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.

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 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

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “European Security Act of 1997”.
SEC. 2. STATEMENTS OF POLICY.

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

(1) Policy with respect to NATO enlargement.—(A) The emerging democracies in Central and Eastern Europe that will be invited to begin accession negotiations with the North Atlantic Treaty Organization (NATO) at the NATO summit in Madrid on July 8 and 9, 1997, should not be the last such countries invited to join NATO.

(B) The United States should seek to ensure that the NATO leaders assembled in Madrid agree on a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership.

(2) Policy with respect to negotiations with Russia.—(A) NATO enlargement should be carried out in such a manner as to underscore the Alliance’s defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO Allies should make this intention clear in the negotiations with Russia, including those regarding adaptation of

(B) In seeking to demonstrate to Russia NATO’s defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(i) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(ii) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(iii) providing any international organization, or any country that is not a member of NATO, with authority to review, delay, veto, or otherwise impede deliberations and decisions of
the North Atlantic Council or the implementa-

tion of such decisions, including with respect to
the deployment of NATO forces or the admis-
sion of additional members to NATO; or

(iv) impeding the development of enhanced
relations between NATO and other European
countries that do not belong to the Alliance.

(C) In order to enhance security and stability in
Europe, the United States should seek commitments
from the Russian Federation—

(i) to demarcate and respect all its borders
with neighboring states;

(ii) to station its armed forces on the territ-
ory of other states only with the consent of
such states and in strict accordance with inter-
national law; and

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

(D) As negotiations on adaptation of the Con-
ventional Armed Forces in Europe (CFE) Treaty
proceed, the United States should engage in close
and continuous consultations not only with its
NATO allies, but also with the emerging democ-
racies of Central and Eastern Europe, Ukraine, and
the newly independent states of the Caucasus region.
(3) Policy with respect to ballistic missile defense cooperation with Russia.—(A) As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning and technical aspects of ballistic missile defense.

(B) Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 3. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) Policy of Section.—This section is enacted in order to implement the policy set forth in section 2(1).

(b) Designation of Additional Countries Eligible for NATO Enlargement Assistance.—

(1) Designation of additional countries.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, and Lithuania are each designated as eligible to receive assistance under the program established under sec-
tion 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

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

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

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

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

(A) are to be commended for their
progress toward political and economic reform
and meeting the guidelines for prospective
NATO members;

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

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

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

(1) IN GENERAL.—Funds described in para-
graph (2) are authorized to be made available to
support the implementation of the Regional Airspace
Initiative and the Partnership for Peace Information
Management System, including—
(A) the procurement of items in support of
these programs; and
(B) the transfer of such items to countries
participating in these programs.

(2) Funds described. — Funds described in
this paragraph are funds that are available—

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

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

(d) Extension of Authority Regarding Excess
Defense Articles. — Section 105 of Public Law 104-
164 (110 Stat. 1427) is amended by striking “1996 and

(e) Conforming Amendments to the NATO Par-
ticipation Act of 1994. — Section 203(e) of the NATO
Participation Act of 1994 is amended—

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

(2) by striking paragraph (2);

(3) in paragraph (6), by striking “appropriated
under the ‘Nonproliferation and Disarmament Fund’
account” and inserting “made available for the ‘Nonproliferation and Disarmament Fund’”; (4) in paragraph (8)— (A) by striking “any restrictions in sections 516 and 519” and inserting “section 516(e)”; (B) by striking “as amended,”; and (C) by striking “paragraphs (1) and (2)” and inserting “paragraph (1)”; and (5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 4. AUTHORITIES RELATING TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

(a) Policy of Section.—This section is enacted in order to implement the policy set forth in section 2(2).

(b) Authority To Approve the CFE Flank Agreement.—The President is authorized to approve on behalf of the United States the Document Agreed Among States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, adopted in Vienna, Austria on May 31, 1996, concerning the resolution of issues related to the Conventional Armed Forces in Europe (CFE) Treaty flank zone.

(c) Sense of Congress With Respect to CFE Adaptation.—It is the sense of Congress that any revi-
sions to the Treaty on Conventional Armed Forces in Europe that may be agreed in the ongoing CFE adaptation negotiations can enter into force only if those revisions are specifically approved in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)), and no such approval will be provided to any revisions to that Treaty that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

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

(4) impeding the development of enhanced rela-
tions between NATO and other European countries
that do not belong to the Alliance by, for example,
recognizing spheres of influence in Europe.

SEC. 5. BALLISTIC MISSILE DEFENSE COOPERATIVE
PROJECTS WITH RUSSIA.

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

(b) ESTABLISHMENT OF PROGRAM OF BALLISTIC MISSILE DEFENSE COOPERATION WITH RUSSIA.—The
Secretary of Defense is authorized to carry out a program
of cooperative ballistic missile defense-related projects
with the Russian Federation.

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

(1) Cooperation between the United States and
the Russian Federation with respect to early warn-
ing of ballistic missile launches, including the shar-
ing of information on ballistic missile launches de-
ected by either the United States or the Russian Federation, formalization of an international launch notification regime, and development of a joint global warning center.

(2) Technical cooperation in research, development, test, and production of technology and systems for ballistic missile defense.

(3) Conduct of joint ballistic missile defense exercises.

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

(d) DIALOGUE WITH RUSSIA.—The President should seek to initiate a dialogue with the Russian Federation aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the Anti-Ballistic Missile Treaty of 1972, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) ANNUAL REPORT.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Congress a report on the cooperative program under this section. Each such report shall include the following:
(1) A description of the conduct of the program during the preceding fiscal year, including a description of the projects carried out under the program.

(2) A description of the status of the dialogue under subsection (d) during the preceding fiscal year.

(3) A description of the funding for the program during the preceding fiscal year and the year during which the report is submitted and the proposed funding for the program for the next fiscal year.

SEC. 6. RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.

(a) Policy of Section.—This section is enacted in order to implement the policy set forth in section 2(3)(B).

(b) Restriction.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of the enactment of this Act, that agreement is specifically approved in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

(e) Sense of Congress With Respect to Demarcation Agreements.—
(1) Opposition to multilateralization of ABM treaty.—It is the sense of the Congress that until the United States has taken the steps necessary to ensure that the ABM Treaty remains a bilateral treaty between the United States and the Russian Federation (such state being the only successor state of the Union of Soviet Socialist Republics that has deployed or realistically may deploy an anti-ballistic missile defense system) no ABM/TMD demarcation agreement will be considered for approval for entry into force with respect to the United States (any such approval, as stated in subsection (b), to be effective only if provided in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b))).

(2) Preservation of U.S. theater ballistic missile defense potential.—It is the sense of the Congress that no ABM/TMD demarcation agreement that would reduce the potential of United States theater missile defense systems to defend the Armed Forces of the United States abroad or the armed forces or population of allies of the United States will be approved for entry into force with respect to the United States (any such approval, as stated in subsection (b), to be effective only if pro-
vided in a manner described in section 33(b) of the
Arms Control and Disarmament Act (22 U.S.C.
2573(b))).

(d) ABM/TMD Demarcation Agreement Defined.—For the purposes of this section, the term “ABM/TMD demarcation agreement” means an agreement that establishes a demarcation between theater ballistic missile defense systems and strategic anti-ballistic missile defense systems for purposes of the ABM Treaty, including the following:

(1) The agreement concluded by the Standing Consultative Commission on June 24, 1996, concerning lower velocity theater missile defense systems.

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

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

(e) ABM Treaty Defined.—For purposes of this section, the term “ABM Treaty” means the Treaty Between the United States of America and the Union of So-
viet Socialist Republics on the Limitation of Anti-Ballistic
Missile Systems, signed at Moscow on May 26, 1972 (23
UST 3435), and includes the Protocols to that Treaty,
signed at Moscow on July 3, 1974 (27 UST 1645).