104TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { REPT. 104–18 Part 2

NATIONAL SECURITY REVITALIZATION ACT

FEBRUARY 6, 1995.—Ordered to be printed

Mr. GILMAN, from the Committee on International Relations, submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany H.R. 7]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred titles I, III, V, and VI, and sections 401 and 402 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 in lieu thereof 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—REVITALIZATION OF NATIONAL SECURITY COMMISSION

Sec. 301. Establishment.
Sec. 302. Composition.

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Sec. 303. Duties.
Sec. 304. Reports.
Sec. 305. Powers.
Sec. 306. Commission procedures.
Sec. 307. Personnel matters.
Sec. 308. Termination of the commission.
Sec. 309. Funding.

TITLE IV—COMMAND OF UNITED STATES FORCES

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

TITLE V—UNITED NATIONS

Sec. 501. Credit against assessment for United States expenditures in support of United Nations peacekeeping operations.
Sec. 502. Codification of required notice to Congress of proposed United Nations peacekeeping activities.
Sec. 503. Notice to Congress regarding United States contributions for United Nations peacekeeping activities.
Sec. 504. Revised notice to Congress regarding United States assistance for United Nations peacekeeping activities.
Sec. 505. United States contributions to United Nations peacekeeping activities.
Sec. 506. Reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities.
Sec. 507. Prohibition on use of funds to pay United States assessed or voluntary contributions for United Nations peacekeeping activities.
Sec. 508. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.
Sec. 509. Codification of limitation on amount of United States assessed contributions for United Nations peacekeeping operations.
Sec. 510. Buy American requirement.
Sec. 511. United Nations budgetary and management reform.
Sec. 512. Conditions on provision of intelligence to the United Nations.

TITLE VI—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) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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. 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.

(6) Credible and effective collective action on international security concerns, through the United Nations and regional organizations such as the North At-

lantic Treaty Organization can, in appropriate cases, advance world peace, strengthen the national security of the United States, and foster more equitable burden-sharing with friends and allies of the United States in military, political, and financial terms.

(7) A return to the "hollow forces" of the 1970s has already begun. 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. Funding shortfalls for that fiscal year 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. Marine Corps units are spending up to two of their first four years away from their base camps. The significantly increased pace of Department of Defense operations has United States forces over deployed.

(8) 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.

(9) Defense modernization programs to maintain the battlefield technology edge of the United States over other nations are being delayed or canceled in an attempt to prevent the further erosion of military force readiness.

(10) The centerpiece of the Administration's defense strategy, the Bottom Up Review, reduces Navy ships by one-third, Air Force wings by almost one-half, and funding for missile defenses by over 50 percent, and the General Accounting Office has reported that even the restrictive Bottom Up Review could be underfunded by $150,000,000,000.

(11) 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.

SEC. 102. POLICY.

The Congress is committed to providing adequate resources to protect the national security interests of the United States.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish a commission to reassess United States military needs and reverse 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 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 possible 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 possible 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 possible 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 possible 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—REVITALIZATION OF NATIONAL SECURITY COMMISSION

SEC. 301. ESTABLISHMENT.

There is hereby established a 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 in consultation with the minority leader of the House of Representatives.

(3) Four members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and 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 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.

(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 possible date following enactment of this Act.

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

(4) Provide a stronger role for Guard and Reserve forces.

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

(6) Support security enhancing measures in the Asia-Pacific, including support for the Association of Southeast Asian Nations ("ASEAN") Regional Forum, which is a regionwide security dialogue encompassing the major Asia-Pacific nations.

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.

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 COMMAND OR OPERATIONAL CONTROL OF A FOREIGN NATIONAL ACTING ON BEHALF OF THE UNITED NATIONS.

(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 command or operational control of foreign nationals acting on behalf of the United Nations: 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 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 Security 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 not be considered to be placed under the command or operational control of a foreign national acting on behalf of the United Nations in any case in which the senior military commander of the United Nations force or operation is a United States military officer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for United States forces involved, and establish criteria governing the operational employment of such United States forces.

"(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 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 (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 such command or operational control, the President may place such forces under such command or operational control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or operational 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 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.

"(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 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.

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

"(f) INTERPRETATION.—(1) This section is a limitation on the expenditure of Department of Defense funds for any element of the armed forces placed under the command or operational control of a foreign national acting on behalf of the United Nations and is not to be construed as an authorization—

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

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

"(2) Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution, nothing in this section shall be construed to derogate or limit the authority of the President as commander-in-chief of the armed forces under article II, section 2, clause 1 of the Constitution.".

(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 command or operational control of foreign nationals acting on behalf of the United Nations: 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 Security 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 not be considered to be placed under the command or operational control of a foreign national acting on behalf of the United Nations in any case in which the senior military commander of the United Nations force or operation is a United States military officer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for United States forces involved, and establish criteria governing the operational employment of such United States forces.

"(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) 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 OPERATIONS IN MACEDONIA AND CROATIA.—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 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).

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 incremental costs incurred by the Department of Defense 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 incremental costs incurred 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, except that such term does not include any such activity authorized under chapter VII of such Charter with respect to which the President has certified to the Congress that the activity is of such importance to the national security of the United States that the United States would undertake the activity unilaterally if it were not authorized by the United Nations Security Council.

"(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, commu-

nication, 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 subparagraph (A) 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 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."; 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 CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

(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.—

"(1) IN GENERAL.—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 designated congressional committees 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).

"(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply when the Department of Defense has failed to submit its bills in a timely manner for goods and services that were provided to the United Nations.".

(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 ASSESSMENT.—No funds available to the Department of Defense shall be available for payment of any United States assessed or voluntary contribution for United Nations peacekeeping activities.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATION IN 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 United Nations peacekeeping activities only to the extent that Congress has by law specifically authorized the use of those funds for such purposes.".

(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, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.".

(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) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—Before intelligence information is provided by the United States to the United Nations, the President shall ensure that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established guidelines governing the provision of intelligence information to the United Nations which shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)).

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently than semiannually, to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate on the types of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, within 15 days after it becomes known to him, any unauthorized disclosure of intelligence provided to the United Nations.

"(2) The requirement for periodic reports under the first sentence of paragraph (1) of this subsection shall not apply to the provision of intelligence that is provided only to, and for the use of, United States Government personnel serving with the United Nations.

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

"(d) IMPROVED HANDLING OF INTELLIGENCE INFORMATION BY THE UNITED NATIONS.—The Secretary of State (or the designee of the Secretary), in consultation with the Director of Central Intelligence and the Secretary of Defense, shall work with the United Nations to improve the handling, processing, dissemination, and management of all intelligence information provided to it by its members.

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

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

TITLE VI—EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 601. SHORT TITLE.

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

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, 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) Although new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and its NATO allies.

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

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

(7) 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.

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

(9) 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.

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

(11) The Partnership for Peace program is creating new political and military ties with countries in Central and Eastern Europe and provides the basis for joint action to deal with common security problems. Active participation in the Partnership for Peace will also play an important role in the evolutionary process of NATO expansion.

(12) 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) to expeditiously pursue joint cooperation agreements for the acquisition of essential systems to significantly increase the crisis management capability of NATO;

(5) 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 in the near future, and, in accordance with Article 10 of such Treaty, should be invited to become full NATO members, 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 the intelligence and other security services, so that these organizations do not

pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization 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 and ability to accept the obligations, responsibilities, and costs of NATO membership; and

(viii) commitment and ability 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;

(6) 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;

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

(A) each new member nation may be admitted to NATO only by amendment to the North Atlantic Treaty; and

(B) each current NATO member nation will have to complete the treaty amendment ratification process for the admission of each new member nation to NATO, subject to the internal legal processes of each current NATO member nation, and that in the case of the United States, the treaty amendment ratification process will require advice and consent of two-thirds of the members of the United States Senate present and voting;

(8) that the expansion of NATO should be defensive in nature and should occur in a manner that increases stability for all nations of Europe, including both NATO member nations and non-NATO member nations;

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

(10) that other European countries emerging from communist domination 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 the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

"(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization 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 and ability to accept the obligations, responsibilities, and costs of NATO membership; and

"(viii) commitment and ability 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 Partnership for Peace country designated under section 203(d) of this title" 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 COUNTRIES THAT PROVIDE DEFENSE ARTICLES TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—The President may not provide assistance to a country under the program established under subsection (a) if such country is selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.".

(e) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Section 203 of such Act (as amended by subsection (d)) is further amended by adding at the end the following:

"(h) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Prior to providing assistance to a country for the first time through the program established under subsection (a), the President shall transmit to the designated congressional committees a report with respect to that country that contains a description of the following:

"(1) The cost of membership in NATO for the country and the amount that the country is prepared to contribute to NATO to pay for such cost of membership.

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

"(3) The extent to which the admission to NATO of the country would contribute to the security of the United States.

"(4) The views of other NATO member nations regarding the admission to NATO of the country and the amounts that such other NATO member nations will contribute to facilitate transition to full NATO membership for the country.".

(f) 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); and

(3) in paragraphs (1) and (2), 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).".

(g) 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 any full and active participant in the Partnership for Peace that—

"(A) 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) is among the following countries: 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.

BACKGROUND AND PURPOSE

H.R. 7, the "National Security Revitalization Act", is intended to address serious national security issues requiring attention during the 104th Congress.

With respect to the U.N. peacekeeping provisions contained in H.R. 7, the bill is meant to strengthen the ability of the United States to protect its security and financial interests in all U.N. peacekeeping activities. Suggestions that this bill undermines U.N. peacekeeping are simply unfounded.

Provisions of the bill within the primary jurisdiction of the Committee on International Relations include title IV, limiting the subordination of U.S. armed forces to the command or operational control of foreign nationals acting on behalf of the United Nations in peacekeeping operations; title V, limiting the financial obligations

imposed upon the United States by United Nations peacekeeping operations and seeking to promote management reform within the United Nations; and title VI, endorsing and seeking to facilitate the expansion of the North Atlantic Treaty Organization. Provisions of the bill within the primary jurisdiction of the Committee on National Security include title II, regarding defense against ballistic missile attacks; and title III, establishing a "Revitalization of National Security Commission" to conduct a comprehensive review of the long-term national security needs of the United States.

A primary concern underlying the provisions of H.R. 7 within the jurisdiction of the Committee on International Relations is the need to reassert the primacy of United States national interests in conduct of United States foreign policy, in the use of United States armed forces, and in the expenditure of resources of the Department of Defense. This concern is particularly acute with regard to United Nations peacekeeping operations.

The bitter experience of the United States in the failed United Nations peacekeeping operation in Somalia demonstrates that such operations are not necessarily a low-cost means of exerting United States influence in troubled parts of the world. To the contrary, such operations can entangle the United States in costly and ultimately futile efforts with little or no connection to the national interests of the United States. In a world in which serious threats remain to vital U.S. national security interests, the United States cannot afford to squander its resources on peacekeeping operations unconnected to its national interests. The provisions of titles IV and V of H.R. 7 are intended to ensure that future U.S. involvement in United Nations peacekeeping operations advances U.S. national security interests and does not detract from those interests.

Critics of Title V of H.R. 7, in particular critics of section 501, argue that it will destroy U.S. peacekeeping and eliminate peacekeeping as an option of U.S. foreign policy. Nothing could be farther from the truth. Section 501 simply requires that the U.S. will be reimbursed for our own military expenditures in support of peacekeeping operations. With the addition of the Presidential certification provision for Chapter 7 operations, the total of our in-kind credits which would have to be credited in FY 94 under this provision would have been about one quarter of our total FY 94 peacekeeping budget.

An additional concern underlying H.R. 7 is the need to adapt the most successful collective security institution in history—the North Atlantic Treaty Organization—to the security requirements of the post-Cold War era. NATO can and must play a central role in addressing the uncertainty in Central and Eastern Europe that has developed since the end of the Cold War. The United States should take the lead in making clear to the countries emerging from communist domination in Central and Eastern Europe that the door to the West will remain open to them if they persist in the political and economic reforms they have undertaken.

The process of NATO expansion endorsed by title VI of H.R. 7 is not intended to draw new lines across Europe or to identify any country or group of countries as a threat to others. Rather, the process of NATO expansion as endorsed by H.R. 7 is a dynamic one that will begin with those countries furthest along the path of re-

form but is intended to include others over time as circumstances warrant. The ultimate goal is not a redivided Europe, but rather a Europe whole and free, in which all members of the Cold War alliance structures are integrated into a new security architecture.

COMMITTEE ACTION

Chairman Benjamin A. Gilman, Chairman Floyd Spence, Representative Ed Bryant and Representative James A. Hayes introduced H.R. 7, the National Security Revitalization Act, on January 4, 1995, the first day of the 104th Congress.

On January 24, 1995, the full Committee held a hearing on H.R. 7, during which testimony was given by the Honorable Jeane Kirkpatrick, former Permanent U.S. Representative to the United Nations and Dr. Barry Blechman, Chairman of the Henry L. Stimson Center.

In January the full Committee also held a three-part series of hearings on evaluating U.S. foreign policy. H.R. 7 was discussed extensively during these hearings. The first of these hearings was held on January 12, 1995, with the Honorable James A. Baker, III former Secretary of State, as the witness. The second hearing took place on January 19, 1995, during which testimony was presented by the Honorable Zbigniew Brzezinski, former National Security Advisor to President Carter, and the Honorable Charles William Maynes, Editor, Foreign Policy. The third hearing was held on January 26, 1995, with the Honorable Warren Christopher, Secretary of State.

In addition, the Committee held a closed briefing on January 20, 1995, with the Honorable Madeleine Albright, Permanent U.S. Representative to the United Nations. During this briefing, Ambassador Albright outlined Administration concerns with portions of H.R. 7 concerning United Nation peacekeeping issues.

ROLL CALL VOTES ON AMENDMENTS; FINAL COMMITTEE ACTION

In compliance with clause (2)(l)(2)(B) of rule XI of the Rules of the House of Representatives, the record of committee roll call votes taken on final passage or amendments during the committee's consideration of H.R. 7 is set out below, as is a report of the committee's final action on the bill.

On January 27, 30, and 31, the committee met to consider H.R. 7, the required quorum being present at all times when the committee conducted legislative business.

Janaury 27, 1995

By unanimous consent, the committee ordered that an amendment in the nature of substitute offered by Chairman Gilman be considered as original text for the purpose of amendment, and that each section of the amendment in the nature of a substitute be considered as having been read when designated by the Chief of Staff.

The following amendments were the subject of roll-call votes, and the disposition of those amendments is reported here, as required by clause (2)(l)(2)(B) of rule XI:

Mr. Menendez offered an amendment to strike section 103(1) of the amendment in the nature of a substitute. Section 103(1) set

out, as one of the purposes of H.R. 7, the establishment of a commission to reassess United States military needs and reverse the continuing downward spiral of defense spending. The Mendendez amendment was defeated by a 17–21 roll-call vote, as follows:

YEAS	NAYS
Mr. Hamilton	Mr. Gilman
Mr. Gejdenson	Mr. Goodling
Mr. Lantos	Mr. Leach
Mr. Torricelli	Mr. Roth
Mr. Ackerman	Mr. Hyde
Mr. Johnston	Mr. Bereuter
Mr. Engel	Mr. Smith
Mr. Martinez	Mr. Burton
Mr. Payne	Mrs. Meyers
Mr. Andrews	Mr. Gallegly
Mr. Menendez	Mr. Ballenger
Mr. Brown	Mr. Rohrabacker
Ms. McKinney	Mr. Manzullo
Mr. Hastings	Mr. Royce
Mr. Wynn	Mr. King
Mr. McNulty	Mr. Kim
Mr. Moran	Mr. Brownback
	Mr. Funderburk
	Mr. Chabot
	Mr. Sanford
	Mr. Salmon

Mr. Menendez offered an amendment to strike Title III of the amendment in the nature of a substitute. Title III of the amendment in the nature of a substitute provides for the Establishment of a Revitalization of National Security Commission. The Menendez amendment was defeated by a 16–22 roll-call vote, as follows:

YEAS	NAYS
Mr. Hamilton	Mr. Gilman
Mr. Gejdension	Mr. Goodling
Mr. Lantos	Mr. Leach
Mr. Torricelli	Mr. Roth
Mr. Ackerman	Mr. Hyde
Mr. Johnston	Mr. Bereuter
Mr. Engel	Mr. Smith
Mr. Martinez	Mr. Burton
Mr. Payne	Mrs. Meyers
Mr. Andrews	Mr. Gallegly
Mr. Menendez	Ms. Ros-Lehtinen
Mr. Brown	Mr. Ballenger
Mr. McKinney	Mr. Rohrabacher
Mr. Hastings	Mr. Manzullo
Mr. Wynn	Mr. Royce

Mr. McNulty	Mr. King
	Mr. Kim
	Mr. Brownback
	Mr. Funderburk
	Mr. Chabort
	Mr. Sanford
	Mr. Salmon

Mr. Ackerman offered an en bloc amendment to Title IV of the amendment in the nature of a substitute. The Ackerman amendment would have provided for the non-application of certain sections of the bill in a case in which fewer than 50 members of the armed forces are participating in a particular United Nations operation or activity. The Ackerman amendment was defeated by a 14–22 roll-call vote, as follows:

YEAS	NAYS
Mr. Leach	Mr. Gilman
Mr. Hamilton	Mr. Goodling
Mr. Gejdenson	Mr. Roth
Mr. Lantos	Mr. Hyde
Mr. Berman	Mr. Bereuter
Mr. Ackerman	Mr. Smith
Mr. Engel	Mr. Burton
Mr. Martinez	Mrs. Meyers
Mr. Payne	Mr. Ballegly
Mr. Andrews	Mrs. Ros-Lehtinen
Mr. Menendez	Mr. Ballenger
Mr. Brown	Mr. Rohrabacher
Mr. Hastings	Mr. Manzullo
Mr. Wynn	Mr. Royce
	Mr. King
	Mr. Kim
	Mr. Brownback
	Mr. Funderburk
	Mr. Chabot
	Mr. Sanford
	Mr. Salmon
	Mr. McNulty

Mr. Engel offered an en bloc amendment to sections 401 and 402 of the amendment in the nature of a substitute. Section 401 and 402 of the amendment in the nature of a substitute contain limitations on the placement of United States armed forces under foreign control for a United Nations peacekeeping actitity. The Engel amendment would have provided for an exception the limitations set out those sections in the case of a proposed placement of any element of the Armed Forces under the command or operational control of a military officer of a NATO member state. The Engel amendment was defeated by a 14–20 roll-call vote, as follows:

YEAS	NAYS
Mr. Leach	Mr. Gilman
Mr. Hamilton	Mr. Goodling
Mr. Genjdenson	Mr. Bereuter
Mr. Lantos	Mr. Smith

Mr. Torricelli	Mr. Burton
Mr. Berman	Mrs. Meyers
Mr. Ackerman	Mr. Gallegly
Mr. Engel	Ms. Ros-Lehtinen
Mr. Menendez	Mr. Ballenger
Mr. Brown	Mr. Rohrabacher
Mr. McKinney	Mr. Manzullo
Mr. Hastings	Mr. Royce
Mr. Wynn	Mr. King
Mr. Moran	Mr. Kim
	Mr. Brownback
	Mr. Funderburk
	Mr. Chabot
	Mr. Sanford
	Mr. Salmon
	Mr. Andrews

January 30, 1995

Mr. Hastings moved to amend the amendment in the nature of a substitute by striking section 501 thereof and inserting a new section 501. The Hastings amendment would have provided that the United States would receive credit for its costs in support of peacekeeping to the degree that other nations receive credit from the United Nations for their costs incurred in support of peacekeeping. The Hastings amendment was defeated by a 14–22 roll-call vote, as follows:

YEAS	NAYS
Mr. Hamilton	Mr. Gilman
Mr. Gejdenson	Mr. Goodling
Mr. Lantos	Mr. Hyde
Mr. Torricelli	Mr. Bereuter
Mr. Ackerman	Mr. Smith
Mr. Johnston	Mr. Burton
Mr. Menendez	Mrs. Meyers
Mr. Brown	Mr. Gallegly
Ms. McKinney	Ms. Ros-Lehtinen
Mr. Hastings	Mr. Ballenger
Mr. Wynn	Mr. Rohrabacher
Mr. McNulty	Mr. Manzullo
Mr. Moran	Mr. Royce
Mr. Frazer	Mr. King
	Mr. Kim
	Mr. Brownback
	Mr. Funderburk
	Mr. Chabot
	Mr. Sanford
	Mr. Salmon
	Mr. Houghton
	Mr. Andrews

Mr. Torricelli was granted unanimous consent to offer an amendment en bloc to several sections of Title VI. Subsequently, Mr. Goodling asked unanimous consent to divide the motion, and by

unanimous consent the consideration of the amendment was divided.

The first part of the Torricelli amendment, among other things, deleted the policy language setting out a five year time frame for the expansion of NATO and replaced that time frame with the words "in the near future." The first part of the Torricelli amendment was agreed to by a voice vote.

Mr. Smith moved to reconsider the vote by which the first part of the Torricelli amendment was agreed to. The motion to reconsider the vote was defeated by a 15–25 roll-call vote, as follows:

YEAS	NAYS
Mr. Gilman	Mr. Goodling
Mr. Roth	Mr. Bereuter
Mr. Hyde	Mr. Gallegly
Mr. Smith	Mr. Kim
Mr. Burton	Mr. Brownback
Mrs. Meyers	Mr. Funderburk
Ms. Ros-Lehtinen	Mr. Sanford
Mr. Ballenger	Mr. Hamilton
Mr. Rohrabacher	Mr. Gejdenson
Mr. Manzullo	Mr. Lantos
Mr. Royce	Mr. Torricelli
Mr. King	Mr. Berman
Mr. Chabot	Mr. Ackerman
Mr. Salmon	Mr. Johnston
Mr. Houghton	Mr. Engel
	Mr. Martinez
	Mr. Andrews
	Mr. Menendez
	Mr. Brown
	Ms. McKinney
	Mr. Hastings
	Mr. Wynn
	Mr. McNulty
	Mr. Moran
	Mr. Frazer

The second part of the Torricelli amendment would have amended the amendment in the nature of a substitute by deleting language directing the President to establish an assistance program for certain countries eligible for participation in the Partnership for Peace program, and instead made the establishment of the program discretionary. The second part of the Torricelli amendment also would have deleted the designation of Poland, Hungary, the Czech Republic, and Slovakia as eligible for assistance under the program.

The second part of the Torricelli amendment was defeated by a 16–23 roll-call vote, as follows:

YEAS	NAYS
Mr. Hamilton	Mr. Gilman
Mr. Gejdenson	Mr. Goodling
Mr. Lantos	Mr. Roth
Mr. Torricelli	Mr. Hyde

Mr. Berman
Mr. Ackerman
Mr. Johnston
Mr. Martinez
Mr. Andrews
Mr. Brown
Ms. McKinney
Mr. Hastings
Mr. Wynn
Mr. McNulty
Mr. Moran
Mr. Frazer

Mr. Bereuter
Mr. Smith
Mr. Burton
Mrs. Meyers
Mr. Gallegly
Ms. Ros-Lehtinen
Mr. Ballenger
Mr. Rohrabacher
Mr. Manzullo
Mr. Royce
Mr. King
Mr. Kim
Mr. Brownback
Mr. Funderburk
Mr. Chabot
Mr. Sanford
Mr. Salmon
Mr. Houghton
Mr. Engel

January 31, 1995

Mr. Berman offered an amendment to the amendment in the nature of a substitute. The Berman amendment provided for a new section of the bill which would have authorized the President, subject to the power of the Congress to declare war, to deploy "any member of the United States Armed Forces for participation in support of peacekeeping activities authorized by United Nations Security Council resolutions." The Berman amendment was agreed to by a vote of 23–18, as follows:

YEAS

Mr. Goodling
Mr. Leach
Mr. Chabot
Mr. Sanford
Mr. Houghton
Mr. Hamilton
Mr. Gejdenson
Mr. Lantos
Mr. Berman
Mr. Ackerman
Mr. Johnston
Mr. Engel
Mr. Faleomavaega
Mr. Martinez
Mr. Payne
Mr. Menendez
Mr. Brown
Ms. McKinney
Mr. Hastings
Mr. Wynn
Mr. McNulty
Mr. Moran
Mr. Frazer

NAYS

Mr. Gilman
Mr. Roth
Mr. Hyde
Mr. Bereuter
Mr. Smith
Mr. Burton
Mrs. Meyers
Mr. Gallegly
Ms. Ros-Lehtinen
Mr. Ballenger
Mr. Rohrabacher
Mr. Manzullo
Mr. Royce
Mr. King
Mr. Kim
Mr. Brownback
Mr. Funderburk
Mr. Andrews

Note.—A motion to reconsider the vote by which the Berman amendment was agreed to was subsequently offered, and agreed to, and on reconsideration the amendment was defeated. See below.

Mr. Hastings offered an amendment in the nature of a substitute to the Gilman amendment in the nature of a substitute. The Hastings amendment was the text of an earlier version of H.R. 7. The Hastings amendment was defeated by a vote of 0–40, as follows:

YEAS	NAYS
	Mr. Gilman
	Mr. Goodling
	Mr. Roth
	Mr. Hyde
	Mr. Bereuter
	Mr. Smith
	Mr. Burton
	Mrs. Meyers
	Mr. Gallegly
	Ms. Ros-Lehtinen
	Mr. Ballenger
	Mr. Rohrabacher
	Mr. Manzullo
	Mr. Royce
	Mr. King
	Mr. Kim
	Mr. Brownback
	Mr. Funderburk
	Mr. Chabot
	Mr. Sanford
	Mr. Salmon
	Mr. Houghton
	Mr. Hamilton
	Mr. Gejdenson
	Mr. Lantos
	Mr. Berman
	Mr. Ackerman
	Mr. Johnston
	Mr. Engel
	Mr. Faleomavaega
	Mr. Martinez
	Mr. Payne
	Mr. Andrews
	Mr. Menendez
	Mr. Brown
	Ms. McKinney
	Mr. Wynn
	Mr. McNulty
	Mr. Moran
	Mr. Frazer

Note.—Mr. Hastings answered "present".

Note.—The following vote, although not required by the Rules to be included in this Report, is provided for the purpose of clarifying the record of the committee's action on the Berman amendment.

Mr. Goodling, who had voted on the prevailing side on the roll-call vote on the Berman amendment to the amendment in the nature of a substitute, moved to reconsider the vote by which the Berman amendment was agreed to. The motion to reconsider the vote on the Berman amendment was agreed to by a roll-call vote of 22–18, as follows:

YEAS	NAYS
Mr. Gilman	Mr. Hamilton
Mr. Goodling	Mr. Gejdenson
Mr. Roth	Mr. Lantos
Mr. Hyde	Mr. Berman
Mr. Bereuter	Mr. Ackerman
Mr. Smith	Mr. Johnston
Mr. Burton	Mr. Engel
Mrs. Meyers	Mr. Faleomavaega
Mr. Gallegly	Mr. Martinez
Ms. Ros-Lethtinen	Mr. Payne
Mr. Ballenger	Mr. Andrews
Mr. Rohrabacher	Mr. Menendez
Mr. Manzullo	Mr. Brown
Mr. Royce	Ms. McKinney
Mr. King	Mr. Hastings
Mr. Kim	Mr. Wynn
Mr. Brownback	Mr. McNulty
Mr. Funderburk	Mr. Moran
Mr. Chabot	
Mr. Sanford	
Mr. Salmon	
Mr. Houghton	

The Goodling motion to reconsider the Berman amendment to the amendment in the nature of a substitute having been agreed to, the Chair put the question on agreeing to the Berman amendment. On reconsideration, the Berman amendment was defeated by a roll-call vote of 20–21, as follows:

YEAS	NAYS
Mr. Chabot	Mr. Gilman
Mr. Hamilton	Mr. Goodling
Mr. Gejdenson	Mr. Roth
Mr. Lantos	Mr. Hyde
Mr. Torriceli	Mr. Bereuter
Mr. Berman	Mr. Smith
Mr. Ackerman	Mr. Burton
Mr. Johnston	Mrs. Meyers
Mr. Engel	Mr. Gallegly
Mr. Faleomavaega	Ms. Ros-Lehtinen
Mr. Martinez	Mr. Ballenger
Mr. Payne	Mr. Rohrabacher
Mr. Menendez	Mr. Manzullo
Mr. Brown	Mr. Royce
Ms. McKinney	Mr. King
Mr. Hastings	Mr. Kim
Mr. Wynn	Mr. Brownback

Mr. McNulty
Mr. Moran
Mr. Frazer
Mr. Funderburk
Mr. Sanford
Mr. Salmon
Mr. Houghton

Note.—Mr. Andrews answered "present".

The Chair put the question on agreeing to the amendment in the nature of a substitute, which passed by a roll-call vote of 23–18, as follows:

YEAS	NAYS
Mr. Gilman	Mr. Hamilton
Mr. Goodling	Mr. Gejdenson
Mr. Roth	Mr. Lantos
Mr. Hyde	Mr. Torricelli
Mr. Bereuter	Mr. Berman
Mr. Smith	Mr. Ackerman
Mr. Burton	Mr. Johnston
Mrs. Meyers	Mr. Engel
Mr. Gallegly	Mr. Faleomavaega
Ms. Ros-Lehtinen	Mr. Payne
Mr. Ballenger	Mr. Menedez
Mr. Rohrabacher	Mr. Bown
Mr. Manzullo	Ms. McKinney
Mr. Royce	Mr. Hastings
Mr. King	Mr. Wynn
Mr. Kim	Mr. McNulty
Mr. Brownbck	Mr. Noran
Mr. Funderburk	Mr. Frazer
Mr. Chabot	
Mr. Sanford	
Mr. Salmon	
Mr. Houghton	
Mr. Andrews	

Note.—Immediately following the vote recorded above, the following ensued:

Mr. Goodling moved that the Chief of Staff be authorized to make technical and conforming amendments to the bill, that the committee report the bill as amended to the House with the recommendation that the bill, as amended, do pass, and that the Chairman be authorized to take any other necessary steps required to bring the bill before the House for consideration. The motion was agreed to without objection, the requisite quorum (majority of the full committee) being present. Mr. Hamilton requested that the Minority be accorded three days to file dissenting views.

SECTION-BY-SECTION ANALYSIS

SECTION 1—SHORT TITLE; TABLE OF CONTENTS

Section 1 provides the short title for the Act, the "National Security Revitalization Act," and sets out a table of contents for the Act.

TITLE I—FINDINGS, POLICY, AND PURPOSES

SECTION 101—FINDINGS

Section 101 sets forth congressional findings relevant to the Act.

SECTION 102—POLICY

Section 102 declares the commitment of the Congress to providing adequate resources to protect the national security interests of the United States.

SECTION 103—PURPOSES

Section 103 sets forth the purposes of the Act, including, inter alia, restricting deployments of U.S. forces to missions that are in the national security interest of the United States, maintaining command and control by U.S. personnel of U.S. forces participating in U.N. peacekeeping operations, reducing the cost of U.N. peacekeeping activities to the United States, pressing for reforms in U.N. management practices, and reemphasizing the commitment of the United States to a strong and viable North Atlantic Treaty Organization (NATO).

TITLE II—MISSILE DEFENSE

SECTIONS 201, 202, AND 203—MISSILE DEFENSE

Sections 201, 202, and 203 contain provisions regarding defense against missile attacks. These sections are outside the jurisdiction of the Committee on International Relations.

TITLE III—REVITALIZATION OF NATIONAL SECURITY COMMISSION

SECTION 301—ESTABLISHMENT

Section 301 establishes the "Revitalization of National Security Commission".

SECTION 302—COMPOSITION

Section 302 provides for, inter alia, the appointment, qualifications, and term of service of members of the Commission.

SECTION 303—DUTIES

Section 303 directs the Commission to conduct a comprehensive review of the long-term national security needs of the United States. It further specifies issues to be assessed in the comprehensive review and matters to be considered. Among the issues to be assessed is the costs to the United States of expanding the membership of NATO. Among the matters to be considered and addressed in the Commission's specific recommendations are providing a new funding system for peacekeeping and humanitarian deployments such as Haiti and Rwanda that will avoid diversions from military readiness accounts, and supporting security-enhancing measures in the Asia-Pacific region, including the Association of Southeast Asian Nations Regional Forum.

SECTION 304—REPORTS

Section 304 establishes a timetable for submission by the Commission to designated congressional committees of an interim and a final report.

SECTION 305—POWERS

Section 305 specifies the powers of the Commission to conduct hearings, secure assistance from Federal departments and agencies, use the United States mails, and receive assistance from the Secretary of Defense.

SECTION 306—COMMISSION PROCEDURES

Section 306 provides procedures for the convening of Commission meetings and establishes a quorum requirement for the transaction of business by the Commission.

SECTION 307—PERSONNEL MATTERS

Section 307 provides for the appointment of Commission staff, the detail of personnel to the Commission from Federal departments and agencies, and payment to Commission members of travel expenses including per diem in lieu of subsistence.

SECTION 308—TERMINATION OF THE COMMISSION

Section 308 provides that the Commission shall terminate upon submission of this final report.

SECTION 309—FUNDING

Section 309 provides that of the funds available to the Department of Defense, $1.5 million shall be made available to the Commission.

TITLE IV—COMMAND OF UNITED STATES FORCES

SECTION 401—LIMITATION ON EXPENDITURE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES FORCES PLACED UNDER COMMAND OR OPERATIONAL CONTROL OF A FOREIGN NATIONAL ACTING ON BEHALF OF THE UNITED NATIONS

Section 401(a) amends title 10 of the United States Code to add a new section 405 entitled "Placement of United States forces under command or operational control of foreign nationals acting on behalf of the United Nations: limitation".

The new section 405(a) of title 10 provides that funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the U.S. armed forces that after the date of enactment is placed under the command or operational control of a foreign national acting on behalf of the United Nations for purposes of international peacekeeping, peacemaking, peace-enforcing, or similar activity.

The new section 405(a) further provides that U.S. forces shall not be considered to be under the command or operational control of a foreign national in any case in which the senior military commander of the United Nations force is a United States military offi-

cer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for the U.S. forces involved, and establish criteria governing the operational employment of such U.S. forces. This proviso is intended to address situations in which foreign nationals may be placed in the chain of command between a senior military commander of a U.N. operation who is a U.S. national and a U.S. military unit.

The new section 405(c) provides an exception to the restrictions of the new section 405(a) for instances in which Congress has specifically authorized by law the placement of U.S. armed forces under the command or operational of a foreign national acting on behalf of the United Nations. The new section 405(b) provides an exception to the restrictions of the new section 405(a) for cases in which the President submits a certification and report to Congress meeting requirements specified in section 405(d) not less than 15 days before placing U.S. forces under such command or operational control.

The new section 405(d) provides that a certification under section 405(b) is required to contain the President's certification to Congress of the following: (1) The foreign command or operational control arrangement is necessary to protect national security interests of the United States; (2) the U.S. commander of any U.S. unit proposed for placement under the command or operational control of a foreign national acting on behalf of the United Nations will at all times retain the right to report independently to superior U.S. military authorities, and to decline to comply with orders judged by such 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 U.S. military authorities; (3) the U.S. forces will at all times remain under U.S. administrative command for such purposes as discipline and evaluation; and (4) the United States will retain the authority to withdraw any U.S. forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

Any such presidential certification must be accompanied by a report from the President to Congress setting forth additional details regarding the proposed foreign command or operational control arrangement.

If the President certifies to Congress that an emergency exists that prevents the President from submitting the certification and report described above to Congress 15 days before placing U.S. armed forces under foreign command or operational control, the President may submit such certification and report to Congress in a timely manner, but in no event later than 48 hours after such command or operational control becomes effective.

The new section 405(f) is an interpretation provision clarifying that nothing in the section is to be construed as providing statutory authorization for the President to use U.S. armed forces in any operation or to place any element of the U.S. armed forces under the command or operational control of a foreign national. Section 405(f) further clarifies that nothing in the section is to be construed to derogate or limit the President's constitutional authority as commander in chief.

Section 401 of the Act contains two additional provisions that are not incorporated into the new section 405 of title 10.

Section 401(b) provides that no presidential certification may be submitted under the new section 405(d)(1) of title 10 with respect to any proposed foreign command or operational control arrangement until the President has submitted to the Congress a memorandum of legal points and authorities explaining why the placement of U.S. forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the United States Constitution. This section is intended to address the concern that any subordination of United States armed forces to the command or operational control of foreign nationals may violate the Constitution, including the Appointments Clause (Article II, section 2, paragraph 2) and the Oaths Clause (Article VI, paragraph 3).

Section 401(c) excepts from the restrictions of the new section 405 of title 10 participation of U.S. armed forces in the ongoing United Nations operations in Macedonia and Croatia on terms substantially similar to those on which U.S. armed forces are currently participating in those operations.

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

Section 402(a) amends section 6 of the United Nations Participation Act (section 287d of title 22, United States Code) to remove the grant of authority from Congress to the President currently contained in section 6 to negotiate a special agreement or agreements with the Security Council in accordance with article 43 of the United Nations Charter. Section 6 as revised will retain the requirement of the current section 6 that any agreement with the Security Council in accordance with article 43 of the United Nations Charter be approved by Congress by law before taking effect.

The new subsection 6(b) of the United Nations Participation Act provides that the President may not place any element of the U.S. armed forces under the command or operational control of a foreign national acting on behalf of the United Nations for purposes of international peacekeeping, peacemaking, peace-enforcing, or similar activity.

The new section 6(b) further provides that U.S. forces shall not be considered to be under the command or operational control of a foreign national in any case in which the senior military commander of the United Nations force is a United States military officer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for the U.S. forces involved, and establish criteria governing the operational employment of such U.S. forces. This proviso is intended to address situations in which foreign nationals may be placed in the chain of command between a senior military commander of a U.N. operation who is a U.S. national and a U.S. military unit.

The new section 6(d) provides an exception to the restrictions of the new section 6(b) for instances in which Congress has specifically authorized by law the placement of U.S. armed forces under the command or operational of a foreign national acting on behalf

of the United Nations. The new section 6(c) provides an exception to the restrictions of the new section 6(b) for cases in which the President submits a certification and report to Congress meeting requirements specified in section 6(e) not less than 15 days before placing U.S. forces under such command or operational control.

The new section 6(e) provides that a certification under section 6(c) is required to contain the President's certification to Congress of the following: (1) The foreign command or operational control arrangement is necessary to protect national security interests of the United States; (2) the U.S. commander of any U.S. unit proposed for placement under the command or operational control of a foreign national acting on behalf of the United Nations will at all times retain the right to report independently to superior U.S. military authorities, and to decline to comply with orders judged by such 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 U.S. military authorities; (3) the U.S. forces will at all times remain under U.S. administrative command for such purposes as discipline and evaluation; and (4) the United States will retain the authority to withdraw any U.S. forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

Any such presidential certification must be accompanied by a report from the President to Congress setting forth additional details regarding the proposed foreign command or operational control arrangement.

If the President certifies to Congress that an emergency exists that prevents the President from submitting the certification and report described above to Congress 15 days before placing U.S. armed forces under foreign command or operational control, the President may submit such certification and report to Congress in a timely manner, but in no event later than 48 hours after such command or operational control becomes effective.

The new section 6(g) is an interpretation provision clarifying that, except as authorized in section 7 of the United Nations Participation Act, nothing in that Act is to be construed as providing statutory authorization for the President to make available to the Security Council United States Armed forces, facilities, or assistance.

Section 402 of the Act contains two additional provisions that are not incorporated into the new section 6 of the United Nations Participation Act.

Section 402(b) provides that no presidential certification may be submitted under the new section 6(e)(1) of the United Nations Participation Act with respect to any proposed foreign command or operational control arrangement until the President has submitted to the Congress a memorandum of legal points and authorities explaining why the placement of U.S. forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the United States Constitution. This section is intended to address the concern that any subordination of United States armed forces to the command or operational control of foreign nationals may violate the Constitution, including

the Appointments Clause (Article II, section 2, paragraph 2) and the Oaths Clause (Article VI, paragraph 3).

Section 402(c) excepts from the restrictions of the new section 6 of the United Nations Participation Act participation of the U.S. armed forces in the ongoing United Nations operations in Macedonia and Croatia on terms substantially similar to those on which U.S. armed forces are currently participating in those operations.

TITLE V—UNITED NATIONS

SECTION 501—CREDIT AGAINST ASSESSMENT FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS

Section 501 amends the United Nations Participation Act to add a new section 10(a) entitled ''Credit Against Assessment for Expenditures in Support of Peacekeeping Operations''.

The new section 10(a)(2) of the United Nations Participation Act requires the President's annual budget submission to Congress to include a report on the total amount of incremental costs incurred by the Department of Defense during the preceding year to support or participate in, directly or indirectly, United Nations peacekeeping activities.

For purposes of the new section 10(a), the term ''United Nations peacekeeping activities'' is defined to mean any peacekeeping, peacemaking, peace-enforcing, or similar activity authorized by the Security Council under chapter VI or VII of the United Nations Charter, except that such term does not include any such activity authorized under chapter VII of such Charter with respect to which the President has certified to the Congress that the activity is of such importance to the national security of the United States that the United States would undertake the activity unilaterally if it were not authorized by the United Nations Security Council.

The new section 10(a)(1) provides that 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 the amount of such assessed share exceeds the total amount of incremental costs identified in the report submitted pursuant to section 10(a)(2), as reduced by any amount reimbursed or credited to the United States by the United Nations. The effect of the provision is to permit the United States to pay United Nations peacekeeping assessments only to the extent that such assessments exceed the unreimbursed incremental costs to the Department of Defense during the preceding year for direct or indirect U.S. participation in or support to certain U.N. peacekeeping operations.

SECTION 502—CODIFICATION OF REQUIRED NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES

Section 502 amends section 4 of the United Nations Participation Act to clarify and tighten existing requirements for notice to Congress regarding the authorization of new and the reauthorization of existing United Nations peacekeeping operations.

Section 4 as amended will require that all such notice be provided in writing. Section 4 as amended will further require that any significant expansion of an existing peacekeeping operation

(defined as expansion by more than 25% as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation) be treated as authorization of a new peacekeeping operation for purposes of the reporting requirements.

SECTION 503—NOTICE TO CONGRESS REGARDING UNITED STATES CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES

Section 503 amends the United Nations Participation Act to add a new section 10(b) entitled "Notice to Congress Regarding Contributions for Peacekeeping Activities".

The new section 10(b) requires the President to notify designated congressional committees within 15 days of the receipt of a billing request from the United Nations for payment of U.S. assessments for U.N. peacekeeping activities.

The new section 10(b) further requires the President to notify the designated committees at least 15 days before the U.S. funds are obligated to pay assessed or voluntary U.S. contributions to U.N. peacekeeping activities, except that if the President determines that an emergency exists 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.

SECTION 504—REVISED NOTICE TO CONGRESS REGARDING UNITED STATES ASSISTANCE FOR UNITED NATIONS PEACEKEEPING ACTIVITIES

Section 504 amends the United Nations Participation Act to add a new section 7(e).

The new section 7(e) requires the President to notify designated congressional committees 15 days in advance of the provision by any agency or entity of the United States Government of any assistance or facility to support or facilitate United Nations peacekeeping activities. The President may notify the designated committees up to 48 hours after providing assistance or facility in situations in which the President determines that an emergency exists and that providing such assistance or facility is in the national security interests of the United States.

No notice to the designated committees is required with respect to (1) assistance having a value less than $1 million in the case of nonreimbursable assistance, or less than $5 million in the case of reimbursable assistance, or (2) assistance provided under the emergency drawdown authority contained in sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961. The payment of assessed and voluntary contributions to the United Nations is not considered assistance for purposes of the new section 7(e).

SECTION 505—UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

Section 505 amends section 4(d)(1) of the United Nations Participation Act to require the President to include in his annual budget submission to the Congress a description of the anticipated budget for the next fiscal year for United States participation in U.N. peacekeeping activities. Included in this report shall be a state-

ment of the aggregate amount of funds available to the United Nations for that fiscal year that may be made available for United Nations peacekeeping activities, and the aggregate amount of funds and the aggregate cost of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for U.N. peacekeeping activities.

SECTION 506—REIMBURSEMENT TO THE UNITED STATES FOR IN-KIND CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES

Section 506(a) amends the United Nations Participation Act to add a new section 7(b)(2) and a new section 7(f).

The new section 7(b)(2) revises existing law regarding waiver of the requirement that the United Nations reimburse the United States for assistance provided to U.N. peacekeeping activities. Under the new section 7(b)(2), the waiver authority currently vested in the President would be vested instead in the Secretary of Defense. The standard for exercising the waiver would be modified from "exceptional circumstances, or when the President finds it to be in the national interest" to situations where the Secretary of Defense, 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 reimbursement.

The new section 7(b)(2 requires that any such waiver be notified to designated congressional committees at least 15 days after the waiver takes effect. If the President determines that an emergency exists and that providing assistance to the United Nations on a nonreimbursable basis is in the national interests of the United States, the designated committees may be notified of the waiver in a timely manner, but no later than 48 hours after such waiver takes effect.

The new section 7(f) requires the Secretary of State to ensure that the United Nations reimburses the United States for goods and services provided on a reimbursable basis under any provision of law for U.N. peacekeeping activities at the appropriate value, as determined by the Secretary of Defense.

Section 506(b) requires the representative of the United States to the United Nations to submit to designated congressional committees not later than one year after the date of enactment a report on all actions taken to achieve the objective of the new section 7(f) of the United Nations Participation Act.

SECTION 507—PROHIBITION ON USE OF FUNDS TO PAY UNITED STATES ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES

Section 507 amends the United Nations Participation Act to add a new section 10(c) entitled "Prohibition on Use of Funds to Pay Assessed or Voluntary Contributions for Peacekeeping Activities".

The new section 10(c) prohibits payment of assessed and voluntary U.S. contributions to U.N. peacekeeping activities during any fiscal year until the Secretary of Defense certifies to Congress that the United Nations has reimbursed the Department of Defense directly for all goods and services provided on a reimbursable basis by that Department for United Nations peacekeeping activities during the preceding year. This prohibition would not apply to

the extent that the Department of Defense has failed to submit its bills for goods and services provided to the United Nations in a timely manner.

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

Section 508 contains an amendment to title 10 of the United States Code establishing a limitation on the use of funds available to the Department of Defense for peacekeeping activities. As a limitation on the expenditure of Department of Defense funds, this section is outside the jurisdiction of the Committee on International Relations.

SECTION 509—CODIFICATION OF LIMITATION ON AMOUNT OF UNITED STATES ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES

Section 509 amends the United Nations Participation Act to add a new section 10(d) entitled "Limitation on Assessed Contribution with Respect to a Peacekeeping Operation".

The new section 10(d) prohibits payment by the United States of assessed contributions for U.N. peacekeeping in an amount which is greater than 25 percent of the total amount of all assessments. The section further provides that any arrearages that accumulate as a result of United Nations assessments in excess of 25 percent of the total amount of all assessed contributions for any peacekeeping operation shall not be recognized or paid by the United States.

SECTION 510—BUY AMERICAN REQUIREMENT

Section 510 amends the United Nations Participation Act to add a new section 10(e) and a new section 10(f).

The new section 10(e) prohibits obligation or expenditure of assessed or voluntary U.S. contributions to U.N. peacekeeping activities until the Secretary of State certifies to designated congressional committees that U.S. manufacturers and suppliers are being given opportunities to provide equipment, services, and material for U.N. peacekeeping activities equal to the opportunities being given to foreign manufacturers and suppliers.

The new section 10(f) defines "designated congressional committees" for purposes of the new section 10 as the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SECTION 511—UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM

Section 511 amends the United Nations Participation Act to add a new section 11.

The new section 11(a) requires withholding at the beginning of each fiscal year of 10% of the amounts made available for assessed U.S. contributions to the regular U.N. budget, 50% of the amounts made available for assessed U.S. contributions to U.N. peacekeeping, and all voluntary U.S. contributions to U.N. peacekeeping,

until the President submits an annual certification to Congress in accordance with section 11(b).

The new section 11(b) provides for an annual certification by the President regarding the U.N. office of Inspector General. In general terms, each such certification must include the following elements: (1) The U.N. has an independent Office of Inspector General; (2) the U.N. Inspector General was appointed principally on the basis of the appointee's integrity and demonstrated ability; (3) the Inspector General is authorized to, inter alia, have access to all records and officials of the United Nations and its specialized agencies; (4) the United Nations has fully implemented procedures that effectively protect the identity of, and prevent reprisals against, United Nations staff members who complain to or cooperate with the inspector General; (5) the United Nations has fully implemented procedures that ensure compliance with the recommendations of the Inspector General; (6) the United Nations has ensured that the annual and all other reports of the Inspector General are made available to the General Assembly without modification; and (7) the United Nations has provided, and is committed to providing, sufficient budgetary resources to ensure the effective operation of the Office of Inspector General.

SECTION 512—CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS

Section 512 amends the United Nations Participation Act to add a new section 12.

The new section 12(a) provides that the President shall ensure that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established guidelines governing the provision of intelligence information to the United Nations which shall protect U.S. intelligence sources and methods before any such information is provided to the United Nations.

The new section 12(b) provides that the President shall report not less frequently than semiannually to designated congressional committees on the types of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. This section further requires the President to report to the House and Senate Intelligence Committees within 15 days after he learns of any unauthorized disclosure of intelligence provided to the United Nations.

The new section 12(c) provides that the President may not delegate the duties vested in him under section 12.

The new section 12(d) directs the Secretary of State or his designee to work with the United Nations to improve its handling of all intelligence information provided it by its members.

TITLE VI—EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

SECTION 601—SHORT TITLE

Section 601 provides the short title for this title of the Act, the "NATO Expansion Act of 1995".

SECTION 602—FINDINGS

Section 602 contains congressional findings relevant to the NATO Expansion Act of 1995.

SECTION 603—UNITED STATES POLICY

Section 603 declares that it should be the policy of the United States that Poland, Hungary, the Czech Republic, and Slovakia should be in a position to become full NATO members in the near future, provided they satisfy criteria related to democratization and readiness to joint NATO set forth in the section. Section 603 also declares that the United States, other NATO members, and NATO itself should furnish appropriate assistance to facilitate the transition of Poland, Hungary, the Czech Republic, and Slovakia to full NATO membership.

Section 603 further declares that other European countries emerging from communist domination may be in a position to join NATO at a future date and should be assisted in doing so at that time.

SECTION 604—REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP

Section 604 amends the NATO Participation Act (title II of Public Law 103–447) to enhance in a number of key respects the program authorized by that Act to facilitate the transition to full NATO membership of European countries emerging from communism.

Section 604 makes the establishment of the transition assistance program authorized by Public Law 103–447 mandatory rather than discretionary. In addition, section 604 designates Poland, Hungary, the Czech Republic, and Slovakia as immediately eligible to participate in the transition assistance program by eliminating the requirement that they be designated by the President to participate. Section 604 adds economic support fund assistance and assistance from the Nonproliferation and Disarmament fund account to the types of assistance that may be provided to eligible countries through the transition assistance program.

TITLE VII—BUDGET FIREWALLS

SECTION 701—RESTORATION OF BUDGET FIREWALLS FOR DEFENSE SPENDING

Section 701 contains an expression of the sense of the Congress regarding the restoration of budget firewalls between defense and domestic discretionary spending for fiscal years 1966, 1997, and 1998. This section is outside he jurisdiction of the Committee on International Relations

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

resentatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives is inapplicable because H.R. 7 does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 7 will have no significant inflationary impact on prices and costs in the operation of the national economy.

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 Committee sets forth with respect to H.R. 7 the following estimate and comparison prepared by the Director of the Congressional Budget Offices under section 403 of the Budget Act of 1974:

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

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations,
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 International Relations 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 budget 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), and Title VI (Revitalization and 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.

The Committee's amendment to section 501 changes H.R. 7 as introduced in two main ways. First, the amendment would lower payments for peacekeeping assessments by the incremental costs of using U.S. forces in U.N.-authorized peacekeeping operations unless the Department of Defense (DoD) has been reimbursed for

those costs. In H.R. 7 as introduced, payments would be lowered by the total (not incremental) costs of those operations. The amendment does not change the budgetary impact of H.R. 7 because both incremental and total costs are expected to exceed U.S. assessments.

The Committee's amendment would allow the President to waive the provisions of section 501 if he certifies that the United States would have undertaken the operation unilaterally if it were not authorized by the U.N. This change could lessen the budgetary impact of section 501 if the President makes one or more certifications. The size of the budgetary impact would depend on the number of certifications and the cost of the related operations.

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.*

Attachment.

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 on 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 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 eventual deployment at multiple sites. Finally, the additional funding would support re-

search 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 groundbased 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 were 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 if fully funded by the Congress. Under section 501, payments would be lowered by the total cost of using Forces in peacekeeping 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 from 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 activities 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 histori-

cally 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. peacekeeping 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 is 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.

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, III, V, and VI, and sections 401 and 402 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 italic, existing law in which no change is proposed is shown in roman):

TITLE 10, UNITED STATES CODE

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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.

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405. Placement of United States forces under command or operational control of foreign nationals acting on behalf of the United Nations: limitation.
406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.

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§ 405. Placement of United States forces under command or operational control of foreign nationals acting on behalf of the United Nations: 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 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 Security 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 not be considered to be placed under the command or operational control of a foreign national acting on behalf of the United Nations in any case in which the senior military commander of the United Nations force or operation is a United States military officer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for United States forces involved, and establish criteria governing the operational employment of such United States forces.

(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 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 (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 such command or operational control, the President may place such forces under such command or operational control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or operational 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 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.

(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 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.

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

(f) INTERPRETATION.—(1) This section is a limitation on the expenditure of Department of Defense funds for any element of the armed forces placed under the command or operational control of a foreign national acting on behalf of the United Nations and is not to be construed as an authorization—

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

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

(2) Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution, nothing in this section shall be construed to derogate or limit the authority of the President as commander-in-chief of the armed forces under article II, section 2, clause 1 of the Constitution.

§ 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 ASSESSMENT.—No funds available to the Department of Defense shall be available for payment of any United States assessed or voluntary contribution for United Nations peacekeeping activities.

(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATION IN 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 United Nations peacekeeping activities only to the extent that Congress has by law specifically authorized the use of those funds for such purposes.

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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 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.

(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).

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[SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the Armed Forces, facilities, or assistance provided for therein: *Provided,* That, except as authorized in section 7 of this Act, nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.]

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 Security 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 not be considered to be placed under the command or operational control of a foreign national acting on behalf of the United Nations in any case in which the senior military commander of the United Nations force or operation is a United States military officer who has the authority to dismiss subordinates in the command chain, establish appropriate rules of engagement for United States forces involved, and establish criteria governing the operational employment of such United States forces.

(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) 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.

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.

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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 incremental costs incurred by the Department of Defense 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 incremental costs incurred 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, except that such term does not include any such activity authorized under chapter VII of such Charter with respect to which the President has certified to the Congress that the activity is of such importance to the national security of the United States that the United States would undertake the activity unilaterally if it were not authorized by the United Nations Security Council.

(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.—

(1) IN GENERAL.—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 designated congressional committees 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).

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply when the Department of Defense has failed to submit its bills in a timely manner for goods and services that were provided to the United Nations.

(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, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.

(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) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—Before intelligence information is provided by the United States to the United Nations, the President shall ensure that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established guidelines governing the provision of intelligence information to the United Nations which shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)).

(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently than semiannually, to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate on the types of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, within 15 days after it becomes known to him, any unauthorized disclosure of intelligence provided to the United Nations.

(2) The requirement for periodic reports under the first sentence of paragraph (1) of this subsection shall not apply to the provision of intelligence that is provided only to, and for the use of, United States Government personnel serving with the United Nations.

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

(d) IMPROVED HANDLING OF INTELLIGENCE INFORMATION BY THE UNITED NATIONS.—The Secretary of State (or the designee of the Secretary), in consultation with the Director of Central Intelligence and the Secretary of Defense, shall work with the United Nations to improve the handling, processing, dissemination, and management of all intelligence information provided to it by its members.

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

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

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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.]

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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 fol-

lowing 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.]

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NATO PARTICIPATION ACT OF 1994

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SEC. 203. AUTHORITY FOR PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

[(a) IN GENERAL.—The President may establish a program to assist the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and other Partnership for Peace countries emerging from communist domination designated pursuant to subsection (d).]

(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) CONDUCT OF PROGRAM.—The program established under subsection (a) shall facilitate the transition to full NATO membership of the [countries described in such subsection] *countries designated under subsection (d)* by supporting and encouraging, inter alia—

(1) * * *

* * * * * * *

(c) TYPE OF ASSISTANCE.—In carrying out the program established under subsection (a), the President may provide to the [countries described in such subsection] *countries designated under subsection (d)* the following types of security assistance:

(1) * * *

* * * * * * *

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

[(3)]*(4)* Assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

[(4)]*(5)* Assistance under section 23 of the Arms Export Control Act (relating to the "Foreign Military Financing Program").

[(d) DESIGNATION OF PARTNERSHIP FOR PEACE COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate countries emerging from communism and participating in the Partnership for Peace, especially Poland, Hungary, the Czech Republic, and Slovakia, to receive assistance under the pro-

gram established under subsection (a) if the President determines and reports to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that such countries—

[(1) are full and active participants in the Partnership for Peace;

[(2) have made significant progress toward establishing democratic institutions, a free market economy, civilian control of their armed forces, and the rule of law;

[(3) are likely in the near future 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; and

[(4) are not selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.]

(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 the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization 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 and ability to accept the obligations, responsibilities, and costs of NATO membership; and

(viii) commitment and ability 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.

(e) NOTIFICATION.—At least 15 days before designating any country pursuant to [subsection (d)] *subsection (d)(2)*, the President shall notify the appropriate congressional committees in accordance with the procedures applicable under section 634A of the Foreign Assistance Act of 1961 *(22 U.S.C. 2394)*.

[(f) DETERMINATION.—It is hereby determined that Poland, Hungary, the Czech Republic, and Slovakia meet the criteria required in paragraphs (1), (2), and (3) of subsection (d).]

(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.

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

(h) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Prior to providing assistance to a country for the first time through the program established under subsection (a), the President shall transmit to the designated congressional committees a report with respect to that country that contains a description of the following:

(1) The cost of membership in NATO for the country and the amount that the country is prepared to contribute to NATO to pay for such cost of membership.

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

(3) The extent to which the admission to NATO of the country would contribute to the security of the United States.

(4) The views of other NATO member nations regarding the admission to NATO of the country and the amounts that such other NATO member nations will contribute to facilitate transition to full NATO membership for the country.

SEC. 204. ADDITIONAL AUTHORITIES.

(a) * * *

* * * * * * *

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in the interest of maintaining stability and promoting democracy in Poland, Hungary, the Czech Republic, Slovakia, and [any other Partnership for Peace country designated under section 203(d) of this title] *any country designated under section 203(d)(2)*, those countries should be included in all activities under section 2457 of title 10, United States Code, related to the increased standardization and enhanced interoperability of equipment and weapons systems,

through coordinated training and procurement activities, as well as other means, undertaken by the North Atlantic Treaty Organization members and other allied countries.

SEC. 205. *ANNUAL* REPORTING REQUIREMENT.

The President shall include in the *annual* report required by section 514(a) of Public Law 103–236 (22 U.S.C. 1928 note) the following:

(1) A description of all assistance provided under the program established under section 203(a), or otherwise provided by the United States Government to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, ⟦and other Partnership for Peace countries emerging from communist domination designated pursuant to section 203(d).⟧ *and any country designated by the President pursuant to section 203(d)(2).*

(2) A description, on the basis of information received from the recipients and from NATO, of all assistance provided by other NATO member nations or NATO itself to facilitate the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, ⟦and other Partnership for Peace countries emerging from communist domination designated pursuant to section 203(d).⟧ *and any country designated by the President pursuant to section 203(d)(2).*

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 any full and active participant in the Partnership for Peace that—

(A) 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) is among the following countries: 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.

ADDITIONAL VIEWS OF REPRESENTATIVE ELIOT L. ENGEL, REPRESENTATIVE SHERROD BROWN, AND REPRESENTATIVE ROBERT MENENDEZ

The minority views relating to H.R. 7 fully and clearly express the problems H.R. 7 will pose for American foreign policy in the future and the serious flaws with the Committee's deliberative process. This bill micromanages foreign policy and our military relations with NATO governments, will destroy U.N. peacekeeping, and represents a profound assault upon the President's constitutional authority as commander in chief.

We would, however, like to distinguish ourselves from one portion of the minority views. While we must not act in haste without objective standards in adding new countries to NATO, the Alliance—and its expansion—represents the best guarantee for the freedom of the West. Bearing in mind that other Central and East European countries have taken significant strides toward meeting the criteria necessary for NATO membership, Poland, Hungary, the Czech Republic, and Slovakia have reached the point where they may soon be ready to join the Alliance. Title VI of H.R. 7 embodies the notion that early accession to NATO by these four countries is in the interest of the United States. We agree.

ELIOT L. ENGEL.
ROBERT MENENDEZ.
SHERROD BROWN.

ADDITIONAL VIEWS OF REPRESENTATIVE ROBERT MENENDEZ

The proposed "National Security Revitalization Commission" in Title III of H.R. 7 is ill-advised and unnecessary for national security and fiscal reasons. The Commission also would interfere with the Legislative and Executive Branch's prerogatives in safeguarding the national security of the United States. Secretary of Defense William Perry has eloquently testified before the House of Representatives to the needless and obtrusive nature of this proposed commission.

The stated legislative purpose of the commission, to "reassess United States military needs and reverse the continuing downward spiral of defense spending," places an unwise and inappropriate conclusory directive upon the commission's findings. The $1.5 million cost is further reason that the Congress ought not to establish this commission. It is difficult to reconcile the expenditure of $1.5 million of America's taxpayers' money on this needless commission at a time of sparse budgetary resources that we have mandated with the passage in the House of Representatives of a Balanced Budget Amendment to the Constitution.

Furthermore, the partisan composition of the commission would be an intrusion by the Congress into the duly constituted authority of the President as Commander-in-Chief of the Armed Forces of the United States. The commission's prefatory charge to "reverse the continuing downward spiral of defense spending," precludes any objective conclusions regarding national security and ensures that the taxpayers' money is wasted.

The Congress already has at least seven committees with jurisdiction over issues affecting the national security of the United States. These committees have the requisite competence and expertise to reassess United States military needs.

Adding a new layer of bureaucracy in this case is clearly unwarranted, unless it is the view of the Majority on this committee that the relevant committees of jurisdiction of the House and Senate are not sufficiently expert to assess, or to reassess, America's military needs. Unfortunately, the Majority in the House International Relations Committee, in voting unanimously, 22 to 16, to defeat an amendment I authored to eliminate this commission, has expressed a profound lack of confidence in the competence of congressional committees to safeguard the U.S. national security.

Secretary of Defense William Perry, in testimony on January 27 before the House National Security Committee, stated eloquently that the proposed commission was unnecessary and obtrusive:

> * * *I find it deeply disturbing that it is now proposed that we change that relationship, that we interpose a commission between the Secretary of Defense and this commit-

> tee, a commission which effectively is authorized to do both our jobs * * *
>
> You are my commission. I do not need an independent commission interposing itself between myself and you, and you do not need an independent commission interposing itself * * *
>
> You should not dilute the responsibilities of the Secretary of Defense by trying to turn a key part of them over to an independent commission. Rather, you should hold me accountable for meeting those responsibilities. And if you find that I'm incapable or unwilling to meet those responsibilities, you should ask me to step down as the Secretary of Defense.
>
> * * *I feel strongly that the proposed commission usurps the responsibilities of the Secretary of Defense. At the same time, I believe that this independent commission would interfere with the ability of this committee to fulfill its responsibilities, by interposing itself between the committee and the Secretary of Defense * * *
>
> * * *Preventing a return of the nuclear threat, managing the defense drawdown, and making the right decisions about the use of military force. These are the three big issues, the three big challenges, which I face every day as the Secretary of Defense, and which you as a committee face. How do we maintain a stable, peaceful world in which economies and democracies prosper without becoming the world's policemen?
>
> * * *I believe that the answer is to get these on the table, debate them openly in the proper context, with the full policy and budgetary implications, on the table and understood. This is our job, your job and my job, not the job of the commission.

Unfortunately, the Majority strongly disagrees with the Secretary of Defense. For all the above reasons, I urge my colleagues on the Majority to reconsider the inclusion of Title III to H.R. 7.

ROBERT MENENDEZ.

MINORITY VIEWS OF HON. LEE H. HAMILTON, HON. SAM GEJDENSON, HON. TOM LANTOS, HON. ROBERT G. TORRICELLI, HON. HOWARD L. BERMAN, HON. GARY L. ACKERMAN, HON. HARRY JOHNSTON, HON. ELIOT L. ENGEL, HON. ENI F.H. FALEOMAVAEGA, HON. MATTHEW G. MARTINEZ, HON. DONALD M. PAYNE, HON. ROBERT MENENDEZ, HON. SHERROD BROWN, HON. CYNTHIA A. MCKINNEY, HON. ALCEE L. HASTINGS, HON. ALBERT RUSSELL WYNN, HON. JAMES P. MORAN, AND HON. VICTOR O. FRAZER

We strongly oppose H.R. 7, the National Security Revitalization Act, as ordered reported by the Committee on International Relations. We believe it cripples U.N. peacekeeping, puts excessive conditions and restrictions on the President's conduct of national security affairs, and moves the United States toward new security commitments in Eastern and Central Europe at a time of declining resources. Rather than revitalize U.S. national security, we believe the cumulative effect of H.R. 7 would be to undermine our foreign policy and damage our national security.

H.R. 7 is the most far-reaching foreign policy legislation to come before the House of Representatives in several years. As Secretary of State Warren Christopher testified before the committee, had H.R. 7 been law in 1990, President Bush would not have been able to deploy troops and ships to Operation Desert Shield and Operation Desert Storm. H.R. 7 would have blocked President Clinton from deploying 30,000 troops to Kuwait in 1994. It would even have blocked President Truman from deploying troops to Korea in 1950.

H.R. 7 is bad foreign policy. It torpedoes the concept of collective security that has been at the heart of postwar peace and security. It is a political document based on the Contract with America. We prefer the Constitution.

H.R. 7 MICROMANAGES AMERICAN FOREIGN POLICY

A disturbing aspect of H.R. 7 is that it micromanages U.S. foreign policy. It is intrusive in the extreme. It dictates how the President should conduct U.S. foreign policy.

In testimony before the Committee, Secretary of State Christopher and former Secretary of State James Baker warned of the dangers of micromanagement. As Secretary Baker stated: "Attempts at congressional micromanagement were a bad idea when the Democrats were in control. And they remain a bad idea today." Yet the committee paid no heed.

Several examples illustrate this excessive micromanagement. In the area of peacekeeping, H.R. 7:

Requires an Act of Congress before the President could send a single U.S. military observer to join a U.N. force—yet Congress has never authorized a U.N. peacekeeping effort;

Requires the President to give 15 days' prior notice to Congress before the United States participates in, or contributes to, a U.N. peacekeeping operation—yet the world will not wait for Congress in a crisis; and

Dictates the terms and conditions of U.S. military command and control arrangements, requiring detailed reports, certifications, and legal memoranda from the President on his constitutional authorities.

As John C. Whitehead, Deputy Secretary of State during the Reagan Administration, stated:

> * * * the required reports and certifications serve only to prevent the United States and others from using the United Nations to contain conflict. At worst, they may prevent the United States from doing any thing other than acting unilaterally.

H.R. 7 also micromanages U.S. policy with respect to the future expansion of NATO. The bill:

Mandates the creation of a new foreign assistance program for NATO transition assistance—without authorizing new assistance resources;

Dictates which countries must receive NATO transition assistance—removing the executive branch's discretion to judge whether their internal and external records warrant such assistance; and

Picks winners and losers for future NATO membership—discouraging reformers in countries not named, and irritating U.S. friends and allies, thereby making more difficult the President's ability to manage the complex process of NATO expansion involving 16 NATO member governments.

H.R. 7 DESTROYS UNITED NATIONS PEACEKEEPING

The cumulative impact of sections 501 and 508 of H.R. 7 would be to gut, if not kill, U.N. peacekeeping, and destroy the concept of collective security.

Section 501

Section 501 requires that the United States offset against its U.N. peacekeeping assessment all costs incurred by the Department of Defense in support of operations authorized by the United Nations Security Council, even when those operations are conducted unilaterally by the United States, with U.S. forces under U.S. command and control.

Testimony from the Department of Defense indicates that in fiscal year 1994, such DOD costs were estimated to total some $1.7 billion, plus an additional $850 million in costs for U.S. troops in South Korea still deployed under a U.N. Security Council resolution. Under H.R. 7, the $1 billion annual U.S. peacekeeping assessment to the United Nations would be more than offset by this $2.55 billion, effectively cancelling out the U.S. contribution.

If section 501 were enacted, we would expect other countries to adopt similar measures. For example, it would encourage Russia to demand offsets for its military cost in deploying peacekeepers in the former Soviet Union. France would likely claim offsets for its costs in deploying its military to Rwanda in 1994. Other nations would follow suit. Collective security, the cornerstone of the United Nations, would become financial anarchy.

Section 501 permits an exemption from the offset requirement for U.N. Chapter VII (enforcement) operations if the President certifies to the Congress that the operation is important to U.S. national security and that the United States would undertake the operation unilaterally. this does not mitigate the negative consequences of section 501 because the President would be required to make endless hypothetical certifications to Congress that we would be willing to undertake on our own actions in which we ask other countries to share the burden. Such certification would undermine the ability of the President to encourage other countries to participate in multilateral operations.

Democrats are working hard to reform the United Nations because we believe much more needs to be done. We believe our U.N. peacekeeping assessment is too high, so last year we enacted into law language that prohibits the United States from paying more than 25% of total peacekeeping costs. We believe the United Nations must improve its financial management, so last year we enacted into law a provision mandating the establishment of an Inspector General at the United Nations. We will continue to press for additional U.N. reforms.

But we seek to reform the United Nations, not destroy it. Section 501 would present the United States with an unacceptable choice: either kill U.N. peacekeeping by eliminating our assessment, or prohibit the Department of Defense from undertaking costly operations such as the deployment to Rwanda in 1994, which saved hundreds of thousands of lives but which would have more than offset our assessment.

We believe we need to keep U.N. peacekeeping as an option in U.S. foreign policy. Section 501 removes that option.

Section 508

Section 508 provides, first, that no Department of Defense funds can be used to pay U.S. peacekeeping expenses. Second, it prohibits the use of DOD funds to pay the incremental costs of U.S. forces in U.N. peacekeeping operations unless the Congress has authorized such specific use in advance.

This is an unprecedented assault on the President's authority as Commander-in-Chief and on U.N. peacekeeping.

Section 508 would prohibit the President from deploying a single U.S. soldier to a U.N.-authroized operation without an Act of Congress. Section 508, had it been law, would have prohibited President Bush's deployment of U.S. troops and ships in Operation Desert Shield and Desert Storm. It would have blocked President Clinton from deploying 30,000 U.S troops to Kuwait in 1994 to counter Saddam Hussein's renewed threats of aggression against that country. It would have prevented the successful deployment of

U.S. troops to Rwanda to save hundreds of thousands of lives last year.

If enacted, section 508 would require the withdrawal of U.S. troops currently deployed in Jerusalem, Kuwait, the Western Sahara, Mozambique, and the Republic of Georgia until Congress passed laws authorizing their deployment. Congress has never authorized such activities in advance.

Section 508 would also require U.S. troops to cease enforcement of sanctions against Iraq, and stop the humanitarian air lift to starving people in Bosnia in the dead of winter—again, because Congress has not authorized those actions.

As we interpret section 508, it could also require the withdrawal of all U.S. troops from South Korea because Congress has never specifically authorized that deployment. We doubt that the authors of this legislation intended to require a U.S. withdrawal from South Korea at this delicate time. The fact that section 508 might require that action testifies to the dangers of Congress trying to write iron-clad rules to cover a wide range of complex situations.

H.R. 7 UNDERMINES PRESIDENTIAL AUTHORITY

H.R. 7, as ordered reported, seriously undermines the ability of the President to act as Commander-in-Chief. H.R. 7, in order to be consistent with the Contract with America, hamstrings the President. We choose to be consistent with the Constitution.

Sections 401 and 402 prohibit the President from placing U.S. troops under foreign command without specific congressional authorization unless he first reports to Congress that such action is not unconstitutional and then certifies that the action meets a series of requirements, detailed in five pages in the bill, is necessary to protect U.S. national security. This represents a significant restriction on the President's ability to command and control U.S. troops.

Section 508, while technically not within the jurisdiction of the Committee on International Relations, reaches the same constitutional issue. It would effectively prohibit the president from sending a single soldier to participate in any U.N. peacekeeping activity—even as part of a medical team to help in Croatia—without specific congressional authorization.

As Democrats, we believe that Congress should set guidelines for U.S. participation in U.N. peacekeeping operations, including guidelines relating to foreign command and control. We believe it is best to keep U.S. troops under U.S. command and control, particularly when in combat. But Congress should not mandate to the President precisely how he commands U.S. troops, or try to micromanage our military relationships, even with NATO governments. That is a serious overreach of congressional war powers authority.

Congress shares with the President responsibility for deploying troops abroad for combat purposes, whether they are operating under a U.N. Security Council resolution, unilaterally, or in some other multilateral context. But this general principal cannot reasonably be applied to each deployment of a single soldier, airman, or sailor without infringing on the President's authority as Commander-in-Chief.

We are puzzled that Republicans, who have spent many years defending the President's prerogatives, have chosen to tie the President's hands. Initially, the committee adopted a new section reaffirming both congressional war powers authority and the President's authority as Commander-in-Chief under the Constitution. Several Republican Members of the committee voted for the amendment. Upon reconsideration of the amendment, however, all but one of those Members either changed their vote or were absent, and the amendment was not adopted.

H.R. 7 TRIES TO DICTATE THE PROCESS OF NATO EXPANSION

Title VI of H.R. 7 sets out U.S. policy to extend NATO membership to Poland, Hungary, the Czech Republic and Slovakia, and mandates an assistance program to help these countries become NATO members.

We support the concept of NATO expansion. The question is whether Congress, through its attempts to dictate the pace and direction of NATO expansion, helps or hinders that process. The executive branch, together with the other 15 NATO members, is in the process of determining the proper framework and timetable for NATO expansion. The Partnership for Peace initiative allows the process to evolve without preconditions or preconceptions about the outcome of that process.

H.R. 7 interferes with that process and therefore is harmful to eventual NATO expansion—and harmful to U.S. national interests.

First, H.R. 7 prejudges and dictates the pace and direction of NATO expansion. Attempts by the Congress to force premature decisionmaking will hinder the process of NATO expansion. The enlargement of NATO is a consensual, diplomatic process involving the governments and Parliaments of the sixteen sovereign countries of NATO. It cannot be dictated by statute.

Second, H.R. 7 short circuits the Partnership for Peace initiative. This program is an important first step in establishing closer military and political ties between NATO and the nations of Central and Eastern Europe in order to prepare these nations for possible NATO membership. It offers a practical means to build political and military cooperation. Decisions on NATO expansion should evolve from the Partnership for Peace, and from the ability of states to assume the responsibilities of NATO membership. NATO expansion should not be dictated by legislative fiat.

Third, H.R. 7 mandates an ambitious program of military and economic assistance for four countries—Poland, Hungary, the Czech Republic and Slovakia—without authorizing funding. The Congress should not hamstring the President by forcing him to create new, costly, country-specific assistance programs when resources for foreign assistance are shrinking. We believe the President must have the flexibility to adapt existing assistance programs to the complex, fluid situation in Central and Eastern Europe.

Fourth, it is unwise for Congress to spell out a hierarchy of prospective NATO states in which some are picked as winners and the rest as losers. Such an approach would foster complacency in some states and demoralize reformers in others. It should create instability and tensions in the region, and threaten to draw dangerous new

lines in Europe which could once again force Europe into two hostile camps. This would hardly serve U.S. national security interests and would place new pressures and responsibilities on NATO.

Fifth, H.R. 7 would create a dangerous gulf between our commitments in Europe and the resources required to meet them. U.S. force levels in Europe have declined by two-thirds since 1990. Because of declining force levels, it is difficult to foresee how the United States would be able to meet expanded NATO security commitments in Central and Eastern Europe by any means other than a nuclear commitment.

Finally, there is no immediate security threat in Europe. That is the judgment of the last two Administrations, and every government in Europe—all are cutting defense spending. There is no reason to rush the process of NATO expansion. Before we take on commitments of such magnitude and significance we must be sure the American people are ready for them.

H.R. 7 SHORT-CIRCUITED THE DELIBERATIVE COMMITTEE PROCESS

We must register our concerns about the entire process through which the committee considered H.R. 7. We will not detail here every procedural transgression of the majority in the course of the markup. But we disagree in the strongest terms with Republican decisions that limited debate, silenced executive branch testimony, prohibited appeals to rulings of the Chair, and otherwise prevented a full and fair deliberative process on legislation that goes to the heart of U.S. national security policy and the responsibilities of this committee.

We want to be very clear about the reason for our repeated requests for executive branch views and questions about the intent of Members of the Majority in particular sections of the bill. H.R. 7 has extraordinarily far-reaching foreign policy implications. It deserved serious and careful scrutiny. Having received a final draft of the Chairman's mark one full hour after the bill was originally scheduled for markup, and less than 24 hours before markup actually commenced, we sought to raise pertinent questions and offer amendments to the most problematic sections of the draft bill. Only through this means could we illuminate the merits of the bill before the committee acted.

Deliberative effort to shed light on substantive issues of great import should not be characterized as attempts to delay. Members should be able to address questions to and receive responses directly from other Members who are the authors of various provisions. Such effort is consistent with the responsibility of every Member of the committee on any bill of such significance.

We note in particular the multiple instances in which Members of the Majority moved the previous question or otherwise moved to limit debate. One such instance occurred during debate on what was arguably the most important amendment to the bill: an amendment to section 501, which sought to prevent the complete destruction of financing for international peacekeeping.

We also are deeply disturbed about the lack of respect and courtesy accorded witnesses from the executive branch. On several occasions, administration witnesses were cut off while responding to a question from a Democratic Member of the committee. In one in-

stance, a Member of the Majority moved the previous question while the Ranking Democratic Member was posing a question to a uniformed military officer from the Joint Chiefs of Staff.

We select these examples to illustrate the flawed process that characterized committee consideration of H.R. 7. We believe that a bipartisan process could have been achieved during markup of H.R.7. At several points, a handful of amendments received bipartisan support. We hope that highlighting problems will prevent their recurrence, and increase the chance for bipartisanship in future committee deliberations.

SAM GEJDENSON.
ELIOT L. ENGEL.
JIM MORAN.
CYNTHIA A. MCKINNEY.
ENI FALEOMAVAEGA.
HARRY JOHNSTON.
VICTOR O. FRAZER.
ROBERT TORRICELLI.
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ALBERT R. WYNN.
LEE H. HAMILTON.
DONALD M. PAYNE.
BOB MENENDEZ.
TOM LANTOS.
SHERROD BROWN.

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