

111TH CONGRESS
1ST SESSION

H. R. 2797

To strengthen the United States commitment to transatlantic security by implementing the principles outlined in the Declaration on Alliance Security signed by the heads of state and governments of the North Atlantic Treaty Organization in Strasbourg and Kehl on the occasion of the 60th anniversary of the Alliance.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2009

Mr. TURNER (for himself and Mr. MARSHALL) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, 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

A BILL

To strengthen the United States commitment to transatlantic security by implementing the principles outlined in the Declaration on Alliance Security signed by the heads of state and governments of the North Atlantic Treaty Organization in Strasbourg and Kehl on the occasion of the 60th anniversary of the Alliance.

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; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “NATO First Act”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Limitations on closure of United States military installations and alteration of basing arrangements in European Command theater of operations.

Sec. 3. Authority to build the capacity of national military forces of certain NATO allies and partners.

Sec. 4. Authority to support the NATO Special Operations Coordination Center.

Sec. 5. Extended deterrence commitment to Europe.

Sec. 6. Availability of funds for a long-range missile defense system in Europe.

Sec. 7. Short-range air and missile defense capability in Poland.

Sec. 8. Limitation on funds to reduce certain strategic forces pursuant to treaty or other agreement with the Russian Federation.

Sec. 9. Expansion of United States-Russian Federation joint center to include exchange of data on missile defense.

6 **SEC. 2. LIMITATIONS ON CLOSURE OF UNITED STATES**
7 **MILITARY INSTALLATIONS AND ALTERATION**
8 **OF BASING ARRANGEMENTS IN EUROPEAN**
9 **COMMAND THEATER OF OPERATIONS.**

10 (a) POLICY ON CURRENT FORCE STRUCTURE IN EU-
11 ROPE.—It is the policy of the United States that the cur-
12 rent deployment of units of the United States Armed
13 Forces at military installations in European member na-
14 tions of the North Atlantic Treaty Organization is a force-
15 structure arrangement and set of military capabilities to
16 permit the United States—

17 (1) to satisfy the commitments undertaken by
18 United States pursuant to Article 5 of the North At-

1 lantic Treaty, signed at Washington, District of Co-
2 lumbia, on April 4, 1949, and entered into force on
3 August 24, 1949 (63 Stat. 2241; TIAS 1964);

4 (2) to address the current security environment
5 in Europe, including United States participation in
6 theater cooperation activities; and

7 (3) to contribute to peace and stability in Eu-
8 rope.

9 (b) CERTIFICATION REQUIRED FOR EUROPEAN BASE
10 CLOSURES AND BASING CHANGES.—

11 (1) CERTIFICATION.—In light of the policy ex-
12 pressed in subsection (a), no action may be taken to
13 effect or implement the closure of any military in-
14 stallation in a European member nation of the
15 North Atlantic Treaty Organization at which a unit
16 of the United States Armed Forces is based or to
17 alter the permanent basing arrangement of a unit of
18 the Armed Forces at the installation unless—

19 (A) the closure of the installation is re-
20 quested by the government of the host nation in
21 the manner provided in the agreement between
22 the United States and the host nation regard-
23 ing the installation; or

24 (B) the Secretary of Defense certifies
25 that—

1 (i) the current number or arrange-
2 ment of United States military installa-
3 tions in European member nations of the
4 North Atlantic Treaty Organization or the
5 permanent basing of units at these instal-
6 lations is no longer the force-structure ar-
7 rangement and set of military capabilities
8 necessary to achieve the policy objectives
9 specified in paragraphs (1), (2), and (3) of
10 subsection (a); and

11 (ii) the closure of an installation or al-
12 teration of the permanent basing arrange-
13 ment at the installation will not impair the
14 ability of the United States to achieve the
15 policy objectives specified in such para-
16 graphs.

17 (2) NOTICE AND WAIT REQUIREMENT.—The
18 Secretary of Defense may not commence the closure
19 of a military installation or the alteration of the per-
20 manent basing arrangement of a unit at the installa-
21 tion for which the certification required by para-
22 graph (1)(B) is made until the expiration of a 180-
23 day period beginning on the date on which the Sec-
24 retary submits a report containing the certification

1 to the Committees on Armed Services of the Senate
2 and House of Representatives.

3 (3) REPORT REQUIREMENTS.—The report
4 under paragraph (2) shall also include the following:

5 (A) The rationale of the Secretary of De-
6 fense for the certification.

7 (B) The proposals of the Secretary regard-
8 ing closure of United States military installa-
9 tions in European member nations of the North
10 Atlantic Treaty Organization and the alteration
11 of the permanent basing arrangements of units
12 at the installations so as not to impair the pol-
13 icy objectives specified in paragraphs (1), (2),
14 and (3) of subsection (a).

15 **SEC. 3. AUTHORITY TO BUILD THE CAPACITY OF NATIONAL**
16 **MILITARY FORCES OF CERTAIN NATO ALLIES**
17 **AND PARTNERS.**

18 (a) AUTHORITY.—The Secretary of Defense, with the
19 concurrence of the Secretary of State, is authorized to con-
20 duct or support programs to build the capacity of the na-
21 tional military forces of foreign countries described in sub-
22 section (b) to support the theater priorities of the Com-
23 mander of the United States European Command.

24 (b) FOREIGN COUNTRIES DESCRIBED.—The foreign
25 countries described in this subsection are—

1 (1) member states of the North Atlantic Treaty
2 Organization (NATO), and

3 (2) countries participating in NATO's Partner-
4 ship for Peace program,

5 that are eligible for assistance under section 23 of the
6 Arms Export Control Act (22 U.S.C. 2763; relating to the
7 Foreign Military Financing program).

8 (c) TYPES OF CAPACITY BUILDING.—

9 (1) AUTHORIZED ELEMENTS.—Programs au-
10 thorized under subsection (a) may include the provi-
11 sion of equipment, supplies, and training.

12 (2) REQUIRED ELEMENTS.—Programs author-
13 ized under subsection (a) shall be provided in a
14 manner that promotes observance of and respect for
15 human rights and fundamental freedoms.

16 (d) LIMITATIONS.—

17 (1) FUNDING LIMITATION.—The Secretary of
18 Defense may use up to \$200,000,000 of funds made
19 available to the Department of Defense for operation
20 and maintenance for fiscal years 2011 and 2012 to
21 conduct or support programs authorized under sub-
22 section (a). Subject to subsection (i), amounts au-
23 thorized to be used by the Secretary of Defense pur-
24 suant to the authority of this paragraph are author-
25 ized to remain available until September 30, 2015.

1 (2) ASSISTANCE OTHERWISE PROHIBITED BY
2 LAW.—The Secretary of Defense may not use the
3 authority in subsection (a) to provide any type of as-
4 sistance described in subsection (c) that is otherwise
5 prohibited by any provision of law.

6 (3) LIMITATION ON ELIGIBLE COUNTRIES.—
7 The Secretary of Defense may not use the authority
8 in subsection (a) to provide assistance described in
9 subsection (c) to any foreign country that is other-
10 wise prohibited from receiving such type of assist-
11 ance under any other provision of law.

12 (e) RELATION TO OTHER AUTHORITIES.—The au-
13 thority in subsection (a) to provide assistance described
14 in subsection (c) is in addition to the authority under sec-
15 tion 1206 of the National Defense Authorization Act for
16 Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456;
17 relating to authority to build the capacity of foreign mili-
18 tary forces) and the authority under any other similar pro-
19 vision of law.

20 (f) IMPLEMENTATION PLAN.—

21 (1) SUBMISSION REQUIRED.—The Secretary of
22 Defense shall submit to the congressional commit-
23 tees specified in subsection (h) a plan for the imple-
24 mentation of programs under subsection (a) and the
25 allocation of funds under programs under subsection

1 (a) for each of the fiscal years 2011 and 2012. Such
2 plans shall be submitted in conjunction with the
3 budget submitted to Congress by the President pur-
4 suant to section 1105(a) of title 31, United States
5 Code, for each of the fiscal years 2011 and 2012.

6 (2) ELEMENTS OF PLAN.—In the plan required
7 by subsection (a), the Secretary of Defense shall
8 identify how the programs to be conducted or sup-
9 ported to build the capacity of the foreign military
10 forces will—

11 (A) permit the United States to satisfy the
12 commitments undertaken by United States pur-
13 suant to Article 5 of the North Atlantic Treaty,
14 signed at Washington, District of Columbia, on
15 April 4, 1949, and entered into force on August
16 24, 1949 (63 Stat. 2241; TIAS 1964);

17 (B) address the current security environ-
18 ment in Europe, including United States par-
19 ticipation in theater cooperation activities; and

20 (C) contribute to peace and stability in Eu-
21 rope.

22 (g) CONGRESSIONAL NOTIFICATION.—Not less than
23 15 days before initiating activities for any foreign country
24 under a program under subsection (a), the Secretary of

1 Defense shall submit to the congressional committees
2 specified in subsection (h) a notice of the following:

3 (1) The foreign country whose capacity to en-
4 gage in activities described in subsection (a) will be
5 built.

6 (2) The budget, types of assistance, and com-
7 pletion date for the program.

8 (3) The source and planned expenditure of
9 funds for the program.

10 (h) SPECIFIED CONGRESSIONAL COMMITTEES.—The
11 congressional committees specified in this subsection are
12 the following:

13 (1) The Committee on Armed Services, the
14 Committee on Foreign Affairs, and the Committee
15 on Appropriations of the House of Representatives.

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

19 (i) TERMINATION.—The authority provided under
20 subsection (a) terminates at the close of September 30,
21 2013. Any program established before that date may be
22 completed after that date, but only using funds authorized
23 to be used by the Secretary of Defense pursuant to the
24 authority of subsection (d)(1).

1 **SEC. 4. AUTHORITY TO SUPPORT THE NATO SPECIAL OPER-**
2 **ATIONS COORDINATION CENTER.**

3 (a) **AUTHORITY.**—The Secretary of Defense is au-
4 thorized to provide assistance to the North Atlantic Treaty
5 Organization (NATO) Special Operations Coordination
6 Center (NSCC) to support the activities described in sub-
7 section (b).

8 (b) **ACTIVITIES SUPPORTED.**—Activities that may be
9 supported by assistance under subsection (a) include—

10 (1) improving coordination and cooperation be-
11 tween the special operations forces of NATO mem-
12 ber states;

13 (2) facilitating joint operations by such special
14 operations forces;

15 (3) supporting command, control, and commu-
16 nications capabilities of such special operations
17 forces;

18 (4) promoting intelligence and informational re-
19 quirements of such special operations forces within
20 the NATO structure;

21 (5) promoting interoperability of such special
22 operations forces through the development of com-
23 mon equipment standards and tactics, techniques,
24 and procedures and through execution of a multi-
25 national education and training program; and

26 (6) constructing NSCC-related facilities.

1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary of Defense
3 shall certify to the congressional committees specified in
4 subsection (d) that the Department of Defense has as-
5 signed executive agent responsibility for the NSCC to an
6 appropriate organization within the Department of De-
7 fense and detail the steps being undertaken by the United
8 States to strengthen the role of the NSCC in fostering
9 special operations capabilities within NATO.

10 (d) SPECIFIED CONGRESSIONAL COMMITTEES.—The
11 congressional committees specified in this subsection are
12 the Committee on Armed Services of the House of Rep-
13 resentatives and the Committee on Armed Services of the
14 Senate.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to the Secretary of Defense
18 \$45,000,000 for fiscal year 2011 to carry out this
19 section.

20 (2) LIMITATION.—The total amount of funds
21 that may be obligated and expended under sub-
22 section (b)(6) may not exceed \$20,000,000.

1 **SEC. 5. EXTENDED DETERRENCE COMMITMENT TO EU-**
2 **ROPE.**

3 (a) **POLICY ON EXTENDED DETERRENCE COMMIT-**
4 **MENT TO EUROPE.**—It is the policy of the United States
5 that—

6 (1) it maintain its commitment to extended de-
7 terrence, specifically the nuclear alliance of the
8 North Atlantic Treaty Organization, as an impor-
9 tant component of ensuring and linking the national
10 security interests of the United States and the secu-
11 rity of its European allies; and

12 (2) forward-deployed nuclear forces of the
13 United States shall remain based in Europe in sup-
14 port of the nuclear policy and posture of NATO.

15 (b) **LIMITATION ON REDUCTIONS IN NUCLEAR**
16 **FORCES BASED IN EUROPE.**—In light of the policy ex-
17 pressed in subsection (a), no action may be taken to effect
18 or implement the reduction of nuclear forces of the United
19 States that are based in Europe unless—

20 (1) the reduction in such nuclear forces is re-
21 quested by the government of the host nation in the
22 manner provided in the agreement between the
23 United States and the host nation regarding the
24 forces; or

25 (2) the President certifies that—

1 (A) the nuclear policy and nuclear posture
2 of NATO has changed, reducing the need for
3 such nuclear forces to be based in Europe;

4 (B) NATO member states have considered
5 the reduction in the High Level Group and
6 NATO has decided to support such reduction;

7 (C) the remaining nuclear forces of the
8 United States that are based in Europe after
9 such reduction provide a commensurate or bet-
10 ter level of safety, security, reliability, and
11 credibility as before such reduction; and

12 (D) such reduction is compensated by
13 other measures (such as nuclear modernization,
14 conventional forces, and missile defense) which
15 together provide a commensurate or better de-
16 terrence capability and assurance of NATO
17 member states in a manner consistent with the
18 NATO Strategic Concept.

19 (c) REPORT.—Upon any decision to reduce the nu-
20 clear forces of the United States that are based in Europe,
21 the President shall submit to the Committees on Armed
22 Services of the Senate and House of Representatives a re-
23 port containing—

24 (1) the certification required by subsection

25 (b)(2);

1 (2) justification for such reduction; and

2 (3) an assessment of how NATO member
3 states, in light of such reduction, assess the credi-
4 bility of the deterrence capability of the United
5 States in support of its commitments undertaken
6 pursuant to Article 5 of the North Atlantic Treaty,
7 signed at Washington, District of Columbia, on April
8 4, 1949, and entered into force on August 24, 1949
9 (63 Stat. 2241; TIAS 1964).

10 (d) NOTICE AND WAIT REQUIREMENT.—The Presi-
11 dent may not commence a reduction in the nuclear forces
12 of the United States that are based in Europe for which
13 the certification required by subsection (b)(2) is made
14 until the expiration of a 180-day period beginning on the
15 date on which the President submits the report under sub-
16 section (c) containing the certification.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Secretary of Defense
19 a total of \$50,000,000 for fiscal years 2011 and 2012 for
20 upgrading the safety, security, and reliability of the nu-
21 clear forces of the United States that are based in Europe.

22 **SEC. 6. AVAILABILITY OF FUNDS FOR A LONG-RANGE MIS-**
23 **SILE DEFENSE SYSTEM IN EUROPE.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Missile defense promotes the collective secu-
2 rity of the United States and NATO and improves
3 linkages among member nations of NATO by de-
4 fending all members of NATO against the full range
5 of missile threats.

6 (2) The proposed European locations of the
7 long-range missile defense system allow for the de-
8 fense of both Europe and the United States against
9 long-range threats launched from the Middle East.

10 (b) RESERVATION OF FUNDS.—Of the funds appro-
11 priated pursuant to an authorization of appropriations
12 made available for fiscal years 2011 and 2012 for the Mis-
13 sile Defense Agency, \$500,000,000 shall be available only
14 for a long-range missile defense system in Europe as de-
15 scribed in paragraph (1) or (2) of subsection (c).

16 (c) USE OF FUNDS.—Funds reserved under sub-
17 section (b) may be obligated and expended by the Sec-
18 retary of Defense—

19 (1) on the research, development, test, and eval-
20 uation, procurement, site activation, construction,
21 preparation of, equipment for, or deployment of—

22 (A) the proposed midcourse radar element
23 of the ground-based midcourse defense system
24 in the Czech Republic; and

1 (B) the proposed long-range missile de-
2 fense interceptor site element of such defense
3 system in Poland; or

4 (2) on the research, development, test, and eval-
5 uation, procurement, site activation, construction,
6 preparation of, equipment for, or deployment of an
7 alternative missile defense system (such as the Aegis
8 ballistic missile defense system), if the Secretary
9 submits to the congressional defense committees a
10 report certifying that the alternative missile defense
11 system is expected to be—

12 (A) at least as cost-effective, technically re-
13 liable, and operationally available in protecting
14 Europe and the United States from long-range
15 missile threats as the ground-based midcourse
16 defense system;

17 (B) deployable in a sufficient amount of
18 time based on the amount of time the intel-
19 ligence community determines that ballistic mis-
20 siles launched from the Middle East could reach
21 Europe and the United States; and

22 (C) interoperable with other components of
23 missile defense and compliments NATO's mis-
24 sile defense strategy.

1 (d) CONGRESSIONAL DEFENSE COMMITTEES DE-
2 FINED.—For purposes of this section, the term “congres-
3 sional defense committees” has the meaning given that
4 term in section 101(a)(16) of title 10, United States Code.

5 **SEC. 7. SHORT-RANGE AIR AND MISSILE DEFENSE CAPA-**
6 **BILITY IN POLAND.**

7 (a) IN GENERAL.—Not later than 2012, and pursu-
8 ant to an agreement between the United States and the
9 Government of Poland, the Secretary of Defense shall de-
10 ploy a system providing a short-range air and missile de-
11 fense capability and the personnel required to operate and
12 maintain such system to Poland.

13 (b) PROHIBITION ON REMOVAL.—No action may be
14 taken to effect or implement the removal of the system
15 providing a short-range air and missile defense capability
16 or the personnel required to operate and maintain such
17 system under subsection (a) unless—

18 (1) at least 30 days before the removal, the
19 Secretary of Defense notifies Congress that such re-
20 moval is temporary and in the national security in-
21 terests of the United States; or

22 (2) the removal is requested by the Government
23 of Poland in the manner provided in the agreement
24 between the United States and the Government of
25 Poland regarding the system and personnel.

1 **SEC. 8. LIMITATION ON FUNDS TO REDUCE CERTAIN STRA-**
2 **TEGIC FORCES PURSUANT TO TREATY OR**
3 **OTHER AGREEMENT WITH THE RUSSIAN FED-**
4 **ERATION.**

5 (a) LIMITATION.—Funds made available to the De-
6 partment of Defense may be used to implement reductions
7 in the strategic nuclear forces of the United States pursu-
8 ant to any treaty or other agreement entered into between
9 the United States and the Russian Federation after the
10 date of enactment of this Act only if the President certifies
11 to Congress that—

12 (1) the treaty or other agreement provides for
13 significant reductions in the non-strategic nuclear
14 weapons capability of the Russian Federation;

15 (2) the treaty or other agreement provides for
16 sufficient mechanisms to verify compliance with the
17 treaty or agreement, including the commitments de-
18 scribed in paragraph (1);

19 (3) the treaty or other agreement does not
20 place reductions or limitations on the ballistic missile
21 defense, space, or advanced conventional weapon ca-
22 pabilities of the United States; and

23 (4) a program is established and sufficiently
24 funded to—

1 (A) increase the reliability, safety, and
 2 security of the remaining strategic nuclear
 3 forces of the United States; and

4 (B) modernize the nuclear weapons com-
 5 plex.

6 (b) REPORT.—Not later than 90 days after the date
 7 of the enactment of this Act, the President shall submit
 8 to the congressional committees specified in subsection (c)
 9 a report on the stockpiles of strategic and tactical weapons
 10 of the United States and the Russian Federation.

11 (c) SPECIFIED CONGRESSIONAL COMMITTEES.—The
 12 congressional committees specified in this subsection are
 13 the following:

14 (1) The Committee on Armed Services and the
 15 Committee on Foreign Affairs of the House of Rep-
 16 resentatives.

17 (2) The Committee on Armed Services and the
 18 Committee on Foreign Relations of the Senate.

19 **SEC. 9. EXPANSION OF UNITED STATES-RUSSIAN FEDERA-**
 20 **TION JOINT CENTER TO INCLUDE EXCHANGE**
 21 **OF DATA ON MISSILE DEFENSE.**

22 (a) EXPANSION AUTHORIZED.—In conjunction with
 23 the Government of the Russian Federation, the Secretary
 24 of Defense may expand the United States-Russian Fed-
 25 eration joint center for the exchange of data from early

1 warning systems for launches of ballistic missiles, as es-
2 tablished pursuant to section 1231 of the Floyd D. Spence
3 National Defense Authorization Act for Fiscal Year 2001
4 (as enacted into law by Public Law 106–398; 114 Stat.
5 1654A–329), to include the exchange of data on missile
6 defense-related activities.

7 (b) REPORT REQUIRED.—Not later than 30 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall submit to the Committees on Armed Serv-
10 ices of the Senate and House of Representatives a report
11 on plans for expansion of the joint data exchange center.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated to the Secretary of Defense
14 \$5,000,000 for fiscal year 2011 to carry out this section.

○