

CRS Report for Congress

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NATO Policy: Selected Legislation in the 103^d, 104th, and 105th Congresses

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Summary

This report is intended to portray the broad array of issues concerning the future of NATO — primarily, enlargement to include new members, burdensharing, and financial assistance — that Congress has considered during the past few years. For the 105th Congress, enacted bills, other bills, and resolutions are listed. By contrast, for the 103^d and 104th Congresses, only legislation that became public law is highlighted. The report, mainly formulated using the Legislative Information Service, may not necessarily be a comprehensive list of all measures on NATO that were introduced.¹

105th Congress

Enacted Bills (including “companion” legislation)

H.R. 1119. (Spence; cosponsor: Dellums; introduced 3/19/97; enacted as **P.L. 105-85** on 11/18/97). National Defense Authorization Act for Fiscal Year 1998. Authorizes Department of Defense (DOD) appropriations, and includes statements of the sense of Congress on some NATO enlargement issues. Relevant NATO titles and sections in Act, as contained in Conference Report 105-340:

- XII, 1221: Encourages greater defense burdensharing by U.S. allies and requests DOD report on progress by 3/1/98;
- XII, 1223: Mentions 4 major NATO cost studies (CBO, GAO, RAND and DOD) and requests DOD update report on requirements and costs by 3/31/98;
- XII, 1224: Requests DOD report, submitted with FY1999 budget, on funds spent on NATO enlargement to date; commends Romania and Slovenia for progress toward NATO membership; cites past U.S. position that enlargement will continue after the first round of invitations in July 1997.

Amendments:

¹Compiled with assistance from the U.S. Senate NATO Observer Group.

- **Amdt. 15 to H.R. 1119** (Frank; cosponsors: Shays, Condit; modified version introduced and agreed to on 6/23/97; not included in conference report or final law). Limits U.S. share of NATO enlargement costs to \$2 billion or 10% of the total for FY1998-2010; denies further funding once these levels are met.

S. 936. (Thurmond; introduced 6/18/97; incorporated in H.R. 1119 above on 7/11/97). Senate version of FY1998 DOD Authorization bill. Earlier versions: S.450 and S. 924.

Amendments:

- **S.Amdt. 689** (Hutchison; cosponsor: Burns; filed on 7/7/97 to be printed in the *Congressional Record*; not considered). Sense of Congress that NATO should renegotiate its treaty to provide for a process of internal dispute resolution as a pre-condition for the final entry of any additional members into the alliance;
- **S.Amdt. 690** (Hutchison; cosponsor: Burns; filed on 7/7/97 to be printed in the *Congressional Record*; not considered). Sense of Congress that DOD expenditures for the purpose of facilitating the expansion of NATO shall not exceed \$150 million/year during FY1998-2005;
- **S.Amdt. 817** (Thurmond for Coats; cosponsors: Breaux, G. Smith, Brownback; submitted and agreed to on 7/11/97; similar language included in final law). Sense of Senate that NATO enlargement should be continuous.

H.R. 2159. (Callahan; introduced 7/14/97; enacted as **P.L. 105-118** on 11/26/97). Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998. Provision in Title III allots \$18,300,000 in military assistance funds to the Baltics (Lithuania, Latvia and Estonia), and permits use of \$50,000,000 in military assistance funds to facilitate integration of Poland, Hungary and the Czech Republic into NATO.

Amendments:

- **H.Amdt. 315** (Stearns; submitted 9/3/97, agreed to 9/4/97; included in Sec. 580 in bill passed by House but not in final law). Sense of Congress that all member nations of NATO should contribute their proportionate share to pay for the costs of the Partnership for Peace (PfP) program and for any future costs attributable to the expansion of NATO²;
- **H.Amdt. 316** (Traficant; submitted 9/3/97, agreed to 9/4/97; included in Sec. 577 in bill passed by House but not in final law). Prohibits use of funds appropriated in the bill to pay for any NATO expansion not authorized by law.

S. 955. (McConnell; introduced 6/24/97; incorporated in H.R.2159 above on 9/5/97). Senate version of Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998.

Amendments:

- **S.Amdt. 893** (Gorton; cosponsors: Durbin, McConnell, D'Amato; submitted and agreed to on 7/16/97; not included in final law). Sense of Senate regarding the

²The PfP program is overseen by NATO and supported by its common funds, to which the U.S. contributes. The Warsaw Initiative is a separate U.S. program that provides additional bilateral security assistance to select PfP members, and its budget consists of foreign relations authorizations and foreign assistance appropriations (used for foreign military financing, including training and some equipment acquisition), as well as defense appropriations (used to sponsor participation by select countries in PfP activities).

eligibility for NATO membership of the Baltics, including their invitation at earliest possible date, after fulfillment of relevant criteria;

- **S.Amdt. 919** (McConnell for Lott; cosponsors: Lieberman, G. Smith, Hollings, Shelby, Roth, Biden, DeWine, Coats, Hagel, Frist, McConnell; submitted and agreed to on 7/16/97; included in final law). Makes available certain funds for the purpose of facilitating the integration of Poland, Hungary, and the Czech Republic into NATO.

H.R. 2266. (C. Young; introduced 7/25/97; passed by House 7/29/97; conference report approved 9/25/97; enacted as **P.L. 105-56** on 10/8/97). Department of Defense Appropriations Act, 1998. Relevant NATO titles and sections, as contained in Conference Report 105-265:

- VIII, 8115: Statement urging proportionate burdensharing of costs of PfP activities and NATO enlargement;
- VIII, 8116: All DOD costs for NATO enlargement must be separately identified in DOD budget submissions beginning in FY1999;
- VIII, 8122: Requires DOD report to Congress by 10/1/97 on anticipated U.S. costs of NATO expansion to include Poland, Hungary and the Czech Republic;
- VIII, 8124: Sense of Congress that the U.S. share of the NATO common budget should not increase following NATO enlargement.

Amendments:

- **H.Amdt. 292** (Traficant; submitted and agreed to on 7/29/97; burdensharing language similar to VIII, 8115 above). Sense of Congress that all NATO members should contribute their proportionate share of PfP costs and that no funds may be used for NATO expansion not authorized by law.

S. 1005. (Stevens; introduced 7/10/97; Senate incorporated provisions of this bill and passed H.R. 2266 in lieu of this bill on 7/29/97). Senate version of FY1998 DOD Appropriations bill.

Amendments:

- **S.Amdt. 846** (Stevens; cosponsor: Inouye; submitted 7/14/97, agreed to 7/15/97; similar language included in Sec. 8122 under H.R. 2266 above). Requires report to Congress on all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to NATO;
- **S.Amdt. 856** (Stevens for Feinstein; submitted and agreed to 7/15/97; similar language included in Sec. 8115 under H.R. 2266 above). Sense of Congress that if enlargement is ratified, current proportional cost-sharing arrangements will remain in place and that the proportional cost of the U.S. share of the NATO common budget should not increase.

Other Bills

H.R. 1486. (Gilman; introduced 4/29/97; placed on Union Calendar No. 59 on 5/9/97). Foreign Policy Reform Act, to consolidate and authorize appropriations for foreign assistance programs, including those for potential NATO candidates.

H.R. 1757. (Gilman; cosponsor: C. Smith; introduced 6/3/97; in conference as of 3/3/98). Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, and European Security Act of 1997. Addresses NATO enlargement and other European security issues.

Authorizes funds for assistance to the Baltics, Romania and Bulgaria. Incorporates separate bills H.R. 1758 and S.903. Passed House on 6/11/97 and Senate on 6/17/97. Conferees reached tentative agreement on NATO provisions and the Senate attached text to H.R. 2607 below.

Amendments:

- **H.Amdt. 150** (Fox; submitted and agreed to on 6/4/97). Sense of Congress that the government of the Ukraine should be commended for taking a positive and cooperative position with regard to admission of new member-states from Central and Eastern Europe into NATO, and that it should receive U.S. assistance for FY1998 and 1999 at a level equal to that for FY1997;
- **H.Amdt. 175** (Fox; submitted on 6/10/87, agreed to on 6/11/97; language included in H.R. 1757 as passed by House). Sense of Congress that Romania should be eligible for assistance under the NATO Participation Act of 1994.

S. 903. (Helms; introduced 6/13/97; incorporated in H.R. 1757 above on 6/17/97). Senate version of Foreign Affairs Reform and Restructuring Act of 1997.

Amendments:

- **S.Amdt. 378** (Durbin; cosponsors: Gorton, Roth; submitted and withdrawn 6/16/97; not in engrossed Senate amendment to H.R. 1757). Designates additional countries (Baltics and Romania) for NATO enlargement assistance;
- **S.Amdt. 379** (Gorton; cosponsors: Durbin, D'Amato; submitted and withdrawn 6/16/97; not in engrossed Senate amendment to H.R. 1757). Sense of Congress that the Baltics should be integrated into NATO;
- **S.Amdt. 384** (Gorton; cosponsors: Durbin, Helms, Biden, Roth, D'Amato, Brownback, G. Smith; submitted and agreed to on 6/16/97; not in engrossed Senate amendment to H.R. 1757). Sense of Senate regarding the designation of Baltics, Romania and Bulgaria as eligible for NATO enlargement assistance;
- **S.Amdt. 397** (Hutchison; submitted and agreed to on 6/17/97; in engrossed Senate amendment to H.R. 1757). Sense of Congress that NATO should consider a formal dispute resolution process to address potential internal conflicts among members.

H.R. 1758. (Gilman; cosponsors: Armey, Goss, Cox, Solomon, C.Weldon; introduced 6/3/97; engrossed in H.R. 1757 above on 6/11/97). European Security Act of 1997, a bill to ensure that the enlargement of NATO proceeds in a manner consistent with U.S. interests and to address other European security issues. Earlier version was H.R. 1431 (introduced on 4/24/97 and executive comment requested on 4/28/97).

Amendments:

- **H.Amdt. 178** (on motion by Frank, recommitted to Committee on International Relations and reported back with amendment agreed to on 6/11/97). Sense of Congress that the United States already pays more than a proportionate share of the costs of the common defense of Europe and that the European members of NATO should pay the bulk of the costs of NATO expansion incurred by existing NATO members.

H.R. 1759. (Gilman; introduced and referred to Committee on International Relations on 6/3/97). Foreign Assistance Reform Act of 1997, includes foreign aid provisions of H.R. 1486 noted above. Authorizes assistance to facilitate transition to NATO membership under the NATO Participation Act of 1994.

H.R. 2607. D.C. Appropriations Act for 1998, which as passed by Senate on 11/9/97, included NATO text (on funding for Baltics, Romania and Bulgaria, NATO Regional Airspace Initiative, and PfP) that had been tentatively agreed to by House and Senate conferees meeting on H.R. 1757 above. This NATO language not included in final bill.

H.R. 2965. (Sandlin; introduced and referred to International Relations Committee on 11/8/97). NATO Infrastructure Fair Share Act, a bill to reduce the annual contribution of the United States (not to exceed \$140 million during each of fiscal years 1999 through 2001) to the NATO Security Investment program.

S. 1344. (Brownback; cosponsors: G. Smith, Hagel, Helms, Lugar, McCain, Byrd; introduced and referred to Committee on Foreign Relations on 10/30/97). Silk Road Strategy Act of 1997, which encourages regional military cooperation among the countries of the South Caucasus and Central Asia through programs such as PfP. Similar House bills: H.R. 2867 (Gilman; cosponsors: Bereuter, Solomon) and H.R. 3010 (United States-Caucasus Policy Act of 1997; Pallone and 17 cosponsors).

Resolutions

S.Con.Res. 5. (Roth; cosponsors: Lieberman, Lugar, Mikulski, Hagel, McCain, Cochran, Enzi, Moseley-Braun; introduced 2/5/97). Sense of Congress that the extension of NATO membership to certain democracies of Central and Eastern Europe is essential to the consolidation of enduring peace and stability in Europe. Specifically names the Czech Republic, Poland, Hungary and Slovenia as accession candidates. Referred to Committee on Foreign Relations on 2/5/97.

S.Con.Res. 29. (Gorton; cosponsors: D'Amato, Durbin, Abraham; introduced 5/23/97). Recommends integration of Estonia, Latvia, and Lithuania into NATO. Referred to Committee on Foreign Relations on 5/23/97.

S.Con.Res. 60. (McCain; cosponsor: Thomas; introduced 11/4/97). Recommends that Mongolia be admitted into the PfP program at the earliest opportunity. Referred to Committee on Foreign Relations on 11/4/97.

H.Con.Res. 10. (Solomon; 42 cosponsors; introduced 1/21/97). Recommends integration of Baltic nations into NATO. Referred to Committee on International Relations on 1/21/97. Similar provision limited to Lithuania, H.Con.Res.101, was introduced by Rush and referred to same committee on 6/19/97.

H.Con.Res. 53. (Solomon; cosponsors: Gordon, E. Johnson, Ortiz, Lantos; introduced 3/20/97). Encourages integration of Romania into NATO at the earliest stage possible. Referred to Committee on International Relations on 3/20/97.

H.Con.Res. 172. (Porter; cosponsors: Dreier, Lantos, Bereuter, Faleomavaega; introduced 10/22/97; amended version agreed to, sent to Senate and referred to Senate Foreign Relations Committee on 11/13/97). As introduced, recommends that Mongolia be admitted into the PfP program at the earliest possible date. However, this provision was not included in the version to which the House agreed.

104th Congress

NATO Enlargement Facilitation Act of 1996. (Contained in H.R. 3610, Omnibus Consolidated Appropriations for 1997, which was enacted as **P.L. 104-208** on 9/30/96). Relevant NATO items:

- Allots foreign military assistance money to the Czech Republic, Hungary and Poland and additional funds to support NATO expansion;
- Praises the progress of the Czech Republic, Hungary and Poland toward 1994 NATO Participation Act criteria; endorses their membership, with the addition of Slovenia;
- New NATO members are not required to keep nuclear weapons, though NATO can alter its security posture as “circumstances warrant”;
- The Baltic nations “should not be disadvantaged in seeking to join NATO.”

National Defense Authorization Act for FY1997. (H.R. 3230, enacted as **P.L. 104-201** on 9/23/96). Requires Administration report by 2/1/97 on the costs and savings related to changes in NATO membership, the modifications needed to NATO strategy and force structure, and the state of preparedness and interoperability of Central and East European militaries.

Foreign Operations, Export Financing and Related Programs Appropriations Act, 1996. (H.R. 1868, enacted as **P.L. 104-107** on 2/12/96). In Sec. 585 of enrolled bill, outlines criteria for potential new NATO members, modifies the NATO Participation Act of 1994 to require annual reports, and appropriates Warsaw Initiative Program funds.

103^d Congress

NATO Participation Act of 1994. (Title II in H.R. 5246, enacted as **P.L. 103-447** on 11/2/94). Cites Poland, the Czech Republic, Hungary and Slovakia for success in political and economic transition and gives the President the option to provide them and other PfP countries with security assistance to aid in preparation for possible NATO membership. Requires supplementing Administration report in H.R. 2333 below to include the status of U.S. and NATO assistance to the four, and to other PfP countries.

National Defense Authorization Act for FY1995. (S.2182, enacted as **P.L. 103-337** on 10/5/94). Two sections (1304,1313) on burdensharing by European allies; recommends that the President assist PfP countries through available programs.

Foreign Relations Authorization Act, FY1994 and 1995. (H.R. 2333, enacted as **P.L. 103-236** on 4/30/94). Requires annual Administration report on implementation of PfP and progress of former Warsaw Pact nations toward NATO membership criteria.

National Defense Authorization Act for FY1994. (H.R. 2401, enacted as **P.L. 103-160** on 11/30/93). Incorporates S.1298, including Roth S.Amdt.847, which requires Administration report by 12/30/93 on future NATO strategy, force structure, and the desirability of expanding into Eastern Europe.