

104TH CONGRESS
2^D SESSION

H. R. 3564

AN ACT

To amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

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To amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of emerging democracies in Central and Eastern Europe.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “NATO Enlargement
3 Facilitation Act of 1996”.

4 **SEC. 2. FINDINGS.**

5 The Congress makes the following findings:

6 (1) Since 1949, the North Atlantic Treaty Or-
7 ganization (NATO) has played an essential role in
8 guaranteeing the security, freedom, and prosperity
9 of the United States and its partners in the Alliance.

10 (2) The NATO Alliance is, and has been since
11 its inception, purely defensive in character, and it
12 poses no threat to any nation. The enlargement of
13 the NATO Alliance to include as full and equal
14 members emerging democracies in Central and East-
15 ern Europe will serve to reinforce stability and secu-
16 rity in Europe by fostering their integration into the
17 structures which have created and sustained peace
18 in Europe since 1945. Their admission to NATO
19 will not threaten any nation. America’s security,
20 freedom, and prosperity remain linked to the secu-
21 rity of the countries of Europe.

22 (3) The sustained commitment of the member
23 countries of NATO to a mutual defense has made
24 possible the democratic transformation of Central
25 and Eastern Europe. Members of the Alliance can
26 and should play a critical role in addressing the se-

1 security challenges of the post-Cold War era and in
2 creating the stable environment needed for those
3 emerging democracies in Central and Eastern Eu-
4 rope to successfully complete political and economic
5 transformation.

6 (4) The United States continues to regard the
7 political independence and territorial integrity of all
8 emerging democracies in Central and Eastern Eu-
9 rope as vital to European peace and security.

10 (5) NATO has enlarged its membership on 3
11 different occasions since 1949.

12 (6) Congress has sought to facilitate the further
13 enlargement of NATO at an early date by enacting
14 the NATO Participation Act of 1994 (title II of
15 Public Law 103–447; 22 U.S.C. 1928 note) and the
16 NATO Participation Act Amendments of 1995 (sec-
17 tion 585 of Public Law 104–107).

18 (7) The Partnership for Peace, created in 1994
19 under American leadership, has fostered cooperation
20 between NATO and the countries of Central and
21 Eastern Europe, and offers a path to future mem-
22 bership in the Alliance and a permanent security re-
23 lationship between participants in the Partnership
24 for Peace and members of NATO.

1 (8) As new members of NATO assume the re-
2 responsibilities of Alliance membership, the costs of
3 maintaining stability in Europe will be shared more
4 widely. The concurrent assumption of greater re-
5 sponsibility and development of greater capabilities
6 by the European members of NATO in pursuit of a
7 European security and defense identity will further
8 reinforce burdensharing. Facilitation of the enlarge-
9 ment process will require current members of
10 NATO, and the United States in particular, to dem-
11 onstrate the political will needed to build on success-
12 ful ongoing programs such as the Warsaw Initiative
13 and the Partnership for Peace by making available
14 the resources necessary to supplement efforts pro-
15 spective new members are themselves undertaking.

16 (9) New members will be full members of the
17 Alliance, enjoying all rights and assuming all the ob-
18 ligations under the Washington Treaty.

19 (10) In order to assist emerging democracies in
20 Central and Eastern Europe that have expressed in-
21 terest in joining NATO to be prepared to assume
22 the responsibilities of NATO membership, the Unit-
23 ed States should encourage and support efforts by
24 such countries to develop force structures and force
25 modernization priorities that will enable such coun-

1 tries to contribute to the full range of NATO mis-
2 sions, including, most importantly, territorial defense
3 of the Alliance.

4 (11) Cooperative regional peacekeeping initia-
5 tives involving emerging democracies in Central and
6 Eastern Europe that have expressed interest in join-
7 ing NATO, such as the Baltic Peacekeeping Battal-
8 ion, the Polish-Lithuanian Joint Peacekeeping
9 Force, and the Polish-Ukrainian Peacekeeping
10 Force, can make an important contribution to Euro-
11 pean peace and security and international peace-
12 keeping efforts, can assist those countries preparing
13 to assume the responsibilities of possible NATO
14 membership, and accordingly should receive appro-
15 priate support from the United States.

16 (12) NATO remains the only multilateral secu-
17 rity organization capable of conducting effective
18 military operations and preserving security and sta-
19 bility of the Euro-Atlantic region.

20 (13) NATO is an important diplomatic forum
21 and has played a positive role in defusing tensions
22 between members of the Alliance and, as a result, no
23 military action has occurred between two Alliance
24 member states since the inception of NATO in 1949.

1 (14) The process of enlarging NATO to include
2 emerging democracies in Central and Eastern Eu-
3 rope should be a continuing process and progress to-
4 ward the admission of additional emerging democ-
5 racies in Central and Eastern Europe will depend on
6 the degree to which these countries meet the criteria
7 set forth in section 203(d)(3) of the NATO Partici-
8 pation Act of 1994.

9 (15) Protection and promotion of fundamental
10 freedoms and human rights is an integral aspect of
11 genuine security, and in evaluating requests for
12 membership in NATO, the human rights records of
13 the emerging democracies in Central and Eastern
14 Europe should be evaluated in light of the obliga-
15 tions and commitments of these countries under the
16 Charter of the United Nations, the Universal Dec-
17 laration of Human Rights, and the Helsinki Final
18 Act.

19 (16) A number of Central and Eastern Euro-
20 pean countries have expressed interest in NATO
21 membership, and have taken concrete steps to dem-
22 onstrate this commitment; including their participa-
23 tion in Partnership for Peace activities.

24 (17) Democratic civilian control of defense
25 forces is an essential element in the process of prep-

1 aration for those states interested in possible NATO
2 membership.

3 (18) The security and economic stability of the
4 Caucasus region is important to the United States,
5 and the countries of the Caucasus region should not
6 be precluded from future membership in NATO. The
7 United States should continue to promote policies
8 that encourage economic and fiscal reforms, private
9 sector growth, and political reforms in the Caucasus
10 region.

11 (19) In recognition that not all countries which
12 have requested membership in NATO will nec-
13 essarily qualify at the same pace, the accession date
14 for each new member may vary.

15 (20) The process of NATO enlargement entails
16 the consensus agreement of the governments of all
17 16 NATO members and ratification in accordance
18 with their constitutional procedures.

19 (21) The provision of additional NATO transi-
20 tion assistance should include those emerging de-
21 mocracies most ready for closer ties with NATO and
22 should be designed to assist other countries meeting
23 specified criteria of eligibility to move forward to-
24 ward eventual NATO membership.

1 (22) Lasting security and stability in Europe
2 requires not only the military integration of emerg-
3 ing democracies of Central and Eastern Europe into
4 existing European structures, but also the eventual
5 economic and political integration of these countries
6 into existing European structures.

7 (23) The Congress of the United States finds
8 that Poland, Hungary, and the Czech Republic have
9 made the most progress toward achieving the stated
10 criteria and should be eligible for the additional as-
11 sistance described in this bill.

12 (24) The evaluation of future membership in
13 NATO for emerging democracies in Central and
14 Eastern Europe should be based on the progress of
15 those nations in meeting criteria for NATO member-
16 ship, which require enhancement of NATO's security
17 and the approval of all NATO members.

18 **SEC. 3. UNITED STATES POLICY.**

19 It should be the policy of the United States—

20 (1) to join with the NATO allies of the United
21 States to adapt the role of the NATO Alliance to the
22 post-Cold War world;

23 (2) to actively assist the emerging democracies
24 in Central and Eastern Europe in their transition so

1 that such countries may eventually qualify for
2 NATO membership;

3 (3) to ensure that all countries in Central and
4 Eastern Europe are fully aware of the costs and re-
5 sponsibilities of NATO membership, including the
6 obligation set forth in Article X of the North Atlan-
7 tic Treaty that new members be able to contribute
8 to the security of the North Atlantic area, and fur-
9 ther to ensure that all countries admitted to NATO
10 are capable of assuming those costs and responsibil-
11 ities; and

12 (4) to work to define a constructive and cooper-
13 ative political and security relationship between an
14 enlarged NATO and the Russian Federation.

15 **SEC. 4. SENSE OF THE CONGRESS REGARDING FURTHER**
16 **ENLARGEMENT OF NATO.**

17 It is the sense of the Congress that in order to pro-
18 mote economic stability and security in Slovakia, Estonia,
19 Latvia, Lithuania, Slovenia, Bulgaria, Romania, Albania,
20 Moldova, and Ukraine—

21 (1) the United States should continue to sup-
22 port the full and active participation of these coun-
23 tries in activities appropriate for qualifying for
24 NATO membership;

1 (2) the United States Government should con-
2 tinue to use all diplomatic means available to press
3 the European Union to admit as soon as possible
4 any country which qualifies for membership; and

5 (3) the United States Government and the
6 North Atlantic Treaty Organization should continue
7 to support military exercises and peacekeeping ini-
8 tiatives between and among these nations and mem-
9 bers of the North Atlantic Treaty Organization.

10 **SEC. 5. SENSE OF THE CONGRESS REGARDING ESTONIA,**
11 **LATVIA, AND LITHUANIA.**

12 In view of the forcible incorporation of Estonia, Lat-
13 via, and Lithuania into the Soviet Union in 1940 under
14 the Molotov-Ribbentrop Pact and the refusal of the United
15 States and other countries to recognize that incorporation
16 for over 50 years, it is the sense of the Congress that—

17 (1) Estonia, Latvia, and Lithuania have valid
18 historical security concerns that must be taken into
19 account by the United States; and

20 (2) Estonia, Latvia, and Lithuania should not
21 be disadvantaged in seeking to join NATO by virtue
22 of their forcible incorporation into the Soviet Union.

1 **SEC. 6. DESIGNATION OF COUNTRIES ELIGIBLE FOR NATO**
2 **ENLARGEMENT ASSISTANCE.**

3 (a) IN GENERAL.—The following countries are des-
4 ignated as eligible to receive assistance under the program
5 established under section 203(a) of the NATO Participa-
6 tion Act of 1994 and shall be deemed to have been so
7 designated pursuant to section 203(d) of such Act: Po-
8 land, Hungary, and the Czech Republic.

9 (b) AUTHORITY TO DESIGNATE OTHER COUNTRIES
10 NOT PRECLUDED.—The process of enlarging NATO to in-
11 clude emerging democracies in Central and Eastern Eu-
12 rope should not stop with the admission of Poland, Hun-
13 gary, and the Czech Republic as full members of the
14 NATO Alliance. Accordingly, the designation of countries
15 pursuant to subsection (a) shall not be deemed to preclude
16 the designation by the President of other Central and
17 Eastern European countries pursuant to section 203(d)
18 of the NATO Participation Act of 1994 as eligible to re-
19 ceive assistance under the program established under sec-
20 tion 203(a) of such Act.

21 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR NATO**
22 **ENLARGEMENT ASSISTANCE.**

23 (a) IN GENERAL.—There are authorized to be appro-
24 priated \$60,000,000 for fiscal year 1997 for the program
25 established under section 203(a) of the NATO Participa-
26 tion Act of 1994.

1 (b) AVAILABILITY.—Of the funds authorized to be
2 appropriated by subsection (a)—

3 (1) not less than \$20,000,000 shall be available
4 for the subsidy cost, as defined in section 502(5) of
5 the Credit Reform Act of 1990, of direct loans pur-
6 suant to the authority of section 203(c)(4) of the
7 NATO Participation Act of 1994 (relating to the
8 “Foreign Military Financing Program”);

9 (2) not less than \$30,000,000 shall be available
10 for assistance on a grant basis pursuant to the au-
11 thority of section 203(c)(4) of the NATO Participa-
12 tion Act of 1994 (relating to the “Foreign Military
13 Financing Program”); and

14 (3) not more than \$10,000,000 shall be avail-
15 able for assistance pursuant to the authority of sec-
16 tion 203(c)(3) of the NATO Participation Act of
17 1994 (relating to international military education
18 and training).

19 (c) RULE OF CONSTRUCTION.—Amounts authorized
20 to be appropriated under this section are authorized to
21 be appropriated in addition to such amounts as otherwise
22 may be available for such purposes.

1 **SEC. 8. REGIONAL AIRSPACE INITIATIVE AND PARTNER-**
2 **SHIP FOR PEACE INFORMATION MANAGE-**
3 **MENT SYSTEM.**

4 (a) IN GENERAL.—Funds described in subsection (b)
5 are authorized to be made available to support the imple-
6 mentation of the Regional Airspace Initiative and the
7 Partnership for Peace Information Management System,
8 including—

9 (1) the procurement of items in support of
10 these programs; and

11 (2) the transfer of such items to countries par-
12 ticipating in these programs, which may include Po-
13 land, Hungary, the Czech Republic, Slovakia, Esto-
14 nia, Latvia, Lithuania, Romania, Slovenia, Albania,
15 Ukraine, and Bulgaria.

16 (b) FUNDS DESCRIBED.—Funds described in this
17 subsection are funds that are available—

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

21 (2) during fiscal year 1997 under any Act to
22 carry out the Warsaw Initiative.

23 **SEC. 9. EXCESS DEFENSE ARTICLES.**

24 (a) PRIORITY DELIVERY.—Notwithstanding any
25 other provision of law, the delivery of excess defense arti-
26 cles under the authority of section 203(c) (1) and (2) of

1 the NATO Participation Act of 1994 and section 516 of
2 the Foreign Assistance Act of 1961 shall be given priority
3 to the maximum extent feasible over the delivery of such
4 excess defense articles to all other countries except those
5 countries referred to in section 541 of the Foreign Oper-
6 ations, Export Financing, and Related Programs Appro-
7 priations Act, 1995 (Public Law 103–306; 108 Stat.
8 1640).

9 (b) COOPERATIVE REGIONAL PEACEKEEPING INITIA-
10 TIVES.—The Congress encourages the President to pro-
11 vide excess defense articles and other appropriate assist-
12 ance to cooperative regional peacekeeping initiatives in-
13 volving emerging democracies in Central and Eastern Eu-
14 rope that have expressed an interest in joining NATO in
15 order to enhance their ability to contribute to European
16 peace and security and international peacekeeping efforts.

17 **SEC. 10. MODERNIZATION OF DEFENSE CAPABILITY.**

18 The Congress endorses efforts by the United States
19 to modernize the defense capability of Poland, Hungary,
20 the Czech Republic, and any other countries designed by
21 the President pursuant to section 203(d) of the NATO
22 Participation Act of 1994, by exploring with such coun-
23 tries options for the sale or lease to such countries of
24 weapons systems compatible with those used by NATO

1 members, including air defense systems, advanced fighter
2 aircraft, and telecommunications infrastructure.

3 **SEC. 11. TERMINATION OF ELIGIBILITY.**

4 (a) **TERMINATION OF ELIGIBILITY.**—The eligibility
5 of a country designated pursuant to section 6(a) or pursu-
6 ant to section 203(d) of the NATO Participation Act of
7 1994 may be terminated upon determination by the Presi-
8 dent that such country no longer meets the criteria set
9 forth in section 203(d)(3) of the NATO Participation Act
10 of 1994.

11 (b) **NOTIFICATION.**—At least 15 days before termi-
12 nating the eligibility of any country pursuant to subsection
13 (a), the President shall notify the congressional commit-
14 tees specified in section 634A of the Foreign Assistance
15 Act of 1961 in accordance with the procedures applicable
16 to reprogramming notifications under that section.

Passed the House of Representatives July 23, 1996.

Attest:

Clerk.