

105TH CONGRESS
1ST SESSION

H. R. 1758

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.

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.

18 (2) POLICY WITH RESPECT TO NEGOTIATIONS
19 WITH RUSSIA.—(A) NATO enlargement should be
20 carried out in such a manner as to underscore the
21 Alliance's defensive nature and demonstrate to Rus-
22 sia that NATO enlargement will enhance the secu-
23 rity of all countries in Europe, including Russia. Ac-
24 cordingly, the United States and its NATO Allies
25 should make this intention clear in the negotiations
26 with Russia, including those regarding adaptation of

1 the Conventional Armed Forces in Europe (CFE)
2 Treaty of November 19, 1990.

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

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

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

22 (iii) providing any international organiza-
23 tion, or any country that is not a member of
24 NATO, with authority to review, delay, veto, or
25 otherwise impede deliberations and decisions of

1 the North Atlantic Council or the implementa-
2 tion of such decisions, including with respect to
3 the deployment of NATO forces or the admis-
4 sion of additional members to NATO; or

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

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

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

13 (ii) to station its armed forces on the terri-
14 tory of other states only with the consent of
15 such states and in strict accordance with inter-
16 national law; and

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

19 (D) As negotiations on adaptation of the Con-
20 ventional Armed Forces in Europe (CFE) Treaty
21 proceed, the United States should engage in close
22 and continuous consultations not only with its
23 NATO allies, but also with the emerging democ-
24 racies of Central and Eastern Europe, Ukraine, and
25 the newly independent states of the Caucasus region.

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

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

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

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

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

21 (1) DESIGNATION OF ADDITIONAL COUN-
22 TRIES.—Effective 180 days after the date of the en-
23 actment of this Act, Romania, Estonia, Latvia, and
24 Lithuania are each designated as eligible to receive
25 assistance under the program established under sec-

1 tion 203(a) of the NATO Participation Act of 1994
2 and shall be deemed to have been so designated pur-
3 suant to section 203(d)(1) of such Act, except that
4 any such country shall not be so designated if, prior
5 to such effective date, the President certifies to the
6 Committee on International Relations of the House
7 of Representatives and the Committee on Foreign
8 Relations of the Senate that the country fails to
9 meet the criteria under section 203(d)(3) of the
10 NATO Participation Act of 1994.

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

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

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

1 assistance under the program established under
2 section 203(a) of such Act.

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

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

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

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

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

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

1 (A) the procurement of items in support of
2 these programs; and

3 (B) the transfer of such items to countries
4 participating in these programs.

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

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

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

13 (d) EXTENSION OF AUTHORITY REGARDING EXCESS
14 DEFENSE ARTICLES.—Section 105 of Public Law 104-
15 164 (110 Stat. 1427) is amended by striking “1996 and
16 1997” and inserting “1997, 1998, and 1999”.

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

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

23 (2) by striking paragraph (2);

24 (3) in paragraph (6), by striking “appropriated
25 under the ‘Nonproliferation and Disarmament Fund’

1 account” and inserting “made available for the
2 ‘Nonproliferation and Disarmament Fund’”;

3 (4) in paragraph (8)—

4 (A) by striking “any restrictions in sec-
5 tions 516 and 519” and inserting “section
6 516(e)”;

7 (B) by striking “as amended,”; and

8 (C) by striking “paragraphs (1) and (2)”
9 and inserting “paragraph (1)”;

10 (5) by redesignating paragraphs (3) through
11 (8) as paragraphs (2) through (7), respectively.

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

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

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

24 (c) **SENSE OF CONGRESS WITH RESPECT TO CFE**
25 **ADAPTATION.**—It is the sense of Congress that any revi-

1 sions to the Treaty on Conventional Armed Forces in Eu-
2 rope that may be agreed in the ongoing CFE adaptation
3 negotiations can enter into force only if those revisions are
4 specifically approved in a manner described in section
5 33(b) of the Arms Control and Disarmament Act (22
6 U.S.C. 2573(b)), and no such approval will be provided
7 to any revisions to that Treaty that jeopardize fundamen-
8 tal United States security interests in Europe or the effec-
9 tiveness and flexibility of NATO as a defensive alliance
10 by—

11 (1) extending rights or imposing responsibilities
12 on new NATO members different from those appli-
13 cable to current NATO members, including with re-
14 spect to the deployment of nuclear weapons and the
15 stationing of troops and equipment from other
16 NATO members;

17 (2) limiting the ability of NATO to defend the
18 territory of new NATO members by, for example, re-
19 stricting the construction of defense infrastructure
20 or limiting the ability of NATO to deploy necessary
21 reinforcements;

22 (3) providing any international organization, or
23 any country that is not a member of NATO, with
24 authority to review, delay, veto, or otherwise impede
25 deliberations and decisions of the North Atlantic

1 Council or the implementation of such decisions, in-
2 cluding with respect to the deployment of NATO
3 forces or the admission of additional members to
4 NATO; or

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

9 **SEC. 5. BALLISTIC MISSILE DEFENSE COOPERATIVE**
10 **PROJECTS WITH RUSSIA.**

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

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

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

22 (1) Cooperation between the United States and
23 the Russian Federation with respect to early warn-
24 ing of ballistic missile launches, including the shar-
25 ing of information on ballistic missile launches de-

1 tected by either the United States or the Russian
2 Federation, formalization of an international launch
3 notification regime, and development of a joint glob-
4 al warning center.

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

8 (3) Conduct of joint ballistic missile defense ex-
9 ercises.

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

13 (d) DIALOGUE WITH RUSSIA.—The President should
14 seek to initiate a dialogue with the Russian Federation
15 aimed at exploring the potential for mutual accommoda-
16 tion of outstanding issues between the two nations on mat-
17 ters relating to ballistic missile defense and the Anti-Bal-
18 listic Missile Treaty of 1972, including the possibility of
19 developing a strategic relationship not based on mutual
20 nuclear threats.

21 (e) ANNUAL REPORT.—Not later than January 1,
22 1998, January 1, 1999, and January 1, 2000, the Presi-
23 dent shall submit to the Congress a report on the coopera-
24 tive program under this section. Each such report shall
25 include the following:

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

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

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

12 **SEC. 6. RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD**
 13 **DEMARCATIION AGREEMENTS.**

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

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

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

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

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

1 vided in a manner described in section 33(b) of the
2 Arms Control and Disarmament Act (22 U.S.C.
3 2573(b))).

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

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

15 (2) The agreement concluded (or to be con-
16 cluded) by the Standing Consultative Commission
17 concerning higher velocity theater missile defense
18 systems, based on the Joint Statement Concerning
19 the Anti-Ballistic Missile Treaty issued on March
20 21, 1997, at the conclusion of the Helsinki Summit.

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

23 (e) ABM TREATY DEFINED.—For purposes of this
24 section, the term “ABM Treaty” means the Treaty Be-
25 tween the United States of America and the Union of So-

1 viet Socialist Republics on the Limitation of Anti-Ballistic
2 Missile Systems, signed at Moscow on May 26, 1972 (23
3 UST 3435), and includes the Protocols to that Treaty,
4 signed at Moscow on July 3, 1974 (27 UST 1645).

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