

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 872

To revitalize the national security of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1995

Mr. SPENCE (for himself, Mr. GILMAN, Mr. BRYANT of Tennessee, and Mr. HAYES) introduced the following bill; which was referred to the Committee on International Relations and, in addition, to the Committee on National Security and the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

Sec. 101. Findings.

- Sec. 102. Policy.
- Sec. 103. Purposes.

#### TITLE II—MISSILE DEFENSE

- Sec. 201. Policy.
- Sec. 202. Actions of the Secretary of Defense.
- Sec. 203. Report to Congress.

#### TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

- Sec. 301. Establishment.
- Sec. 302. Composition.
- Sec. 303. Duties.
- Sec. 304. Reports.
- Sec. 305. Powers.
- Sec. 306. Commission procedures.
- Sec. 307. Personnel matters.
- Sec. 308. Termination of the Commission.
- Sec. 309. Funding.

#### TITLE IV—COMMAND OF UNITED STATES FORCES

- Sec. 401. Limitation on expenditure of Department of Defense funds for United States forces placed under United Nations command or control.
- Sec. 402. Limitation on placement of United States Armed Forces under foreign control for a United Nations peacekeeping activity.

#### TITLE V—UNITED NATIONS

- 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.

#### TITLE VI—REVITALIZATION AND 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  
17 strategy and the forces needed to implement that  
18 strategy.

19 (4) The centerpiece of the defense strategy of  
20 the Administration, the review of the Department of  
21 Defense conducted by the Secretary of Defense in

1 1993 known as the “Bottom Up Review”, deter-  
2 mined that United States forces must be—

3 (A) prepared to fight and win two nearly  
4 simultaneous Major Regional Conflicts;

5 (B) able to sustain robust overseas pres-  
6 ence in peacetime;

7 (C) prepared for a variety of regional con-  
8 tingencies; and

9 (D) able to deter and prevent attacks with  
10 weapons of mass destruction against United  
11 States territory and forces and the territory  
12 and forces of our allies.

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

19 (6) The General Accounting Office and the  
20 Congressional Budget Office have estimated that the  
21 mismatch between even the restrictive Bottom Up  
22 Review force and the Administration defense budget  
23 may be up to anywhere from \$65,000,000,000 to  
24 \$150,000,000,000.

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

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

10          (9) During fiscal year 1995, the number of ac-  
11 tive duty, reserve component, and civilian personnel  
12 of the Department of Defense will be reduced by  
13 182,000, a rate of over 15,000 per month or over  
14 500 per day. The Bureau of Labor Statistics esti-  
15 mates that 1,200,000 defense-related private sector  
16 jobs will be lost by 1997.

17          (10) Despite severe reductions and shortfalls in  
18 defense funding and force structure, since 1993  
19 United States military forces have been deployed  
20 more often and committed to more peacetime mis-  
21 sions per year than ever before. Most of these mis-  
22 sions involve United Nations peacekeeping and hu-  
23 manitarian efforts. At the end of fiscal year 1994,  
24 over 70,000 United States personnel were serving in  
25 such regions as Iraq, Bosnia, Macedonia, the Adri-

1       atic Sea, Rwanda, and the Caribbean Sea for mis-  
2       sions involving Haiti and Cuba.

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

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

17          (13) At the end of fiscal year 1994, one-third  
18      of the units in the Army contingency force and all  
19      of the forward-deployed and follow-on Army divi-  
20      sions were reporting a reduced state of military  
21      readiness. During fiscal year 1994, training readi-  
22      ness declined for the Navy’s Atlantic and Pacific  
23      fleets. Training funding shortfalls also resulted in a  
24      grounding of Navy and Marine Corps aircraft squad-  
25      rons and cancellation and curtailment of Army

1 training exercises. Marine and naval personnel are  
2 not maintaining the standard 12- to 18-month res-  
3 pite between six-month deployments away from  
4 home.

5 (14) The significant increase in deployments in  
6 support of peacekeeping, humanitarian, and contin-  
7 gency operations has placed great personnel tempo  
8 stress on many critical operational units.

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

21 (16) Critical long-term modernization programs  
22 continue to be delayed or cancelled as resources are  
23 diverted to cover short-term personnel and readiness  
24 shortfalls resulting from an underfunded defense  
25 budget and an overextended force, threatening the

1 technological superiority of future United States  
2 forces.

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

11 (18) The Administration has initially agreed to  
12 or proposed treaty limitations, or has unilaterally  
13 adopted positions, that prohibit the United States  
14 from testing or deploying effective missile defense  
15 systems.

16 (19) United Nations assessments to the United  
17 States for peacekeeping missions totaled over  
18 \$1,000,000,000 in 1994. The United States is as-  
19 sessed 31.7 percent of annual United Nations costs  
20 for peacekeeping. The next highest contributor,  
21 Japan, only pays 12.5 percent of such costs. The  
22 Department of Defense also incurs hundreds of mil-  
23 lions of dollars in costs every year for United States  
24 military participation in United Nations peacekeep-  
25 ing or humanitarian missions, most of which are not

1 reimbursed by the United Nations. For fiscal year  
2 1994, these Department of Defense costs totaled  
3 over \$1,721,000,000.

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

13 **SEC. 102. POLICY.**

14 The Congress is committed to providing adequate re-  
15 sources to protect the national security interests of the  
16 United States, including the resources necessary—

17 (1) to provide for sufficient forces to meet the  
18 national security strategy of being able to fight and  
19 win two nearly simultaneously major regional con-  
20 flicts;

21 (2) to provide pay and benefits necessary for  
22 members of the Armed Forces (including members  
23 of the National Guard and Reserve as well as active  
24 duty members) to begin closing the gap between  
25 rates of civilian pay and rates of military pay;

1           (3) to maintain a high quality-of-life for mili-  
2       tary personnel and their dependents;

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

6           (5) to fully provide for the necessary mod-  
7       ernization of United States military forces in order  
8       to ensure their technological superiority over any ad-  
9       versary; and

10          (6) to develop and deploy at the earliest prac-  
11       tical date highly effective national and theater mis-  
12       sile defense systems.

13 **SEC. 103. PURPOSES.**

14       The purposes of this Act are—

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

19           (2) to commit the United States to accelerate  
20       the development and deployment of theater and na-  
21       tional ballistic missile defense capabilities;

22           (3) to restrict deployment of United States  
23       forces to missions that are in the national security  
24       interest of the United States;

1 (4) to maintain adequate command and control  
2 by United States personnel of United States forces  
3 participating in United Nations peacekeeping oper-  
4 ations;

5 (5) to reduce the cost to the United States of  
6 United Nations peacekeeping activities and to press  
7 for reforms in United Nations management prac-  
8 tices; and

9 (6) to reemphasize the commitment of the  
10 United States to a strong and viable North Atlantic  
11 Treaty Organization.

## 12 **TITLE II—MISSILE DEFENSE**

### 13 **SEC. 201. POLICY.**

14 It shall be the policy of the United States to—

15 (1) deploy at the earliest practical date an anti-  
16 ballistic missile system that is capable of providing  
17 a highly effective defense of the United States  
18 against ballistic missile attacks; and

19 (2) provide at the earliest practical date highly  
20 effective theater missile defenses (TMDs) to for-  
21 ward-deployed and expeditionary elements of the  
22 Armed Forces of the United States and to friendly  
23 forces and allies of the United States.

1 **SEC. 202. ACTIONS OF THE SECRETARY OF DEFENSE.**

2 (a) ABM SYSTEMS.—The Secretary of Defense shall  
3 develop for deployment at the earliest practical date a  
4 cost-effective, operationally effective antiballistic missile  
5 system designed to protect the United States against bal-  
6 listic missile attacks.

7 (b) ADVANCED THEATER MISSILE DEFENSES.—The  
8 Secretary of Defense shall develop for deployment at the  
9 earliest practical date advanced theater missile defense  
10 systems.

11 **SEC. 203. REPORT TO CONGRESS.**

12 (a) REQUIREMENT.—Not later than 60 days after the  
13 date of the enactment of this Act, the Secretary of Defense  
14 shall submit to the congressional defense committees a  
15 plan for the deployment of an antiballistic missile system  
16 pursuant to section 202(a) and for the deployment of the-  
17 ater missile defense systems pursuant to section 202(b).

18 (b) CONGRESSIONAL DEFENSE COMMITTEES.—For  
19 purposes of this section, the term “congressional defense  
20 committees” means—

21 (1) the Committee on National Security and the  
22 Committee on Appropriations of the House of Rep-  
23 resentatives; and

24 (2) the Committee on Armed Services and the  
25 Committee on Appropriations of the Senate.

1 **TITLE III—ADVISORY COMMIS-**  
2 **SION ON REVITALIZATION OF**  
3 **NATIONAL SECURITY**

4 **SEC. 301. ESTABLISHMENT.**

5 There is hereby established an advisory commission  
6 to be known as the “Revitalization of National Security  
7 Commission” (hereinafter in this title referred to as the  
8 “Commission”).

9 **SEC. 302. COMPOSITION.**

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

12 (1) Four members shall be appointed by the  
13 President.

14 (2) Four members shall be appointed by the  
15 Speaker of the House of Representatives, one of  
16 whom shall be appointed upon the recommendation  
17 of the minority leader of the House of Representa-  
18 tives.

19 (3) Four members shall be appointed by the  
20 president pro tempore of the Senate, three of whom  
21 shall be appointed upon the recommendation of the  
22 majority leader of the Senate and one of whom shall  
23 be appointed upon the recommendation of the mi-  
24 nority leader of the Senate.

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

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

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

15 (e) CHAIRMAN.—The chairman of the Commission  
16 shall be designated jointly by the Speaker of the House  
17 of Representatives and the majority leader of the Senate  
18 (after consultation with the minority leader of the House  
19 of Representatives and the minority leader of the Senate)  
20 from among members of the Commission appointed under  
21 subsection (a)(2) or (a)(3).

22 **SEC. 303. DUTIES.**

23 (a) COMPREHENSIVE REVIEW.—The Commission  
24 shall conduct a comprehensive review of the long-term na-

1 tional security needs of the United States. The review  
2 shall include the following:

3 (1) An assessment of the need for a new na-  
4 tional security strategy and, if it is determined that  
5 such a new strategy is needed, identification of such  
6 a strategy.

7 (2) An assessment of the need for a new na-  
8 tional military strategy and, if it is determined that  
9 such a new strategy is needed, identification of such  
10 a strategy.

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

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

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

20 (6) An assessment of the funding needs of the  
21 Department of Defense necessary to support the  
22 long-term national security requirements of the  
23 United States.

1           (7) An assessment of the adequacy of the force  
2 structure recommended in the 1993 Bottom-Up Re-  
3 view in executing the national military strategy.

4           (8) An assessment of the adequacy of the cur-  
5 rent future-years defense plan in fully funding the  
6 Bottom-Up Review force structure while maintaining  
7 adequate force modernization and military readiness  
8 objectives.

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

11           (10) An assessment of the costs to the United  
12 States of expanding the membership of the North  
13 Atlantic Treaty Organization.

14           (11) An assessment of the elements of military  
15 pay and allowances constituting the regular military  
16 compensation of members of the Armed Forces and  
17 the development of recommendations for changes in  
18 those elements in order to end the dependence of  
19 some members of the Armed Forces and their fami-  
20 lies on Federal and local assistance programs.

21           (12) An assessment of the need to revise the  
22 command and control structure of the Army Re-  
23 serve.

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

4 (1) Provide members of the Armed Forces with  
5 annual pay raises and other compensation at levels  
6 sufficient to begin closing the gap with comparable  
7 civilian pay levels.

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

11 (3) Maintain adequate funding for military  
12 readiness accounts without sacrificing modernization  
13 programs.

14 (4) Maintain a strong role for Guard and Re-  
15 serve forces.

16 (5) Provide a new funding system to avoid di-  
17 versions from military readiness accounts to pay for  
18 peacekeeping and humanitarian deployments such as  
19 Haiti and Rwanda.

20 (6) Support security enhancing measures in the  
21 Asia-Pacific region, including support for the Asso-  
22 ciation of Southeast Asian Nations (ASEAN) Re-  
23 gional Forum.

24 (7) Reduce the level of defense expenditures for  
25 non-defense programs.

1 **SEC. 304. REPORTS.**

2 (a) FINAL REPORT.—The Commission shall submit  
3 to the President and the designated congressional commit-  
4 tees a report on the assessments and recommendations re-  
5 ferred to in section 303 not later than January 1, 1996.  
6 The report shall be submitted in unclassified and classified  
7 versions.

8 (b) INTERIM REPORT.—The Commission shall sub-  
9 mit to the President and the designated congressional  
10 committees an interim report describing the Commission's  
11 progress in fulfilling its duties under section 303. The in-  
12 terim report shall include any preliminary recommenda-  
13 tions the Commission may have reached and shall be sub-  
14 mitted not later than October 1, 1995.

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

18 (1) the Committee on National Security, the  
19 Committee on International Relations, and the Com-  
20 mittee on Appropriations of the House of Represent-  
21 atives; and

22 (2) the Committee on Armed Services, the  
23 Committee on Foreign Relations, and the Committee  
24 on Appropriations of the Senate.

25 (d) LIMITATION PENDING SUBMISSION OF INTERIM  
26 REPORT.—The Secretary of the Army may not, during the

1 period beginning on the date of the enactment of this Act  
2 and ending on the date on which the interim report under  
3 subsection (b) is submitted, take any action to implement  
4 the plan to reorganize the Army Reserve's continental  
5 United States headquarters structures that was an-  
6 nounced by the Secretary on January 4, 1995.

7 **SEC. 305. POWERS.**

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

12 (b) ASSISTANCE FROM OTHER AGENCIES.—The  
13 Commission may secure directly from any department or  
14 agency of the Federal Government such information, rel-  
15 evant to its duties under this title, as may be necessary  
16 to carry out such duties. Upon request of the chairman  
17 of the Commission, the head of the department or agency  
18 shall, to the extent permitted by law, furnish such infor-  
19 mation to the Commission.

20 (c) MAIL.—The Commission may use the United  
21 States mails in the same manner and under the same con-  
22 ditions as the departments and agencies of the Federal  
23 Government.

24 (d) ASSISTANCE FROM SECRETARY OF DEFENSE.—  
25 The Secretary of Defense shall provide to the Commission

1 such reasonable administrative and support services as the  
2 Commission may request.

3 **SEC. 306. COMMISSION PROCEDURES.**

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

7 (b) QUORUM.—A majority of the members of the  
8 Commission shall constitute a quorum for the transaction  
9 of business.

10 **SEC. 307. PERSONNEL MATTERS.**

11 (a) COMPENSATION.—Each member of the Commis-  
12 sion shall serve without compensation, but shall be allowed  
13 travel expenses including per diem in lieu of subsistence,  
14 as authorized by section 5703 of title 5, United States  
15 Code, when engaged in the performance of Commission  
16 duties.

17 (b) STAFF.—The Commission shall appoint a staff  
18 director, who shall be paid at a rate not to exceed the  
19 maximum rate of basic pay under section 5376 of title  
20 5, United States Code, and such professional and clerical  
21 personnel as may be reasonable and necessary to enable  
22 the Commission to carry out its duties under this title  
23 without regard to the provisions of title 5, United States  
24 Code, governing appointments in the competitive service,  
25 and without regard to the provisions of chapter 51 and

1 subchapter III of chapter 53 of such title, or any other  
2 provision of law, relating to the number, classification, and  
3 General Schedule rates. No employee appointed under this  
4 subsection (other than the staff director) may be com-  
5 pensated at a rate to exceed the maximum rate applicable  
6 to level 15 of the General Schedule.

7 (c) DETAILED PERSONNEL.—Upon request of the  
8 chairman of the Commission, the head of any department  
9 or agency of the Federal Government is authorized to de-  
10 tail, without reimbursement, any personnel of such depart-  
11 ment or agency to the Commission to assist the Commis-  
12 sion in carrying out its duties under this section. The de-  
13 tail of any such personnel may not result in the interrup-  
14 tion or loss of civil service status or privilege of such per-  
15 sonnel.

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

17 The Commission shall terminate upon submission of  
18 the final report required by section 303.

19 **SEC. 309. FUNDING.**

20 Of the funds available to the Department of Defense,  
21 \$1,500,000 shall be made available to the Commission to  
22 carry out the provisions of this title.

1 **TITLE IV—COMMAND OF UNITED**  
2 **STATES FORCES**

3 **SEC. 401. LIMITATION ON EXPENDITURE OF DEPARTMENT**  
4 **OF DEFENSE FUNDS FOR UNITED STATES**  
5 **FORCES PLACED UNDER UNITED NATIONS**  
6 **COMMAND OR CONTROL.**

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

10 **“§ 405. Placement of United States forces under**  
11 **United Nations command or control: limi-**  
12 **tation**

13 “(a) LIMITATION.—Except as provided in subsections  
14 (b) and (c), funds appropriated or otherwise made avail-  
15 able for the Department of Defense may not be obligated  
16 or expended for activities of any element of the armed  
17 forces that after the date of the enactment of this section  
18 is placed under United Nations command or control, as  
19 defined in subsection (f).

20 “(b) EXCEPTION FOR PRESIDENTIAL CERTIFI-  
21 CATION.—(1) Subsection (a) shall not apply in the case  
22 of a proposed placement of an element of the armed forces  
23 under United Nations command or control if the Presi-  
24 dent, not less than 15 days before the date on which such  
25 United Nations command or control is to become effective

1 (or as provided in paragraph (2)), meets the requirements  
2 of subsection (d).

3 “(2) If the President certifies to Congress that an  
4 emergency exists that precludes the President from meet-  
5 ing the requirements of subsection (d) 15 days before plac-  
6 ing an element of the armed forces under United Nations  
7 command or control, the President may place such forces  
8 under such command or control and meet the require-  
9 ments of subsection (d) in a timely manner, but in no  
10 event later than 48 hours after such command or control  
11 becomes effective.

12 “(c) EXCEPTION FOR AUTHORIZATION BY LAW.—  
13 Subsection (a) shall not apply in the case of a proposed  
14 placement of any element of the armed forces under Unit-  
15 ed Nations command or control if the Congress specifically  
16 authorizes by law that particular placement of United  
17 States forces under United Nations command or control.

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

21 “(1) Certification by the President that—

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

1           “(B) the commander of any unit of the  
2 armed forces proposed for placement under  
3 United Nations command or control will at all  
4 times retain the right—

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

7                   “(ii) to decline to comply with orders  
8 judged by the commander to be illegal,  
9 militarily imprudent, or beyond the man-  
10 date of the mission to which the United  
11 States agreed with the United Nations,  
12 until such time as that commander receives  
13 direction from superior United States mili-  
14 tary authorities with respect to the orders  
15 that the commander has declined to com-  
16 ply with;

17           “(C) any element of the armed forces pro-  
18 posed for placement under United Nations com-  
19 mand or control will at all times remain under  
20 United States administrative command for such  
21 purposes as discipline and evaluation; and

22           “(D) the United States will retain the au-  
23 thority to withdraw any element of the armed  
24 forces from the proposed operation at any time

1 and to take any action it considers necessary to  
2 protect those forces if they are engaged.

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

4 “(A) A description of the national security  
5 interests that require the placement of United  
6 States forces under United Nations command  
7 or control.

8 “(B) The mission of the United States  
9 forces involved.

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

12 “(D) The incremental cost to the United  
13 States of participation in the United Nations  
14 operation by the United States forces which are  
15 proposed to be placed under United Nations  
16 command or control.

17 “(E) The precise command and control re-  
18 lationship between the United States forces in-  
19 volved and the United Nations command  
20 structure.

21 “(F) The precise command and control re-  
22 lationship between the United States forces in-  
23 volved and the commander of the United States  
24 unified command for the region in which those  
25 United States forces are to operate.

1           “(G) The extent to which the United  
2 States forces involved will rely on non-United  
3 States forces for security and self-defense and  
4 an assessment on the ability of those non-  
5 United States forces to provide adequate secu-  
6 rity to the United States forces involved.

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

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

12           “(f) UNITED NATIONS COMMAND OR CONTROL.—  
13 For purposes of this section, an element of the armed  
14 forces shall be considered to be placed under United Na-  
15 tions command or control if—

16           “(1) that element is under the command or  
17 operational control of an individual acting on behalf  
18 of the United Nations for the purpose of inter-  
19 national peacekeeping, peacemaking, peace-enforc-  
20 ing, or similar activity that is authorized by the  
21 Security Council under chapter VI or VII of the  
22 Charter of the United Nations; and

23           “(2) the senior military commander of the  
24 United Nations force or operation—

1           “(A) is a foreign national or is a citizen of  
2 the United States who is not a United States  
3 military officer serving on active duty; or

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

6           “(i) that element of the armed forces  
7 is under the command or operational con-  
8 trol of subordinate commander who is a  
9 foreign national or a citizen of the United  
10 States who is not a United States military  
11 officer serving on active duty; and

12           “(ii) that senior military commander  
13 does not have the authority—

14           “(I) to dismiss any subordinate  
15 officer in the chain of command who  
16 is exercising command or operational  
17 control over United States forces and  
18 who is a foreign national or a citizen  
19 of the United States who is not a  
20 United States military officer serving  
21 on active duty;

22           “(II) to establish rules of engage-  
23 ment for United States forces in-  
24 volved; and

1                   “(III) to establish criteria gov-  
2                   erning the operational employment of  
3                   United States forces involved.

4           “(g) INTERPRETATION.—Nothing in this section may  
5 be construed—

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

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

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

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

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

16           (b) REPORT RELATING TO CONSTITUTIONALITY.—  
17 No certification may be submitted by the President under  
18 section 405(d)(1) of title 10, United States Code, as added  
19 by subsection (a), until the President has submitted to the  
20 Congress (after the date of the enactment of this Act) a  
21 memorandum of legal points and authorities explaining  
22 why the placement of elements of United States Armed  
23 Forces under the command or operational control of a for-

1 eign national acting on behalf of the United Nations does  
2 not violate the Constitution.

3 (c) EXCEPTION FOR ONGOING OPERATIONS IN MAC-  
4 EDONIA AND CROATIA.—Section 405 of title 10, United  
5 States Code, as added by subsection (a), does not apply  
6 in the case of activities of the Armed Forces as part of  
7 the United Nations force designated as the United Na-  
8 tions Protection Force (UNPROFOR) that are carried  
9 out—

10 (1) in Macedonia pursuant to United Nations  
11 Security Council Resolution 795, adopted December  
12 11, 1992, and subsequent reauthorization Resolu-  
13 tions; or

14 (2) in Croatia pursuant to United Nations Se-  
15 curity Council Resolution 743, adopted February 21,  
16 1992, and subsequent reauthorization Resolutions.

17 **SEC. 402. LIMITATION ON PLACEMENT OF UNITED STATES**  
18 **ARMED FORCES UNDER FOREIGN CONTROL**  
19 **FOR A UNITED NATIONS PEACEKEEPING AC-**  
20 **TIVITY.**

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

24 “SEC. 6. (a) AGREEMENTS WITH SECURITY COUN-  
25 CIL.—(1) Any special agreement described in paragraph

1 (2) that is concluded by the President with the Security  
2 Council shall not be effective unless approved by the Con-  
3 gress by law.

4 “(2) An agreement referred to in paragraph (1) is  
5 an agreement providing for the numbers and types of  
6 United States Armed Forces, their degree of readiness and  
7 general locations, or the nature of facilities and assistance,  
8 including rights of passage, to be made available to the  
9 Security Council for the purpose of maintaining inter-  
10 national peace and security in accordance with Article 43  
11 of the Charter of the United Nations.

12 “(b) LIMITATION.—(1) Except as provided in sub-  
13 sections (c) and (d), the President may not place any ele-  
14 ment of the Armed Forces under United Nations com-  
15 mand or control, as defined in subsection (g).

16 “(c) EXCEPTION FOR PRESIDENTIAL CERTIFI-  
17 CATION.—(1) Subsection (b) shall not apply in the case  
18 of a proposed placement of an element of the armed forces  
19 under United Nations command or control if the Presi-  
20 dent, not less than 15 days before the date on which such  
21 United Nations command or control is to become effective  
22 (or as provided in paragraph (2)), meets the requirements  
23 of subsection (e).

24 “(2) If the President certifies to Congress that an  
25 emergency exists that precludes the President from meet-

1 ing the requirements of subsection (e) 15 days before plac-  
2 ing an element of the armed forces under United Nations  
3 command or control, the President may place such forces  
4 under such command or control and meet the require-  
5 ments of subsection (e) in a timely manner, but in no  
6 event later than 48 hours after such command or control  
7 becomes effective.

8 “(d) EXCEPTION FOR AUTHORIZATION BY LAW.—  
9 Subsection (b) shall not apply in the case of a proposed  
10 placement of any element of the Armed Forces under  
11 United Nations command or control if the Congress spe-  
12 cifically authorizes by law that particular placement of  
13 United States forces under United Nations command or  
14 control.

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

18 “(1) Certification by the President that—

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

22 “(B) the commander of any unit of the  
23 Armed Forces proposed for placement under  
24 United Nations command or control will at all  
25 times retain the right—

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

3           “(ii) to decline to comply with orders  
4           judged by the commander to be illegal,  
5           militarily imprudent, or beyond the man-  
6           date of the mission to which the United  
7           States agreed with the United Nations,  
8           until such time as that commander receives  
9           direction from superior United States mili-  
10          tary authorities with respect to the orders  
11          that the commander has declined to com-  
12          ply with;

13          “(C) any element of the Armed Forces  
14          proposed for placement under United Nations  
15          command or control will at all times remain  
16          under United States administrative command  
17          for such purposes as discipline and evaluation;  
18          and

19          “(D) the United States will retain the au-  
20          thority to withdraw any element of the Armed  
21          Forces from the proposed operation at any time  
22          and to take any action it considers necessary to  
23          protect those forces if they are engaged.

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

1           “(A) A description of the national security  
2 interests that require the placement of United  
3 States forces under United Nations command  
4 or control.

5           “(B) The mission of the United States  
6 forces involved.

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

9           “(D) The incremental cost to the United  
10 States of participation in the United Nations  
11 operation by the United States forces which are  
12 proposed to be placed under United Nations  
13 command or control.

14           “(E) The precise command and control re-  
15 lationship between the United States forces in-  
16 volved and the United Nations command struc-  
17 ture.

18           “(F) The precise command and control re-  
19 lationship between the United States forces in-  
20 volved and the commander of the United States  
21 unified command for the region in which those  
22 United States forces are to operate.

23           “(G) The extent to which the United  
24 States forces involved will rely on non-United  
25 States forces for security and self-defense and

1 an assessment on the ability of those non-  
2 United States forces to provide adequate secu-  
3 rity to the United States forces involved.

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

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

9 “(g) UNITED NATIONS COMMAND OR CONTROL.—  
10 For purposes of this section, an element of the armed  
11 forces shall be considered to be placed under United Na-  
12 tions command or control if—

13 “(1) that element is under the command or  
14 operational control of an individual acting on behalf  
15 of the United Nations for the purpose of inter-  
16 national peacekeeping, peacemaking, peace-enforc-  
17 ing, or similar activity that is authorized by the Se-  
18 curity Council under chapter VI or VII of the Char-  
19 ter of the United Nations; and

20 “(2) the senior military commander of the  
21 United Nations force or operation—

22 “(A) is a foreign national or is a citizen of  
23 the United States who is not a United States  
24 military officer serving on active duty; or

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

3                   “(i) that element of the armed forces  
4                   is under the command or operational con-  
5                   trol of subordinate commander who is a  
6                   foreign national or a citizen of the United  
7                   States who is not a United States military  
8                   officer serving on active duty; and

9                   “(ii) that senior military commander  
10                  does not have the authority—

11                   “(I) to dismiss any subordinate  
12                   officer in the chain of command who  
13                   is exercising command or operational  
14                   control over United States forces and  
15                   who is a foreign national or a citizen  
16                   of the United States who is not a  
17                   United States military officer serving  
18                   on active duty;

19                   “(II) to establish rules of engage-  
20                   ment for United States forces in-  
21                   volved; and

22                   “(III) to establish criteria gov-  
23                   erning the operational employment of  
24                   United States forces involved.

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

6       (b) REPORT RELATING TO CONSTITUTIONALITY.—  
7 No certification may be submitted by the President under  
8 section 6(e)(1) of the United Nations Participation Act  
9 of 1945, as amended by subsection (a), until the President  
10 has submitted to the Congress (after the date of the enact-  
11 ment of this Act) a memorandum of legal points and au-  
12 thorities explaining why the placement of elements of  
13 United States Armed Forces under the command or oper-  
14 ational control of a foreign national acting on behalf of  
15 the United Nations does not violate the Constitution.

16       (c) EXCEPTION FOR ONGOING OPERATION IN MAC-  
17 EDONIA AND CROATIA.—Section 6 of the United Nations  
18 Participation Act of 1945, as amended by subsection (a),  
19 does not apply in the case of activities of the Armed  
20 Forces as part of the United Nations force designated as  
21 the United Nations Protection Force (UNPROFOR) that  
22 are carried out—

23               (1) in Macedonia pursuant to United Nations  
24       Security Council Resolution 795, adopted December

1 11, 1992, and subsequent reauthorization Resolu-  
2 tions; or

3 (2) in Croatia pursuant to United Nations Se-  
4 curity Council Resolution 743, adopted February 21,  
5 1992, and subsequent reauthorization Resolutions.

6 **TITLE V—UNITED NATIONS**

7 **SEC. 501. CREDIT AGAINST ASSESSMENT FOR UNITED**  
8 **STATES EXPENDITURES IN SUPPORT OF**  
9 **UNITED NATIONS PEACEKEEPING OPER-**  
10 **ATIONS.**

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

14 “SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR  
15 EXPENDITURES IN SUPPORT OF PEACEKEEPING OPER-  
16 ATIONS.—

17 “(1) LIMITATION.—Funds may be obligated for  
18 payment to the United Nations of the United States  
19 assessed share of peacekeeping operations for a fis-  
20 cal year only to the extent that—

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

23 “(B) the amount equal to—

24 “(i) the total amount identified in the  
25 report submitted pursuant to paragraph

1           (2) for the preceding fiscal year, reduced  
2           by

3           “(ii) the amount of any reimburse-  
4           ment or credit to the United States by the  
5           United Nations for the costs of United  
6           States support for, or participation in,  
7           United Nations peacekeeping activities for  
8           that preceding fiscal year.

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

21          “(3) DEFINITIONS.—For purposes of this sub-  
22          section:

23                 “(A) UNITED NATIONS PEACEKEEPING AC-  
24                 TIVITIES.—The term ‘United Nations peace-  
25                 keeping activities’ means any international

1           peacekeeping, peacemaking, peace-enforcing, or  
2           similar activity that is authorized by the United  
3           Nations Security Council under chapter VI or  
4           VII of the Charter of the United Nations, ex-  
5           cept that such term does not include any such  
6           activity authorized under chapter VII of such  
7           Charter with respect to which the President has  
8           certified to the Congress that the activity is of  
9           such importance to the national security of the  
10          United States that the United States would un-  
11          dertake the activity unilaterally if it were not  
12          authorized by the United Nations Security  
13          Council.

14                 “(B) DESIGNATED CONGRESSIONAL COM-  
15                 MITTEES.—The term ‘designated congressional  
16                 committees’ includes the Committee on Na-  
17                 tional Security of the House of Representatives  
18                 and the Committee on Armed Services of the  
19                 Senate.”.

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

1 **SEC. 502. CODIFICATION OF REQUIRED NOTICE TO CON-**  
2 **GRESS OF PROPOSED UNITED NATIONS**  
3 **PEACEKEEPING ACTIVITIES.**

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

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

9 (2) by redesignating subsection (e) as sub-  
10 section (f); and

11 (3) by inserting after subsection (d) a new sub-  
12 section (e) consisting of the text of subsection (a) of  
13 section 407 of the Foreign Relations Authorization  
14 Act, Fiscal Years 1994 and 1995 (Public Law 103-  
15 236), revised—

16 (A) in paragraph (2)—

17 (i) in the matter preceding subpara-  
18 graph (A), by inserting “in written form  
19 not later than the 10th day of” after  
20 “shall be provided”;

21 (ii) in subparagraph (A)(iv), by insert-  
22 ing “(including facilities, training, trans-  
23 portation, communication, and logistical  
24 support, but not including intelligence ac-  
25 tivities reportable under title V of the Na-  
26 tional Security Act of 1947 (50 U.S.C. 413

1 et seq.)” after “covered by the resolu-  
2 tion”; and

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

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

15 (B) by striking paragraph (3);

16 (C) by redesignating paragraph (4) as  
17 paragraph (3) and in the last sentence of sub-  
18 paragraph (A) of that paragraph by striking  
19 “and (ii)” and inserting “through (iv)”;

20 (D) by inserting after paragraph (3) (as so  
21 redesignated) the following new paragraph:

22 “(4) NEW UNITED NATIONS PEACEKEEPING OP-  
23 ERATION DEFINED.—As used in paragraphs (2) (B)  
24 and (3), the term ‘new United Nations peacekeeping

1 operation' includes any existing or otherwise ongoing  
2 United Nations peacekeeping operation—

3 “(A) that is to be expanded by more than  
4 25 percent during the period covered by the Se-  
5 curity Council resolution, as measured by either  
6 the number of personnel participating (or au-  
7 thorized to participate) in the operation or the  
8 budget of the operation; or

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

12 (E) in paragraph (5)—

13 (i) by striking “(5) NOTIFICATION”  
14 and all that follows through “(B) The  
15 President” and inserting “(5) QUARTERLY  
16 REPORTS.—The President”; and

17 (ii) by striking “section 4(d)” and all  
18 that follows through “of this section)” and  
19 inserting “subsection (d)”.

20 (b) CONFORMING REPEAL.—Subsection (a) of section  
21 407 of the Foreign Relations Authorization Act, Fiscal  
22 Years 1994 and 1995 (Public Law 103–236), is repealed.

23 (c) DESIGNATED CONGRESSIONAL COMMITTEES.—  
24 Subsection (f) of section 4 of the United Nations Partici-

1 pation Act of 1945 (22 U.S.C. 287b(f)), as redesignated  
2 by subsection (a), is amended to read as follows:

3 “(f) DESIGNATED CONGRESSIONAL COMMITTEES.—  
4 As used in this section, the term ‘designated congressional  
5 committees’ has the meaning given such term in section  
6 10(f).”.

7 **SEC. 503. NOTICE TO CONGRESS REGARDING UNITED**  
8 **STATES CONTRIBUTIONS FOR UNITED NA-**  
9 **TIONS PEACEKEEPING ACTIVITIES.**

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

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

15 “(1) NOTICE REGARDING UNITED NATIONS  
16 BILLING REQUEST.—Not later than 15 days after  
17 the date on which the United States receives from  
18 the United Nations a billing requesting a payment  
19 by the United States of any contribution for United  
20 Nations peacekeeping activities, the President shall  
21 so notify the designated congressional committees.

22 “(2) NOTICE REGARDING PROPOSED OBLIGA-  
23 TION OF FUNDS.—The President shall notify the  
24 designated congressional committees at least 15 days  
25 before the United States obligates funds for any as-

1       sessed or voluntary contribution for United Nations  
2       peacekeeping activities, except that if the President  
3       determines that an emergency exists which prevents  
4       compliance with the requirement that such notifica-  
5       tion be provided 15 days in advance and that such  
6       contribution is in the national security interests of  
7       the United States, such notification shall be pro-  
8       vided in a timely manner but no later than 48 hours  
9       after such obligation.”.

10 **SEC. 504. REVISED NOTICE TO CONGRESS REGARDING**  
11                   **UNITED STATES ASSISTANCE FOR UNITED**  
12                   **NATIONS PEACEKEEPING ACTIVITIES.**

13       Section 7 of the United Nations Participation Act of  
14 1945 (22 U.S.C. 287d-1) is amended—

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

17           (2) by adding at the end the following new sub-  
18       section:

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

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

1           “(A) assistance having a value of less than  
2           \$1,000,000 in the case of nonreimbursable assist-  
3           ance or less than \$5,000,000 in the case of reim-  
4           bursable assistance; or

5           “(B) assistance provided under the emergency  
6           drawdown authority contained in sections 506(a)(1)  
7           and 552(c)(2) of the Foreign Assistance Act of 1961  
8           (22 U.S.C. 2318(a)(1), 2348a(c)(2)).

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

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

19                 “(A) means assistance of any kind, including  
20                 logistical support, supplies, goods, or services (in-  
21                 cluding command, control or communications assist-  
22                 ance and training), and the grant of rights of pas-  
23                 sage; and

24                 “(B) includes assistance provided through in-  
25                 kind contributions or through the provision of sup-

1 port, supplies, goods, or services on any terms, in-  
2 cluding on a grant, lease, loan, or reimbursable  
3 basis; but

4 “(C) does not include the payment of assessed  
5 or voluntary contributions or intelligence activities  
6 reportable under title V of the National Security Act  
7 of 1947 (50 U.S.C. 413 et seq.).”.

8 **SEC. 505. UNITED STATES CONTRIBUTIONS TO UNITED NA-**  
9 **TIONS PEACEKEEPING ACTIVITIES.**

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

12 (1) by redesignating subparagraph (D) as sub-  
13 paragraph (E); and

14 (2) by inserting after subparagraph (C) the fol-  
15 lowing new subparagraph:

16 “(D) A description of the anticipated  
17 budget for the next fiscal year for United  
18 States participation in United Nations peace-  
19 keeping activities, including a statement of—

20 “(i) the aggregate amount of funds  
21 available to the United Nations for that  
22 fiscal year, including assessed and vol-  
23 untary contributions, which may be made  
24 available for United Nations peacekeeping  
25 activities; and

1           “(ii) the aggregate amount of funds  
2           (from all accounts) and the aggregate costs  
3           of in-kind contributions that the United  
4           States proposes to make available to the  
5           United Nations for that fiscal year for  
6           United Nations peacekeeping activities.”.

7 **SEC. 506. REIMBURSEMENT TO THE UNITED STATES FOR**  
8 **IN-KIND CONTRIBUTIONS TO UNITED NA-**  
9 **TIONS PEACEKEEPING ACTIVITIES.**

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

13           (1) in subsection (b)—

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

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

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

19           “(2) The Secretary of Defense may waive the require-  
20 ment for reimbursement under paragraph (1) if the Sec-  
21 retary, after consultation with the Secretary of State and  
22 the Director of the Office of Management and Budget, de-  
23 termines that an emergency exists which justifies waiver  
24 of that requirement. Any such waiver shall be submitted  
25 to the designated congressional committees, as defined in

1 section 10(a)(3)(B), at least 15 days before it takes effect,  
2 except that if the President determines that an emergency  
3 exists which prevents compliance with the requirement  
4 that the notification be provided 15 days in advance and  
5 that the provision under subsection (a)(1) or (a)(2) of per-  
6 sonnel or assistance on a nonreimbursable basis is in the  
7 national security interests of the United States, such noti-  
8 fication shall be provided in a timely manner but no later  
9 than 48 hours after such waiver takes effect.”; and

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

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

18 (b) INITIAL REPORT.—

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

1 United Nations Participation Act of 1945, as added  
2 by subsection (a)(2).

3 (2) DESIGNATED CONGRESSIONAL COMMITTEES  
4 DEFINED.—As used in this subsection, the term  
5 “designated congressional committees” has the  
6 meaning given such term in section 10(a)(3)(B) of  
7 the United Nations Participation Act of 1945, as  
8 added by section 501.

9 **SEC. 507. LIMITATION ON PAYMENT OF UNITED STATES AS-**  
10 **SESSED OR VOLUNTARY CONTRIBUTIONS**  
11 **FOR UNITED NATIONS PEACEKEEPING AC-**  
12 **TIVITIES.**

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

17 “(c) LIMITATION ON PAYMENT OF ASSESSED OR  
18 VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING AC-  
19 TIVITIES.—

20 “(1) LIMITATION.—Appropriated funds may  
21 not be used to pay any United States assessed or  
22 voluntary contribution during any fiscal year for  
23 United Nations peacekeeping activities until the Sec-  
24 retary of Defense certifies to the designated congres-  
25 sional committees that the United Nations has reim-

1 bursed the Department of Defense directly for all  
2 goods and services—

3 “(A) that were provided to the United Na-  
4 tions by the Department of Defense on a reim-  
5 bursable basis during a previous fiscal year  
6 after fiscal year 1994 for United Nations peace-  
7 keeping activities, including personnel and as-  
8 sistance provided under section 7 (except to the  
9 extent that the authority of subsection (b)(2) of  
10 such section to waive the reimbursement re-  
11 quirement was exercised with respect to such  
12 personnel or assistance); and

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

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

1 (b) EFFECTIVE DATE.—The limitation in section  
2 10(c)(1) of the United Nations Participation Act of 1945,  
3 as added by subsection (a), shall apply only with respect  
4 to fiscal years after fiscal year 1995.

5 **SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DE-**  
6 **FENSE FUNDS FOR UNITED STATES SHARE**  
7 **OF COSTS OF UNITED NATIONS PEACEKEEP-**  
8 **ING ACTIVITIES.**

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

13 **“§ 406. Use of Department of Defense funds for Unit-**  
14 **ed States share of costs of United Nations**  
15 **peacekeeping activities: limitation**

16 “(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT  
17 OF ASSESSMENTS AND VOLUNTARY CONTRIBUTIONS.—  
18 (1) Funds available to the Department of Defense may  
19 not be used to make a financial contribution (directly or  
20 through another department or agency of the United  
21 States) to the United Nations—

22 “(A) for the costs of a United Nations peace-  
23 keeping activity; or

24 “(B) for any United States arrearage to the  
25 United Nations.

1       “(2) The prohibition in paragraph (1)(A) applies to  
2 voluntary contributions, as well as to contributions pursu-  
3 ant to assessment by the United Nations for the United  
4 States share of the costs of a peacekeeping activity.

5       “(b) LIMITATION ON USE OF FUNDS FOR PARTICIPA-  
6 TION IN UNITED NATIONS PEACEKEEPING ACTIVITIES.—  
7 Funds available to the Department of Defense may be  
8 used for payment of the incremental costs associated with  
9 the participation of elements of the armed forces in a  
10 United Nations peacekeeping activity only to the extent  
11 that Congress has by law specifically authorized the use  
12 of those funds for that purpose.

13       “(c) COVERED PEACEKEEPING ACTIVITIES.—In this  
14 section, the term ‘United Nations peacekeeping activity’  
15 means a peacekeeping activity carried out pursuant to a  
16 resolution of the United Nations Security Council for  
17 which costs are met (in whole or in part) through assess-  
18 ments by the United Nations to its member nations.”.

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

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

22       (b) EFFECTIVE DATE.—Section 406 of title 10, Unit-  
23 ed States Code, as added by subsection (a), shall take ef-  
24 fect on October 1, 1995.

1 **SEC. 509. CODIFICATION OF LIMITATION ON AMOUNT OF**  
2 **UNITED STATES ASSESSED CONTRIBUTIONS**  
3 **FOR UNITED NATIONS PEACEKEEPING OPER-**  
4 **ATIONS.**

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

9 “(d) LIMITATION ON ASSESSED CONTRIBUTION  
10 WITH RESPECT TO A PEACEKEEPING OPERATION.—  
11 Funds authorized to be appropriated for ‘Contributions  
12 for International Peacekeeping Activities’ for any fiscal  
13 year shall not be available for the payment of the United  
14 States assessed contribution for a United Nations peace-  
15 keeping operation in an amount which is greater than 25  
16 percent of the total amount of all assessed contributions  
17 for that operation, and any arrearages that accumulate  
18 as a result of assessments in excess of 25 percent of the  
19 total amount of all assessed contributions for any United  
20 Nations peacekeeping operation shall not be recognized or  
21 paid by the United States.”.

22 (b) EFFECTIVE DATE.—The limitation contained in  
23 section 10(d) of the United Nations Participation Act of  
24 1945, as added by subsection (a), shall apply only with  
25 respect to funds authorized to be appropriated for “Con-

1 tributions for International Peacekeeping Activities” for  
2 fiscal years after fiscal year 1995.

3 (c) CONFORMING AMENDMENT.—Section 404(b) of  
4 the Foreign Relations Authorization Act, Fiscal Years  
5 1994 and 1995 (Public Law 103–236) is amended by  
6 striking paragraph (2).

7 **SEC. 510. BUY AMERICAN REQUIREMENT.**

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

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

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

23 “(1) the Committee on International Relations  
24 and the Committee on Appropriations of the House  
25 of Representatives; and

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

3 **SEC. 511. UNITED NATIONS BUDGETARY AND MANAGE-**  
4 **MENT REFORM.**

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

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

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

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

1           “(3) VOLUNTARY CONTRIBUTIONS FOR UNITED  
2           NATIONS PEACEKEEPING.—The United States may  
3           not during any fiscal year pay any voluntary con-  
4           tribution to the United Nations for international  
5           peacekeeping activities unless a certification for that  
6           fiscal year has been made under subsection (b).

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

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

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

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

1           “(A) make investigations and reports relat-  
2           ing to the administration of the programs and  
3           operations of the United Nations;

4           “(B) have access to all records, documents,  
5           and other available materials relating to those  
6           programs and operations;

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

9           “(D) have access to all records and offi-  
10          cials of the specialized agencies of the United  
11          Nations.

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

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

24          “(6) The United Nations has required the  
25          United Nations Inspector General to issue an annual

1 report and has ensured that the annual report and  
2 all other reports of the Inspector General are made  
3 available to the General Assembly without modifica-  
4 tion.

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

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

13 **SEC. 512. CONDITIONS ON PROVISION OF INTELLIGENCE**  
14 **TO THE UNITED NATIONS.**

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

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

1 and methods from unauthorized disclosure in accordance  
2 with section 103(c)(5) of the National Security Act of  
3 1947 (50 U.S.C. 403–3(c)(5)).

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

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

1       “(c) DELEGATION OF DUTIES.—The President may  
2 not delegate or assign the duties of the President under  
3 this section.

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

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

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

20               “(2) supersede or otherwise affect the provi-  
21 sions of title V of the National Security Act of 1947  
22 (50 U.S.C. 413 et seq.).”.

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

1 **TITLE VI—EXPANSION OF THE**  
2 **NORTH ATLANTIC TREATY**  
3 **ORGANIZATION**

4 **SEC. 601. SHORT TITLE.**

5 This title may be cited as the “NATO Expansion Act  
6 of 1995”.

7 **SEC. 602. FINDINGS.**

8 The Congress makes the following findings:

9 (1) Since 1949, the North Atlantic Treaty Or-  
10 ganization (NATO) has helped to guarantee the se-  
11 curity, freedom, and prosperity of the United States  
12 and its partners in the alliance.

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

15 (3) The steadfast and sustained commitment of  
16 the member countries of NATO to mutual defense  
17 against the threat of communist domination played  
18 a significant role in precipitating the collapse of the  
19 Iron Curtain and the demise of the Soviet Union.

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

1           (5) Western interests must be protected on a  
2 cooperative basis without an undue burden falling  
3 upon the United States.

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

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

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

14           (9) Admission of Central and East European  
15 countries that have recently been freed from Com-  
16 munist domination to NATO could contribute to  
17 international peace and enhance the security of  
18 those countries.

19           (10) By joining the Partnership for Peace, a  
20 number of countries have expressed interest in  
21 NATO membership.

22           (11) The Partnership for Peace program is cre-  
23 ating new political and military ties with countries  
24 in Central and Eastern Europe and provides the  
25 basis for joint action to deal with common security

1 problems. Active participation in the Partnership for  
2 Peace will also play an important role in the evolu-  
3 tionary process of NATO expansion.

4 (12) In particular, Poland, Hungary, the Czech  
5 Republic, and Slovakia have made significant  
6 progress toward establishing democratic institutions,  
7 free market economies, civilian control of their  
8 armed forces, police, and intelligence services, and  
9 the rule of law since the fall of their previous Com-  
10 munist governments.

11 **SEC. 603. UNITED STATES POLICY.**

12 It should be the policy of the United States—

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

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

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

20 (B) the need to assure all countries of the  
21 defensive nature of the alliance and the desire  
22 of its members to work cooperatively with all  
23 former adversaries;

24 (C) the emerging security threats posed by  
25 the proliferation of nuclear, chemical, and bio-

1           logical weapons of mass destruction and the  
2           means to deliver them;

3           (D) the continuing challenges to the inter-  
4           ests of all NATO member countries posed by  
5           unstable and undemocratic regimes harboring  
6           hostile intentions; and

7           (E) the dependence of the global economy  
8           on a stable energy supply and the free flow of  
9           commerce;

10          (3) to affirm that NATO military planning  
11          should include joint military operations beyond the  
12          geographic bounds of the alliance under Article 4 of  
13          the North Atlantic Treaty when the shared interests  
14          of the United States and other member countries re-  
15          quire such action to defend vital interests;

16          (4) to expeditiously pursue joint cooperation  
17          agreements for the acquisition of essential systems  
18          to significantly increase the crisis management capa-  
19          bility of NATO;

20          (5) that Poland, Hungary, the Czech Republic,  
21          and Slovakia should be in a position to further the  
22          principles of the North Atlantic Treaty and to con-  
23          tribute to the security of the North Atlantic area in  
24          the near future, and, in accordance with Article 10

1 of such Treaty, should be invited to become full  
2 NATO members, provided these countries—

3 (A) meet appropriate standards, includ-  
4 ing—

5 (i) shared values and interests;

6 (ii) democratic governments;

7 (iii) free market economies;

8 (iv) civilian control of the military, of  
9 the police, and of the intelligence and other  
10 security services, so that these organiza-  
11 tions do not pose a threat to democratic  
12 institutions, neighboring countries, or the  
13 security of NATO or the United States;

14 (v) adherence to the rule of law and  
15 to the values, principles, and political com-  
16 mitments set forth in the Helsinki Final  
17 Act and other declarations by the members  
18 of the Organization on Security and Co-  
19 operation in Europe;

20 (vi) commitment to further the prin-  
21 ciples of NATO and to contribute to the  
22 security of the North Atlantic area;

23 (vii) commitment and ability to accept  
24 the obligations, responsibilities, and costs  
25 of NATO membership; and

1 (viii) commitment and ability to im-  
2 plement infrastructure development activi-  
3 ties that will facilitate participation in and  
4 support for NATO military activities; and

5 (B) remain committed to protecting the  
6 rights of all their citizens and respecting the  
7 territorial integrity of their neighbors;

8 (6) that the United States, other NATO mem-  
9 ber nations, and NATO itself should furnish appro-  
10 priate assistance to facilitate the transition of Po-  
11 land, Hungary, the Czech Republic, and Slovakia to  
12 full NATO membership;

13 (7) to reaffirm article X of the North Atlantic  
14 Treaty and the policy decision of the North Atlantic  
15 Council on December 1, 1994, that—

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

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

1           tion process will require advice and consent of  
2           two-thirds of the members of the United States  
3           Senate present and voting;

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

9           (9) that NATO and its member nations should  
10          cooperate closely with Russia on security issues and  
11          work to strengthen other structures of security co-  
12          operation in Europe, including the Organization on  
13          Security and Cooperation in Europe; and

14          (10) that other European countries emerging  
15          from communist domination may be in a position at  
16          a future date to further the principles of the North  
17          Atlantic Treaty and to contribute to the security of  
18          the North Atlantic area, and at the appropriate time  
19          they should receive assistance to facilitate their tran-  
20          sition to full NATO membership and should be in-  
21          vited to become full NATO members.

22   **SEC. 604. REVISIONS TO PROGRAM TO FACILITATE TRANSI-**  
23                                   **TION TO NATO MEMBERSHIP.**

24          (a) ESTABLISHMENT OF PROGRAM.—Subsection (a)  
25 of section 203 of the NATO Participation Act of 1994

1 (title II of Public Law 103–447; 22 U.S.C. 1928 note)  
2 is amended to read as follows:

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

9 (b) ELIGIBLE COUNTRIES.—

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

12 “(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

13 “(1) SPECIFIED COUNTRIES.—The following  
14 countries are hereby designated for purposes of this  
15 title: Poland, Hungary, the Czech Republic, and Slo-  
16 vakeria.

17 “(2) AUTHORITY FOR PRESIDENT TO DES-  
18 IGNATE OTHER EUROPEAN COUNTRIES EMERGING  
19 FROM COMMUNIST DOMINATION.—The President  
20 may designate other European countries emerging  
21 from communist domination (as defined in section  
22 206) to receive assistance under the program estab-  
23 lished under subsection (a). The President may  
24 make such a designation in the case of any such  
25 country only if the President determines, and re-

1 ports to the designated congressional committees,  
2 that such country—

3 “(A) has made significant progress toward  
4 establishing—

5 “(i) shared values and interests;

6 “(ii) democratic governments;

7 “(iii) free market economies;

8 “(iv) civilian control of the military, of  
9 the police, and of the intelligence and other  
10 security services, so that these organiza-  
11 tions do not pose a threat to democratic  
12 institutions, neighboring countries, or the  
13 security of NATO or the United States;

14 “(v) adherence to the rule of law and  
15 to the values, principles, and political com-  
16 mitments set forth in the Helsinki Final  
17 Act and other declarations by the members  
18 of the Organization on Security and Co-  
19 operation in Europe;

20 “(vi) commitment to further the prin-  
21 ciples of NATO and to contribute to the  
22 security of the North Atlantic area;

23 “(vii) commitment and ability to ac-  
24 cept the obligations, responsibilities, and  
25 costs of NATO membership; and

1           “(viii) commitment and ability to im-  
2           plement infrastructure development activi-  
3           ties that will facilitate participation in and  
4           support for NATO military activities; and

5           “(B) is likely, within five years of such de-  
6           termination, to be in a position to further the  
7           principles of the North Atlantic Treaty and to  
8           contribute to the security of the North Atlantic  
9           area.”.

10       (2) CONFORMING AMENDMENTS.—

11           (A) Subsections (b) and (c) of such section  
12           are amended by striking “countries described in  
13           such subsection” and inserting “countries des-  
14           ignated under subsection (d)”.

15           (B) Subsection (e) of such section is  
16           amended—

17               (i) by striking “subsection (d)” and  
18               inserting “subsection (d)(2)”; and

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

21           (C) Section 204(c) of such Act is amended  
22           by striking “any other Partnership for Peace  
23           country designated under section 203(d) of this  
24           title” and inserting “any country designated  
25           under section 203(d)(2)”.

1 (c) TYPES OF ASSISTANCE.—

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

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

6 (B) by inserting after paragraph (2) the  
7 following new paragraph (3):

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

11 (2) ADDITIONAL ASSISTANCE.—

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

14 “(f) ADDITIONAL ASSISTANCE.—In carrying out the  
15 program established under subsection (a), the President  
16 may, in addition to the security assistance authorized to  
17 be provided under subsection (c), provide assistance to  
18 countries designated under subsection (d) from funds ap-  
19 propriated under the ‘Nonproliferation and Disarmament  
20 Fund’ account.”.

21 (B) EFFECTIVE DATE.—The amendment  
22 made by subparagraph (A) does not apply with  
23 respect to funds appropriated before the date of  
24 the enactment of this Act.

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

5 “(g) PROHIBITION ON PROVIDING ASSISTANCE TO  
6 COUNTRIES THAT PROVIDE DEFENSE ARTICLES TO  
7 COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—  
8 The President may not provide assistance to a country  
9 under the program established under subsection (a) if  
10 such country is selling or transferring defense articles to  
11 a state that has repeatedly provided support for acts of  
12 international terrorism, as determined by the Secretary of  
13 State under section 6(j) of the Export Administration Act  
14 of 1979.”.

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

19 “(h) REPORT PRIOR TO OBLIGATION OR EXPENDI-  
20 TURE OF FUNDS.—Prior to providing assistance to a  
21 country for the first time through the program established  
22 under subsection (a), the President shall transmit to the  
23 designated congressional committees a report with respect  
24 to that country that contains a description of the follow-  
25 ing:

1           “(1) The cost of membership in NATO for the  
2 country and the amount that the country is prepared  
3 to contribute to NATO to pay for such cost of mem-  
4 bership.

5           “(2) The amount that the United States will  
6 contribute to facilitate transition to full NATO  
7 membership for the country.

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

11           “(4) The views of other NATO member nations  
12 regarding the admission to NATO of the country  
13 and the amounts that such other NATO member na-  
14 tions will contribute to facilitate transition to full  
15 NATO membership for the country.”.

16       (f) ANNUAL REPORT.—Section 205 of the NATO  
17 Participation Act of 1994 (title II of Public Law 103-  
18 447; 22 U.S.C. 1928 note) is amended—

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

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

23           (3) in paragraphs (1) and (2), by striking “and  
24 other” and all that follows through the period at the

1 end and inserting “and any country designated by  
2 the President pursuant to section 203(d)(2).”.

3 (g) DEFINITIONS.—The NATO Participation Act of  
4 1994 (title II of Public Law 103–447; 22 U.S.C. 1928  
5 note) is amended by adding at the end the following new  
6 section:

7 **“SEC. 206. DEFINITIONS.**

8 “For purposes of this title:

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

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

16 “(A) is located—

17 “(i) in the territory of the former  
18 Union of Soviet Socialist Republics; or

19 “(ii) in the territory of the former So-  
20 cialist Federal Republic of Yugoslavia; or

21 “(B) is among the following countries: Es-  
22 tonia, Latvia, Lithuania, Romania, Bulgaria, or  
23 Albania.

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

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

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

## 11   **TITLE VII—BUDGET FIREWALLS**

### 12   **SEC. 701. RESTORATION OF BUDGET FIREWALLS FOR DE-** 13                   **FENSE SPENDING.**

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

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