104TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { REPT. 104–18, Part 1

NATIONAL SECURITY REVITALIZATION ACT

FEBRUARY 6, 1995.—Ordered to be printed

Mr. SPENCE, from the Committee on National Security, submitted the following

REPORT

together with

ADDITIONAL AND DISSENTING VIEWS

[To accompany H.R. 7]

[Including cost estimate of the Congressional Budget Office]

The Committee on National Security, to whom was referred titles I, II, III, and V and section 401 of the bill (H.R. 7) to revitalize the national security of the United States, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Security Revitalization Act".

(b) TABLE OF CONTENTS.—The table of contents for 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.

99–006

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. 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.

TITLE VII—BUDGET FIREWALLS

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

TITLE I—FINDINGS, POLICY, AND PURPOSES

SEC. 101. FINDINGS.

The Congress finds the following:

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

(2) Those changes include the breakup of the Warsaw Pact alliance, the disintegration of the Soviet Union, and an increase in regional instability and conflict.

(3) While the magnitude and implications of these and other changes continues to evolve, the world remains an unstable and dangerous place. This uncertainty mandates the need for an on-going process to establish an appropriate national security strategy and the forces needed to implement that strategy.

(4) The centerpiece of the defense strategy of the Administration, the review of the Department of Defense conducted by the Secretary of Defense in 1993 known as the "Bottom Up Review", determined that United States forces must be—

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

(B) able to sustain robust overseas presence in peacetime;

(C) prepared for a variety of regional contingencies; and

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

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

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

(7) Since January 1993, presidential budgets and budget plans have set forth a reduction in defense spending of $156,000,000,000 through fiscal year 1999.

(8) The fiscal year 1995 budget is the 10th consecutive year of reductions in real defense spending and, with the exception of fiscal year 1948, represents the lowest percentage of gross domestic product for any defense budget since World War II.

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

(10) Despite severe reductions and shortfalls in defense funding and force structure, since 1993 United States military forces have been deployed more often and committed to more peacetime missions per year than ever before. Most of these missions involve United Nations peacekeeping and humanitarian efforts. At the end of fiscal year 1994, over 70,000 United States personnel were serving in such regions as Iraq, Bosnia, Macedonia, the Adriatic Sea, Rwanda, and the Caribbean Sea for missions involving Haiti and Cuba.

(11) Despite the dramatic increase in the pace of operations and the diversion of training and exercise funds to cover the costs of unbudgeted contingency operations, the Armed Forces of the United States remain the most capable, motivated, and effective military force in the world. The ability to successfully deploy and maintain support for the range of on-going contingency operations demonstrates the continued quality and professionalism of our troops.

(12) However, persistent indictations of declining readiness demonstrate that military units are entering the early stage of a long-term systemic readiness problem. This downward readiness trend risks a return to the "hollow forces" of the 1970s.

(13) At the end of fiscal year 1994, one-third of the units in the Army contingency force and all of the forward-deployed and follow-on Army divisions were reporting a reduced state of military readiness. During fiscal year 1994, training readiness declined for the Navy's Atlantic and Pacific fleets. Training funding shortfalls also resulted in a grounding of Navy and Marine Corps aircraft squadrons and cancellation and curtailment of Army training exercises. Marine and naval personnel are not maintaining the standard 12- to 18-month respite between six-month deployments away from home.

(14) The significant increase in deployments in support of peacekeeping, humanitarian, and contingency operations has placed great personnel tempo stress on many critical operational units.

(15) A real commitment to equitable compensation and protection of quality-of-life programs for servicemembers and their families is an esssential component to ensuring high personnel morale and sustaining force readiness. However, as of January 1, 1995, military pay is approximately 12.8 percent below comparable civilian levels. As a result, it is estimated that close to 17,000 junior enlisted personnel have to rely on food stamps and the Department of Defense will soon begin providing supplementary food benefits to an estimated 11,000 military personnel and dependents living overseas.

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

(17) The fiscal year 1995 defense budget failed to meet the current force structure goal of 184 modern long-range bombers, as established in the Bottom-Up Review. Unless this long-range bomber capability shortfall is addressed promptly, the Nation's ability to project force will be undermined and the existing bomber industrial base may be placed at risk.

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

(19) United Nations assessments to the United States for peacekeeping missions totaled over $1,000,000,000 in 1994. The United States is assessed 31.7 percent of annual United Nations costs for peacekeeping and other United Nations missions. The next highest contributor, Japan, only pays 12.5 percent of such costs. The Department of Defense also incurs hundreds of millions of dollars in costs every year for United States military participation in United Nations peacekeeping or humanitarian missions, most of which are not reimbursed by the United Nations. For fiscal year 1994, these Department of Defense costs totaled over $1,721,000,000.

SEC. 102. POLICY.

The Congress is committed to providing adequate resources to protect the national security interests of the United States, including the resources necessary—

(1) to provide for sufficient forces to meet the national security strategy of being able to fight and win two nearly simultaneously major regional conflicts;

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

(3) to maintain a high quality-of-life for military personnel and their dependents;

(4) to maintain a high level of military readiness and take all necessary steps to avoid a return to the "hollow forces" of the 1970s;

(5) to fully provide for the necessary modernization of United States military forces in order to ensure their technological superiority over any adversary; and

(6) to develop and deploy at the earliest practical date highly effective national and theater missile defense systems.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish an advisory commission to assess United States military needs and address the problems posed by the continuing downward spiral of defense spending;

(2) to commit the United States to accelerate the development and deployment of theater and national ballistic missile defense capabilities;

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

(4) to maintain adequate command and control by United States personnel of United States forces participating in United Nations peacekeeping operations;

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

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

TITLE II—MISSILE DEFENSE

SEC. 201. POLICY.

It shall be the policy of the United States to—

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

(2) provide at the earliest practical date highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friendly forces and allies of the United States.

SEC. 202. ACTIONS OF THE SECRETARY OF DEFENSE.

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

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

SEC. 203. REPORT TO CONGRESS.

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

(b) CONGRESSIONAL DEFENSE COMMITTEES.—For purposes of this section, the term "congressional defense committees" means—

(1) the Committee on National Security and the Committee on Appropriations of the House of Representatives; and

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

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

SEC. 301. ESTABLISHMENT.

There is hereby established an advisory commission to be known as the "Revitalization of National Security Commission" (hereinafter in this title referred to as the "Commission").

SEC. 302. COMPOSITION.

(a) APPOINTMENT.—The Commission shall be composed of 12 members, appointed as follows:

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

(2) Four members shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the minority leader of the House of Representatives.

(3) Four members shall be appointed by the president pro tempore of the Senate, three of whom shall be appointed upon the recommendation of the majority leader of the Senate and one of whom shall be appointed upon the recommendation of the minority leader of the Senate.

(b) QUALIFICATIONS.—The members of the Commission shall be appointed from among persons having knowledge and experience in defense and foreign policy.

(c) TERM OF MEMBERS; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

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

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

SEC. 303. DUTIES.

(a) COMPREHENSIVE REVIEW.—The Commission shall conduct a comprehensive review of the long-term national security needs of the United States. The review shall include the following:

(1) An assessment of the need for a new national security strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(2) An assessment of the need for a new national military strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(3) An assessment of the military force structure necessary to support the new strategies identified under paragraphs (1) and (2).

(4) An assessment of force modernization requirements necessary to support the new strategies identified under paragraphs (1) and (2).

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

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

(7) An assessment of the adequacy of the force structure recommended in the 1993 Bottom-Up Review in executing the national military strategy.

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

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

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

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

the dependence of some members of the Armed Forces and their families on Federal and local assistance programs.

(12) An assessment of the need to revise the command and control structure of the Army Reserve.

(b) MATTERS TO BE CONSIDERED.—In carrying out the review, the Commission shall develop specific recommendations to accomplish each of the following:

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

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

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

(4) Define policies for committing troops to peacekeeping, peacemaking, peace-enforcing, or humanitarian missions.

(5) Maintain a strong role for Guard and Reserve forces.

(6) Provide a new funding system to avoid diversions from military readiness accounts to pay for peacekeeping and humanitarian deployments such as Haiti and Rwanda.

(7) Support measures to enhance security in the Asia-Pacific region, including security for the ASEAN Regional Forum member nations.

(8) Reduce the level of defense expenditures for non-defense programs.

SEC. 304. REPORTS.

(a) FINAL REPORT.—The Commission shall submit to the President and the designated congressional committees a report on the assessments and recommendations referred to in section 303 not later than January 1, 1996. The report shall be submitted in unclassified and classified versions.

(b) INTERIM REPORT.—The Commission shall submit to the President and the designated congressional committees an interim report describing the Commission's progress in fulfilling its duties under section 303. The interim report shall include any preliminary recommendations the Commission may have reached and shall be submitted not later than October 1, 1995.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "designated congressional committees" means—

(1) the Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives; and

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

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

SEC. 305. POWERS.

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

(b) ASSISTANCE FROM OTHER AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this title, as may be necessary to carry out such duties. Upon request of the chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

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

SEC. 306. COMMISSION PROCEDURES.

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

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

SEC. 307. PERSONNEL MATTERS.

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

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

(c) DETAILED PERSONNEL.—Upon request of the chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

SEC. 308. TERMINATION OF THE COMMISSION.

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

SEC. 309. FUNDING.

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

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.

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

"§ 405. Placement of United States forces under United Nations command or control: limitation

"(a) LIMITATION.—(1) Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations command or control.

"(2) In this section, the term 'under United Nations command or control' means under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations if the senior military commander of the United Nations force or operation—

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

"(B) is a United States military officer serving on active duty in a case in which—

"(i) elements of the armed forces of the United States assigned or detailed to that force or operation are under the command or operational control of a foreign national; and

"(ii) that senior military commander does not have the authority to dismiss any subordinate officer in the chain of command (regardless of nationality) who is exercising command or operational control over United States forces, to establish rules of engagement for United States forces involved, and to establish criteria governing the operational employment of United States forces involved.

"(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under United Nations command or control if the President, not less than 15 days before

the date on which such United Nations command or control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing any element of the armed forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

"(c) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under United Nations command or control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations command or control.

"(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that—

"(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

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

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

"(C) any element of the armed forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

"(D) the United States will retain the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

"(A) A description of the national security interests that require the placement of United States forces under United Nations command or control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations command or control.

"(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

"(H) The timetable for complete withdrawal of the United States forces involved.

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

"(f) EXCEPTION FOR SMALL FORCES.—This section does not apply in a case in which fewer than 50 members of the armed forces are participating in a particular United Nations operation or activity.

"(g) INTERPRETATION.—Nothing in this section may be construed—

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

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

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

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

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

(c) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces in Macedonia authorized pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions, and in the case of activities of the Armed Forces in Croatia authorized pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions, as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR).

SEC. 402. LIMITATION ON PLACEMENT OF UNITED STATES ARMED FORCES UNDER FOREIGN CONTROL FOR A UNITED NATIONS PEACEKEEPING ACTIVITY.

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

"SEC. 6. (a) AGREEMENTS WITH SECURITY COUNCIL.—(1) Any special agreement described in paragraph (2) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by law.

"(2) An agreement referred to in paragraph (1) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

"(b) LIMITATION.—(1) Except as provided in subsections (c) and (d), the President may not place any element of the Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Secretary Council under chapter VI or VII of the Charter of the United Nations.

"(2) For purposes of this section, elements of the Armed Forces shall be considered to be placed under the command or operational control of a foreign national acting on behalf of the United Nations only in a case in which the senior military commander of the United Nations force or operation is a foreign national.

"(c) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (b) shall not apply in the case of a proposed placement of any element of the Armed Forces under such command or operational control if the President, not less than 15 days before the date on which such command or operational control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (e).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (e) 15 days before placing any element of the Armed Forces under such command or operational control, the President may place such forces under such command or operational control and meet the requirements of subsection (e) in a timely manner, but in no event later than 48 hours after such command or operational control becomes effective.

"(d) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (b) shall not apply in the case of a proposed placement of any element of the Armed Forces under such command or operational control if the Congress specifically authorizes by law that particular placement of United States forces under such command or operational control.

"(e) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (c)(1) are that the President submit to Congress the following:

"(1) Certification by the President that—

"(A) such a command or operational control arrangement is necessary to protect national security interests of the United States;

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

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

"(C) any element of the Armed Forces proposed for placement under the command or operational control of a foreign national acting directly on behalf of the United Nations will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

"(D) the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

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

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

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

"(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

"(H) The timetable for complete withdrawal of the United States forces involved.

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

"(g) EXCEPTION FOR SMALL FORCES.—This section does not apply in a case in which fewer than 50 members of the Armed Forces are participating in a particular United Nations operation or activity.

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

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 6(e)(1) of the United Nations Participation Act of 1945, as amended by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATION IN MACEDONIA.—Section 6 of the United Nations Participation Act of 1945, as amended by subsection (a), does not apply in the case of activities of the Armed Forces in Macedonia pursuant to United Nations Security Council Resolutions 795, adopted December 11, 1992, and 842, adopted June 18, 1993, as part of the United Nations force designated 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 States support for, or participation in, United Nations peacekeeping activities for that preceding fiscal year.

"(2) ANNUAL REPORT.—The President shall, at the time of submission of the budget to the Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of funds appropriated for national defense purposes for any fiscal year that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

"(3) DEFINITIONS.—For purposes of this subsection:

"(A) UNITED NATIONS PEACEKEEPING ACTIVITIES.—The term 'United Nations peacekeeping activities' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

"(B) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' includes the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

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

SEC. 502. CODIFICATION OF REQUIRED NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) REQUIRED NOTICE.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (e) as subsection (f); and

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

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "in written form not later than the 10th day of" after "shall be provided";

(ii) in subparagraph (A)(iv), by inserting "(including facilities, training, transportation, communication, intelligence, and logistical support)" after "covered by the resolution"; and

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

"(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, intelligence, and logistical support), and an estimate of the cost to the United States of such assistance or support.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3) and in the last sentence of that paragraph by striking "and (ii)" and inserting "through (iv)";

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

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2) (B) and (3), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the num-

ber of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate."; and

(E) in paragraph (5)—

(i) by striking "(5) NOTIFICATION" and all that follows through "(B) The President" and inserting "(5) QUARTERLY REPORTS.—The President"; and

(ii) by striking "section 4(d)" and all that follows through "of this section)" and inserting "subsection (d)".

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

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

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term "designated congressional committees" has the meaning given such term in section 10(f).".

SEC. 503. NOTICE TO CONGRESS REGARDING UNITED STATES CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

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

"(b) NOTICE TO CONGRESS REGARDING CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.—

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

"(2) NOTICE REGARDING PROPOSED OBLIGATION OF FUNDS.—The President shall notify the designated congressional committees at least 15 days before the United States obligates funds for any assessed or voluntary contribution for United Nations peacekeeping activities, except that if the President determines that an emergency exists which prevents compliance with the requirement that such notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such obligation.".

SEC. 504. REVISED NOTICE TO CONGRESS REGARDING UNITED STATES ASSISTANCE FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

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

(1) in subsection (a), by inserting "other than subsection (e)(1)" after "any other law"; and

(2) by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraphs (2) and (3), at least 15 days before any agency or entity of the United States Government makes available to the United Nations any assistance or facility to support or facilitate United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

"(2) Paragraph (1) does not apply to—

"(A) assistance having a value of less than $1,000,000 in the case of nonreimbursable assistance or less than $5,000,000 in the case of reimbursable assistance; or

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

"(3) If the President determines that an emergency exists which prevents compliance with the requirement in paragraph (1) that notification be provided 15 days in advance and that the contribution of any such assistance or facility is in the national security interests of the United States, such notification shall be provided in a timely manner but not later than 48 hours after such assistance or facility is made available to the United Nations.

"(4) For purposes of this subsection, the term 'assistance'—

"(A) means assistance of any kind, including logistical support, supplies, goods, or services (including command, control, communications or intelligence assistance and training), and the grant of rights of passage; and

"(B) includes assistance provided through in-kind contributions or through the provision of support, supplies, goods, or services on any terms, including on a grant, lease, loan, or reimbursable basis; but

"(C) does not include the payment of assessed or voluntary contributions.".

SEC. 505. UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

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

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of—

"(i) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

"(ii) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.".

SEC. 506. REIMBURSEMENT TO THE UNITED STATES FOR IN-KIND CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

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

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by striking "United States: *Provided,*" through "*Provided further,* That when" and inserting "United States. When"; and

(C) by adding at the end the following:

"(2) The Secretary of Defense may waive the requirement for reimbursement under paragraph (1) if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver of that requirement. Any such waiver shall be submitted to the designated congressional committees, as defined in section 10(a)(3)(B), at least 15 days before it takes effect, except that if the President determines that an emergency exists which prevents compliance with the requirement that the notification be provided 15 days in advance and that the provision under subsection (a)(1) or (a)(2) of personnel or assistance on a nonreimbursable basis is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such waiver takes effect."; and

(2) by adding at the end the following new subsection:

"(f) The Secretary of State shall ensure that goods and services provided on a reimbursable basis by the Department of Defense to the United Nations for United Nations peacekeeping operations under this section or any other provision of law are reimbursed at the appropriate value, as determined by the Secretary of Defense.".

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Representative of the United States to the United Nations shall submit to the designated congressional committees a report on all actions taken by the United States mission to the United Nations to achieve the objective described in section 7(f) of the United Nations Participation Act of 1945, as added by subsection (a)(2).

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

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.

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

"(c) PROHIBITION ON USE OF FUNDS TO PAY ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE REIM-

BURSED FOR CERTAIN GOODS AND SERVICES.—Appropriated funds may not be used to pay any United States assessed or voluntary contribution during any fiscal year for United Nations peacekeeping activities until the Secretary of Defense certifies to the Congress that the United Nations has reimbursed the Department of Defense directly for all goods and services that were provided to the United Nations by the Department of Defense on a reimbursable basis during the preceding fiscal year for United Nations peacekeeping activities, including personnel and assistance provided under section 7 (except to the extent that the authority of subsection (b)(2) of such section to waive the reimbursement requirement was exercised with respect to such personnel or assistance).".

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

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

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

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

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

"(A) for the costs of a United Nations peacekeeping activity; or

"(B) for any United States arrearage to the United Nations.

"(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATION IN UNITED NATIONS PEACEKEEPING ACTIVITIES.—Funds available to the Department of Defense may be used for payment of the incremental costs associated with the participation of elements of the armed forces in a United Nations peacekeeping activity only to the extent that Congress has by law specifically authorized the use of those funds for that purpose.

"(c) COVERED PEACEKEEPING ACTIVITIES.—In this section, the term 'United Nations peacekeeping activity' means a peacekeeping activity carried out pursuant to a resolution of the United Nations Security Council for which costs are met (in whole or in part) through assessments by the United Nations to its member nations.".

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

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

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

SEC. 509. CODIFICATION OF LIMITATION ON AMOUNT OF UNITED STATES ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

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

"(d) LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation.".

(b) EFFECTIVE DATE.—The limitation contained in section 10(d) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for fiscal years after fiscal year 1995.

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

SEC. 510. BUY AMERICAN REQUIREMENT.

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

"(e) BUY AMERICAN REQUIREMENT.—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the designated congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term 'designated congressional committees' means—

"(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

SEC. 511. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

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

"SEC. 11. (a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

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

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

"(3) The Inspector General is authorized to—

"(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

"(B) have access to all records, documents, and other available materials relating to those programs and operations;

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

"(D) have access to all records and officials of the specialized agencies of the United Nations.

"(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

"(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations has provided, and is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.".

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

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

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

"SEC. 12. (a) CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.—

"(1) REQUIREMENT FOR AGREEMENT.—The United States may provide intelligence to the United Nations only pursuant to a written agreement between the President and the Secretary General of the United Nations.

"(2) CONTENT OF AGREEMENT.—Any such agreement shall specify—

"(A) the types of intelligence to be provided to the United Nations;

"(B) the circumstances under which intelligence may be provided to the United Nations; and

"(C) the procedures to be observed by the United Nations—

"(i) concerning persons who shall have access to the intelligence provided; and

"(ii) to protect the intelligence against disclosure not authorized by the agreement.

"(3) DURATION OF AGREEMENT.—Any such agreement shall be effective for a period not to exceed one year from the date on which the agreement enters into force.

"(b) ADVANCE NOTIFICATION TO CONGRESS.—An agreement described in subsection (a) shall be effective only if the President has transmitted the agreement to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate not less than 30 days in advance of the entry into force of the agreement.

"(c) DELEGATION OF AUTHORITY.—The President may delegate the authority and assign the duties of the President under this section only to the Secretary of Defense or the Director of Central Intelligence.

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

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

"(2) that is essential for the protection of nationals of the United States, including members of the United States Armed Forces and civilian personnel of the United States Government.

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

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

"(2) supersede or otherwise affect the provisions of—

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

"(B) section 112b of title 1, United States Code.".

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

TITLE VI—REVITALIZATION AND EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the "NATO Revitalization and Expansion Act of 1995".

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) Since 1948, the North Atlantic Treaty Organization (NATO) has helped to guarantee the security, freedom, and prosperity of the United States and its partners in the alliance.

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

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

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

(5) Although these new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and its NATO allies.

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

(7) NATO is the only multilateral organization that is capable of conducting effective military operations to protect Western interests.

(8) The valuable experience gained from ongoing military cooperation within NATO was critical to the success of joint military operations in the 1991 liberation of Kuwait.

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

(10) Admission of Central and East European countries that have recently been freed from Communist domination to NATO could contribute to international peace and enhance the security of those countries.

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

(12) In recognition of this interest, the Partnership for Peace proposal offers limited military cooperation to many European countries not currently members of NATO, but fails to establish benchmarks or guidelines for eventual NATO membership.

(13) In particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, police, and intelligence services, and the rule of law since the fall of their previous Communist governments.

SEC. 603. UNITED STATES POLICY.

It should be the policy of the United States—

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

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

(A) the fundamentally changed security environment of Central and Eastern Europe;

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

(C) the emerging security threats posed by the proliferation of nuclear, chemical, and biological weapons of mass destruction and the means to deliver them;

(D) the continuing challenges to the interests of all NATO member countries posed by unstable and undemocratic regimes harboring hostile intentions; and

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

(3) to affirm that NATO military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests;

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

(A) meet appropriate standards, including—

(i) shared values and interests;

(ii) democratic governments;

(iii) free market economies;

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

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

(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

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

(viii) commitment to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

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

(5) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of Poland, Hungary, the Czech Republic, and Slovakia to full NATO membership not later than January 10, 1999; and

(6) that other European countries emerging from communist domination, in particular the Baltic states (Estonia, Latvia, and Lithuania) and Ukraine, may be in a position at a future date to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, and at the appropriate time they should receive assistance to facilitate their transition to full NATO membership and should be invited to become full NATO members.

SEC. 604. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

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

"(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist in the transition to full NATO membership of Poland, Hungary, the Czech Republic, and Slovakia and any other European country emerging from communist domination that is designated by the President under subsection (d)(2).".

(b) ELIGIBLE COUNTRIES.—

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

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

"(1) SPECIFIED COUNTRIES.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, and Slovakia.

"(2) AUTHORITY FOR PRESIDENT TO DESIGNATE OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate other European countries emerging from communist domination (as defined in section 206) to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

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

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

"(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(vii) commitment to accept the obligations, responsibilities, and costs of NATO membership; and

"(viii) commitment to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

"(B) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of such section are amended by striking "countries described in such subsection" and inserting "countries designated under subsection (d)".

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

(i) by striking "subsection (d)" and inserting "subsection (d)(2)"; and

(ii) by inserting "(22 U.S.C. 2394)" before the period at the end.

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

(c) TYPES OF ASSISTANCE.—

(1) ECONOMIC SUPPORT ASSISTANCE.—Subsection (c) of section 203 of such Act is amended—

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

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

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

(2) ADDITIONAL ASSISTANCE.—

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

"(f) ADDITIONAL ASSISTANCE.—In carrying out the program established under subsection (a), the President may, in addition to the security assistance authorized to be provided under subsection (c), provide assistance to countries designated under subsection (d) from funds appropriated under the 'Nonproliferation and Disarmament Fund' account.".

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

(d) DISQUALIFICATION FROM ASSISTANCE FOR SUPPORT OF TERRORISM.—Section 203 of such Act is further amended by adding at the end the following new subsection:

"(g) PROHIBITION ON PROVIDING ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—Assistance may only be provided through the program established under subsection (a) subject to the same terms and conditions that apply under section 563 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1995 (Public Law 103–306), with respect to the making available to foreign governments of funds appropriated or otherwise made available under that Act.".

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

(1) by inserting "annual" in the section heading before the first word;

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

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

(4) by inserting before paragraph (2), as so redesignated, the following new paragraph (1):

"(1) An assessment of the progress made by Poland, Hungary, the Czech Republic, and Slovakia and by any country designated by the President under section 203(d)(2) toward meeting the standards for NATO membership set forth in Article 10 of the North Atlantic Treaty, including—

"(A) an assessment of the progress of each such country toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

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

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

"(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(vii) commitment to accept the obligations, responsibilities, and costs of NATO membership; and

"(viii) commitment to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

"(B) the commitment of each such country to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors."; and

(5) in paragraphs (2) and (3), as so redesignated, by striking "and other" and all that follows through the period at the end and inserting "and any country designated by the President pursuant to section 203(d)(2).".

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

"SEC. 206. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'other European countries emerging from communist domination' means—

"(A) any member of the Partnership for Peace that is located—

"(i) in the territory of the former Union of Soviet Socialist Republics; or

"(ii) in the territory of the former Socialist Federal Republic of Yugoslavia; or

"(B) Estonia, Latvia, Lithuania, Romania, Bulgaria, or Albania.

"(3) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.".

TITLE VII—BUDGET FIREWALLS

SEC. 701. RESTORATION OF BUDGET FIREWALLS FOR DEFENSE SPENDING.

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

PURPOSE AND BACKGROUND

Six years into the post-Cold War era, United States national security policy suffers from a lack of definition and credibility due to the significant mismatches between our defense strategy, military force structure and projected defense budgets. The 1993 Department of Defense "Bottom Up Review," intended to serve as the national security blueprint for the Clinton Administration, has been widely criticized as fundamentally flawed due to its unsuccessful attempt to reconcile a two major regional conflict defense strategy and an inadequate defense budget plan—a plan that actually predated the analysis underlying the Bottom Up Review strategy.

The consequent effect has been a defense program stretched beyond prudence. The Bottom Up Review recommendations are leading to dramatic reductions in U.S. military forces, including a reduction in the number of Navy ships by one-third, the number of Air Force wings by almost one-half, and the level of funding for missile defenses by over fifty percent.

Further, the defense budget proposed for fiscal year 1996 represents the eleventh consecutive year of real decline in defense spending and, with the exception of fiscal year 1948, will mark the lowest percentage of gross domestic product of any defense budget since World War II.

The combination of these significant reductions in military forces and defense budgets are being exacerbated by the increased pace

of operations resulting from the growing number of peacekeeping and humanitarian operations. These so-called contingency operations have led to personnel tempo problems and the diversion of already scarce training and exercise funds in order to maintain forward deployed forces. Not surprisingly, many military units are entering the early stages of a long-term systemic readiness crisis.

H.R. 7, the National Security Revitalization Act, is designed to serve as a critical step toward constructively addressing these and many other fundamental challenges afflicting U.S. national security policy. While H.R. 7 is not the vehicle for comprehensive legislative action on these issues, it serves as the policy framework to guide the 104th Congress as it moves through the traditional budget, authorization and appropriation process.

LEGISLATIVE HISTORY/COMMITTEE CONSIDERATION

H.R. 7 was introduced on January 4, 1995 by Representatives Floyd Spence, Benjamin Gilman, Ed Bryant and James A. Hayes. In a split referral, Titles I, II, III, V, and section 401 were referred to the Committee on National Security. Other sections and titles were referred to the Committee on International Relations, the Permanent Select Committee on Intelligence, and the Committee on the Budget.

The Committee on National Security held three hearings on H.R. 7 on January 19, 25, and 27. The first hearing addressed the issue of the adequacy of the Administration's defense funding plan. The second hearing addressed that portion of the bill pertaining to missile defense. At the third hearing the committee received testimony from Defense Secretary William Perry and Chairman of the Joint Chiefs of Staff John Shalikashvili on the position of the Department of Defense with respect to this legislation.

The bill was marked up on January 31, 1995 and, a quorum being present, reported favorably by a roll call vote of 41 to 13. The individual roll call results are placed at the end of this report.

SECTION-BY-SECTION ANALYSIS

The committee considered only those provisions of H.R. 7 referred to it pursuant to the referral message. Therefore, the section-by-section analysis only discusses those provisions considered to fall under the committee's jurisdiction.

TITLE I—FINDINGS, POLICY AND PURPOSES

Section 101—Findings

This provision would establish several findings providing the context and rationale for the National Security Revitalization Act.

Section 102—Policy

This provision would establish the policy objectives behind the National Security Revitalization Act.

Section 103—Purposes

This provision would summarize the purposes of the National Security Revitalization Act.

TITLE II—MISSILE DEFENSE

The proliferation of ballistic missiles and weapons of mass destruction poses a significant threat to U.S. military forces and U.S. global interests. The committee is concerned, however, that current Department of Defense policies and programs are not aggressive enough in responding to this threat.

For example, the current Administration's budget for theater missile defense (TMD) is approximately 30 percent less than spending levels recommended by the previous Administration. As a result, several of the most promising TMD concepts, such as the Navy's "Upper Tier" program and the Army's Theater High Altitude Area Defense (THAAD) system, have been delayed.

The committee is also concerned about the Administration's proposal to turn the 1972 Anti-Ballistic Missile (ABM) Treaty into a new, multilateral "ABM/TMD Treaty" in its arms control talks with Russia and others. Current U.S. proposals will impose specific design limitations on U.S. systems that will unnecessarily tie the hands of U.S. engineers and lead to a significantly compromised U.S. TMD capability.

The Administration's program for national missile defense—a defense of the American homeland—is even more worrisome. There is currently no commitment to deploy a national missile defense. In fact, the Department of Defense presently plans to spend over eighty percent less for national missile defense programs than the spending levels recommended by the previous Administration—approximately $500 million per year over the next five years. This is less money than President Carter spent on national missile defense two decades ago.

The Administration's decision to abandon plans to deploy a national missile defense is particularly disturbing in light of the range of potential missile threats to the United States. Both Russia and China today maintain and are aggressively modernizing nuclear forces capable of destroying American cities. Moreover, various "rogue regimes" are seeking a capability to attack the United States using ballistic missiles.

According to senior U.S. intelligence officials, it may not take long for an outlaw regime to acquire such a capability. For instance, the Defense Intelligence Agency Director, Lieutenant General James Clapper, on January 10, 1995, testified that North Korean missiles now under development probably have sufficient range to reach targets in Alaska. On January 18, 1995, the Acting Director of the Central Intelligence Agency, Admiral William Studeman, testified that "The proliferation . . . relates to the nonproprietary nature of technology. This means that what will be proliferated will be new and more diverse forms of lethality, increasing threat reach—that is, longer ranges, including ultimately ranges from problem states that can reach the United States toward the end of this decade and the beginning of [the next] century. * * *"

In response to these concerns, the committee recommends a provision (Title II) to strengthen the U.S. response to the missile proliferation threat. Title II commits the United States to the develop-

ment and deployment of effective and affordable national and theater missile defenses.

Section 201—Policy

This provision would establish that U.S. policy shall be to deploy a highly effective national missile defense (NMD) system, and to provide highly effective theater missile defense (TMD) systems to U.S. military forces and to friendly military forces and U.S. allies.

Section 202—Actions of the Secretary of Defense

This provision would require certain actions of the Secretary of Defense in carrying out the policy stated in Section 201. Subsection 202(a) would direct the Secretary to develop for deployment a NMD system designed to protect the United States against ballistic missile attacks. Subsection 202(b) would direct the Secretary to develop for deployment advanced TMD systems. The Secretary would be further directed to develop for deployment the NMD system and the advanced TMD systems "at the earliest practical date." In addition to addressing the ballistic missile threat, the committee recognizes that this mandate will be carried taking into account a variety of other competing factors.

Section 203—Report to Congress

This provision would direct the Secretary of Defense within sixty days of enactment of this act to submit a plan for the deployment of a NMD system pursuant to section 202(a) and TMD systems pursuant to section 202(b). Along with the plan, the committee directs the Secretary to submit a report detailing a range of NMD system options, including architectures that contain only ground-based elements, architectures that contain only space-based elements, and mixed architectures that contain ground and space-based elements. Likewise, the report should include some system options and architectures that are constrained to the current terms of the Anti-Ballistic Missile (ABM) Treaty and some that assume changes to the Treaty. The report should describe the cost, performance, and technical risk associated with each architecture option. Finally, the report should specify the Secretary's recommended architecture, and the reasons for his selection. Such a comprehensive report will assist the committee in carrying out its responsibility to carefully review the Department's fiscal year 1996 budget request for missile defense.

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

Section 301—Establishment

This provision would establish an advisory commission to be known as the "Revitalization of National Security Commission" to assist the executive and legislative branch in identifying and assessing national security strategy and policy options.

Section 302—Composition

This provision would specify that the Commission shall be comprised of twelve members—four appointed by the President, four

appointed by the Speaker of the House (one upon the recommendation of the House Minority Leader), and four appointed by the President Pro Tempore of the Senate (three upon the recommendation of the Senate Majority Leader and one upon the recommendation of the Senate Minority Leader). The Chairman would be appointed jointly by the Speaker of the House and the Senate Majority Leader after consultations with the minority leaders of each chamber.

Section 303—Duties

This provision would charge the Commission with conducting a comprehensive review of the long-term national security needs of the United States to include a number of specified assessments of critical national security issues. The Commission would also be required to develop specific recommendations to accomplish a number of policy goals.

One area requiring an assessment by the Commission involves the need to revise the command and control structure of the Army Reserve. In carrying out this assessment, the Commission should consider the following: 1) the process and the explicit criteria by which the Army evaluated, ranked and made formal recommendations regarding the twenty Army Reserve Commands, 2) whether Federal Emergency Management Agency (FEMA) district boundaries are the best possible geographic boundaries for use by the Army Reserve, and 3) whether and in what manner the restructuring plan influences Army Reserve readiness?

Section 304—Reports

This provision would require the Commission to provide the President and the Congress a final report on the required assessments and recommendations by January 1, 1996. In addition, an interim report would be required by October 1, 1995.

Section 304 would also prohibit the Secretary of the Army from taking any action to implement the reorganization of the Army Reserve headquarters structure in the continental United States as announced by the Secretary on January 4, 1995, until the Commission submits the interim report as required by this section. The committee does not intend for this moratorium to be construed that the committee seeks to interrupt the planned restructuring of the Army National Guard and U.S. Army Reserve, commonly known as "the Offsite Agreement," announced by the Secretary of Defense on December 10, 1993. The committee views the December, 1993 Offsite Agreement plan and the January, 1995 ARCOM reorganization plan as separate actions the implementation of which are not linked.

Sections 305–309

These provisions would vest the Commission with appropriate powers and authorities to carry out its duties

TITLE IV—COMMAND OF UNITED STATES FORCES

Presidential Decision Directive 25 (PDD-25) signed by President Clinton in May of 1994 contains a number of policy initiatives intended to promote peacekeeping as an important instrument of this

Administration's national security policy. While the Administration continues to deny the committee access to this critical policy document, summary documents and extensive public and private briefings reveal that the Administration has adopted a policy of allowing the placement of U.S. armed forces under the operational control of foreign commanders when engaged in peacekeeping operations.

The Administration continues to stress that the President will retain "command" of U.S. forces at all times. However, the usage of the term "command" in this context refers to the administrative control of military forces which has never been an issue of debate or contention. On the other hand, the practice of ceding "operational control" of U.S. military forces to non-U.S. commanders remains a highly controversial and troubling policy. While certain U.S. military units have operated under the operational control of other nations, these instances have been rare and usually as part of larger coalition military operations where the U.S. retains overall operational command of the theater of operation. Further, these instances occurred during traditional military operations that allowed a high degree of planning and coordination to minimize the inherent complications resulting from mixed command chains.

By contrast, the concept of ceding operational control of U.S. forces to a United Nations peacekeeping command is a relatively recent practice that has thus far yielded decidedly mixed results. As demonstrated during the UNOSOM II operation in Somalia, peacekeeping operations place a high premium on the ability to rapidly employ effective military force in response to unplanned circumstances. The tactical demands of such operations tend to stress and exacerbate the limitations of mixed-nationality operations resulting from the usually significant cultural, language, doctrine, and training differences among the participating national contingents. While only U.S. logistics forces were placed under United Nations operational control during UNOSOM II, the unanimous view of U.S. commanders interviewed by the committee during its review of the Somalia operation was that United Nations mixed-nationality command chains are inappropriate for demanding United Nations operations.

Section 401—Limitation on expenditure of Department of Defense funds for United States forces placed under United Nations command or control

The committee recommends a provision (section 401) that would regulate the circumstances under which the President could commit U.S. forces under United Nations command or control. This provision would require that before U.S. forces may be deployed under the command or operational control of the United Nations, the President must first certify to the Congress that 1) such a command arrangement is necessary to protect U.S. national security interests, 2) the commander of the U.S. force involved will retain the right to report independently to U.S. military authorities and to decline to comply with orders judged to be illegal, militarily imprudent or beyond the mandate of the U.S. mission, 3) the U.S. force involved will remain under U.S. administrative command, and 4) the U.S. will retain the authority to withdraw the U.S. force

involved and take action it considers necessary to protect this force if it is engaged.

While this provision seeks to ensure that any deployment of U.S. forces under United Nations command or control is made with a clear and unambiguous understanding of the right of the United States to withdraw those forces at any time and to take any action considered necessary to protect such forces, the committee recognizes that any such decision to withdraw deployed U.S. forces should be made with due regard and consideration for the safety of U.S. and other national contingents deployed in any such given operation.

The provision would further require the President to submit a report along with the aforementioned certification providing: (1) a description of the national security interests that require such a command arrangement, (2) the mission of the U.S. forces involved, (3) the expected size and composition of the U.S. forces involved, (4) the incremental cost to the U.S. of participation in the operation, (5) the precise command and control relationship between the U.S. forces and the United Nations command structure, (6) the precise command and control relationship between the U.S. forces involved and the U.S. unified commander for the region in which the forces will be operating, (7) the extent to which the U.S. forces involved will be relying on non-U.S. forces for self protection, and (8) the timetable for the complete withdrawal of the U.S. forces involved.

TITLE V—UNITED NATIONS

Section 506—Reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities

This provision would require the Secretary of State to ensure that goods and services provided by the Department of State to the United Nations on a reimbursable basis shall be reimbursed at the appropriate value, as determined by the Secretary of Defense.

Section 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

This provision would prohibit the payment of assessed and voluntary contributions to the United Nations until the Secretary of Defense certifies to the Congress that the United Nations has reimbursed the Department of Defense for goods and services provided on a reimbursable basis.

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

Presidential Decision Directive 25 (PDD–25) proposes to change the manner in which the United States Government finances its annual assessed contribution to the United Nations for peacekeeping by having the Department of Defense pay for the U.S. costs of all Chapter VII operations and those Chapter VI operations involving U.S. troops. This so called ''shared responsibility'' arrangement was specifically rejected by the House Committee on Armed Serv-

ices in the 103rd Congress during its consideration of the Fiscal Year 1995 National Defense Authorization Act. While the provision prohibiting the "shared responsibility" arrangement passed the House and was eventually dropped during conference negotiations with the Senate, the issue remains a serious concern for the committee.

Therefore, the committee recommends a provision (section 508) that would specifically prohibit the expenditure of funds made available to the Department of Defense for voluntary or assessed financial contributions to the United Nations for the United States share of peacekeeping costs. The committee continues to strongly oppose the "shared responsibility" concept as it represents one more attempt to divert dwindling defense resources toward a non-defense purpose.

The provision would also impose a limitation on the use of Department of Defense funds for participation in United Nations peacekeeping activities unless Congress has by law specifically authorized the use of those funds for that purpose. This limitation would cover only those United Nations peacekeeping activities that are financed through member assessments such as the UNPROFOR operation in the former Yugoslavia, the UNOSOM II operation in Somalia and the UNMIH operation in Haiti.

Section 512—Conditions on provision of intelligence to the United States

This provision would require that the provision of intelligence by the United States to the United Nations be carried out pursuant to an agreement between the President and the United Nations Secretary General. The agreement would be required to detail the types of intelligence to be provided and United Nations procedures and precautions to protect provided U.S. intelligence information against unauthorized disclosure.

COMMITTEE COST ESTIMATE

The committee generally concurs with the cost estimate contained in the report of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 403 of the Congressional Budget Act of 1974 is as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 3, 1995.

Hon. FLOYD D. SPENCE,
Chairman, Committee on National Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the amendments to H.R. 7, National Security Revitalization Act, as ordered reported by the House Committee on National Security on January 31, 1995. Neither the Committee's amendments

nor the bill as introduced would have pay-as-you-go implications. They would not explicitly authorize appropriations nor would they have an impact on the budgets of state and local governments.

A few provisions of H.R. 7 could imply changes in the authorization of discretionary appropriations—particularly, Title II (Missile Defense), Title V (United Nations), Title VI (expansion of NATO). The attachment discusses these implications of H.R. 7 as introduced. The costs discussed in the attachment would come to bear only if subsequent legislation explicitly authorizes appropriations.

If you would like further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Kent Christensen, Raymond Hall, and Michael Miller.

Sincerely,

ROBERT D. REISCHAUER, *Director*.

BUDGETARY IMPLICATIONS OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

This document considers the budgetary implications of H.R. 7 as introduced in the U.S. House of Representatives on January 4, 1995. It serves as a basis for understanding the budgetary impacts of any Committee or floor amendments.

Strictly speaking, H.R. 7 has no direct budgetary impact. It has no pay-as-you-go implications nor does it explicitly authorize appropriations. Nevertheless, some provisions of H.R. 7 could imply changes in the authorization of discretionary appropriations—particularly, Title II (Missile Defense), Title V (United Nations), and Title VI (Revitalization and Expansion of NATO). These implications would come to bear only if subsequent legislation explicitly authorizes appropriations.

Title II—Missile Defense. H.R. 7 calls on the Secretary of Defense to develop national and theater missile defenses, but it is silent on how much funding would be available for this purpose. The cost of such a system could total $29 billion to $30 billion over the next five years, or about $10 billion to $11 billion more than is currently programmed for missile defense.

In 1992, the Department of Defense planned to deploy a national missile defense (NMD) system at an initial site by 2004 and at multiple sites soon thereafter. This plan called for deploying both ground-based systems and space-based sensors commonly referred to as Brilliant Eyes. These two components of the 1992 plan are the basis for our current estimate for the costs of a NMD system. The current estimate does not, however, embrace the component of the 1992 plan calling for space-based interceptors (commonly known as Brilliant Pebbles.) An enhancement to NMD, Brilliant Pebbles raises more concerns about violating the Antiballistic Missile (ABM) Defense Treaty than do other elements of NMD.

Deploying a ground-based system of radars, interceptors, and command and control at an initial site by 2006 would cost about $10 billion. This sum would also support even-

tual deployment at multiple sites. Finally, the additional funding would support research and development into technologies that would enable the system to counter emerging threats.

For about $1 billion more this system could be expanded to accelerate the deployment of space-based sensors. With this additional funding, some sensors could be deployed by 2002 to provide cuing and initial targeting data. This sensor capability is supposed to permit the ground-based interceptors at the initial site to protect the entire continental United States against limited missile attacks from the north.

As for theater missile defense, this estimate assumes that the current plan for theater missile defense is consistent with the aims of H.R. 7. That plan would deploy ground-based radars and missiles with forward-deployed elements of the Army and Marine Corps by the end of the century. Eventually more capable systems such as the Navy's sea-based vertical launch systems, the Air Force's boost-phase interceptors, or the Army's mobile air and missile defenses would be deployed.

Under these assumptions H.R. 7 would add $10 billion to $11 billion to missile defense costs and bring the total budget for these capabilities to $29 billion or $30 billion. But the ultimate costs are quite uncertain. These estimates assume that the 1992 plan is technically feasible, that the financial plan matched the real components of the system, and that the plan could be resumed after a two-year hiatus with costs rising only for inflation.

Title III—Revitalization of National Security Commission. The bill would establish a commission to conduct a comprehensive review of defense strategy, force structure, modernization, readiness, infrastructure, and funding. Of the funds otherwise available to DoD, $1.5 million would be available to carry out the provisions of the title.

Title IV—Command of United States Forces. H.R. 7 would amend title 10 of the U.S. Code and the United Nations Participation Act to prohibit a foreign national from commanding U.S. forces unless the President makes certain certifications. Neither change would have a significant budgetary impact.

Title IV would also require the Congress to approve in law any agreement between the President and the U.N. Security Council for the use of U.S. forces in maintaining international peace and security. CBO cannot predict the extent of U.S. involvement in peacekeeping activities. Nevertheless, if Congress denied U.S. participation in some peacekeeping activities the budgetary savings would likely be no more than a few hundred million dollars per year based on recent experience. For example, if the United States had not used its forces in Bosnia it would not have incurred expenses of about $300 million a year in 1994 and 1995. Similarly for U.S. expenses in Somalia, the average savings would have been about $700 million a year in 1993

and 1994. Aside from deployments to Southwest Asia, the deployments to Bosnia and Somalia have been the most costly contingencies of recent years.

Title V—United Nations. Title V addresses U.S. financial responsibilities to the U.N. in support of international peacekeeping. Enactment of Title V could:

lower payments of assessed and voluntary contributions that help fund U.N. peacekeeping activities;

lower payments of assessed contributions that help fund the U.N. operating budget; and

limit DoD's involvement in U.N.-sponsored peacekeeping activities.

Certain sections of Title V would have overlapping effects. For example, sections 501 and 507 could reduce assessed payments to the United Nations for peacekeeping—currently about $1.0 billion a year—for fiscal years after 1995. Similarly sections 507 and 511 could reduce the assessments and voluntary contributions totalling about $0.1 billion a year. Thus, the potential budgetary effects of these sections are not additive.

Section 501 would probably lower or eliminate the payment of assessed peacekeeping contributions, which will total about $1.0 billion in 1995 if the President's supplemental request is fully funded by the Congress. Under section 501, payments would be lowered by the total cost of using U.S. forces in peackefeeping activities that are authorized by the U.N. unless the U.N. has reimbursed DoD for those costs.

DoD currently is incurring incremental peacekeeping costs from U.N. authorized operations in Haiti, the former Yugoslavia, and elsewhere that will total about $2 billion in 1995. Total costs could be much higher. If DoD continues its current level of peacekeeping activity, section 501 would eliminate the payment of U.S. contributions because DoD's total costs could far exceed peacekeeping assessments. If, however, DoD dramatically scales back its peacekeeping activities, and if payments for assessed contributions remain at about $1.0 billion annually, section 501 could lower U.S. contributions by hundreds of millions of dollars.

Similarly, section 507 would deny assessed and voluntary contributions for unreimbursed costs, but section 507 focuses more on noncombat operations while section 501 would affect all types of U.N.-authorized peacekeeping operations. The Secretary of Defense however, may waive this provision if he determines that an emergency exists. This provision could lower annual payments for assessments by the same $1.0 billion targeted by section 501, and voluntary payments by about $0.1 billion annually.

Section 511 would reduce payments to the U.N. unless the U.N. has appointed an Inspector General (IG) and has established an operational IG office that could investigate the U.N. and its specialized agencies. Under section 511, 50 percent of the peacekeeping assessments, 20 percent of

the payments in support of the U.N. operating budget, and all payments for voluntary contributions would be withheld unless the President certifies that the IG provisions have been met. Thus, section 511 could reduce payments for peacekeeping assessments (like sections 501 and 507) by about $0.5 billion, payments for the U.N. operating budget by about $0.05 billion, and voluntary payments (like section 507) by $0.1 billion unless the President makes the certification.

Section 508 would prohibit DoD from participating in peacekeeping activates sponsored by the U.N. unless Congress has authorized it to use funds for such purposes. Peacekeeping activities sponsored by the U.N. typically have far less U.S. involvement than activities authorized by the U.N. The incremental cost to the United States of a large U.N.-sponsored peacekeeping operation historically has been less than $50 million annually. Thus, if the Congress denied U.S. participation in any one operation, savings could total up to $50 million a year.

Section 508 would also prohibit DoD funds from being used to pay U.N. peaekeeping assessments. Compared with current law, this provision would not have any budget impact because DoD is not authorized to use funds for such purposes.

Title VI—Revitalization and Expansion of the North Atlantic Treaty Organization. H.R. 7 would reaffirm the United States' commitment to NATO and support the expansion of NATO to include Poland, Hungary, the Czech Republic, Slovakia, and other countries designated by the President. The bill would authorize the use of economic support assistance and nonproliferation and disarmament assistance to facilitate the transition to NATO membership. Any implicit authorization of appropriations in open-ended. For 1995, the Economic Support Fund (ESF) is funded at roughly $2.4 billion with about $2.0 billion of that going to Egypt and Israel and about $0.4 billion going to about 20 other countries. Nonproliferation and Disarmament funding is now $10 million.

Title VII-Budget Firewalls. This title expresses a sense of Congress that there should be firewalls between defense and nondefense discretionary spending for 1996, 1997, 1998. This title would affect only the distribution, not the level, of spending under the caps on discretionary spending that were established under the Budget Enforcement Act.

INFLATIONARY IMPACT STATEMENT

With respect to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, this legislation is assessed to have no inflationary effect on prices and costs in the operation of the national economy.

OVERSIGHT FINDINGS

With respect to clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, this legislation results from hearings and other oversight activities conducted by the committee pursuant to clause 2(b)(1) of rule X.

With respect to clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, this legislation does not include any new budget, spending, or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures.

With respect to clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Reform and Oversight pertaining to the subject matter of H.R. 7.

ROLL CALL VOTES

In accordance with clause 2(l)(2)(B) of rule XI of the Rules of the House of Representatives, the record of roll call votes taken with respect to H.R. 7 is appended to this report.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by titles I, II, III, and V and section 401 of the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 10, UNITED STATES CODE

* * * * * * *

CHAPTER 20—HUMANITARIAN AND OTHER ASSISTANCE

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SUBCHAPTER I—HUMANITARIAN ASSISTANCE

Sec.
401. Humanitarian and civic assistance provided in conjunction with military operations.

* * * * * * *

405. Placement of United States forces under United Nations command or control: limitation.
406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.

* * * * * * *

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

(a) LIMITATION.—(1) Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any ele-

ment of the armed forces that after the date of the enactment of this section is placed under United Nations command or control.

(2) In this section, the term "under United Nations command or control" means under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations if the senior military commander of the United Nations force or operation—

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

(B) is a United States military officer serving on active duty in a case in which—

(i) elements of the armed forces of the United States assigned or detailed to that force or operation are under the command or operational control of a foreign national; and

(ii) that senior military commander does not have the authority to dismiss any subordinate officer in the chain of command (regardless of nationality) who is exercising command or operational control over United States forces, to establish rules of engagement for United States forces involved, and to establish criteria governing the operational employment of United States forces involved.

(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under United Nations command or control if the President, not less than 15 days before the date on which such United Nations command or control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing any element of the armed forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

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

(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

(1) Certification by the President that—

(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

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

(i) to report independently to superior United States military authorities; and

(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

(C) any element of the armed forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

(D) the United States will retain the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

(2) A report setting forth the following:

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

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

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

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

(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

(H) The timetable for complete withdrawal of the United States forces involved.

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

(f) EXCEPTION FOR SMALL FORCES.—This section does not apply in a case in which fewer than 50 members of the armed forces are participating in a particular United Nations operation or activity.

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

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

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

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

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

(A) for the costs of a United Nations peacekeeping activity; or

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

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

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

(c) COVERED PEACEKEEPING ACTIVITIES.—In this section, the term "United Nations peacekeeping activity" means a peacekeeping activity carried out pursuant to a resolution of the United Nations Security Council for which costs are met (in whole or in part) through assessments by the United Nations to its member nations.

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UNITED NATIONS PARTICIPATION ACT OF 1945

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SEC. 4. (a) PERIODIC REPORTS.—The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein. [He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein, under his instructions, of the representative of the United States.]

* * * * * * *

(d) ANNUAL REPORT.—In addition to the report required by subsection (a), the President, at the time of submission of the annual budget request to the Congress, shall submit to the designated congressional committees a report that includes the following:

(1) COSTS OF PEACEKEEPING OPERATIONS.—

(A) * * *

* * * * * * *

(D) A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of—

(i) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed

and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

(ii) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.

[(D)]*(E)* In the case of the first 2 reports submitted pursuant to this subsection, a projection of all United States costs for United Nations peacekeeping operations during each of the next 2 fiscal years, including assessed and voluntary contributions.

* * * * * * *

(e) CONSULTATIONS AND REPORTS ON U.N. PEACEKEEPING OPERATIONS.—

(1) CONSULTATIONS.—Each month the President shall consult with the Congress on the status of United Nations peacekeeping operations.

(2) INFORMATION TO BE PROVIDED.—In connection with these consultations, the following information shall be provided in written form not later than the 10th day of each month to the designated congressional committees:

(A) With respect to ongoing United Nations peacekeeping operations, the following:

(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including facilities, training, transportation, communication, intelligence, and logistical support), and the estimated costs to the United States of such changes.

(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

(i) The anticipated duration, mandate, and command and control arrangements of such operation.

(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

(iii) A description of the functions that would be performed by any United States Armed Forces participat-

ing in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, intelligence, and logistical support), and an estimate of the cost to the United States of such assistance or support.

(3) INTERIM INFORMATION.—(A) The President shall submit to the designated congressional committees a written interim report if, during the period between the monthly consultations required by paragraph (1), the United States learns that the United Nations Security Council is likely, before the next such consultation, to vote on a resolution that would authorize a new United Nations peacekeeping operation and that resolution was not previously reported on pursuant to paragraph (2)(B). Each interim report shall include the information described in clauses (i) through (iv) of paragraph (2)(B).

(B) Any such interim report shall be submitted not less than 5 days before the vote of the United Nations Security Council, unless the President determines that exceptional circumstances prevented compliance with the requirement to report 5 days in advance. If the President makes such a determination, the interim report shall be submitted promptly (but in no case later than 3 days after the vote) and shall include a copy of the determination and a description of the exceptional circumstances which were the basis for that determination.

(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2) (B) and (3), the term "new United Nations peacekeeping operation" includes any existing or otherwise ongoing United Nations peacekeeping operation—

(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

(B) that is to be authorized to operate in a country in which it was not previously authorized to operate.

(5) QUARTERLY REPORTS.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations. Each report shall describe the assistance provided for each such operation, listed by category of assistance. The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.

[(e) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term "designated congressional committees" has the

meaning given that term by section 415 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.]

(f) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term "designated congressional committees" has the meaning given such term in section 10(f).

* * * * * * *

SEC. 7. (a) Notwithstanding the provisions of any other law *other than subsection (e)(1),* the President, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, may authorize, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter—

(1) * * *

* * * * * * *

(b)*(1)* Whenever personnel or assistance is made available pursuant to the authority contained in subsection (a) (1) and (2) of this section, the President shall require reimbursement from the United Nations for the expense thereby incurred by the [United States: *Provided,* That in exceptional circumstances, or when the President finds it to be in the national interest, he may waive, in whole or in part, the requirement of such reimbursement: *Provided further,* That when] *United States. When* any such reimbursement is made, it shall be credited, at the option of the appropriate department of the Department of Defense, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation, fund, or account currently available for the purposes for which expenditures were made.

(2) The Secretary of Defense may waive the requirement for reimbursement under paragraph (1) if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver of that requirement. Any such waiver shall be submitted to the designated congressional committees, as defined in section 10(a)(3)(B), at least 15 days before it takes effect, except that if the President determines that an emergency exists which prevents compliance with the requirement that the notification be provided 15 days in advance and that the provision under subsection (a)(1) or (a)(2) of personnel or assistance on a nonreimbursable basis is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such waiver takes effect.

* * * * * * *

(e)(1) Except as provided in paragraphs (2) and (3), at least 15 days before any agency or entity of the United States Government makes available to the United Nations any assistance or facility to support or facilitate United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

(2) Paragraph (1) does not apply to—

(A) assistance having a value of less than $1,000,000 in the case of nonreimbursable assistance or less than $5,000,000 in the case of reimbursable assistance; or

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

(3) If the President determines that an emergency exists which prevents compliance with the requirement in paragraph (1) that notification be provided 15 days in advance and that the contribution of any such assistance or facility is in the national security interests of the United States, such notification shall be provided in a timely manner but not later than 48 hours after such assistance or facility is made available to the United Nations.

(4) For purposes of this subsection, the term "assistance"—

(A) means assistance of any kind, including logistical support, supplies, goods, or services (including command, control, communications or intelligence assistance and training), and the grant of rights of passage; and

(B) includes assistance provided through in-kind contributions or through the provision of support, supplies, goods, or services on any terms, including on a grant, lease, loan, or reimbursable basis; but

(C) does not include the payment of assessed or voluntary contributions.

(f) The Secretary of State shall ensure that goods and services provided on a reimbursable basis by the Department of Defense to the United Nations for United Nations peacekeeping operations under this section or any other provision of law are reimbursed at the appropriate value, as determined by the Secretary of Defense.

* * * * * * *

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

(2) ANNUAL REPORT.—The President shall, at the time of submission of the budget to the Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of funds appropriated for national defense purposes for any fiscal year that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a separate listing by United Nations peacekeeping operation of the

amount of funds expended to support or participate in each such operation.

(3) DEFINITIONS.—For purposes of this subsection:

(A) UNITED NATIONS PEACEKEEPING ACTIVITIES.—The term "United Nations peacekeeping activities" means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations.

(B) DESIGNATED CONGRESSIONAL COMMITTEES.—The term "designated congressional committees" includes the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.

(b) NOTICE TO CONGRESS REGARDING CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.—

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

(2) NOTICE REGARDING PROPOSED OBLIGATION OF FUNDS.—The President shall notify the designated congressional committees at least 15 days before the United States obligates funds for any assessed or voluntary contribution for United Nations peacekeeping activities, except that if the President determines that an emergency exists which prevents compliance with the requirement that such notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such obligation.

(c) PROHIBITION ON USE OF FUNDS TO PAY ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE REIMBURSED FOR CERTAIN GOODS AND SERVICES.—Appropriated funds may not be used to pay any United States assessed or voluntary contribution during any fiscal year for United Nations peacekeeping activities until the Secretary of Defense certifies to the Congress that the United Nations has reimbursed the Department of Defense directly for all goods and services that were provided to the United Nations by the Department of Defense on a reimbursable basis during the preceding fiscal year for United Nations peacekeeping activities, including personnel and assistance provided under section 7 (except to the extent that the authority of subsection (b)(2) of such section to waive the reimbursement requirement was exercised with respect to such personnel or assistance).

(d) LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.—Funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation.

(e) BUY AMERICAN REQUIREMENT.—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the designated congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

(f) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term "designated congressional committees" means—

(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

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

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

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

(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

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

(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

(3) The Inspector General is authorized to—

(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

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

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

(D) have access to all records and officials of the specialized agencies of the United Nations.

(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other reports of the Inspector General are made available to the General Assembly without modification.

(7) The United Nations has provided, and is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.

SEC. 12. (a) CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.—

(1) REQUIREMENT FOR AGREEMENT.—The United States may provide intelligence to the United Nations only pursuant to a written agreement between the President and the Secretary General of the United Nations.

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

(A) the types of intelligence to be provided to the United Nations;

(B) the circumstances under which intelligence may be provided to the United Nations; and

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

(i) concerning persons who shall have access to the intelligence provided; and

(ii) to protect the intelligence against disclosure not authorized by the agreement.

(3) DURATION OF AGREEMENT.—Any such agreement shall be effective for a period not to exceed one year from the date on which the agreement enters into force.

(b) ADVANCE NOTIFICATION TO CONGRESS.—An agreement described in subsection (a) shall be effective only if the President has transmitted the agreement to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate not less than 30 days in advance of the entry into force of the agreement.

(c) DELEGATION OF AUTHORITY.—The President may delegate the authority and assign the duties of the President under this section

only to the Secretary of Defense or the Director of Central Intelligence.

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

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

(2) that is essential for the protection of nationals of the United States, including members of the United States Armed Forces and civilian personnel of the United States Government.

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

(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

(2) supersede or otherwise affect the provisions of—

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

(B) section 112b of title 1, United States Code.

FOREIGN RELATIONS AUTHORIZATION

act, fiscal years 1994 and 1995

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TITLE IV—INTERNATIONAL ORGANIZATIONS

PART A—UNITED NATIONS REFORM AND PEACEKEEPING OPERATIONS

* * * * * * *

SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) * * *

(b) LIMITATION ON UNITED STATES CONTRIBUTIONS.—

(1) * * *

[(2) SUBSEQUENT FISCAL YEARS.—Funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for any fiscal year after fiscal year 1995 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that operation.]

* * * * * * *

SEC. 407. CONSULTATIONS AND REPORTS.

[(a) CONSULTATIONS AND REPORTS ON U.N. PEACEKEEPING OPERATIONS.—

[(1) CONSULTATIONS.—Each month the President shall consult with the Congress on the status of United Nations peacekeeping operations.

[(2) INFORMATION TO BE PROVIDED.—In connection with these consultations, the following information shall be provided each month to the designated congressional committees:

[(A) With respect to ongoing United Nations peacekeeping operations, the following:

[(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

[(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

[(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

[(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution, and the estimated costs to the United States of such changes.

[(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

[(i) The anticipated duration, mandate, and command and control arrangements of such operation.

[(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

[(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

[(3) WRITTEN INFORMATION.—The information described in clauses (i) and (iii) of paragraph (2)(A) and the information described in clauses (i) and (ii) of paragraph (2)(B) shall be provided each month to the designated congressional committees in written form not later than the 10th day of that month.

[(4) INTERIM INFORMATION.—(A) The President shall submit to the designated congressional committees a written interim report if, during the period between the monthly consultations required by paragraph (1), the United States learns that the United Nations Security Council is likely, before the next such consultation, to vote on a resolution that would authorize a new United Nations peacekeeping operation and that resolution was not previously reported on pursuant to paragraph

(2)(B). Each interim report shall include the information described in clauses (i) and (ii) of paragraph (2)(B).

[(B) Any such interim report shall be submitted not less than 5 days before the vote of the United Nations Security Council, unless the President determines that exceptional circumstances prevented compliance with the requirement to report 5 days in advance. If the President makes such a determination, the interim report shall be submitted promptly (but in no case later than 3 days after the vote) and shall include a copy of the determination and a description of the exceptional circumstances which were the basis for that determination.

[(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—(A) The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations. This subparagraph does not apply to—

[(i) assistance having a value of less than $3,000,000 in the case of nonreimburseable assistance or less than $14,000,000 in the case of reimburseable assistance, or

[(ii) assistance provided under the emergency drawdown authority of sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1) and 2348a(c)(2)).

[(B) The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations. Each report shall describe the assistance provided for each such operation, listed by category of assistance. The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) of the United Nations Participation Act of 1945 (as added by subsection (b) of this section) and shall include cumulative information for the preceding calendar year.]

* * * * * * *

COMMITTEE ON NATIONAL SECURITY
104TH CONGRESS
ROLL CALL

Amendment Number: Date: 01/31/95
Description: Offered By: Mr. Skelton
Add Finding to Title 1, stating that U.S. Armed Forces are the most capable, motivated and effective military force in the world.

Voice Vote X Ayes ___ Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence				Mr. Dellums			
Mr. Stump				Mr. Montgomery			
Mr. Hunter				Mr. Schroeder			
Mr. Kasich				Mr. Skelton			
Mr. Bateman				Mr. Sisisky			
Mr. Hansen				Mr. Spratt			
Mr. Weldon				Mr. Ortiz			
Mr. Doman				Mr. Pickett			
Mr. Hefley				Mr. Evans			
Mr. Saxton				Mr. Tanner			
Mr. Cunningham				Mr. Browder			
Mr. Buyer				Mr. Taylor			
Mr. Torkildsen				Mr. Abercrombie			
Mrs. Fowler				Mr. Edwards			
Mr. McHugh				Mr. Tejeda			
Mr. Talent				Mr. Meehan			
Mr. Everett				Mr. Underwood			
Mr. Bartlett				Ms. Harman			
Mr. McKeon				Mr. McHale			
Mr. Lewis				Mr. Geren			
Mr. Watts				Mr. Peterson			
Mr. Thornberry				Mr. Jefferson			
Mr. Hostettler				Ms. DeLauro			
Mr. Chambliss				Mr. Ward			
Mr. Hilleary				Mr. Kennedy			
Mr. Scarborough							
Mr. Jones							
Mr. Longley							
Mr. Tiahrt							
Mr. Hastings							

Totals: ___ Aye ___ Nay ___ Present

COMMITTEE ON NATIONAL SECURITY
104TH CONGRESS
ROLL CALL

Amendment Number: Date: 01/31/95

Description: Offered By: Mr. Spratt

Substitute to Title 2 granting priority emphasis to the development and deployment of theater missile defenses while maintaining the national missile defense program as a development effort.

Voice Vote Ayes Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence		X		Mr. Dellums		X	
Mr. Stump		X		Mr. Montgomery	X		
Mr. Hunter		X		Mr. Schroeder		X	
Mr. Kasich				Mr. Skelton	X		
Mr. Bateman		X		Mr. Sisisky	X		
Mr. Hansen		X		Mr. Spratt	X		
Mr. Weldon		X		Mr. Ortiz	X		
Mr. Dornan		X		Mr. Pickett	X		
Mr. Heffley		X		Mr. Evans		X	
Mr. Saxton		X		Mr. Tanner	X		
Mr. Cunningham		X		Mr. Browder	X		
Mr. Buyer		X		Mr. Taylor	X		
Mr. Torkildsen		X		Mr. Abercrombie	X		
Mrs. Fowler		X		Mr. Edwards	X		
Mr. McHugh		X		Mr. Tejeda	X		
Mr. Talent		X		Mr. Meehan		X	
Mr. Everett		X		Mr. Underwood			
Mr. Bartlett		X		Ms. Harman	X		
Mr. McKeon		X		Mr. McHale	X		
Mr. Lewis		X		Mr. Geren	X		
Mr. Watts		X		Mr. Peterson	X		
Mr. Thornberry		X		Mr. Jefferson			
Mr. Hostettler		X		Ms. DeLauro	X		
Mr. Chambliss		X		* Mr. Ward			
Mr. Hilleary		X		Mr. Kennedy	X		
Mr. Scarborough		X					
Mr. Jones		X					
Mr. Longley		X					
Mr. Tiahrt		X					
Mr. Hastings		X					

Totals: 18 Aye 33 Nay Present

* Mr. Ward was granted permission by unanimous consent to indicate that he would have voted aye.

COMMITTEE ON NATIONAL SECURITY
104TH CONGRESS
ROLL CALL

Amendment Number: Date: 01/31/95
Description: Offered By: Ms. Harman
Strike Title 3

Division Vote 18 Ayes 30 Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence				Mr. Dellums			
Mr. Stump				Mr. Montgomery			
Mr. Hunter				Mr. Schroeder			
Mr. Kasich				Mr. Skelton			
Mr. Bateman				Mr. Sisisky			
Mr. Hansen				Mr. Spratt			
Mr. Weldon				Mr. Ortiz			
Mr. Doman				Mr. Pickett			
Mr. Hefley				Mr. Evans			
Mr. Saxton				Mr. Tanner			
Mr. Cunningham				Mr. Browder			
Mr. Buyer				Mr. Taylor			
Mr. Torkildsen				Mr. Abercrombie			
Mrs. Fowler				Mr. Edwards			
Mr. McHugh				Mr. Tejeda			
Mr. Talent				Mr. Meehan			
Mr. Everett				Mr. Underwood			
Mr. Bartlett				Ms. Harman			
Mr. McKeon				Mr. McHale			
Mr. Lewis				Mr. Geren			
Mr. Watts				Mr. Peterson			
Mr. Thornberry				Mr. Jefferson			
Mr. Hostettler				Ms. DeLauro			
Mr. Chambliss				Mr. Ward			
Mr. Hilleary				Mr. Kennedy			
Mr. Scarborough							
Mr. Jones							
Mr. Longley							
Mr. Tiahrt							
Mr. Hastings							

Totals: Aye Nay Present

COMMITTEE ON NATIONAL SECURITY
104TH CONGRESS
ROLL CALL

Amendment Number:

Date: 01/31/95

Description:
Substitute, Title 3, requiring the Secretary of Defense, in consultation with the Joint Chiefs of Staff, to review the long term national security needs of the U.S.

Offered By: Mr. Montgomery

Division Vote 22 Ayes 30 Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence				Mr. Dellums			
Mr. Stump				Mr. Montgomery			
Mr. Hunter				Mr. Schroeder			
Mr. Kasich				Mr. Skelton			
Mr. Bateman				Mr. Slaisky			
Mr. Hansen				Mr. Spratt			
Mr. Weldon				Mr. Ortiz			
Mr. Doman				Mr. Pickett			
Mr. Heffley				Mr. Evans			
Mr. Saxton				Mr. Tanner			
Mr. Cunningham				Mr. Browder			
Mr. Buyer				Mr. Taylor			
Mr. Torkildsen				Mr. Abercrombie			
Mrs. Fowler				Mr. Edwards			
Mr. McHugh				Mr. Tejeda			
Mr. Talent				Mr. Meehan			
Mr. Everett				Mr. Underwood			
Mr. Bartlett				Ms. Harman			
Mr. McKeon				Mr. McHale			
Mr. Lewis				Mr. Geren			
Mr. Watts				Mr. Peterson			
Mr. Thornberry				Mr. Jefferson			
Mr. Hostettler				Ms. DeLauro			
Mr. Chambliss				Mr. Ward			
Mr. Hilleary				Mr. Kennedy			
Mr. Scarborough							
Mr. Jones							
Mr. Longley							
Mr. Tiahrt							
Mr. Hastings							

Totals: Aye Nay Present

COMMITTEE ON NATIONAL SECURITY
104TH CONGRESS
ROLL CALL

Amendment Number: Date:

Description:
Substitute to Section 401 establishing policy criteria on the question of placing U.S. Armed Forces under foreign command and control and requiring advance notice of same by the President.

Offered By: Mr. Sisisky

Voice Vote Ayes X Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence				Mr. Dellums			
Mr. Stump				Mr. Montgomery			
Mr. Hunter				Mr. Schroeder			
Mr. Kasich				Mr. Skelton			
Mr. Bateman				Mr. Sisisky			
Mr. Hansen				Mr. Spratt			
Mr. Weldon				Mr. Ortiz			
Mr. Dornan				Mr. Pickett			
Mr. Hefley				Mr. Evans			
Mr. Saxton				Mr. Tanner			
Mr. Cunningham				Mr. Browder			
Mr. Buyer				Mr. Taylor			
Mr. Torkildsen				Mr. Abercrombie			
Mrs. Fowler				Mr. Edwards			
Mr. McHugh				Mr. Tejeda			
Mr. Talent				Mr. Meehan			
Mr. Everett				Mr. Underwood			
Mr. Bartlett				Ms. Harman			
Mr. McKeon				Mr. McHale			
Mr. Lewis				Mr. Geren			
Mr. Watts				Mr. Peterson			
Mr. Thornberry				Mr. Jefferson			
Mr. Hostettler				Ms. DeLauro			
Mr. Chambliss				Mr. Ward			
Mr. Hilleary				Mr. Kennedy			
Mr. Scarborough							
Mr. Jones							
Mr. Longley							
Mr. Tiahrt							
Mr. Hastings							

Totals: Aye Nay Present

COMMITTEE ON NATIONAL SECURITY
104TH CONGRESS
ROLL CALL

Final Passage of H.R. 7, as amended Date: 01/31/95

Voice Vote Ayes Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Spence	X			Mr. Dellums		X	
Mr. Stump	X			Mr. Montgomery	X		
Mr. Hunter	X			Mr. Schroeder		X	
Mr. Kasich	X			Mr. Skelton	X		
Mr. Bateman	X			Mr. Sisisky	X		
Mr. Hansen	X			Mr. Spratt		X	
Mr. Weldon	X			Mr. Ortiz	X		
Mr. Dornan	X			Mr. Pickett	X		
Mr. Heffley	X			Mr. Evans		X	
Mr. Saxton	X			Mr. Tanner	X		
Mr. Cunningham	X			Mr. Browder	X		
Mr. Buyer	X			Mr. Taylor	X		
Mr. Torkildsen	X			Mr. Abercrombie		X	
Mrs. Fowler	X			Mr. Edwards	X		
Mr. McHugh	X			Mr. Tejeda	X		
Mr. Talent	X			Mr. Meehan		X	
Mr. Everett	X			Mr. Underwood		X	
Mr. Bartlett	X			Ms. Harman		X	
Mr. McKeon	X			Mr. McHale		X	
Mr. Lewis	X			Mr. Geren	X		
Mr. Watts	X			Mr. Peterson		X	
Mr. Thornberry	X			Mr. Jefferson			
Mr. Hostettler	X			Ms. DeLauro		X	
Mr. Chambliss	X			Mr. Ward		X	
Mr. Hilleary	X			Mr. Kennedy		X	
Mr. Scarborough	X						
Mr. Jones	X						
Mr. Longley	X						
Mr. Tiahrt	X						
Mr. Hastings	X						

Totals: 41 Aye 13 Nay Present

ADDITIONAL VIEWS SUBMITTED BY ROSCOE BARTLETT

I am very pleased that the National Security Committee reported out H.R. 7 with overwhelming bipartisan support. Although this legislation is only a first step, I believe it will go a long way toward restoring our armed services to the prominence they recently enjoyed.

I am particularly pleased with Title II of this bill dealing with ballistic missile defense. I am very concerned that the United States currently has no anti-ballistic missile defense system and will not have one if President Clinton's plan succeeds. Some of my colleagues on the committee have suggested that the previous threat of a large scale ballistic missile attack no longer exists because of the breakup of the former Soviet Union. I believe that this is an underestimation of the perceived threat.

The breakup of the former Soviet Union has resulted in the world's second, third and fourth largest nuclear powers (Russia, Ukraine and Kazakhstan) in a state of economic chaos and unrest. This unrest could lead to the possible sale of a large number of nuclear warheads to "rogue countries" (i.e. North Korea, Iraq, Iran, Lybia) or China which would immediately restore the real possibility of a large scale attack against the United States. Also, General Sergeyev, director of the Russia Strategic Rocket Forces recently stated on 60 Minutes, that the more than 20,000 nuclear warheads in these republics could once again be targeted at the United States in less than two minutes by a simple turn of a dial.

With this in mind I believe that title II of H.R. 7 is essential to our national security. This provision will provide continued support for the development and deployment of highly effective national missile defense systems. While I agree that it is premature for the Congress to pick and choose among competing systems, I would hope that the Secretary's plan and our upcoming authorization bill would not overlook the need for a space based system such as Brilliant Eyes or Brilliant Pebbles.

Lastly, I fully concur with Section 508 of Title V that prohibits the use of Department of Defense funds for peacekeeping activities without prior Congressional authorization. I believe that any funds used for peacekeeping purposes should come from non-defense accounts. Had this provision been the law of the land, I do not believe the Congress would have allowed the President to proceed with the operation in Haiti.

These two provisions are crucial if we are truly committed to providing the necessary means of protecting the national security of the United States.

ROSCOE BARTLETT.

ADDITIONAL VIEWS OF CONGRESSMAN ROBERT K. DORNAN

The bipartisan passage of H.R. 7, the "National Security Restoration Act," by the House National Security Committee, is a watershed event in addressing the real national security requirements of our nation.

As one of the first members to join efforts in developing this legislation last fall as part of the "Contract with America," I take great pride in what I truly believe is a foundation for the future in terms of readdressing the defense budget proposed by the current administration. I would briefly like to comment on just three aspects of the bill which I strongly support but have become somewhat controversial.

First, it is imperative that we immediately address the ballistic missile threat that endangers American lives, both military and civilian, here in the U.S. and abroad. This threat is not new. Hitler's V–2 attacks against Great Britain 50 years ago in World War II marked the first use of ballistic missiles in combat; missiles that have recently become much more accurate and deadly with nuclear, biological and chemical warheads. The difference between today and then is that we have the technology available to detect, intercept, and destroy incoming missiles.

While we possess the technology to defeat this threat, we still have not deployed a ballistic missile defense system. In other words, we still have *no* ability to prevent a ballistic missile attack against our allies, our forward deployed forces, or the civilian population of the United States. There is no excuse for another American to lose his or her life in a ballistic missile attack, such as the SCUD attack against our forces in Desert Storm, because Congress and the administration failed to fund and develop an effective missile defense system.

Next, it is very important to get a new and independent assessment of the current and future state of the security of our nation through the "Advisory Commission on Revitalization on National Security." After the Reagan-rebuilt U.S. military achieved one of the most decisive victories in the history of warfare in Desert Storm, the current administration decided to conduct the now infamous "Bottom-Up Review." Besides being totally unnecessary, this review became an excuse for the administration to quickly dismantle the force rebuilt under Reagan through additional defense cuts. Recent reports have indicated that the "Bottom-Up Review" defense plan has been underfunded by as much as $150 billion!

If the administration has underfunded its own defense plan by as much as $150 billion, I can see absolutely *no* reason not to support an independent commission to review defense requirements.

Finally, I would like to express my strong support for provisions limiting foreign/U.N. command of U.S. troops. This provision is

nearly identical to a bill, H.R. 3334, that John Doolittle and I introduced last session of Congress. We all witnessed the dangers of such command arrangements during operations in Somalia when U.S. special forces had to wait almost 10 hours for U.N. command forces to reach their position. As the lone superpower remaining in world, we have both the capability and the responsibility to maintain U.S. command and control of U.S. troops deployed overseas in combat operations.

H.R. 7 is good start, but just a start, towards revitalizing the national security of our nation which has been dangerously eroded under the Clinton administration. it will still be up to members of Congress and the House National Security Committee to fully address the national security requirements of the U.S. in the FY96 defense authorization bill.

R.K. DORNAN.

DISSENTING VIEWS OF RONALD V. DELLUMS, PATRICIA SCHROEDER, LANE EVANS, NEIL ABERCROMBIE, MARTIN MEEHAN, ROBERT UNDERWOOD, PETE PETERSON, WILLIAM JEFFERSON, ROSA DELAURO, MIKE WARD, AND PATRICK KENNEDY

The world has changed dramatically since five years ago. The Warsaw Pact has disappeared and the Soviet Union has disintegrated. Regional conflict and humanitarian crises properly seize our attention, while even Russia—the inheritor of much of the forces and power of the former Soviet Union—continues to face the reality of its dramatically reduced capabilities. Against this backdrop, H.R. 7 calls for significant new and potentially costly initiatives to meet the challenges of the future without defining what those challenges may be. It assumes away the dramatic changes in the world political and military environment within which United States forces might be used. It ignores the potential contributions of allies, and discounts the current assessments of responsible senior military officials who must also live with the consequences of their assessments.

Procedurally, we find two fundamental problems with the manner in which H.R. 7 has been brought to the Floor. First, for those areas that were defined to be within the jurisdiction of the Committee on National Security, we have had insufficient time to study the issues, and to take testimony in subcommittee and at the full committee regarding the context and impact of these legislative proposals. Notwithstanding the efforts of the Chairman to seek to illuminate these matters by holding some hearings at the full Committee level, matters this weighty deserve more consideration. By working the issues through the subcommittee process and in dialogue with the Department of Defense, Members and staff would have been able to better assess the manner in which the policies and purposes of H.R. 7 will contribute to or detract from our national security.

Secondly, with regard to those areas either of shared jurisdiction or which were beyond the jurisdiction of the Committee—sections regarding command and control, United Nations operations, NATO and the budget firewalls, the bill that will be brought to the Floor would have benefitted if issues of common concern among Members and staff across Committee lines could have been formally addressed.

Substantively, our concerns are several.

Title I, Findings, Policy and Purposes Title, sets the context and provides the rationale for all that follows in the bill. Therefore, it is imperative that this Title be balanced and accurate. If it is not, then the rest of the bill, and the law that would result, would not represent good public policy.

Despite improvements in Title I of the bill, we believe that the assertions made therein understate the unmatched quality and capability of our military forces at this time, and the enormous scale of our continuing investments in force-structure, modernization and readiness as compared to those of other nations. It will always be the case that some will look at a glass and see it half full while others will view the glass as half empty. In this regard, Title I adopts findings that suggest problems where none might exist, and fails to highlight areas that are equally factual but which may suggest other solutions to the funding-forces imbalance that all acknowledge does exist, but which are not embraced in H.R. 7.

The effort to soften Title II's mandate to proceed to the deployment of a ballistic missile defense programs as soon as is practicable, rather than as soon as is possible, will guard against the worst excesses of expenditures in the already-expensive ballistic missile defense programs.

However, what remains is a dramatic reversal of program priorities. The bill would have national ballistic missile defense programs take precedence over theater missile defense programs. This ignores current threat assessments, the present maturity and feasibility of technology in this area, and the budget realities we must deal with today. Moreover, the evidence suggests that current priorities which put the development and deployment of effective theater missile defense ahead of national missile defense programs are correct and should not be reversed. What remains in the bill is a mandate to pursue an aggressive ballistic missile defense agenda with neither any regard for the already substantial investment that is being made in theater and national ballistic missile defense programs, nor with regard to the role of ballistic missile defenses in our overall strategy and priorities.

Such an effort promises to be expensive, crowding out other defense programs more relevant to the Post-Cold War World as well as generating demand for further resources that are required to meet other urgent national needs.

In addition, Title II (especially when read in conjunction with the findings in Title I) would jeopardize our commitment to the Anti-Ballistic Missile Treaty between Russia and the United States. The ABM Treaty remains a cornerstone of any effort to further reduce the numbers of ballistic missiles that threaten the United States. It is therefore important that we not press ahead so quickly, and in directions that threaten to undermine the ABM Treaty, before we can reach an understanding with the Russians that would be acceptable to both nations regarding their needs for theater missile defense programs. In the end, we believe that negotiated outcomes will prove to be more effective, reliable and less expensive solutions to our security needs, than technical fixes, which will always be at risk of countermeasures.

In addition, we believe that rushing forward to develop a ballistic national missile defense program will upset the already delicate process leading to the hoped for ratification of the START II Treaty.

Finally, Title II states at the outset that it ″shall be″ the policy of the United States to embrace what follows in that Title. This language requires us to embrace a policy before we study the issues

and fully understand the impact of that policy on our larger national security needs. We submit this is putting the cart before the horse. It is incumbent upon us as legislators to work first toward understanding, and then toward adopting policy.

Title III's requirement that a commission be established to generate a new national security strategy, and a new military strategy to implement that policy, removes the responsibility for such an undertaking from where it rightfully rests, with the President and the Secretary of Defense, in conjunction with other members the National Security Council and Joint Chiefs of Staff on the one hand and in the congressional defense committees on the other.

While we agree that it is important to study the forward looking issues in Title III, it should not be done by a commission that is interposed between the legislative and executive branches. It is not just that we do not need another level of bureaucracy, it is that we should not be abdicating our responsibilities in this area. The establishment of a commission with such broad-ranging authority as is granted in Title III amounts to a vote of no-confidence in our ability—and in the Secretary of Defense's ability—to study, develop and implement our national security policies. This is quite unlike the situation with the Roles and Missions Commission, for example, in which a group of outside experts is tasked to offer their expert advise on a relatively narrow range of issues within the broader national security context. Establishing a commission whose job it is to propose an entire national security strategy and all that fits within its rubric, as is proposed in Title III, is to invite experts to make the types of political judgements which are properly left to our elected officials and those accountable to the people through the confirmation process.

Title IV seeks to prevent the placement of United States forces under the command of non-United States officers when our troops are deployed in United Nations peacekeeping forces. In Section 401, it uses the power of purse to accomplish that goal.

This is a short-sighted policy that ignores the long tradition—dating back to our War of Independence and extending forward to Operation Desert Storm—of United States forces serving under foreign command. It also improperly interferes with this President's—and future presidents'—authority as commander in chief to establish those chains of command that best meet the exigencies and the requirements of the military situations into which our forces would be deployed.

As the Chairman of the Joint Chiefs of Staff, General John Shalikashvili, said in testimony received before the committee on this Title of the bill, "Our forces will always remain under the command of our commander-in-chief, and we already have a sound policy that applies very rigorous standards regarding when we will pass even the most limited authorities of our forces to a foreign commander."

While there may be substantial disagreement concerning when U.S. forces should be deployed—and the proper Congressional role—in their deployment, Title IV deals only with command and control. On this issue, the Constitution's Framers were clear: The President is the commander in chief.

Finally, in Title V, we are troubled with provisions that we see are antithetical to United States security interests. By taking the steps proposed in Title V to impede United States involvement and participation in United Nations peacekeeping activities, we are creating policy that will leave us with the choice between no action and unilateral action.

In financial terms as well as in respect to the well-being of those who serve in uniform under United States colors, it is imperative that we seek to perfect international and multi-national operations to deter violence and prevent the outbreak of large-scale or regional wars. By erecting impediments which seem to serve narrow, U.S. self-interest in the short run, we believe strongly that we are inflicting long-term damage on our national security strategy to promote regional cooperation and stability, and the development of democracy and the respect for human rights.

United States involvement in U.N. peacekeeping is critical to the well-being of both the United Nations and the United States.

Finally, it bears repeating, this bill represents a dramatic change in national security policy and its consideration was handled outside of the normal, careful and deliberative process by which these important matters have been considered in the past, and should be considered in the future. In our opinion, all of the issues addressed in H.R. 7 belong within the annual defense authorization process, as it is coupled with the annual budget process. By rushing a bill to passage in only half the target 100 days, we have foregone a significant opportunity to have a much more informed debate on the bill and the issues and priorities underlying it. Instead, it was brought before the committee for markup after no subcommittee hearings and with only three full committee hearings—one of which was not directly related to any title of the bill. As part of the majority party's campaign pledge to push major legislation through on a short deadline, the national security policy of this country has been caught up in a calendar-driven thrust to make good on that pledge. However, as we move from campaign promise to legislative initiative, the process must become deliberative, substantive and thoughtful. To do less represents a dangerous departure both from the non-partisan history and tradition of our important committee and its determination to undertake a careful and deliberative—time-consuming though it may be—rendering of national security policy.

Because of these and other concerns, and because of a desire that the committees of jurisdiction be allowed the opportunity to work more fully the important issues contained in H.R. 7, we dissented from the reporting of this bill.

RONALD V. DELLUMS.
PATRICIA SCHROEDER.
LANE EVANS.
NEIL ABERCROMBIE.
MARTIN MEEHAN.
ROBERT UNDERWOOD.
ROSA L. DELAURO.
MIKE WARD.
WILLIAM J. JEFFERSON.
PETE PETERSON.
PATRICK J. KENNEDY.

DISSENTING VIEWS

As advocates of a strong defense, we have worked in a bipartisan spirit in the past, and we want to continue in this spirit as the committee takes up the Defense Authorization Act for Fiscal Year 1996.

We are grateful for the effort the Chairman and staff made to accommodate concerns that we and other Democratic members expressed with respect to H.R. 7 as introduced. The changes agreed to were helpful, but they did not go far enough, and we reluctantly concluded that we could not support H.R. 7 as reported.

Our concerns start literally with the title of the bill: "The National Security Revitalization Act." The title implies that our military lacks "vitality," that our forces are not up to the task of defending our national interests. This theme is amplified throughout Title I, which sets forth dire "Findings" warning of "a return to the 'hollow forces' of the 1970's." This accusation was toned down by amendment to the original finding. We believe that Secretary of Defense Perry properly assessed the effects of such language when he warned our committee that "is a dangerous statement; it misleads the American people and it may confuse potential aggressors of the United States."

We also had major objections to Titles II and III of the bill, and we are disappointed that our amendments to strengthen these titles were rejected. In Title II, we agree with the basic proposition that the Department of Defense (DoD) should move toward development of a National Missile Defense ("NMD") system capable of intercepting incoming ballistic missiles. The Spratt Amendment to Title II was offered not so much as a substitute but as a perfecting amendment to H.R. 7, to make it more clear and more certain that Theater Missile Defense ("TMD") has priority over NMD.

The Spratt Amendment calls for:

> developing and testing an NMD system based on a ground-based interceptor, so that we do not waste further billions on a space-based interceptor system; and
>
> assurances that spending on NMD will not impair other important national security priorities, such as readiness, force structure, and modernization.

In its present form, Title II is so broad and so vague that it is not even clear that TMD has priority over NMD. In fact, by including guidance on NMD which calls for deployment "at the earliest practical date" ahead of guidance on TMD, one could plausibly argue that H.R. 7 calls for subordinating TMD to NMD. Such an interpretation would further delay systems like the Theater High Altitude Area Defense (THAAD), or PAC–3, which uses Extended Range Intercept (ERINT) technology. THAAD and ERINT are coming to the end of the development phase and are not far from deployment.

The Spratt Amendment states that TMD shall have priority over NMD unless the threat of a ballistic missile attack against the United States warrants a reversal of these priorities. It also lists its policy objectives in order of priority so there is no chance for misinterpretation. Title II can be interpreted any number of ways, and the lack of clarity could delay or harm our TMD programs. As Secretary Perry put it in his testimony last week, TMD is on a "fast track." We should not sidetrack it.

Another problem with H.R. 7's loose verbiage comes in Section 201(2), which says the U.S. will "provide * * * highly effective theater missile defenses," not only for our forces but for "friendly forces and allies."

"Provide" is a simple choice of words, but it has ambiguous implications. Does "provide" mean that Congress is authorizing DoD—

to share the BMD technology, no matter how sensitive it may be, with allies and friendly forces?

to give the technology or the systems away, with no reimbursement or joint funding?

to "provide" missile defense through U.S. units when allies are in danger and want it for their protection?

to "provide" systems such as Arrow, now being jointly funded, to allies like Israel at an undetermined cost?

The Spratt Amendment avoids these problems by simply stating that we should "complete the development and deployment at the earliest practicable date of more effective theater missile defenses (TMDs) by adequately funding current TMD programs."

Billions have been sunk into ballistic missile defense because there were never any realistic end-goals. R & D for NMD needs a focal point, and it should be focused on developing a ground-based interceptor ("GBI"). At the least, we should carry such a system to the point where its validity can be tested. The GBI would be complemented with ground-based radar and space-based or ground-launched sensors.

By specifically stating the type of interceptor to be used, we set a realistic goal that can be met within a reasonable time. There are advantages—militarily, politically and financially—to pursuing prototype development of a ground-based interceptor:

1. GBI is the system closest to realization.
2. GBI is the least expensive system to deploy.
3. GBI is invulnerable to anti-satellite (ASAT) counter-measures.
4. GBI can be upgraded incrementally because it is ground based; space-based systems cannot be.
5. GBI technology is based on the same technology as TMD, so the sensors, rocket engines, and processors are on the same continuum with TMD sub-systems.
6. GBI would not abrogate the ABM Treaty, though it would leave open the possibility of renegotiating provisions of the ABM Treaty as necessary to test and deploy a GBI-based NMD system.

Secretary Perry told us last week that he thinks GBI is the best technology to pursue if "the objective of the program is to reach the readiness for a deployment decision." But H.R. 7 does not provide the Secretary of Defense any guidance on NMD whatsoever. H.R. 7 states: "deploy at the earliest practical date an anti-ballistic mis-

sile system that is capable of providing a highly effective defense of the United States against ballistic missile attacks."

At face value, the term "highly effective" seems reasonable, but it too is a vague term—highly effective against what threat? If we are talking about an attack from a rogue submarine commander, who can launch a boatload of missiles, each with shrouds, decoys and jamming devices, then a "highly effective" defense will probably require space-based systems costing tens of billions of dollars, which are years, probably decades, away from fielding. If we are talking about being "highly effective" against a limited, accidental launch, or against an emerging third world country unlikely to have sophisticated decoys and no jamming capability, then a much more modest and technically feasible ground-based system would be "highly effective."

By not re-writing H.R. 7, we raise the risk of having proponents of space-based interceptors claim a significant portion of what will surely be limited funding. This will only delay development and deployment of a ground-based system, and encroach on critical priorities like readiness and modernization.

By calling for a GBI system to be proved before it is deployed, we are pushing some Members of this Committee further than they stand on the subject of ballistic missile defense, but the Spratt Amendment stops short of mandating deployment. In contrast, Title II of H.R. 7 says "deploy" without qualification. It makes no sense to mandate a deployment unless we prove the feasibility of an NMD system. The Spratt Amendment simply calls for the development of a prototype—actual hardware, not engineering viewgraphs, which is mostly what we have to show for our $30 billion investment in SDI—and then the President and Congress can make a prudent decision about deployment.

The Spratt Amendment to Title II has been circulated in the Pentagon, and while it has no formal endorsement as yet, General Malcolm O'Neill, Director of the BMD Office, and Paul Kaminski, Under Secretary of Defense for Acquisition, are in general accord with the amendment and prefer it to the version of Title II in the chairman's mark. Both would prefer to have the President provide Congress a deployment plan instead of deployment options, and Secretary Kaminski believes that the threat to the U.S. should be validated before deployment of an NMD system. But overall, both agree with the thrust of the amendment.

Under the Spratt Amendment, we would make the decision about NMD deployment knowing—

that we have a system whose technology has been proven,

that the cost of each deployment option laid out before us;

what threats each deployment option will be able to counter; and

exactly what provisions of the ABM Treaty would have to be re-negotiated to deploy each option.

There is also clear logic to having GBI be accompanied by space-based sensors. The problem with many of the directed energy, space-based platforms is that they would be vulnerable to ASATs and counter-measures. Any country capable of launching intercontinental ballistic missile against the United States is potentially capable of producing an effective ASAT weapon. This is why the SDI

program conceived "Brilliant Pebbles," circling the earth's orbit with small space-based weapon platforms. The sheer number of these platforms theoretically makes them invulnerable to ASATs. However, the limiting factor to Brilliant Pebbles, aside from technology, is cost—it costs a lot to place and keep enough such interceptors in space. By developing space based sensors as an adjunct to GBIs, technologies like cryo-coolers which determine the lifespan of sensors in space, will be developed, and these same technologies could eventually lead to affordable space-based interceptors capable of boost phase intercept.

The Spratt Amendment contains caveats making it clear that NMD is not to be pursued at the expense of other important priorities—like force structure, readiness, and weapon system modernization. NMD must compete for funding on its own merits. These last points seem so obvious that one may question the need to restate them, but the lack of specificity in Title II as it now stands could lead to the wrong interpretation. These caveats are necessary to dispel any notion that an NMD system is to be pursued at the expense of more pressing priorities, such as readiness and modernization.

The Spratt Amendment keeps the NMD program sensible and focused. H.R. 7 as currently worded does not do that—it invites disruptions to the program.

Title III was also the subject of strong, even passionate, testimony by Secretary Perry. The Secretary emphatically stated that "the proposed commission usurps the responsibilities of the Secretary of Defense. At the same time * * * this independent commission would interfere with the ability of this committee to fulfill its responsibilities."

In addition to usurping the prerogative of the Secretary of Defense, Joint Chiefs of Staff, and congressional defense committees, another advisory commission will only duplicate internal DoD studies and the Commission on Roles and Missions. Its timetable for reporting is absurdly short, and its $1.5 million estimated budget is a waste of taxpayer money, better spent on readiness or quality of life for our troops and their families. The challenge in this economic environment is to reduce wasteful government expenditures, not increase them.

We believe that the important issues H.R. 7 does raise—such as the adequacy of funding for readiness and modernization, funding for a deployable NMD, and the gap between defense funding and the force structure called for by the Bottom-Up Review—are best left to the authorization process, where the trade-offs have to be faced and deliberation has to be thorough.

JOHN SPRATT.
JANE HARMAN.

ADDITIONAL VIEWS OF MS. HARMAN

Though Mr. Spratt and I have submitted joint dissenting views, I want to share with the Committee some additional thoughts on National Missile Defense (NMD).

The Spratt Amendment—which I supported—would limit R&D and NMD to developing ground-based interceptor (GBI). I think this limitation is unnecessary.

Since 1983, approximately $35 billion has been appropriated for BMD technology, resulting in truly significant breakthroughs in advanced technologies, including microprocessors, propulsion, guidance, and sensors. The goal now should be to pull the pieces together into a working system that responds to current and future threats against the U.S. and its allies. A Global Protection Against Limited Strikes (GPALS) system should be reconsidered, including burdensharing. For TMD or NMD, space-based systems may well have a role in the evolving architecture of an effective system. But the design can and should be far more modest, affordable and technologically feasible than the old Star Wars concept. For the present, our R&D can be carefully tailored to maintain a technological base, and keep our future options open, while remaining treaty-compliant.

As introduced, Title II of H.R. 7 is an inadequate vehicle to take us to the right answer. We need good intelligence, good science, clear thinking and bipartisan cooperation to define the best course.

JANE HARMAN.

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