be invited to become full
9 NATO members, provided these countries—

10 (A) meet appropriate standards, includ-
11 ing—

12 (i) shared values and interests;

13 (ii) democratic governments;

14 (iii) free market economies;

15 (iv) civilian control of the military, of
16 the police, and of the intelligence and other
17 security services, so that these organiza-
18 tions do not pose a threat to democratic
19 institutions, neighboring countries, or the
20 security of NATO or the United States;

21 (v) adherence to the rule of law and
22 to the values, principles, and political com-
23 mitments set forth in the Helsinki Final
24 Act and other declarations by the members

1 of the Organization on Security and Co-
2 operation in Europe;

3 (vi) commitment to further the prin-
4 ciples of NATO and to contribute to the
5 security of the North Atlantic area;

6 (vii) commitment and ability to accept
7 the obligations, responsibilities, and costs
8 of NATO membership; and

9 (viii) commitment and ability to im-
10 plement infrastructure development activi-
11 ties that will facilitate participation in and
12 support for NATO military activities; and

13 (B) remain committed to protecting the
14 rights of all their citizens and respecting the
15 territorial integrity of their neighbors;

16 (6) that the United States, other NATO mem-
17 ber nations, and NATO itself should furnish appro-
18 priate assistance to facilitate the transition of Po-
19 land, Hungary, the Czech Republic, and Slovakia to
20 full NATO membership;

21 (7) that, when any other European country
22 emerging from communist domination is in a posi-
23 tion to further the principles of the North Atlantic
24 Treaty and to contribute to the security of the
25 North Atlantic area, it should, in accordance with

1 Article 10 of such Treaty, be invited to become a full
2 NATO member, provided it—

3 (A) meets appropriate standards, including
4 each of the standards specified in clauses (i)
5 through (viii) of paragraph (5)(A); and

6 (B) remains committed to protecting the
7 rights of all its citizens and respecting the terri-
8 torial integrity of its neighbors;

9 (8) that the United States, other NATO mem-
10 ber nations, and NATO itself should furnish appro-
11 priate assistance to facilitate the transition of other
12 European countries emerging from communist domi-
13 nation to full NATO membership at the appropriate
14 time;

15 (9) to reaffirm Article 10 of the North Atlantic
16 Treaty and the policy decision of the North Atlantic
17 Council on December 1, 1994, that—

18 (A) each new member nation may be ad-
19 mitted to NATO only by amendment to the
20 North Atlantic Treaty; and

21 (B) each current NATO member nation
22 will have to complete the treaty amendment
23 ratification process for the admission of each
24 new member nation to NATO, subject to the in-
25 ternal legal processes of each current NATO

1 member nation, and that in the case of the
2 United States, the treaty amendment ratifica-
3 tion process will require advice and consent of
4 two-thirds of the members of the United States
5 Senate present and voting;

6 (10) that the expansion of NATO should be de-
7 fensive in nature and should occur in a manner that
8 increases stability for all nations of Europe, includ-
9 ing both NATO member nations and non-NATO
10 member nations, including Russia; and

11 (11) that NATO and its member nations should
12 work to strengthen other structures of security in
13 Europe.

14 **SEC. 604. REVISIONS TO PROGRAM TO FACILITATE TRANSI-**
15 **TION TO NATO MEMBERSHIP.**

16 (a) ESTABLISHMENT OF PROGRAM.—Subsection (a)
17 of section 203 of the NATO Participation Act of 1994
18 (title II of Public Law 103–447; 22 U.S.C. 1928 note)
19 is amended to read as follows:

20 “(a) ESTABLISHMENT OF PROGRAM.—The President
21 shall establish a program to assist in the transition to full
22 NATO membership of Poland, Hungary, the Czech Re-
23 public, and Slovakia and any other European country
24 emerging from communist domination that is designated
25 by the President under subsection (d)(2).”.

1 (b) ELIGIBLE COUNTRIES.—

2 (1) DESIGNATED COUNTRIES.—Subsection (d)
3 of such section is amended to read as follows:

4 “(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

5 “(1) SPECIFIED COUNTRIES.—The following
6 countries are hereby designated for purposes of this
7 title: Poland, Hungary, the Czech Republic, and Slo-
8 vakia.

9 “(2) AUTHORITY FOR PRESIDENT TO DES-
10 IGNATE OTHER EUROPEAN COUNTRIES EMERGING
11 FROM COMMUNIST DOMINATION.—The President
12 may designate other European countries emerging
13 from communist domination (as defined in section
14 206) to receive assistance under the program estab-
15 lished under subsection (a). The President may
16 make such a designation in the case of any such
17 country only if the President determines, and re-
18 ports to the designated congressional committees,
19 that such country—

20 “(A) has made significant progress toward
21 establishing—

22 “(i) shared values and interests;

23 “(ii) democratic governments;

24 “(iii) free market economies;

1 “(iv) civilian control of the military, of
2 the police, and of the intelligence and other
3 security services, so that these organiza-
4 tions do not pose a threat to democratic
5 institutions, neighboring countries, or the
6 security of NATO or the United States;

7 “(v) adherence to the rule of law and
8 to the values, principles, and political com-
9 mitments set forth in the Helsinki Final
10 Act and other declarations by the members
11 of the Organization on Security and Co-
12 operation in Europe;

13 “(vi) commitment to further the prin-
14 ciples of NATO and to contribute to the
15 security of the North Atlantic area;

16 “(vii) commitment and ability to ac-
17 cept the obligations, responsibilities, and
18 costs of NATO membership; and

19 “(viii) commitment and ability to im-
20 plement infrastructure development activi-
21 ties that will facilitate participation in and
22 support for NATO military activities; and

23 “(B) is likely, within five years of such de-
24 termination, to be in a position to further the
25 principles of the North Atlantic Treaty and to

1 contribute to the security of the North Atlantic
2 area.”.

3 (2) CONFORMING AMENDMENTS.—

4 (A) Subsections (b) and (c) of such section
5 are amended by striking “countries described in
6 such subsection” and inserting “countries des-
7 ignated under subsection (d)”.

8 (B) Subsection (e) of such section is
9 amended—

10 (i) by striking “subsection (d)” and
11 inserting “subsection (d)(2)”; and

12 (ii) by inserting “(22 U.S.C. 2394)”
13 before the period at the end.

14 (C) Section 204(c) of such Act is amended
15 by striking “any other Partnership for Peace
16 country designated under section 203(d) of this
17 title” and inserting “any country designated
18 under section 203(d)(2)”.

19 (c) TYPES OF ASSISTANCE.—

20 (1) ECONOMIC SUPPORT ASSISTANCE.—Sub-
21 section (c) of section 203 of such Act is amended—

22 (A) by redesignating paragraphs (3) and
23 (4) as paragraphs (4) and (5), respectively; and

24 (B) by inserting after paragraph (2) the
25 following new paragraph (3):

1 “(3) Assistance under chapter 4 of part II of
2 the Foreign Assistance Act of 1961 (relating to the
3 Economic Support Fund).”.

4 (2) ADDITIONAL ASSISTANCE.—

5 (A) IN GENERAL.—Subsection (f) of such
6 section is amended to read as follows:

7 “(f) ADDITIONAL ASSISTANCE.—In carrying out the
8 program established under subsection (a), the President
9 may, in addition to the security assistance authorized to
10 be provided under subsection (c), provide assistance to
11 countries designated under subsection (d) from funds ap-
12 propriated under the ‘Nonproliferation and Disarmament
13 Fund’ account.”.

14 (B) EFFECTIVE DATE.—The amendment
15 made by subparagraph (A) does not apply with
16 respect to funds appropriated before the date of
17 the enactment of this Act.

18 (d) DISQUALIFICATION FROM ASSISTANCE FOR SUP-
19 PORT OF TERRORISM.—Section 203 of such Act is further
20 amended by adding at the end the following new sub-
21 section:

22 “(g) PROHIBITION ON PROVIDING ASSISTANCE TO
23 COUNTRIES THAT PROVIDE DEFENSE ARTICLES TO
24 COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—
25 The President may not provide assistance to a country

1 under the program established under subsection (a) if
2 such country is selling or transferring defense articles to
3 a state that has repeatedly provided support for acts of
4 international terrorism, as determined by the Secretary of
5 State under section 6(j) of the Export Administration Act
6 of 1979.”.

7 (e) REPORT PRIOR TO OBLIGATION OR EXPENDI-
8 TURE OF FUNDS.—Section 203 of such Act (as amended
9 by subsection (d)) is further amended by adding at the
10 end the following:

11 “(h) REPORT PRIOR TO OBLIGATION OR EXPENDI-
12 TURE OF FUNDS.—Prior to providing assistance to a
13 country for the first time through the program established
14 under subsection (a), the President shall transmit to the
15 designated congressional committees a report with respect
16 to that country that contains a description of the follow-
17 ing:

18 “(1) The cost of membership in NATO for the
19 country and the amount that the country is prepared
20 to contribute to NATO to pay for such cost of mem-
21 bership.

22 “(2) The amount that the United States will
23 contribute to facilitate transition to full NATO
24 membership for the country.

1 “(3) The extent to which the admission to
2 NATO of the country would contribute to the secu-
3 rity of the United States.

4 “(4) The views of other NATO member nations
5 regarding the admission to NATO of the country
6 and the amounts that such other NATO member na-
7 tions will contribute to facilitate transition to full
8 NATO membership for the country.

9 “(5) The number, types, and costs of NATO
10 Armed Forces that would be required to defend the
11 country and the number, types, and costs of United
12 States Armed Forces that would be required as part
13 of such a NATO force.

14 “(6) Whether the United States is prepared to
15 provide a nuclear guarantee to the country.

16 “(7) The likelihood that the country may be-
17 come involved in disputes or armed conflict with
18 neighboring countries in the region.”.

19 (f) ANNUAL REPORT.—Section 205 of the NATO
20 Participation Act of 1994 (title II of Public Law 103-
21 447; 22 U.S.C. 1928 note) is amended—

22 (1) by inserting “**ANNUAL**” in the section
23 heading before the first word;

24 (2) by inserting “annual” after “include in the”
25 in the matter preceding paragraph (1); and

1 (3) in paragraphs (1) and (2), by striking “and
2 other” and all that follows through the period at the
3 end and inserting “and any country designated by
4 the President pursuant to section 203(d)(2).”.

5 (g) DEFINITIONS.—The NATO Participation Act of
6 1994 (title II of Public Law 103–447; 22 U.S.C. 1928
7 note) is amended by adding at the end the following new
8 section:

9 **“SEC. 206. DEFINITIONS.**

10 “For purposes of this title:

11 “(1) NATO.—The term ‘NATO’ means the
12 North Atlantic Treaty Organization.

13 “(2) OTHER EUROPEAN COUNTRIES EMERGING
14 FROM COMMUNIST DOMINATION.—The term ‘other
15 European countries emerging from communist domi-
16 nation’ means any full and active participant in the
17 Partnership for Peace that—

18 “(A) is among the following countries: Es-
19 tonia, Latvia, Lithuania, Romania, Bulgaria, or
20 Albania; or

21 “(B) is among certain countries that were
22 a part of the former Union of Soviet Socialist
23 Republics or that were part of the former So-
24 cialist Federal Republic of Yugoslavia, which

1 the President may designate pursuant to sec-
2 tion 203(d)(2) of this Act.

3 “(3) DESIGNATED CONGRESSIONAL COMMIT-
4 TEES.—The term ‘designated congressional commit-
5 tees’ means—

6 “(A) the Committee on International Rela-
7 tions, the Committee on National Security, and
8 the Committee on Appropriations of the House
9 of Representatives; and

10 “(B) the Committee on Foreign Relations,
11 the Committee on Armed Services, and the
12 Committee on Appropriations of the Senate.”.

13 **TITLE VII—BUDGET FIREWALLS**

14 **SEC. 701. RESTORATION OF BUDGET FIREWALLS FOR DE-** 15 **FENSE SPENDING.**

16 It is the sense of the Congress that, in order to pro-
17 tect against the diversion of defense funding to domestic
18 discretionary accounts, so-called “budget firewalls” be-
19 tween defense and domestic discretionary spending should
20 be established for each of fiscal years 1996, 1997, and
21 1998.

Passed the House of Representatives February 16,
1995.

Attest:

ROBIN H. CARLE,

Clerk.

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HR 7 RFS—3

HR 7 RFS—4

HR 7 RFS—5

HR 7 RFS—6

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