

105TH CONGRESS  
1ST SESSION

# H. R. 1431

To ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1997

Mr. GILMAN (for himself, Mr. ARMEY, Mr. SOLOMON, Mr. GOSS, Mr. WELDON of Pennsylvania, and Mr. COX of California) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To ensure that the enlargement of the North Atlantic Treaty Organization (NATO) proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “European Security Act  
5 of 1997”.

1 **SEC. 2. STATEMENTS OF POLICY.**

2 The Congress declares the following to be the policy  
3 of the United States:

4 (1) POLICY WITH RESPECT TO NATO ENLARGE-  
5 MENT.—(A) The emerging democracies in Central  
6 and Eastern Europe that will be invited to begin ac-  
7 cession negotiations with the North Atlantic Treaty  
8 Organization (NATO) at the NATO summit in Ma-  
9 drid on July 8 and 9, 1997, should not be the last  
10 such countries invited to join NATO.

11 (B) The United States should seek to ensure  
12 that the NATO leaders assembled in Madrid agree  
13 on a process whereby all other emerging democracies  
14 in Central and Eastern Europe that wish to join  
15 NATO will be considered for membership in NATO  
16 as soon as they meet the criteria for such member-  
17 ship set forth in the NATO Participation Act of  
18 1994 (title II of Public Law 103–447; 22 U.S.C.  
19 1928 note).

20 (2) POLICY WITH RESPECT TO THE NATO-RUS-  
21 SIA CHARTER AND ADAPTATION OF THE CFE TREA-  
22 TY.—(A) NATO enlargement should be carried out  
23 in such a manner as to underscore the Alliance’s de-  
24 fensive nature and demonstrate to Russia that  
25 NATO enlargement will enhance the security of all  
26 countries in Europe, including Russia. Accordingly,

1 the United States and its NATO Allies should make  
2 this intention clear in the negotiation of the NATO-  
3 Russia Charter and adaptation of the Conventional  
4 Armed Forces in Europe (CFE) Treaty of November  
5 19, 1990.

6 (B) In seeking to demonstrate to Russia  
7 NATO's defensive and security-enhancing intentions,  
8 it is essential that neither fundamental United  
9 States security interests in Europe nor the effective-  
10 ness and flexibility of NATO as a defensive alliance  
11 be jeopardized. In particular, no commitments  
12 should be made that would have the effect of—

13 (i) extending rights or imposing respon-  
14 sibilities on new NATO members different from  
15 those applicable to current NATO members, in-  
16 cluding with respect to the deployment of nu-  
17 clear weapons and the stationing of troops and  
18 equipment from other NATO members;

19 (ii) limiting the ability of NATO to defend  
20 the territory of new NATO members by, for ex-  
21 ample, restricting the construction of defense  
22 infrastructure or limiting the ability of NATO  
23 to deploy reinforcements when necessary;

24 (iii) providing any international organiza-  
25 tion, or any country that is not a member of

1 NATO, with authority to review, delay, veto, or  
2 otherwise impede deliberations and decisions of  
3 the North Atlantic Council or the implementa-  
4 tion of such decisions, including with respect to  
5 the deployment of NATO forces or the admis-  
6 sion of additional members to NATO; or

7 (iv) impeding the development of enhanced  
8 relations between NATO and other European  
9 countries that do not belong to the Alliance by,  
10 for example, recognizing spheres of influence in  
11 Europe.

12 (C) In order to enhance security and stability in  
13 Europe, the NATO-Russia Charter should include  
14 commitments from the Russian Federation—

15 (i) to demarcate all its borders with neigh-  
16 boring states;

17 (ii) to station its armed forces on the terri-  
18 tory of other states only with the consent of  
19 such states and in strict accordance with inter-  
20 national law; and

21 (iii) to take steps to reduce nuclear and  
22 conventional forces in Kaliningrad.

23 (D) As the ongoing negotiations on adaptation  
24 of the Conventional Armed Forces in Europe (CFE)  
25 Treaty proceed, the United States should engage in

1 close and continuous consultations not only with its  
2 NATO allies, but also with the emerging democ-  
3 racies of Central and Eastern Europe, Ukraine, and  
4 the newly independent states of the Caucasus region.

5 (3) POLICY WITH RESPECT TO BALLISTIC MIS-  
6 SILE DEFENSE COOPERATION WITH RUSSIA.—(A) As  
7 the United States proceeds with efforts to develop  
8 defenses against ballistic missile attack, it should  
9 seek to foster a climate of cooperation with Russia  
10 on matters related to missile defense. In particular,  
11 the United States and its NATO allies should seek  
12 to cooperate with Russia in such areas as early  
13 warning and technical aspects of ballistic missile de-  
14 fense.

15 (B) Even as the Congress seeks to promote bal-  
16 listic missile defense cooperation with Russia, it  
17 must insist on its constitutional prerogatives regard-  
18 ing consideration of arms control agreements with  
19 Russia that bear on ballistic missile defense.

20 **SEC. 3. AUTHORITIES RELATING TO NATO ENLARGEMENT.**

21 (a) POLICY OF SECTION.—This section is enacted in  
22 order to implement the policy set forth in section 2(1).

23 (b) DESIGNATION OF ADDITIONAL COUNTRIES ELI-  
24 GIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

1           (1) DESIGNATION OF ADDITIONAL COUN-  
2 TRIES.—

3           (A) IN GENERAL.—Subject to subpara-  
4 graph (B), not later than 180 days after the  
5 date of the enactment of this Act, the President  
6 shall, pursuant to section 203(d)(2) of the  
7 NATO Participation Act of 1994, designate ad-  
8 ditional emerging democracies in Central and  
9 Eastern Europe that, as of the date of the en-  
10 actment of this Act, have not been designated  
11 as eligible to receive assistance under the pro-  
12 gram established under section 203(a) of such  
13 Act.

14           (B) EXCEPTION.—The requirement to des-  
15 ignate additional emerging democracies in  
16 Central and Eastern Europe under subpara-  
17 graph (A) shall not apply and shall become a  
18 requirement to designate one or more such ad-  
19 ditional emerging democracies if the President  
20 certifies to the Committee on International Re-  
21 lations of the House of Representatives and the  
22 Committee on Foreign Relations of the Senate  
23 that such additional emerging democracies are  
24 the only additional emerging democracies that  
25 meet the criteria for designation set forth in

1 section 203(d)(3) of the NATO Participation  
2 Act of 1994; and, in addition, the requirement  
3 to designate additional emerging democracies  
4 under subparagraph (A) shall not apply if the  
5 President certifies to such Committees that no  
6 such additional emerging democracies meet the  
7 criteria for designation set forth in section  
8 203(d)(3) of such Act.

9 (2) RULE OF CONSTRUCTION.—The designation  
10 of countries pursuant to paragraph (1) as eligible to  
11 receive assistance under the program established  
12 under section 203(a) of the NATO Participation Act  
13 of 1994—

14 (A) is in addition to the designation of  
15 other countries by law or pursuant to section  
16 203(d)(2) of such Act as eligible to receive as-  
17 sistance under the program established under  
18 section 203(a) of such Act; and

19 (B) shall not preclude the designation by  
20 the President of other emerging democracies in  
21 Central and Eastern Europe pursuant to sec-  
22 tion 203(d)(2) of such Act as eligible to receive  
23 assistance under the program established under  
24 section 203(a) of such Act.

1           (3) SENSE OF THE CONGRESS.—It is the sense  
2 of the Congress that Romania, Estonia, Latvia, and  
3 Lithuania—

4           (A) are to be commended for their  
5 progress toward political and economic liberty  
6 and meeting the guidelines for prospective  
7 NATO members;

8           (B) would make an outstanding contribu-  
9 tion to furthering the goals of NATO and en-  
10 hancing stability, freedom, and peace in Europe  
11 should they become NATO members; and

12           (C) upon complete satisfaction of all rel-  
13 evant criteria should be invited to become full  
14 NATO members at the earliest possible date.

15       (c) REGIONAL AIRSPACE INITIATIVE AND PARTNER-  
16 SHIP FOR PEACE INFORMATION MANAGEMENT SYS-  
17 TEM.—

18           (1) IN GENERAL.—Funds described in para-  
19 graph (2) are authorized to be made available to  
20 support the implementation of the Regional Airspace  
21 Initiative and the Partnership for Peace Information  
22 Management System, including—

23           (A) the procurement of items in support of  
24 these programs; and

1 (B) the transfer of such items to countries  
2 participating in these programs.

3 (2) FUNDS DESCRIBED.—Funds described in  
4 this paragraph are funds that are available—

5 (A) during any fiscal year under the  
6 NATO Participation Act of 1994 with respect  
7 to countries eligible for assistance under that  
8 Act; or

9 (B) during fiscal year 1998 under any Act  
10 to carry out the Warsaw Initiative.

11 (d) EXTENSION OF AUTHORITY REGARDING EXCESS  
12 DEFENSE ARTICLES.—Section 105 of Public Law 104–  
13 164 (110 Stat. 1427) is amended by striking “1996 and  
14 1997” and inserting “1997, 1998, and 1999”.

15 (e) CONFORMING AMENDMENTS TO THE NATO PAR-  
16 TICIPATION ACT OF 1994.—Section 203(c) of the NATO  
17 Participation Act of 1994 is amended—

18 (1) in paragraph (1), by striking “, without re-  
19 gard to the restrictions” and all that follows and in-  
20 serting a period;

21 (2) by striking paragraph (2);

22 (3) in paragraph (8)—

23 (A) by striking “any restrictions in sec-  
24 tions 516 and 519” and inserting “section  
25 516(e)”;

1 (B) by striking “as amended,”; and  
2 (C) by striking “paragraphs (1) and (2)”  
3 and inserting “paragraph (1)”; and  
4 (4) by redesignating paragraphs (3) through  
5 (8) as paragraphs (2) through (7), respectively.

6 **SEC. 4. AUTHORITIES RELATING TO THE TREATY ON CON-**  
7 **VENTIONAL ARMED FORCES IN EUROPE.**

8 (a) **POLICY OF SECTION.**—This section is enacted in  
9 order to implement the policy set forth in section 2(2).

10 (b) **AUTHORITY TO APPROVE THE CFE FLANK**  
11 **AGREEMENT.**—The President is authorized to approve on  
12 behalf of the United States the Document Agreed Among  
13 States Parties to the Treaty on Conventional Armed  
14 Forces in Europe of November 19, 1990, signed in Vi-  
15 enna, Austria on May 31, 1996, concerning the resolution  
16 of issues related to the Conventional Armed Forces in Eu-  
17 rope (CFE) Treaty flank zone.

18 (c) **SENSE OF CONGRESS WITH RESPECT TO CFE**  
19 **ADAPTATION.**—It is the sense of Congress that any revi-  
20 sions to the Treaty on Conventional Armed Forces in Eu-  
21 rope that may be agreed in the ongoing CFE adaptation  
22 negotiations can enter into force only if those revisions are  
23 specifically approved in a manner described in section  
24 33(b) of the Arms Control and Disarmament Act (22  
25 U.S.C. 2573(b)), and no such approval will be provided

1 to any revisions to that Treaty that jeopardize fundamen-  
2 tal United States security interests in Europe or the effec-  
3 tiveness and flexibility of NATO as a defensive alliance  
4 by—

5           (1) extending rights or imposing responsibilities  
6           on new NATO members different from those appli-  
7           cable to current NATO members, including with re-  
8           spect to the deployment of nuclear weapons and the  
9           stationing of troops and equipment from other  
10          NATO members;

11          (2) limiting the ability of NATO to defend the  
12          territory of new NATO members by, for example, re-  
13          stricting the construction of defense infrastructure  
14          or limiting the ability of NATO to deploy reinforce-  
15          ments when necessary;

16          (3) providing any international organization, or  
17          any country that is not a member of NATO, with  
18          authority to review, delay, veto, or otherwise impede  
19          deliberations and decisions of the North Atlantic  
20          Council or the implementation of such decisions, in-  
21          cluding with respect to the deployment of NATO  
22          forces or the admission of additional members to  
23          NATO; or

24          (4) impeding the development of enhanced rela-  
25          tions between NATO and other European countries

1 that do not belong to the Alliance by, for example,  
2 recognizing spheres of influence in Europe.

3 **SEC. 5. BALLISTIC MISSILE DEFENSE COOPERATIVE**  
4 **PROJECTS WITH RUSSIA.**

5 (a) POLICY OF SECTION.—This section is enacted in  
6 order to implement the policy set forth in section 2(3)(A).

7 (b) ESTABLISHMENT OF PROGRAM OF BALLISTIC  
8 MISSILE DEFENSE COOPERATION WITH RUSSIA.—The  
9 Secretary of Defense shall carry out a program of coopera-  
10 tive ballistic missile defense-related projects with the Rus-  
11 sian Federation.

12 (c) CONDUCT OF PROGRAM.—The program of coop-  
13 erative ballistic missile defense-related projects with the  
14 Russian Federation under subsection (b) may include (but  
15 is not limited to) projects in the following areas:

16 (1) Cooperation between the United States and  
17 the Russian Federation with respect to early warn-  
18 ing of ballistic missile launches, including the shar-  
19 ing of information on ballistic missile launches de-  
20 tected by either the United States or the Russian  
21 Federation, formalization of an international launch  
22 notification regime, and establishment of a joint  
23 global warning center.

1           (2) Technical cooperation in research, develop-  
2           ment, test, and production of technology and sys-  
3           tems for ballistic missile defense.

4           (3) Conduct of joint ballistic missile defense ex-  
5           ercises.

6           (4) Planning for cooperation in defense against  
7           ballistic missile threats aimed at either the United  
8           States or the Russian Federation.

9           (d) JOINT WORKING GROUP.—The President should  
10          seek to establish with the Russian Federation a joint  
11          working group to examine the potential for mutual accom-  
12          modation of outstanding issues between the two nations  
13          on matters relating to ballistic missile defense and the  
14          Anti-Ballistic Missile Treaty of 1972, including the possi-  
15          bility of developing a strategic relationship not based on  
16          mutual nuclear threats.

17          (e) ANNUAL REPORT.—Not later than March 1 each  
18          year, the President shall submit to the Congress a report  
19          on the cooperative program under this section. Each such  
20          report shall include the following:

21                 (1) A description of the conduct of the program  
22                 during the preceding fiscal year, including a descrip-  
23                 tion of the projects carried out under the program.

1           (2) A description of the activities of the joint  
2 working group under subsection (d) during the pre-  
3 ceding fiscal year.

4           (3) A description of the funding for the pro-  
5 gram during the preceding fiscal year and the year  
6 during which the report is submitted and the pro-  
7 posed funding for the program for the next fiscal  
8 year.

9 **SEC. 6. RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD**

10 **DEMARICATION AGREEMENTS.**

11           (a) **POLICY OF SECTION.**—This section is enacted in  
12 order to implement the policy set forth in section 2(3)(B).

13           (b) **RESTRICTION.**—An ABM/TMD demarcation  
14 agreement shall not be binding on the United States, and  
15 shall not enter into force with respect to the United  
16 States, unless, after the date of the enactment of this Act,  
17 that agreement is specifically approved in a manner de-  
18 scribed in section 33(b) of the Arms Control and Disar-  
19 mament Act (22 U.S.C. 2573(b)).

20           (c) **SENSE OF CONGRESS WITH RESPECT TO DEMAR-**  
21 **CATION AGREEMENTS.**—

22           (1) **OPPOSITION TO MULTILATERALIZATION OF**  
23 **ABM TREATY.**—It is the sense of the Congress that  
24 until the United States has taken the steps nec-  
25 essary to ensure that the ABM Treaty remains a bi-

1 lateral treaty between the United States and the  
2 Russian Federation (such state being the only suc-  
3 cessor state of the Union of Soviet Socialist Repub-  
4 lics that has deployed or realistically may deploy an  
5 anti-ballistic missile defense system) no ABM/TMD  
6 demarcation agreement will be considered for ap-  
7 proval for entry into force with respect to the United  
8 States (any such approval, as stated in subsection  
9 (b), to be effective only if provided in a manner de-  
10 scribed in section 33(b) of the Arms Control and  
11 Disarmament Act (22 U.S.C. 2573(b))).

12 (2) PRESERVATION OF U.S. THEATER BALLIS-  
13 TIC MISSILE DEFENSE POTENTIAL.—It is the sense  
14 of the Congress that no ABM/TMD demarcation  
15 agreement that would reduce the potential of United  
16 States theater missile defense systems to defend the  
17 Armed Forces of the United States abroad or the  
18 armed forces or population of allies of the United  
19 States will be approved for entry into force with re-  
20 spect to the United States (any such approval, as  
21 stated in subsection (b), to be effective only if pro-  
22 vided in a manner described in section 33(b) of the  
23 Arms Control and Disarmament Act (22 U.S.C.  
24 2573(b))).

1 (d) ABM/TMD DEMARCATION AGREEMENT DE-  
2 FINED.—For the purposes of this section, the term  
3 “ABM/TMD demarcation agreement” means an agree-  
4 ment that establishes a demarcation between theater bal-  
5 listic missile defense systems and strategic anti-ballistic  
6 missile defense systems for purposes of the ABM Treaty,  
7 including the following:

8 (1) The agreement concluded by the Standing  
9 Consultative Commission on June 24, 1996, con-  
10 cerning lower velocity theater missile defense sys-  
11 tems.

12 (2) The agreement concluded (or to be con-  
13 cluded) by the Standing Consultative Commission  
14 concerning higher velocity theater missile defense  
15 systems, based on the Joint Statement Concerning  
16 the Anti-Ballistic Missile Treaty issued on March  
17 21, 1997, at the conclusion of the Helsinki Summit.

18 (3) Any agreement similar to the agreements  
19 identified in paragraphs (1) and (2).

20 (e) ABM TREATY DEFINED.—For purposes of this  
21 section, the term “ABM Treaty” means the Treaty Be-  
22 tween the United States of America and the Union of So-  
23 viet Socialist Republics on the Limitation of Anti-Ballistic  
24 Missile Systems, signed at Moscow on May 26, 1972 (23

- 1 UST 3435), and includes the Protocols to that Treaty,
- 2 signed at Moscow on July 3, 1974 (27 UST 1645).

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