

AMENDING THE AMERICAN SERVICEMEMBERS'  
PROTECTION ACT OF 2002 TO PROVIDE CLARI-  
FICATION WITH RESPECT TO THE ELIGIBILITY  
OF CERTAIN COUNTRIES FOR UNITED STATES  
MILITARY ASSISTANCE

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MARKUP  
BEFORE THE  
SUBCOMMITTEE ON EUROPE  
OF THE  
COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON

**H.R. 2550**

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**AMENDING THE AMERICAN SERVICEMEMBERS' PROTECTION ACT OF 2002 TO PROVIDE CLARIFICATION WITH RESPECT TO THE ELIGIBILITY OF CERTAIN COUNTRIES FOR UNITED STATES MILITARY ASSISTANCE**

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**THURSDAY, JUNE 26, 2003**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON EUROPE,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 11:41 a.m. in Room 2220, Rayburn House Office Building, Hon. Doug Bereuter, [Chairman of the Subcommittee] presiding.

Mr. BEREUTER. Good morning. Pursuant to notice, I call up the bill H.R. 2550 for purposes of markup by the Europe Subcommittee.

Without objection, the bill will be considered as read and open for amendment at any point.

[H.R. 2550 follows:]

108TH CONGRESS  
1ST SESSION

# H. R. 2550

To amend the American Servicemembers' Protection Act of 2002 to provide clarification with respect to the eligibility of certain countries for United States military assistance.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2003

Mr. SHIMKUS (for himself, Mr. HUNTER, Mr. SKELTON, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To amend the American Servicemembers' Protection Act of 2002 to provide clarification with respect to the eligibility of certain countries for United States military assistance.

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. ELIGIBILITY OF CERTAIN COUNTRIES FOR**  
4 **UNITED STATES MILITARY ASSISTANCE.**

5 (a) AMENDMENT.—Section 2007(d)(1) of the Amer-  
6 ican Servicemembers' Protection Act of 2002 (title II of  
7 Public Law 107–206) is amended by adding at the end  
8 before the semicolon the following: “or a country that has

3

2

1 concluded a protocol with NATO for the accession of the  
2 country to NATO”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall take effect on July 1, 2003.

○

Mr. BEREUTER. I have an opening statement and then we will hear from Members.

The bill before us would extend exemptions from provisions of the American Servicemembers' Protection Act of 2002 to the seven NATO accession countries. By enacting this bill, the Congress would ensure that the seven accession countries receive the same treatment as our other NATO allies with respect to receiving U.S. military assistance.

I would like to thank my colleague, the distinguished gentleman from Illinois, Mr. Shimkus, for introducing this legislation and for asking me to co-sponsor it.

Mr. Shimkus has been one of the strongest advocates of NATO enlargement in the Congress since he arrived in Congress in 1997. He serves as the Chairman of the House Baltic Caucus, a role in which he helps ensure good relations between the United States and Estonia, Latvia and Lithuania. And, of course, he is a proud Lithuanian-American.

Mr. Shimkus and I and nine other Members of the House plus staff were in the Baltic states less than a month ago after the NATO Parliamentary Assembly's spring session. We saw first-hand how U.S. military assistance is helping those countries implement the reforms needed for them to keep their NATO commitments when they join the alliance next year.

Lithuania, Latvia and Estonia are small countries, they have had to build their militaries from scratch after regaining their freedom from Soviet occupation. The relatively modest assistance provided from the United States is helping them to develop niche capabilities like explosive ordnance disposal teams, military police, and mine-hunting ships, capabilities that NATO needs.

Likewise, the military assistance that we provide to Bulgaria, Romania, Slovakia and Slovenia is helping them reform their militaries to contribute to NATO when they join the Alliance next year. The funding is modest, ranging from less than \$5 million for Slovenia to more than \$14 million for Romania.

These seven countries have been acting like allies even before they signed the accession protocols on March 26. All have made contributions to NATO operations in the Balkans or to the U.S.-led coalitions in Afghanistan and Iraq. Most notably perhaps was the mountain battalion from Romania sent to Afghanistan using its own C-130 transport aircraft to fight alongside American troops against al-Qaeda and Taliban forces.

The bill before us would ensure that U.S. military assistance will continue to be provided to these seven countries in the same manner as is provided to our current NATO allies. Under the American Servicemembers' Protection Act, as of July 1, next Tuesday,

“No United States military assistance may be provided to the government of a country that is a party to the International Criminal Court.”

The law does permit the President to issue two kinds of waivers. One is for the countries that sign an Article 98 agreement with the United States, which prohibits the court from taking actions against Americans present in that country.



Romania currently is the only one of the seven accession countries that has signed an Article 98 agreement. The other waiver can be granted by the President if he believes it is in the national interest to do so.

It is clear that continuing military assistance to the seven accession countries, in my judgment, is in the national interest, which is why the President requested aid for these countries and why the Congress voted to appropriate these funds. If the bill before us cannot be enacted in time to prevent the cutoff of military assistance to these seven countries, I strongly urge the President to issue waivers to ensure they continue to receive funds.

If enacted, this bill would extend a permanent exemption from the military assistance cutoff provision to, and I quote,

“. . . a country that has concluded a protocol with NATO for the accession of that country to NATO.”

The American Servicemembers' Protection Act already provides such an exemption for NATO members; this bill would simply extend that exemption to the accession countries.

This legislation is in keeping with the decision of the President on March 26th to sign NATO accession protocols with these seven nations. It is in keeping with the unanimous vote in the Senate on May 8 to give its advice and consent to the ratification of those protocols.

The U.S. already has fulfilled its constitutional requirements, of course, for these seven countries to become our allies. Four of our allies have already done so. Now we are simply waiting for the remaining 14 allies to follow their constitutional or statutory procedures for ratifying these protocols.

In the meantime, I think it is only fair that we treat the seven accession countries as we treat our current NATO allies and ensure that the United States continues to provide them with military assistance so that they can be ready and actually do make contributions to the alliance. That is exactly as I understand what this legislation contemplates. Therefore, I urge my colleagues on the Subcommittee to approve the bill.

I am pleased to yield to the distinguished Ranking Member of the Subcommittee, the gentleman from Florida, Mr. Wexler.

[The prepared statement of Mr. Bereuter follows:]

PREPARED STATEMENT OF THE HONORABLE DOUG BEREUTER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA, AND CHAIRMAN, SUBCOMMITTEE ON EUROPE

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countries implement the reforms needed for them to keep their NATO commitments when they join the Alliance next year.

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Likewise, the military assistance that we provide to Bulgaria, Romania, Slovakia and Slovenia is helping them reform their militaries to contribute to NATO when they join the Alliance next year. The funding is modest, ranging from less than five million dollars for Slovenia to more than fourteen million dollars for Romania.

These seven countries have been acting like allies even before they signed the accession protocols on March 26. All have made contributions to NATO operations in the Balkans or to the U.S.-led coalitions in Afghanistan and Iraq. Most notable, perhaps, was the mountain battalion that Romania sent to Afghanistan, using its own C-130 transport aircraft, to fight alongside American troops against al-Qaeda and Taliban forces.

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It is clear that continuing military assistance to the seven accession countries is in the national interest, which is why the President requested aid for these countries and why the Congress voted to appropriate the funds. If the bill before us cannot be enacted in time to prevent the cutoff of military assistance to these seven countries, I strongly urge the President to issue waivers to ensure they continue to receive funding.

If enacted, this bill would extend a permanent exemption from the military assistance cutoff provision to, and I quote, "a country that has concluded a protocol with NATO for the accession of that country to NATO." The American Servicemembers' Protection Act already provides such an exemption for NATO members; this bill would simply extend that exemption to the accession countries.

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In the meantime, I think it is only fair that we treat the seven accession countries as we treat our current NATO allies and ensure that the United States continues to provide them with military assistance so that they are ready to contribute to the Alliance. That is exactly what this legislation contemplates. Therefore, I urge my colleagues on the Subcommittee to approve this bill.

Mr. WEXLER. Thank you, Mr. Chairman, and I will be very brief.

I would agree with the Chairman that the proper public policy for this Subcommittee and ultimately, hopefully, the Congress to take would be to support the Shimkus bill, that it is exactly the correct public policy, that the seven accession countries should be exempt.

The only exception I would take is not as to anything that the Shimkus bill does, but it is the underlying policy itself which requires that there be a Shimkus bill and the non-discretionary understanding that there is a presidential waiver. But the blanket prohibition by Congress that countries that do not sign these agreements will be prohibited from American assistance defies logic.

So I support the Shimkus bill, but I wonder how many Shimkus bills we are going to need in the future because there will be many instances in which I imagine there will be other countries that for legitimate reasons would also be legitimate candidates for exemptions.

Thank you, Mr. Chairman.

Mr. BEREUTER. Thank you, Mr. Wexler.

Mr. McCotter, do you have an opening statement?

Mr. MCCOTTER. I will defer to the bill's sponsor.

Mr. BEREUTER. Very well. We will be pleased to then call upon the gentleman from Illinois, Mr. Shimkus, for any statement he would like to make as the sponsor of the resolution.

Mr. SHIMKUS. Thank you, Mr. Chairman. It is really an honor to be here with your Subcommittee, it is my first trip over here and I appreciate it. I want to thank you for your help, and I want to thank the Ranking Member for his support in allowing this to move fairly rapidly, since the bill was just dropped, in essence, last week and, of course, I cannot get anything done without my legislative staffer, Courtney Anderson, who is in the back of the room and I want to thank her for her work.

The issue is really laid out well. I am actually a reservist in the Army Reserve, a lieutenant colonel. I have colleagues who are in Iraq right now, brigade commanders of major maneuver elements. I understand the need to have the American Servicemembers' Protection Act, but I will also say there are always consequences of our actions that we do not take into account. We have the NATO accession countries, the seven who have been invited and our Senate has already ratified. They should easily fall under the umbrella for the same treatment as other NATO countries, especially since we have some NATO countries that are more problematic with the American Servicemembers' Protection Act than these new accession countries.

And I will say that as we just returned from our trip, one of the big things that you observed, Mr. Chairman, was when Lithuania voted to send 130 infantry troops to Iraq. That is really a lot more effort than some of our major NATO allies are doing and this is a good policy because it continues to tell them that they are in the fold and we are going to treat them as the major partner that we plan for them to be once total accession is completed. I just appreciate you moving this bill Mr. Chairman. This will send a signal to other folks, maybe at the Full Committee, maybe in the Administration, that we need to move rapidly because the time is ticking away on this and unfortunately it is the consequence of rash action that has put us in this position and I thank you for letting me join you, Mr. Chairman.

Mr. BEREUTER. Thank you, Mr. Shimkus, and thank you for your initiative. I very much appreciate that.

Now having already had the bill considered as read and open for amendment at any point, are there amendments to be offered by any Member?

[No response.]

Mr. BEREUTER. Seeing none, then, without objection, the previous question is ordered.

All those in favor of the resolution will say aye.

[Chorus of ayes.]

Mr. BEREUTER. All those opposed will say no.

[No response.]

Mr. BEREUTER. The ayes have it.

The staff is directed to make any technical and conforming amendments.

I thank my colleagues and I thank Mr. Shimkus for being with us today. That concludes the activities of the Subcommittee today.

We are adjourned.

[Whereupon, at 11:51 a.m. the Subcommittee was adjourned.]

