

104TH CONGRESS
1ST SESSION

H. R. 7

To revitalize the national security of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. SPENCE, Mr. GILMAN, Mr. BRYANT of Tennessee, and Mr. HAYES (for themselves, Mr. WELDON of Pennsylvania, Mr. DORNAN, Mr. SAXTON, Mr. TORKILDSEN, Mr. BARTLETT of Maryland, Mr. LONGLEY, Mr. CALLAHAN, Mr. ROYCE, Mr. BACHUS, Mr. HOKE, Mr. HASTERT, Mr. SMITH of Texas, Mr. FUNDERBURK, Mr. CLINGER, Mr. KIM, Mr. BALLENGER, Mr. POMBO, Mr. NUSSLE, Mr. CRANE, Mr. TAYLOR of North Carolina, Mr. CRAPO, Mr. KOLBE, Mr. HALL of Texas, Mr. PAXON, Mr. YOUNG of Florida, Mr. COMBEST, Mr. COBLE, Mr. EHRLICH, Mrs. MEYERS of Kansas, Mr. STOCKMAN, Mr. SMITH of Michigan, Mr. BAKER of California, Mr. COX, Mr. SHAW, Mr. HERGER, Mr. HEINEMAN, Mrs. FOWLER, Mr. STEARNS, Mr. HUTCHINSON, Mr. HANCOCK, Mr. ZIMMER, Mr. LINDER, Mr. EMERSON, Mr. HOSTETTLER, Mr. JONES, Mr. ENSIGN, Mr. TIAHRT, Mrs. MYRICK, Mr. HOUGHTON, Mr. FRELINGHUYSEN, Mr. EWING, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. WELDON of Florida, Mr. GANSKE, Mr. COBURN, Mr. LARGENT, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. LAHOOD, Mr. BUNNING of Kentucky, Mr. FOLEY, Mr. INGLIS of South Carolina, Mr. LIGHTFOOT, Mr. ISTOOK, Mr. CALVERT, Mr. HOBSON, Mr. CREMEANS, Mr. KNOLLENBERG, Mr. BILIRAKIS, Mr. GOODLING, Mr. HAYWORTH, Mr. FOX, Mr. RADANOVICH, Mr. WAMP, Mr. GILCHREST, Mr. BLUTE, Mr. SOLOMON, Mr. BLILEY, Mr. DOOLITTLE, Mr. PACKARD, Mr. STUMP, Mr. EVERETT, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. FLANAGAN, Mr. BURR, Ms. MOLINARI, Mr. GUNDERSON, Mr. THORNBERRY, Mr. RIGGS, Mr. GOODLATTE, Mr. CHRISTENSEN, Mr. HILLEARY, Mr. WICKER, Mr. BONO, Mr. COOLEY, Mr. FRISA, Mr. MCINTOSH, Mr. SMITH of New Jersey, Mr. SHADEGG, Mrs. JOHNSON of Connecticut, Mr. CUNNINGHAM, Mr. CHRYSLER, Mr. CANADY, Mr. MCCOLLUM, Mr. BARTON of Texas, Mr. GILLMOR, Mr. BARR, Mr. ARMEY, Mr. FORBES, Mr. WALDHOLTZ, Mr. TATE, Ms. DUNN, Mr. MICA, and Mr. MCHUGH) introduced the following bill; which was referred as follows:

Title I, referred to the Committee on International Relations and, in addition, to the Committee on National Security, 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

Title II, referred to the Committee on National Security

Title III, referred to the Committee on National Security and, in addition, to the Committee on International Relations, 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

Section 401, referred to the Committee on National Security and, in addition, to the Committee on International Relations, 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

Section 402, referred to the Committee on International Relations

Title V, 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

Title VI, referred to the Committee on International Relations

Title VII, referred to the Committee on the Budget

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—REVITALIZATION OF NATIONAL SECURITY
COMMISSION

- 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 command or operational control of a foreign national acting on behalf of the United Nations.
- 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. Prohibition on use of funds to pay United States assessed or voluntary contribution for United Nations peacekeeping activities unless Department of Defense reimbursed by United Nations for certain goods and services.
- 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 peacekeeping 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.
 Sec. 605. Annual reporting requirement.
 Sec. 606. Definitions.

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

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

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

21 (4) Despite severe reductions and shortfalls in
 22 defense funding and force structure, since 1993

1 United States military forces have been deployed
2 more often and committed to more peacetime mis-
3 sions per year than ever before. Most of these mis-
4 sions involve United Nations peace keeping and hu-
5 manitarian efforts. At the end of fiscal year 1994,
6 over 70,000 United States personnel were serving in
7 such regions as Iraq, Bosnia, Macedonia, the Adri-
8 atic Sea, Rwanda, and the Caribbean Sea for mis-
9 sions involving Haiti and Cuba.

10 (5) United Nations assessments to the United
11 States for peace keeping missions totaled almost
12 \$1,500,000,000 in 1994. The United States is as-
13 sessed 31.7 percent of annual United Nations costs
14 for peace keeping and other United Nations mis-
15 sions. The next highest contributor, Japan, only
16 pays 12.5 percent of such costs. The Department of
17 Defense also incurs hundreds of millions of dollars
18 in costs every year for United States military par-
19 ticipation in United Nations peace keeping or hu-
20 manitarian missions, most of which are not reim-
21 bursed by the United Nations. For fiscal year 1994,
22 these Department of Defense costs totaled over
23 \$1,721,000,000.

24 (6) A return to the “hollow forces” of the
25 1970s has already begun. At the end of fiscal year

1 1994, one-third of the units in the Army contingency
2 force and all of the forward-deployed and follow-on
3 Army divisions were reporting a reduced state of
4 military readiness. During fiscal year 1994, training
5 readiness declined for the Navy's Atlantic and Pa-
6 cific fleets. Funding shortfalls for that fiscal year re-
7 sulted in a grounding of Navy and Marine Corps air-
8 craft squadrons and cancellation and curtailment of
9 Army training exercises. Marine and naval personnel
10 are not maintaining the standard 12- to 18-month
11 respite between six-month deployments away from
12 home. Marine Corps units are spending up to two of
13 their first four years away from their base camps.
14 The significantly increased pace of Department of
15 Defense operations has United States forces over de-
16 ployed.

17 (7) As of January 1, 1995, military pay is ap-
18 proximately 12.8 percent below comparable civilian
19 levels. As a result, it is estimated that close to
20 17,000 junior enlisted personnel have to rely on food
21 stamps and the Department of Defense will soon
22 begin providing supplementary food benefits to an
23 estimated 11,000 military personnel and dependents
24 living overseas.

1 (8) Defense modernization programs to main-
2 tain the battlefield technology edge of the United
3 States over other nations are being delayed or can-
4 celed in an attempt to prevent the further erosion of
5 military force readiness.

6 (9) The centerpiece of the Administration's de-
7 fense strategy, the Bottom Up Review, reduces Navy
8 ships by one-third, Air Force wings by almost one-
9 half, and funding for missile defenses by over 50
10 percent, and the General Accounting Office has re-
11 ported that even the restrictive Bottom Up Review
12 could be underfunded by \$150,000,000,000.

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

18 **SEC. 102. POLICY.**

19 The Congress is committed to providing adequate re-
20 sources to protect the national security of the United
21 States.

22 **SEC. 103. PURPOSES.**

23 The purposes of this Act are—

1 (1) to establish a commission to reassess United
2 States military needs and reverse the continuing
3 downward spiral of defense spending;

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

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

10 (4) to maintain command and control by Unit-
11 ed States personnel of United States forces partici-
12 pating in United Nations peacekeeping operations;

13 (5) to reduce the cost to the United States of
14 United Nations peacekeeping activities and to press
15 for reforms in the United Nations management
16 practices; and

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

20 **TITLE II—MISSILE DEFENSE**

21 **SEC. 201. POLICY.**

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

23 (1) deploy at the earliest possible date an anti-
24 ballistic missile system that is capable of providing

1 a highly effective defense of the United States
2 against ballistic missile attacks; and

3 (2) provide at the earliest possible date highly
4 effective theater missile defenses (TMDs) to for-
5 ward-deployed and expeditionary elements of the
6 Armed Forces of the United States and to friendly
7 forces and allies of the United States.

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

9 (a) ABM SYSTEMS.—The Secretary of Defense shall
10 develop for deployment at the earliest possible date a cost-
11 effective, operationally effective antiballistic missile system
12 designed to protect the United States against ballistic mis-
13 sile attacks.

14 (b) ADVANCED THEATER MISSILE DEFENSES.—The
15 Secretary of Defense shall develop for deployment at the
16 earliest possible date advanced theater missile defense sys-
17 tems.

18 **SEC. 203. REPORT TO CONGRESS.**

19 (a) REQUIREMENT.—Not later than 60 days after the
20 date of the enactment of this Act, the Secretary of Defense
21 shall submit to the congressional defense committees a
22 plan for the deployment of an antiballistic missile system
23 pursuant to section 202(a) and for the deployment of the-
24 ater missile defense systems pursuant to section 202(b).

1 (b) CONGRESSIONAL DEFENSE COMMITTEES.—For
2 purposes of this section, the term “congressional defense
3 committees” means—

4 (1) the Committee on National Security and the
5 Committee on Appropriations of the House of Rep-
6 resentatives; and

7 (2) the Committee on Armed Services and the
8 Committee on Appropriations of the Senate.

9 **TITLE III—REVITALIZATION OF**
10 **NATIONAL SECURITY COM-**
11 **MISSION**

12 **SEC. 301. ESTABLISHMENT.**

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

16 **SEC. 302. COMPOSITION.**

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

19 (1) Four members shall be appointed by the
20 President.

21 (2) Four members shall be appointed by the
22 Speaker of the House of Representatives in consulta-
23 tion with the minority leader of the House of Rep-
24 resentatives.

1 (3) Four members shall be appointed by the
2 President pro tempore of the Senate upon the rec-
3 ommendation of the majority leader and the minor-
4 ity leader of the Senate.

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

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

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

19 (e) CHAIRMAN.—The chairman of the Commission
20 shall be designated jointly by the Speaker of the House
21 of Representatives and the majority leader of the Senate
22 from among members of the Commission appointed under
23 subsection (a)(2) or (a)(3).

1 **SEC. 303. DUTIES.**

2 (a) COMPREHENSIVE REVIEW.—The Commission
3 shall conduct a comprehensive review of the long-term na-
4 tional security needs of the United States. The review
5 shall include the following:

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

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

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

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

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

23 (6) An assessment of the funding needs of the
24 Department of Defense necessary to support the
25 long-term national security requirements of the
26 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 of the United
12 States of expanding the membership of the North
13 Atlantic Treaty Organization.

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

17 (1) Provide members of the Armed Forces with
18 annual pay raises and other compensation at levels
19 sufficient to begin closing the gap with comparable
20 civilian pay levels.

21 (2) Fully fund cost-effective missile defense sys-
22 tems that are deployable at the earliest possible date
23 following enactment of this Act.

1 (3) Maintain adequate funding for military
2 readiness accounts without sacrificing modernization
3 programs.

4 (4) Define policies for committing troops to
5 peace keeping, peacemaking, peace-enforcing, or hu-
6 manitarian missions.

7 (5) Provide a stronger role for Guard and Re-
8 serve forces.

9 (6) Provide a new funding system to avoid di-
10 versions from military readiness accounts to pay for
11 peace keeping and humanitarian deployments such
12 as Haiti and Rwanda.

13 **SEC. 304. REPORTS.**

14 (a) FINAL REPORT.—The Commission shall submit
15 to the President and the designated congressional commit-
16 tees a report on the assessments and recommendations re-
17 ferred to in section 303 not later than January 1, 1996.
18 The report shall be submitted in unclassified and classified
19 versions.

20 (b) INTERIM REPORT.—The Commission shall sub-
21 mit to the President and the designated congressional
22 committees an interim report describing the Commission's
23 progress in fulfilling its duties under section 303. The in-
24 terim report shall include any preliminary recommenda-

1 tions the Commission may have reached and shall be sub-
2 mitted not later than October 1, 1995.

3 (c) DESIGNATED CONGRESSIONAL COMMITTEES.—

4 For purposes of this section, the term “designated con-
5 gressional committees” means—

6 (1) the Committee on National Security, the
7 Committee on International Relations, and the Com-
8 mittee on Appropriations of the House of Represent-
9 atives; and

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

13 **SEC. 305. POWERS.**

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

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

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

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

9 **SEC. 306. COMMISSION PROCEDURES.**

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

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

16 **SEC. 307. PERSONNEL MATTERS.**

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

23 (b) STAFF.—The Commission shall appoint a staff
24 director, who shall be paid at a rate not to exceed the
25 maximum rate of basic pay under section 5376 of title

1 5, United States Code, and such professional and clerical
2 personnel as may be reasonable and necessary to enable
3 the Commission to carry out its duties under this title
4 without regard to the provisions of title 5, United States
5 Code, governing appointments in the competitive service,
6 and without regard to the provisions of chapter 51 and
7 subchapter III of chapter 53 of such title, or any other
8 provision of law, relating to the number, classification, and
9 General Schedule rates. No employee appointed under this
10 subsection (other than the staff director) may be com-
11 pensated at a rate to exceed the maximum rate applicable
12 to level 15 of the General Schedule.

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

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

23 The Commission shall terminate upon submission of
24 the final report required by section 303.

1 **SEC. 309. FUNDING.**

2 Of the funds available to the Department of Defense,
3 \$1,500,000 shall be made available to the Commission to
4 carry out the provisions of this title.

5 **TITLE IV—COMMAND OF UNITED**
6 **STATES FORCES**

7 **SEC. 401. LIMITATION ON EXPENDITURE OF DEPARTMENT**
8 **OF DEFENSE FUNDS FOR UNITED STATES**
9 **FORCES PLACED UNDER COMMAND OR**
10 **OPERATIONAL CONTROL OF A FOREIGN NA-**
11 **TIONAL ACTING ON BEHALF OF THE UNITED**
12 **NATIONS.**

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

16 **“§405. Placement of United States forces under com-**
17 **mand or operational control of foreign**
18 **nationals acting on behalf of the United**
19 **Nations: limitation**

20 “(a) LIMITATION.—(1) Except as provided in sub-
21 sections (b) and (c), funds appropriated or otherwise made
22 available for the Department of Defense may not be obli-
23 gated or expended for activities of any element of the
24 armed forces that after the date of the enactment of this
25 section is placed under the command or operational con-
26 trol of a foreign national acting on behalf of the United

1 Nations for the purpose of international peacekeeping,
2 peacemaking, peace-enforcing, or similar activity that is
3 authorized by the Secretary Council under chapter VI or
4 VII of the Charter of the United Nations.

5 “(2) For purposes of this section, elements of the
6 armed forces shall be considered to be placed under the
7 command or operational control of a foreign national act-
8 ing on behalf of the United Nations only in a case in which
9 the senior military commander of the United Nations force
10 or operation is a foreign national.

11 “(b) EXCEPTION FOR PRESIDENTIAL CERTIFI-
12 CATION.—(1) Subsection (a) shall not apply in the case
13 of a proposed placement of any element of the armed
14 forces under such command or operational control if the
15 President, not less than 15 days before the date on which
16 such command or operational control is to become effec-
17 tive (or as provided in paragraph (2)), meets the require-
18 ments of subsection (d).

19 “(2) If the President certifies to Congress that an
20 emergency exists that precludes the President from meet-
21 ing the requirements of subsection (d) 15 days before plac-
22 ing any element of the armed forces under such command
23 or operational control, the President may place such forces
24 under such command or operational control and meet the
25 requirements of subsection (d) in a timely manner, but

1 in no event later than 48 hours after such command or
2 operational control becomes effective.

3 “(c) EXCEPTION FOR AUTHORIZATION BY LAW.—
4 Subsection (a) shall not apply in the case of a proposed
5 placement of any element of the armed forces under such
6 command or operational control if the Congress specifi-
7 cally authorizes by law that particular placement of Unit-
8 ed States forces under such command or operational con-
9 trol.

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

13 “(1) Certification by the President that—

14 “(A) such a command or operational con-
15 trol arrangement is necessary to protect na-
16 tional security interests of the United States;

17 “(B) the commander of any unit of the
18 armed forces proposed for placement under the
19 command or operational control of a foreign na-
20 tional acting directly on behalf of the United
21 Nations will at all times retain the right—

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

24 “(ii) to decline to comply with orders
25 judged by the commander to be illegal,

1 militarily imprudent, or beyond the man-
2 date of the mission to which the United
3 States agreed with the United Nations,
4 until such time as that commander receives
5 direction from superior United States mili-
6 tary authorities with respect to the orders
7 that the commander has declined to com-
8 ply with;

9 “(C) any element of the armed forces pro-
10 posed for placement under the command or
11 operational control of a foreign national acting
12 directly on behalf of the United Nations will at
13 all times remain under United States adminis-
14 trative command for such purposes as discipline
15 and evaluation; and

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

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

22 “(A) A description of the national security
23 interests that require the placement of United
24 States forces under the command or operational

1 control of a foreign national acting directly on
2 behalf of the United Nations.

3 “(B) The mission of the United States
4 forces involved.

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

7 “(D) The incremental cost to the United
8 States of participation in the United Nations
9 operation by the United States forces which are
10 proposed to be placed under the command or
11 operational control of a foreign national.

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

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

21 “(G) The extent to which the United
22 States forces involved will rely on non-United
23 States forces for security and self-defense and
24 an assessment on the ability of those non-Unit-

1 ed States forces to provide adequate security to
2 the United States forces involved.

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

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

8 “(f) EXCEPTION FOR SMALL FORCES.—This section
9 does not apply in a case in which fewer than 50 members
10 of the armed forces are participating in a particular Unit-
11 ed Nations operation or activity.

12 “(g) INTERPRETATION.—Nothing in this section may
13 be construed—

14 “(1) as authority for the President to use any
15 element of the armed forces in any operation; or

16 “(2) as authority for the President to place any
17 element of the armed forces under the command or
18 operational control of a foreign national.”.

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

“405. Placement of United States forces under command or operational control
of foreign nationals acting on behalf of the United Nations:
limitation.”.

22 (b) REPORT RELATING TO CONSTITUTIONALITY.—
23 No certification may be submitted by the President under
24 section 405(d)(1) of title 10, United States Code, as added

1 by subsection (a), until the President has submitted to the
2 Congress (after the date of the enactment of this Act) a
3 memorandum of legal points and authorities explaining
4 why the placement of elements of United States Armed
5 Forces under the command or operational control of a for-
6 eign national acting on behalf of the United Nations does
7 not violate the Constitution.

8 (c) EXCEPTION FOR ONGOING OPERATION IN MAC-
9 EDONIA.—Section 405 of title 10, United States Code, as
10 added by subsection (a) does not apply in the case of ac-
11 tivities of the Armed Forces in Macedonia pursuant to
12 United Nations Security Council Resolutions 795, adopted
13 December 11, 1992, and 842, adopted June 18, 1993, as
14 part of the United Nations force designated as the United
15 Nations Protection Force (UNPROFOR).

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

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

23 “SEC. 6. (a) AGREEMENTS WITH SECURITY COUN-
24 CIL.—(1) Any special agreement described in paragraph
25 (2) that is concluded by the President with the Security

1 Council shall not be effective unless approved by the Con-
2 gress by law.

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

11 “(b) LIMITATION.—(1) Except as provided in sub-
12 sections (c) and (d), the President may not place any ele-
13 ment of the Armed Forces under the command or oper-
14 ational control of a foreign national acting on behalf of
15 the United Nations for the purpose of international peace-
16 keeping, peacemaking, peace-enforcing, or similar activity
17 that is authorized by the Secretary Council under chapter
18 VI or VII of the Charter of the United Nations.

19 “(2) For purposes of this section, elements of the
20 Armed Forces shall be considered to be placed under the
21 command or operational control of a foreign national act-
22 ing on behalf of the United Nations only in a case in which
23 the senior military commander of the United Nations force
24 or operation is a foreign national.

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

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

18 “(d) EXCEPTION FOR AUTHORIZATION BY LAW.—
19 Subsection (b) shall not apply in the case of a proposed
20 placement of any element of the Armed Forces under such
21 command or operational control if the Congress specifi-
22 cally authorizes by law that particular placement of Unit-
23 ed States forces under such command or operational con-
24 trol.

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

4 “(1) Certification by the President that—

5 “(A) such a command or operational con-
6 trol arrangement is necessary to protect na-
7 tional security interests of the United States;

8 “(B) the commander of any unit of the
9 Armed Forces proposed for placement under
10 the command or operational control of a foreign
11 national acting directly on behalf of the United
12 Nations will at all times retain the right—

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

15 “(ii) to decline to comply with orders
16 judged by the commander to be illegal,
17 militarily imprudent, or beyond the man-
18 date of the mission to which the United
19 States agreed with the United Nations,
20 until such time as that commander receives
21 direction from superior United States mili-
22 tary authorities with respect to the orders
23 that the commander has declined to com-
24 ply with;

1 “(C) any element of the Armed Forces
2 proposed for placement under the command or
3 operational control of a foreign national acting
4 directly on behalf of the United Nations will at
5 all times remain under United States adminis-
6 trative command for such purposes as discipline
7 and evaluation; and

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

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

14 “(A) A description of the national security
15 interests that require the placement of United
16 States forces under the command or operational
17 control of a foreign national acting directly on
18 behalf of the United Nations.

19 “(B) The mission of the United States
20 forces involved.

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

23 “(D) The incremental cost to the United
24 States of participation in the United Nations
25 operation by the United States forces which are

1 proposed to be placed under the command or
2 operational control of a foreign national.

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

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

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

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

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

23 “(g) EXCEPTION FOR SMALL FORCES.—This section
24 does not apply in a case in which fewer than 50 members

1 of the Armed Forces are participating in a particular
2 United Nations operation or activity.

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

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

18 (c) EXCEPTION FOR ONGOING OPERATION IN MAC-
19 EDONIA.—Section 6 of the United Nations Participation
20 Act of 1945, as amended by subsection (a), does not apply
21 in the case of activities of the Armed Forces in Macedonia
22 pursuant to United Nations Security Council Resolutions
23 795, adopted December 11, 1992, and 842, adopted June
24 18, 1993, as part of the United Nations force designated
25 as the United Nations Protection Force (UNPROFOR).

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

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

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

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

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

“(B) the amount equal to—

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

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

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

4 “(2) ANNUAL REPORT.—The President shall, at
5 the time of submission of the budget to the Congress
6 for any fiscal year, submit to the designated con-
7 gressional committees a report on the total amount
8 of funds appropriated for national defense purposes
9 for any fiscal year that were expended during the
10 preceding fiscal year to support or participate in, di-
11 rectly or indirectly, United Nations peacekeeping ac-
12 tivities. Such report shall include a separate listing
13 by United Nations peacekeeping operation of the
14 amount of funds expended to support or participate
15 in each such operation.

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

18 “(A) UNITED NATIONS PEACEKEEPING AC-
19 TIVITIES.—The term ‘United Nations peace-
20 keeping activities’ means any international
21 peacekeeping, peacemaking, peace-enforcing, or
22 similar activity that is authorized by the United
23 Nations Security Council under chapter VI or
24 VII of the Charter of the United Nations.

1 Act, Fiscal Years 1994 and 1995 (Public Law 103-
2 236), revised—

3 (A) in paragraph (2)—

4 (i) in the matter preceding subpara-
5 graph (A), by inserting “in written form
6 not later than the 10th day of” after
7 “shall be provided”;

8 (ii) in subparagraph (A)(iv), by insert-
9 ing “(including facilities, training, trans-
10 portation, communication, intelligence, and
11 logistical support)” after “covered by the
12 resolution”; and

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

15 “(iv) A description of any other Unit-
16 ed States assistance to or support for the
17 operation (including facilities, training,
18 transportation, communication, intel-
19 ligence, and logistical support), and an es-
20 timate of the cost to the United States of
21 such assistance or support.”;

22 (B) by striking paragraph (3);

23 (C) by redesignating paragraph (4) as
24 paragraph (3) and in the last sentence of that

1 paragraph by striking “and (ii)” and inserting
2 “through (iv)”;

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

5 “(4) NEW UNITED NATIONS PEACEKEEPING OP-
6 ERATION DEFINED.—As used in paragraphs (2) (B)
7 and (3), the term ‘new United Nations peacekeeping
8 operation’ includes any existing or otherwise ongoing
9 United Nations peacekeeping operation—

10 “(A) that is to be expanded by more than
11 25 percent during the period covered by the Se-
12 curity Council resolution, as measured by either
13 the number of personnel participating (or au-
14 thorized to participate) in the operation or the
15 budget of the operation; or

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

19 (E) in paragraph (5)—

20 (i) by striking “(5) NOTIFICATION”
21 and all that follows through “(B) The
22 President” and inserting “(5) QUARTERLY
23 REPORTS.—The President”; and

1 (ii) by striking “section 4(d)” and all
2 that follows through “of this section)” and
3 inserting “subsection (d)”.

4 (b) CONFORMING REPEAL.—Subsection (a) of section
5 407 of the Foreign Relations Authorization Act, Fiscal
6 Years 1994 and 1995 (Public Law 103–236), is repealed.

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

11 “(f) DESIGNATED CONGRESSIONAL COMMITTEES.—
12 As used in this section, the term “designated congres-
13 sional committees” has the meaning given such term in
14 section 10(f).”.

15 **SEC. 503. NOTICE TO CONGRESS REGARDING UNITED**
16 **STATES CONTRIBUTIONS FOR UNITED NA-**
17 **TIONS PEACEKEEPING ACTIVITIES.**

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

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

23 “(1) NOTICE REGARDING UNITED NATIONS
24 BILLING REQUEST.—Not later than 15 days after
25 the date on which the United States receives from

1 the United Nations a billing requesting a payment
2 by the United States of any contribution for United
3 Nations peacekeeping activities, the President shall
4 so notify the designated congressional committees.

5 “(2) NOTICE REGARDING PROPOSED OBLIGA-
6 TION OF FUNDS.—The President shall notify the
7 designated congressional committees at least 15 days
8 before the United States obligates funds for any as-
9 sessed or voluntary contribution for United Nations
10 peacekeeping activities, except that if the President
11 determines that an emergency exists which prevents
12 compliance with the requirement that such notifica-
13 tion be provided 15 days in advance and that such
14 contribution is in the national security interests of
15 the United States, such notification shall be pro-
16 vided in a timely manner but no later than 48 hours
17 after such obligation.”.

18 **SEC. 504. REVISED NOTICE TO CONGRESS REGARDING**
19 **UNITED STATES ASSISTANCE FOR UNITED**
20 **NATIONS PEACEKEEPING ACTIVITIES.**

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

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

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

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

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

10 “(A) assistance having a value of less than
11 \$1,000,000 in the case of nonreimbursable assist-
12 ance or less than \$5,000,000 in the case of reim-
13 bursable assistance; or

14 “(B) assistance provided under the emergency
15 drawdown authority contained in sections 506(a)(1)
16 and 552(c)(2) of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2318(a)(1), 2348a(c)(2)).

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

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

3 “(A) means assistance of any kind, including
4 logistical support, supplies, goods, or services (in-
5 cluding command, control, communications or intel-
6 ligence assistance and training), and the grant of
7 rights of passage; and

8 “(B) includes assistance provided through in-
9 kind contributions or through the provision of sup-
10 port, supplies, goods, or services on any terms, in-
11 cluding on a grant, lease, loan, or reimbursable
12 basis; but

13 “(C) does not include the payment of assessed
14 or voluntary contributions.”.

15 **SEC. 505. UNITED STATES CONTRIBUTIONS TO UNITED NA-**
16 **TIONS PEACEKEEPING ACTIVITIES.**

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

19 (1) by redesignating subparagraph (D) as sub-
20 paragraph (E); and

21 (2) by inserting after subparagraph (C) the fol-
22 lowing new subparagraph:

23 “(D) A description of the anticipated
24 budget for the next fiscal year for United

1 States participation in United Nations peace-
2 keeping activities, including a statement of—

3 “(i) the aggregate amount of funds
4 available to the United Nations for that
5 fiscal year, including assessed and vol-
6 untary contributions, which may be made
7 available for United Nations peacekeeping
8 activities; and

9 “(ii) the aggregate amount of funds
10 (from all accounts) and the aggregate costs
11 of in-kind contributions that the United
12 States proposes to make available to the
13 United Nations for that fiscal year for
14 United Nations peacekeeping activities.”.

15 **SEC. 506. REIMBURSEMENT TO THE UNITED STATES FOR**
16 **IN-KIND CONTRIBUTIONS TO UNITED NA-**
17 **TIONS PEACEKEEPING ACTIVITIES.**

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

21 (1) in subsection (b)—

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

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

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

2 “(2) The Secretary of Defense may waive the require-
3 ment for reimbursement under paragraph (1) if the Sec-
4 retary, after consultation with the Secretary of State and
5 the Director of the Office of Management and Budget, de-
6 termines that an emergency exists which justifies waiver
7 of that requirement. Any such waiver shall be submitted
8 to the designated congressional committees, as defined in
9 section 10(a)(3)(B), at least 15 days before it takes effect,
10 except that if the President determines that an emergency
11 exists which prevents compliance with the requirement
12 that the notification be provided 15 days in advance and
13 that the provision under subsection (a)(1) or (a)(2) of per-
14 sonnel or assistance on a nonreimbursable basis is in the
15 national security interests of the United States, such noti-
16 fication shall be provided in a timely manner but no later
17 than 48 hours after such waiver takes effect.”; and

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

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

1 (b) INITIAL REPORT.—

2 (1) IN GENERAL.—Not later than one year
3 after the date of the enactment of this Act, the Rep-
4 resentative of the United States to the United Na-
5 tions shall submit to the designated congressional
6 committees a report on all actions taken by the
7 United States mission to the United Nations to
8 achieve the objective described in section 7(f) of the
9 United Nations Participation Act of 1945, as added
10 by subsection (a)(2).

11 (2) DESIGNATED CONGRESSIONAL COMMITTEES
12 DEFINED.—As used in this subsection, the term
13 “designated congressional committees” has the
14 meaning given such term in section 10(a)(3)(B) of
15 the United Nations Participation Act of 1945, as
16 added by section 501.

17 **SEC. 507. PROHIBITION ON USE OF FUNDS TO PAY UNITED**
18 **STATES ASSESSED OR VOLUNTARY CON-**
19 **TRIBUTION FOR UNITED NATIONS PEACE-**
20 **KEEPING ACTIVITIES UNLESS DEPARTMENT**
21 **OF DEFENSE REIMBURSED BY UNITED NA-**
22 **TIONS FOR CERTAIN GOODS AND SERVICES.**

23 (a) IN GENERAL.—Section 10 of the United Nations
24 Participation Act of 1945 is amended by adding after sub-

1 section (b), as added by section 503, the following new
2 subsection:

3 “(c) PROHIBITION ON USE OF FUNDS TO PAY AS-
4 SSESSSED OR VOLUNTARY CONTRIBUTIONS FOR PEACE-
5 KEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE
6 REIMBURSED FOR CERTAIN GOODS AND SERVICES.—Ap-
7 propriated funds may not be used to pay any United
8 States assessed or voluntary contribution during any fiscal
9 year for United Nations peacekeeping activities until the
10 Secretary of Defense certifies to the Congress that the
11 United Nations has reimbursed the Department of De-
12 fense directly for all goods and services that were provided
13 to the United Nations by the Department of Defense on
14 a reimbursable basis during the preceding fiscal year for
15 United Nations peacekeeping activities, including person-
16 nel and assistance provided under section 7 (except to the
17 extent that the authority of subsection (b)(2) of such sec-
18 tion to waive the reimbursement requirement was exer-
19 cised with respect to such personnel or assistance).”.

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

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

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

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

12 “(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT
13 OF ASSESSMENT.—No funds available to the Department
14 of Defense shall be available for payment of any United
15 States assessed or voluntary contribution for United Na-
16 tions peacekeeping activities.

17 “(b) LIMITATION ON USE OF FUNDS FOR PARTICIPA-
18 TION IN PEACEKEEPING ACTIVITIES.—Funds available to
19 the Department of Defense may be used for payment of
20 the incremental costs associated with the participation of
21 elements of the armed forces in United Nations peacekeep-
22 ing activities only to the extent that Congress has by law
23 specifically authorized the use of those funds for such pur-
24 poses.”.

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

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

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

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

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

15 “(d) LIMITATION ON ASSESSED CONTRIBUTION
16 WITH RESPECT TO A PEACEKEEPING OPERATION.—
17 Funds authorized to be appropriated for ‘Contributions
18 for International Peacekeeping Activities’ for any fiscal
19 year shall not be available for the payment of the United
20 States assessed contribution for a United Nations peace-
21 keeping operation in an amount which is greater than 25
22 percent of the total amount of all assessed contributions
23 for that operation.”.

1 (b) EFFECTIVE DATE.—The limitation contained in
2 section 10(d) of the United Nations Participation Act of
3 1945, as added by subsection (a), shall apply only with
4 respect to funds authorized to be appropriated for “Con-
5 tributions for International Peacekeeping Activities” for
6 fiscal years after fiscal year 1995.

7 (c) CONFORMING AMENDMENT.—Section 404(b) of
8 the Foreign Relations Authorization Act, Fiscal Years
9 1994 and 1995 (Public Law 103–236) is amended by
10 striking paragraph (2).

11 **SEC. 510. BUY AMERICAN REQUIREMENT.**

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

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

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

4 “(1) the Committee on International Relations
5 and the Committee on Appropriations of the House
6 of Representatives; and

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

9 **SEC. 511. UNITED NATIONS BUDGETARY AND MANAGE-**
10 **MENT REFORM.**

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

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

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

23 “(2) ASSESSED CONTRIBUTIONS FOR UNITED
24 NATIONS PEACEKEEPING.—At the beginning of each
25 fiscal year, 50 percent of the amount of funds made

1 available for that fiscal year for United States as-
2 sessed contributions for United Nations peacekeep-
3 ing activities shall be withheld from obligation and
4 expenditure unless a certification for that fiscal year
5 has been made under subsection (b).

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

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

16 “(1) The United Nations has an independent
17 office of Inspector General to conduct and supervise
18 objective audits, inspections, and investigations re-
19 lating to programs and operations of the United Na-
20 tions.

21 “(2) The United Nations has an Inspector Gen-
22 eral who was appointed by the Secretary General
23 with the approval of the General Assembly and
24 whose appointment was made principally on the
25 basis of the appointee’s integrity and demonstrated

1 ability in accounting, auditing, financial analysis,
2 law, management analysis, public administration, or
3 investigation.

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

5 “(A) make investigations and reports relat-
6 ing to the administration of the programs and
7 operations of the United Nations;

8 “(B) have access to all records, documents,
9 and other available materials relating to those
10 programs and operations;

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

13 “(D) have access to all records and offi-
14 cials of the specialized agencies of the United
15 Nations.

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

24 “(5) The United Nations has fully implemented
25 procedures that ensure compliance with rec-

1 Nations only pursuant to a written agreement be-
2 tween the President and the Secretary General of
3 the United Nations.

4 “(2) CONTENT OF AGREEMENT.—Any such
5 agreement shall specify—

6 “(A) the types of intelligence to be pro-
7 vided to the United Nations;

8 “(B) the circumstances under which intel-
9 ligence may be provided to the United Nations;
10 and

11 “(C) the procedures to be observed by the
12 United Nations—

13 “(i) concerning persons who shall
14 have access to the intelligence provided;
15 and

16 “(ii) to protect the intelligence against
17 disclosure not authorized by the agree-
18 ment.

19 “(3) DURATION OF AGREEMENT.—Any such
20 agreement shall be effective for a period not to ex-
21 ceed one year from the date on which the agreement
22 enters into force.

23 “(b) ADVANCE NOTIFICATION TO CONGRESS.—An
24 agreement described in subsection (a) shall be effective
25 only if the President has transmitted the agreement to the

1 Committee on International Relations and the Permanent
2 Select Committee on Intelligence of the House of Rep-
3 resentatives and to the Committee on Foreign Relations
4 and the Select Committee on Intelligence of the Senate
5 not less than 30 days in advance of the entry into force
6 of the agreement.

7 “(c) DELEGATION OF AUTHORITY.—The President
8 may delegate the authority and assign the duties of the
9 President under this section only to the Secretary of De-
10 fense or the Director of Central Intelligence.

11 “(d) EXCEPTIONS.—Subsection (a) shall not apply to
12 the provision of intelligence—

13 “(1) that is provided only to, and for the use
14 of, United States Government personnel serving with
15 the United Nations; or

16 “(2) that is essential for the protection of na-
17 tionals of the United States, including members of
18 the United States Armed Forces and civilian person-
19 nel of the United States Government.

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

22 “(1) impair or otherwise affect the authority of
23 the Director of Central Intelligence to protect intel-
24 ligence sources and methods from unauthorized dis-
25 closure pursuant to section 103(c)(5) of the Na-

1 tional Security Act of 1947 (50 U.S.C. 403–3(c)(5));
2 or

3 “(2) supersede or otherwise affect the provi-
4 sions of—

5 “(A) title V of the National Security Act
6 of 1947 (50 U.S.C. 413–415); or

7 “(B) section 112b of title 1, United States
8 Code.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall take effect 60 days after the date of
11 the enactment of this Act.

12 **TITLE VI—REVITALIZATION AND**
13 **EXPANSION OF THE NORTH**
14 **ATLANTIC TREATY ORGANI-**
15 **ZATION**

16 **SEC. 601. SHORT TITLE.**

17 This title may be cited as the “NATO Revitalization
18 and Expansion Act of 1995”.

19 **SEC. 602. FINDINGS.**

20 The Congress makes the following findings:

21 (1) Since 1948, the North Atlantic Treaty Or-
22 ganization (NATO) has helped to guarantee the se-
23 curity, freedom, and prosperity of the United States
24 and its partners in the alliance.

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

3 (3) The steadfast and sustained commitment of
4 the member countries of NATO to mutual defense
5 against the threat of communist domination played
6 a significant role in precipitating the collapse of the
7 Iron Curtain and the demise of the Soviet Union.

8 (4) In the place of that threat, new security
9 threats are emerging to the shared interests of the
10 member countries of NATO.

11 (5) Although these new threats are more geo-
12 graphically and functionally diverse and less predict-
13 able, they still imperil shared interests of the United
14 States and its NATO allies.

15 (6) Western interests must be protected on a
16 cooperative basis without an undue burden falling
17 upon the United States.

18 (7) NATO is the only multilateral organization
19 that is capable of conducting effective military oper-
20 ations to protect Western interests.

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

1 (9) NATO is an important diplomatic forum for
2 discussion of issues of concern to its member states
3 and for the peaceful resolution of disputes.

4 (10) Admission of Central and East European
5 countries that have recently been freed from Com-
6 munist domination to NATO could contribute to
7 international peace and enhance the security of
8 those countries.

9 (11) A number of countries, including the
10 Visegrad countries (the Czech Republic, Hungary,
11 Poland, and Slovakia), the Baltic states (Estonia,
12 Latvia, and Lithuania), and Ukraine, have expressed
13 interest in NATO membership.

14 (12) In recognition of this interest, the Partner-
15 ship for Peace proposal offers limited military co-
16 operation to many European countries not currently
17 members of NATO, but fails to establish bench-
18 marks or guidelines for eventual NATO membership.

19 (13) In particular, Poland, Hungary, the Czech
20 Republic, and Slovakia have made significant
21 progress toward establishing democratic institutions,
22 free market economies, civilian control of their
23 armed forces, police, and intelligence services, and
24 the rule of law since the fall of their previous Com-
25 munist governments.

1 **SEC. 603. UNITED STATES POLICY.**

2 It should be the policy of the United States—

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

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

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

10 (B) the need to assure all countries of the
11 defensive nature of the alliance and the desire
12 of its members to work cooperatively with all
13 former adversaries;

14 (C) the emerging security threats posed by
15 the proliferation of nuclear, chemical, and bio-
16 logical weapons of mass destruction and the
17 means to deliver them;

18 (D) the continuing challenges to the inter-
19 ests of all NATO member countries posed by
20 unstable and undemocratic regimes harboring
21 hostile intentions; and

22 (E) the dependence of the global economy
23 on a stable energy supply and the free flow of
24 commerce;

25 (3) to affirm that NATO military planning
26 should include joint military operations beyond the

1 geographic bounds of the alliance under Article 4 of
2 the North Atlantic Treaty when the shared interests
3 of the United States and other member countries re-
4 quire such action to defend vital interests;

5 (4) that Poland, Hungary, the Czech Republic,
6 and Slovakia should be in a position to further the
7 principles of the North Atlantic Treaty and to con-
8 tribute to the security of the North Atlantic area not
9 later than January 10, 1999 (5 years from the date
10 of the establishment of the Partnership for Peace),
11 and, in accordance with Article 10 of such Treaty,
12 should be invited to become full NATO members not
13 later than that date, provided these countries—

14 (A) meet appropriate standards, includ-
15 ing—

16 (i) shared values and interests;

17 (ii) democratic governments;

18 (iii) free market economies;

19 (iv) civilian control of the military, of
20 the police, and of intelligence services;

21 (v) adherence to the values, principles,
22 and political commitments embodied in the
23 Helsinki Final Act of the Conference on
24 Security and Cooperation in Europe;

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

4 (vii) commitment to accept the obliga-
5 tions, responsibilities, and costs of NATO
6 membership; and

7 (viii) commitment to implement infra-
8 structure development activities that will
9 facilitate participation in and support for
10 NATO military activities; and

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

14 (5) that the United States, other NATO mem-
15 ber nations, and NATO itself should furnish appro-
16 priate assistance to facilitate the transition of Po-
17 land, Hungary, the Czech Republic, and Slovakia to
18 full NATO membership not later than January 10,
19 1999; and

20 (6) that other European countries emerging
21 from communist domination, in particular the Baltic
22 states (Estonia, Latvia, and Lithuania) and
23 Ukraine, may be in a position at a future date to
24 further the principles of the North Atlantic Treaty
25 and to contribute to the security of the North Atlan-

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

12 “(A) has made significant progress toward
13 establishing—

14 “(i) shared values and interests;

15 “(ii) democratic governments;

16 “(iii) free market economies;

17 “(iv) civilian control of the military, of
18 the police, and of intelligence services;

19 “(v) adherence to the values, prin-
20 ciples, and political commitments embodied
21 in the Helsinki Final Act of the Conference
22 on Security and Cooperation in Europe;
23 and

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

4 “(vii) commitment to accept the obli-
5 gations, responsibilities, and costs of
6 NATO membership; and

7 “(viii) commitment to implement in-
8 frastructure development activities that
9 will facilitate participation in and support
10 for NATO military activities; and

11 “(B) is likely, within five years of such de-
12 termination, to be in a position to further the
13 principles of the North Atlantic Treaty and to
14 contribute to the security of the North Atlantic
15 area.”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Subsections (b) and (c) of such section
18 are amended by striking “countries described in
19 such subsection” and inserting “countries des-
20 ignated under subsection (d)”.

21 (B) Subsection (e) of such section is
22 amended—

23 (i) by striking “subsection (d)” and
24 inserting “subsection (d)(2)”; and

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

3 (C) Section 204(c) of such Act is amended
4 by striking “any other” and inserting “any
5 country designated under section 203(d)(2)”.

6 (c) TYPES OF ASSISTANCE.—

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

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

11 (B) by inserting after paragraph (2) the
12 following new paragraph (3):

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

16 (2) ADDITIONAL ASSISTANCE.—

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

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

1 (B) EFFECTIVE DATE.—The amendment
2 made by subparagraph (A) does not apply with
3 respect to funds appropriated before the date of
4 the enactment of this Act.

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

9 “(g) PROHIBITION ON PROVIDING ASSISTANCE TO
10 FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILI-
11 TARY EQUIPMENT TO COUNTRIES SUPPORTING INTER-
12 NATIONAL TERRORISM.—Assistance may only be provided
13 through the program established under subsection (a) sub-
14 ject to the same terms and conditions that apply under
15 section 563 of the Foreign Operations, Export Financing,
16 and Related Programs Appropriations Act, 1995 (Public
17 Law 103–306), with respect to the making available to
18 foreign governments of funds appropriated or otherwise
19 made available under that Act.”.

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

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

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

3 (3) by redesignating paragraphs (1) and (2) as
4 paragraphs (2) and (3), respectively;

5 (4) by inserting before paragraph (2), as so re-
6 designated, the following new paragraph (1):

7 “(1) An assessment of the progress made by
8 Poland, Hungary, the Czech Republic, and Slovakia
9 and by any country designated by the President
10 under section 203(d)(2) toward meeting the stand-
11 ards for NATO membership set forth in Article 10
12 of the North Atlantic Treaty, including—

13 “(A) an assessment of the progress of each
14 such country toward establishing—

15 “(i) shared values and interests;

16 “(ii) democratic governments;

17 “(iii) free market economies;

18 “(iv) civilian control of the military, of
19 the police, and of intelligence services;

20 “(v) adherence to the values, prin-
21 ciples, and political commitments embodied
22 in the Helsinki Final Act of the Conference
23 on Security and Cooperation in Europe;

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

4 “(vii) commitment to accept the obli-
5 gations, responsibilities, and costs of
6 NATO membership; and

7 “(viii) commitment to implement in-
8 frastructure development activities that
9 will facilitate participation in and support
10 for NATO military activities; and

11 “(B) the commitment of each such country
12 to protecting the rights of all its citizens and
13 respecting the territorial integrity of its neigh-
14 bors.”; and

15 (5) in paragraphs (2) and (3), as so redesign-
16 ated, by striking “and other” and all that follows
17 through the period at the end and inserting “and
18 any country designated by the President pursuant to
19 section 203(d)(2).”.

20 (f) DEFINITIONS.—The NATO Participation Act of
21 1994 (title II of Public Law 103–447; 22 U.S.C. 1928
22 note) is amended by adding at the end the following new
23 section:

24 “**SEC. 206. DEFINITIONS.**

25 “For purposes of this title:

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

3 “(2) OTHER EUROPEAN COUNTRIES EMERGING
4 FROM COMMUNIST DOMINATION.—The term ‘other
5 European countries emerging from communist domi-
6 nation’ means—

7 “(A) any member of the Partnership for
8 Peace that is located—

9 “(i) in the territory of the former
10 Union of Soviet Socialist Republics; or

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

13 “(B) Estonia, Latvia, Lithuania, Romania,
14 Bulgaria, or Albania.

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

18 “(A) the Committee on International Rela-
19 tions, the Committee on National Security, and
20 the Committee on Appropriations of the House
21 of Representatives; and

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

1 **TITLE VII—BUDGET FIREWALLS**

2 **SEC. 701. RESTORATION OF BUDGET FIREWALLS FOR DE-**
3 **FENSE SPENDING.**

4 It is the sense of the Congress that so-called “budget
5 firewalls” between defense and domestic discretionary
6 spending should be established for each of fiscal years
7 1996, 1997, and 1998.

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