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[Report No. 104–18, Parts I, II, and III]

To revitalize the national security of the United States.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

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

Title I, referred to the Committee on International Relations and, in addition, to the Committee on National Security, for a period to be subsequently

determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Title II, referred to the Committee on National Security

Title III, referred to the Committee on National Security and, in addition, to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Section 401, referred to the Committee on National Security and, in addition, to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Section 402, referred to the Committee on International Relations

Title V, referred to the Committee on International Relations and, in addition, to the Committee on National Security and the Permanent Select Committee on Intelligence, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

Title VI, referred to the Committee on International Relations

Title VII, referred to the Committee on the Budget

FEBRUARY 6, 1995

Additional sponsors: Mr. LUCAS, Mrs. VUCANOVICH, Mr. TALENT, Mr. BAKER of Louisiana, Mr. KING, and Mr. BROWNBACK

FEBRUARY 6, 1995

Reported from the Committee on National Security with an amendment

[Strike out all after the enacting clause and insert the part printed in boldface italic]

FEBRUARY 6, 1995

Reported from the Committee on International Relations with an amendment

[Strike out all after the enacting clause and insert the part printed in boldface roman]

FEBRUARY 6, 1995

Reported from the Permanent Select Committee on Intelligence with amendments

[Omit the part struck through and in bold brackets and insert the part printed in italic]

A BILL

To revitalize the national security of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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

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

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

~~TITLE V—UNITED NATIONS~~

~~Sec. 501. Credit against assessment for United States expenditures in support of United Nations peacekeeping operations.~~
~~Sec. 502. Codification of required notice to Congress of proposed United Nations peacekeeping activities.~~
~~Sec. 503. Notice to Congress regarding United States contributions for United Nations peacekeeping activities.~~
~~Sec. 504. Revised notice to Congress regarding United States assistance for United Nations peacekeeping activities.~~

~~Sec. 505. United States contributions to United Nations peacekeeping activities.~~
~~Sec. 506. Reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities.~~
~~Sec. 507. Prohibition on use of funds to pay United States assessed or voluntary contribution for United Nations peacekeeping activities unless Department of Defense reimbursed by United Nations for certain goods and services.~~
~~Sec. 508. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.~~
~~Sec. 509. Codification of limitation on amount of United States assessed contributions for United Nations peacekeeping operations.~~
~~Sec. 510. Buy American requirement.~~
~~Sec. 511. United Nations peacekeeping budgetary and management reform.~~
~~Sec. 512. Conditions on provision of intelligence to the United Nations.~~

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

~~Sec. 601. Short title.~~
~~Sec. 602. Findings.~~
~~Sec. 603. United States policy.~~
~~Sec. 604. Revisions to program to facilitate transition to NATO membership.~~
~~Sec. 605. Annual reporting requirement.~~
~~Sec. 606. Definitions.~~

~~TITLE VII—BUDGET FIREWALLS~~

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

~~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, rep-~~

~~resents 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 peace keeping 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 peace keeping missions totaled almost $1,500,000,000 in 1994. The United States is assessed 31.7 percent of annual United Nations costs for peace keeping and other United Nations mis-~~

~~sions. 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 peace keeping 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) 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.~~

~~(7) 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.~~

~~(8) 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.~~

~~(9) 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.~~

~~(10) 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 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 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 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 of 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) Define policies for committing troops to peace keeping, peacemaking, peace-enforcing, or humanitarian missions.~~

~~(5) Provide a stronger role for Guard and Reserve forces.~~

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

~~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, rel-~~

~~evant 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 interrup-~~

~~tion 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 Secretary Council under chapter VI or VII of the Charter of the United Nations.~~

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

~~"(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.

"(e) 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 adminis-~~

~~trative 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 in-~~

~~volved and the United Nations command structure.~~

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

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

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

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

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

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

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

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

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

~~"405. Placement of United States forces under 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 OPERATION IN MACEDONIA.—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 pursuant to United Nations Security Council Resolutions 795, adopted December 11, 1992, and 842, adopted June 18, 1993, as~~

~~part of the United Nations force designated as the United Nations Protection Force (UNPROFOR).~~

~~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 oper-~~

~~ational control of a foreign national acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Secretary Council under chapter VI or VII of the Charter of the United Nations.~~

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

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

~~"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (e) 15 days before placing any element of the Armed Forces under such command or operational control, the President may place such forces under such command or operational control and~~

~~meet the requirements of subsection (c) in a timely manner, but in no event later than 48 hours after such command or operational control becomes effective.~~

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

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

~~"(1) Certification by the President that—~~

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

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

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

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

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

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

~~"(2) A report setting forth the following:~~

~~"(A) A description of the national security interests that require the placement of United~~

~~States forces under the command or operational control of a foreign national acting directly on behalf of the United Nations.~~

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

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

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

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

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

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

United States forces to provide adequate security to the United States forces involved.

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

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

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

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

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 6(e)(1) of the United Nations Participation Act of 1945, as amended by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or oper-

ational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

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

TITLE V—UNITED NATIONS

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

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

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

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

~~"(A) the amount of such assessed share exceeds—~~

~~"(B) the amount equal to—~~

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

~~"(ii) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that preceding fiscal year.~~

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

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

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

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

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

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

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

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

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

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

~~(A) in paragraph (2)—~~

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

~~(ii) in subparagraph (A)(iv), by inserting "(including facilities, training, transportation, communication, [intelligence,] and logistical support~~, *but not including intelligence activities reportable under title*

V of the National Security Act of 1947~~)''~~ ~~after ''covered by the resolution'';~~ ~~and~~

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

~~''(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, intelligence, and logistical support~~, *but not including intelligence activities reportable under title V of the National Security Act of 1947*~~), and an estimate of the cost to the United States of such assistance or support.'';~~

~~(B) by striking paragraph (3);~~

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

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

~~''(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2) (B) and (3), the term 'new United Nations peacekeeping~~

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

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

pation 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 as-

~~sessed 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~~**]** *control or communications* ~~assistance and training), and the grant of rights of passage; and~~

~~"(B) includes assistance provided through in-kind contributions or through the provision of sup-~~

port, 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 *or intelligence activities reportable under title V of the National Security Act of 1947.*".

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

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

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

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

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

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

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

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

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

~~(1) in subsection (b)—~~

~~(A) by inserting ''(1)'' after ''(b)'';~~

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

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

~~''(2) The Secretary of Defense may waive the requirement for reimbursement under paragraph (1) if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver of that requirement. Any such waiver shall be submitted to the designated congressional committees, as defined in~~

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

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

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

~~(b) INITIAL REPORT.—~~

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

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

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

~~SEC. 507. PROHIBITION ON USE OF FUNDS TO PAY UNITED STATES ASSESSED OR VOLUNTARY CONTRIBUTION FOR UNITED NATIONS PEACEKEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE REIMBURSED BY UNITED NATIONS FOR CERTAIN GOODS AND SERVICES.~~

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

~~''(c) PROHIBITION ON USE OF FUNDS TO PAY ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE REIMBURSED FOR CERTAIN GOODS AND SERVICES.—Appropriated funds may not be used to pay any United States assessed or voluntary contribution during any fiscal year for United Nations peacekeeping activities until the~~

~~Secretary of Defense certifies to the Congress that the United Nations has reimbursed the Department of Defense directly for all goods and services that were provided to the United Nations by the Department of Defense on a reimbursable basis during the preceding fiscal year for United Nations peacekeeping activities, including personnel and assistance provided under section 7 (except to the extent that the authority of subsection (b)(2) of such section to waive the reimbursement requirement was exercised with respect to such personnel or assistance).''.~~

~~(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.''.~~

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

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

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

SEC. 510. BUY AMERICAN REQUIREMENT.

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

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

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

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

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

~~SEC. 511. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.~~

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

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

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

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

~~"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international~~

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

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

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

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

~~"(3) The Inspector General is authorized to—~~

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

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

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

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

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

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

~~"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other reports of the Inspector General are made~~

available to the General Assembly without modification.

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

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

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

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

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

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

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

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

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

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

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

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

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

[“(b) ADVANCE NOTIFICATION TO CONGRESS.—An agreement described in subsection (a) shall be effective only if the President has transmitted the agreement to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate

not less than 30 days in advance of the entry into force of the agreement.

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

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

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

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

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

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

[“(2) supersede or otherwise affect the provisions of—

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

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

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

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 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 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 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—REVITALIZATION AND EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION~~

~~SEC. 601. SHORT TITLE.~~

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

~~SEC. 602. FINDINGS.~~

~~The Congress makes the following findings:~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(13) In particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions,~~

~~free market economies, civilian control of their armed forces, police, and intelligence services, and the rule of law since the fall of their previous Communist governments.~~

~~SEC. 603. UNITED STATES POLICY.~~

~~It should be the policy of the United States—~~

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

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

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

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

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

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

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

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

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

~~(A) meet appropriate standards, including—~~

~~(i) shared values and interests;~~

~~(ii) democratic governments;~~

~~(iii) free market economies;~~

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

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

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

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

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

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

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

~~(6) that other European countries emerging from communist domination, in particular the Baltic~~

~~states (Estonia, Latvia, and Lithuania) and Ukraine, may be in a position at a future date to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, and at the appropriate time they should receive assistance to facilitate their transition to full NATO membership and should be invited to become full NATO members.~~

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

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

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

~~(b) ELIGIBLE COUNTRIES.—~~

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

~~''(d) DESIGNATION OF ELIGIBLE COUNTRIES.—~~

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

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

~~"(A) has made significant progress toward establishing—~~

~~"(i) shared values and interests;~~

~~"(ii) democratic governments;~~

~~"(iii) free market economies;~~

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

~~"(v) adherence to the values, principles, and political commitments embodied in the Helsinki Final Act of the Conference~~

~~on Security and Cooperation in Europe; and~~

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

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

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

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

~~(2) CONFORMING AMENDMENTS.—~~

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

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

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

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

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

(c) TYPES OF ASSISTANCE.—

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

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

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

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

(2) ADDITIONAL ASSISTANCE.—

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

''(f) ADDITIONAL ASSISTANCE.—In carrying out the program established under subsection (a), the President may, in addition to the security assistance authorized to be provided under subsection (c), provide assistance to countries designated under subsection (d) from funds ap-

~~propriated under the 'Nonproliferation and Disarmament Fund' account.''.~~

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

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

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

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

~~(1) by inserting ''**ANNUAL**'' in the section heading before the first word;~~

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

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

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

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

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

~~''(i) shared values and interests;~~

~~''(ii) democratic governments;~~

~~''(iii) free market economies;~~

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

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

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

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

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

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

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

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

~~''SEC. 206. DEFINITIONS.~~

~~''For purposes of this title:~~

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

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

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

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

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

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

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

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

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

~~TITLE VII—BUDGET FIREWALLS~~

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

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

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.
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 Atlantic 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 re-

verse 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 de-

velop 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 per-

mitted 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 reim-

bursement, 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, peace-

making, 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 be-

come 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 com-

mander 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 uni-

fied 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 au-

thorized 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 in-

curred 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, peace-making, 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, communication, intelligence, and logistical support),

and an estimate of the cost to the United States of such assistance or support.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3) and in the last sentence of 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 oper-

ation 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 commit-

tees 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 in-

terests 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 man-

ner 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 certifi-

cation 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 mate-

rials 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 re-

ports 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 De-

fense, 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, neighbor-

ing 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 as-

sistance 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 fa-

cilitate 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 Part-

nership 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.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, POLICY, AND PURPOSES

Sec. 101. Findings.
Sec. 102. Policy.
Sec. 103. Purposes.

TITLE II—MISSILE DEFENSE

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

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

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

TITLE IV—COMMAND OF UNITED STATES FORCES

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

TITLE V—UNITED NATIONS

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

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

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

TITLE VII—BUDGET FIREWALLS

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

TITLE I—FINDINGS, POLICY, AND PURPOSES

SEC. 101. FINDINGS.

The Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

onstrates the continued quality and professionalism of our troops.

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

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

(14) The significant increase in deployments in support of peacekeeping, hu-

manitarian, and contingency operations has placed great personnel tempo stress on many critical operational units.

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

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

threatening the technological superiority of future United States forces.

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

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

(19) United Nations assessments to the United States for peacekeeping missions totaled over $1,000,000,000 in 1994. The United States is assessed 31.7 percent of annual United Nations costs for peacekeeping and other United Nations missions. The next highest contributor, Japan, only pays 12.5 percent of such

costs. The Department of Defense also incurs hundreds of millions of dollars in costs every year for United States military participation in United Nations peacekeeping or humanitarian missions, most of which are not reimbursed by the United Nations. For fiscal year 1994, these Department of Defense costs totaled over $1,721,000,000.

SEC. 102. POLICY.

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

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

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

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

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

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

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

SEC. 103. PURPOSES.

The purposes of this Act are—

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

(2) to commit the United States to accelerate the development and deployment

of theater and national ballistic missile defense capabilities;

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

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

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

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

TITLE II—MISSILE DEFENSE

SEC. 201. POLICY.

It shall be the policy of the United States to—

(1) deploy at the earliest practical date an antiballistic missile system that is capable of providing a highly effective de-

fense of the United States against ballistic missile attacks; and

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

SEC. 202. ACTIONS OF THE SECRETARY OF DEFENSE.

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

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

SEC. 203. REPORT TO CONGRESS.

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

pursuant to section 202(a) and for the deployment of theater missile defense systems pursuant to section 202(b).

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

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

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

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

SEC. 301. ESTABLISHMENT.

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

SEC. 302. COMPOSITION.

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

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

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

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

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

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

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

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

SEC. 303. DUTIES.

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

(1) An assessment of the need for a new national security strategy and, if it is

determined that such a new strategy is needed, identification of such a strategy.

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

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

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

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

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

(7) An assessment of the adequacy of the force structure recommended in the

1993 Bottom-Up Review in executing the national military strategy.

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

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

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

(11) An assessment of the elements of military pay and allowances constituting the regular military compensation of members of the Armed Forces and the development of recommendations for changes in those elements in order to end the dependence of some members of the Armed Forces and their families on Federal and local assistance programs.

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

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

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

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

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

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

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

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

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

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

SEC. 304. REPORTS.

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

(b) INTERIM REPORT.—The Commission shall submit to the President and the designated congressional committees an interim report describing the Commission's progress in fulfilling its duties under section 303. The interim report shall include any preliminary

recommendations the Commission may have reached and shall be submitted not later than October 1, 1995.

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

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

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

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

SEC. 305. POWERS.

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

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

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

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

SEC. 306. COMMISSION PROCEDURES.

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

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

SEC. 307. PERSONNEL MATTERS.

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

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

to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this subsection (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

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

SEC. 308. TERMINATION OF THE COMMISSION.

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

SEC. 309. FUNDING.

Of the funds available to the Department of Defense, $1,500,000 shall be made available

to the Commission to carry out the provisions of this title.

TITLE IV—COMMAND OF UNITED STATES FORCES

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

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

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

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

"(2) In this section, the term 'under United Nations command or control' means under the command or operational control of an individ-

ual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations if the senior military commander of the United Nations force or operation—

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

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

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

"(ii) that senior military commander does not have the authority to dismiss any subordinate officer in the chain of command (regardless of nationality) who is exercising command

or operational control over United States forces, to establish rules of engagement for United States forces involved, and to establish criteria governing the operational employment of United States forces involved.

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

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

than 48 hours after such command or control becomes effective.

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

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

"(1) Certification by the President that—

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

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

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

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

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

"(D) the United States will retain the authority to withdraw any element of the armed forces from the proposed

operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

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

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

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

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

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

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

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

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

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

"(f) EXCEPTION FOR SMALL FORCES.—This section does not apply in a case in which fewer than 50 members of the armed forces are par-

ticipating in a particular United Nations operation or activity.

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

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

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

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

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

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

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

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

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

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

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

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

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

Secretary Council under chapter VI or VII of the Charter of the United Nations.

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

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

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (e) 15 days before placing any element of the Armed Forces under such command or operational control, the President

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

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

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

"(1) Certification by the President that—

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

"(B) the commander of any unit of the Armed Forces proposed for place-

ment under the command or operational control of a foreign national acting directly on behalf of the United Nations will at all times retain the right—

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

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

"(C) any element of the Armed Forces proposed for placement under the command or operational control of a foreign national acting directly on behalf of the United Nations will

at all times remain under United States administrative command for such purposes as discipline and evaluation; and

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

"(2) A report setting forth the following:

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

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

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

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

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

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

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

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

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

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

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

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 6(e)(1) of the United Nations Participation Act of 1945, as amended by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal

points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

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

TITLE V—UNITED NATIONS

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

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

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

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

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

"(B) the amount equal to—

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

"(ii) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that preceding fiscal year.

"(2) ANNUAL REPORT.—The President shall, at the time of submission of the budget to the Congress for any fiscal year,

submit to the designated congressional committees a report on the total amount of funds appropriated for national defense purposes for any fiscal year that were expended during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of funds expended to support or participate in each such operation.

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

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

"(B) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated

congressional committees' includes the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

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

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

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

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

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

(3) by inserting after subsection (d) a new subsection (e) consisting of the text of subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal

Years 1994 and 1995 (Public Law 103-236), revised—

(A) in paragraph (2)—

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

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

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

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

United States of such assistance or support.";

(B) by striking paragraph (3);

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

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

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

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

ignated congressional committees" has the meaning given such term in section 10(f).".

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

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

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

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

"(2) NOTICE REGARDING PROPOSED OBLIGATION OF FUNDS.—The President shall notify the designated congressional committees at least 15 days before the United States obligates funds for any assessed or

voluntary contribution for United Nations peacekeeping activities, except that if the President determines that an emergency exists which prevents compliance with the requirement that such notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such obligation.".

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

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

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

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

"(e)(1) Except as provided in paragraphs (2) and (3), at least 15 days before any agency or entity of the United States Government

makes available to the United Nations any assistance or facility to support or facilitate United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

"(2) Paragraph (1) does not apply to—

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

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

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

later than 48 hours after such assistance or facility is made available to the United Nations.

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in subsection (b)—

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

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

(C) by adding at the end the following:

"(2) The Secretary of Defense may waive the requirement for reimbursement under paragraph (1) if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver of that requirement. Any such waiver shall be submitted to the designated congressional committees, as defined in section 10(a)(3)(B), at least 15 days before it takes effect, except that if the President determines

that an emergency exists which prevents compliance with the requirement that the notification be provided 15 days in advance and that the provision under subsection (a)(1) or (a)(2) of personnel or assistance on a nonreimbursable basis is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such waiver takes effect.”; and

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

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

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Representative of the United States to the United Nations shall submit

to the designated congressional committees a report on all actions taken by the United States mission to the United Nations to achieve the objective described in section 7(f) of the United Nations Participation Act of 1945, as added by subsection (a)(2).

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

SEC. 507. PROHIBITION ON USE OF FUNDS TO PAY UNITED STATES ASSESSED OR VOLUNTARY CONTRIBUTION FOR UNITED NATIONS PEACEKEEPING ACTIVITIES UNLESS DEPARTMENT OF DEFENSE REIMBURSED BY UNITED NATIONS FOR CERTAIN GOODS AND SERVICES.

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

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

(b) EFFECTIVE DATE.—The prohibition contained in section 10(c) of the United Nations Participation Act of 1945, as added by sub-

section (a), shall apply only with respect to fiscal years after fiscal year 1995.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

amount of all assessed contributions for that operation.".

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

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

SEC. 510. BUY AMERICAN REQUIREMENT.

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

"(e) BUY AMERICAN REQUIREMENT.—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the designated congressional

committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

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

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

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

SEC. 511. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

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

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

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

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

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peace-

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

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

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

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

"(3) The Inspector General is authorized to—

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

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

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

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

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

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

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

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

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

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

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is

further amended by adding at the end the following new section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 601. SHORT TITLE.

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

SEC. 602. FINDINGS.

The Congress makes the following findings:

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

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

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

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

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

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

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

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

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

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

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

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

(13) In particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, police, and intelligence

services, and the rule of law since the fall of their previous Communist governments.

SEC. 603. UNITED STATES POLICY.

It should be the policy of the United States—

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

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

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

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

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

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

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

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

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

invited to become full NATO members not later than that date, provided these countries—

(A) meet appropriate standards, including—

(i) shared values and interests;

(ii) democratic governments;

(iii) free market economies;

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

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

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

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

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

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

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

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

to facilitate their transition to full NATO membership and should be invited to become full NATO members.

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

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

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

(b) ELIGIBLE COUNTRIES.—

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

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

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

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

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

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

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

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

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

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

"(B) is likely, within five years of such determination, to be in a position to further the principles of the

North Atlantic Treaty and to contribute to the security of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

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

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

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

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

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

(c) TYPES OF ASSISTANCE.—

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

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

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

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

(2) ADDITIONAL ASSISTANCE.—

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

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

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) does not apply with respect to funds appro-

priated before the date of the enactment of this Act.

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

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

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

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

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

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

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

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

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

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

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

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

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

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

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

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

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

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

"SEC. 206. DEFINITIONS.

"For purposes of this title:

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

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

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

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

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

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

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

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

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

TITLE VII—BUDGET FIREWALLS

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

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

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104TH CONGRESS
1ST SESSION

H. R. 7

[Report No. 104–18, Parts I, II, and III]

A BILL

To revitalize the national security of the United States.

FEBRUARY 6, 1995

Reported with amendments