

103D CONGRESS  
1ST SESSION

# S. 802

To require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for United States forces, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 21 (legislative day, APRIL 19), 1993

Mr. LAUTENBERG (for himself and Mr. HARKIN) introduced the following bill;  
which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To require the President to seek to obtain host nation payment of most or all of the overseas basing costs for forces of the Armed Forces of the United States in such nation, to limit the use of funds for paying overseas basing costs for United States forces, 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. FINDINGS.**

4       The Congress makes the following findings:

5               (1) The Congress has previously directed the  
6       Secretary of Defense to seek to enter into multiyear

1       burden sharing support agreements with economi-  
2       cally strong North Atlantic Treaty Organization  
3       (NATO) allies of the United States in order to ob-  
4       tain increased host nation contributions toward de-  
5       fraying the overseas basing costs for forces of the  
6       Armed Forces of the United States in that host  
7       country.

8           (2) In fiscal year 1992—

9           (A) the government of Germany contrib-  
10          uted approximately 23 percent of the overseas  
11          basing costs for United States forces in that  
12          country;

13          (B) the government of Italy contributed  
14          approximately 20 percent of the overseas basing  
15          costs for United States forces in that country;

16          (C) the government of the United Kingdom  
17          contributed approximately 14 percent of the  
18          overseas basing costs for United States forces  
19          in that country; and

20          (D) the United States paid the remainder  
21          of such costs.

22          (3) The Japanese government will pay 75.1 per-  
23          cent of overseas basing costs according to the host  
24          nation burden sharing support agreement between  
25          the United States and Japan.

1           (4) In accordance with that agreement, the gov-  
2           ernment of Japan contributed in fiscal year 1992  
3           approximately 70 percent of the overseas basing  
4           costs for United States forces in that country, and  
5           the United States paid the remainder of such costs.

6           (5) If the economically strong NATO allies of  
7           the United States had contributed 75 percent of the  
8           overseas basing costs that were incurred for fiscal  
9           year 1992 for United States forces in the countries  
10          of such allies, the United States would have saved  
11          an estimated \$5,000,000,000 of the amount paid by  
12          the United States for overseas basing costs for that  
13          fiscal year.

14          (6) It is in the national interest of the United  
15          States for the United States and our economically  
16          strong allies to enter into burden sharing support  
17          agreements that provide for such allies to defray  
18          most or all of the overseas basing costs for the Unit-  
19          ed States forces stationed in the allied countries.

20   **SEC. 2. INCREASED BURDEN SHARING BY ALLIES OF THE**  
21                   **UNITED STATES.**

22          (a) **DEFENSE COST-SHARING AGREEMENTS.**—The  
23          President shall enter into negotiations with each foreign  
24          nation described in subsection (b)(1) to seek to conclude  
25          an agreement that provides for such nation to pay at least

1 75 percent of the overseas basing costs that are incurred  
2 for the stationing of members of the Armed Forces of the  
3 United States and related civilian employees of the De-  
4 partment of Defense in that nation as a result of the im-  
5 plementation of a bilateral or multilateral defense agree-  
6 ment with that nation.

7 (b) COVERED FOREIGN NATIONS.—

8 (1) IN GENERAL.—Except as provided in para-  
9 graph (2), the foreign nations referred to in sub-  
10 section (a) are the following:

11 (A) Each member nation of the North At-  
12 lantic Treaty Organization (other than the  
13 United States).

14 (B) Every other foreign nation with which  
15 the United States has a bilateral or multilateral  
16 defense agreement that provides for the assign-  
17 ment of combat units of the Armed Forces of  
18 the United States to permanent duty ashore in  
19 that nation or the placement of combat equip-  
20 ment of the United States in that nation.

21 (2) INAPPLICABILITY TO CERTAIN FOREIGN NA-  
22 TIONS.—The foreign nations referred to in sub-  
23 section (a) do not include any foreign nation that re-  
24 ceives assistance or financing under—

1 (A) section 23 of the Arms Export Control  
2 Act (22 U.S.C. 2673), relating to the foreign  
3 military financing program; or

4 (B) the provisions of chapter 4 of part II  
5 of the Foreign Assistance Act of 1961 (22  
6 U.S.C. 2346 et seq.).

7 **SEC. 3. USE OF FUNDS FOR PAYING OVERSEAS BASING**  
8 **COSTS.**

9 (a) LIMITATION.—Funds may not be expended to pay  
10 more than the allowable percent of the overseas basing  
11 costs that are incurred during a fiscal year referred to in  
12 subsection (b) for the stationing of members of the Armed  
13 Forces of the United States and related civilian employees  
14 of the Department of Defense in a nation referred to in  
15 section 2(a) as a result of the implementation of a bilateral  
16 or multilateral defense agreement with that nation.

17 (b) MAXIMUM ALLOWABLE PERCENT.—For purposes  
18 of subsection (a), the allowable percent for a fiscal year  
19 is as follows:

20 (1) FISCAL YEAR 1994.—For fiscal year 1994,  
21 60 percent.

22 (2) FISCAL YEAR 1995.—For fiscal year 1995,  
23 40 percent.

1           (3) FISCAL YEARS AFTER FISCAL YEAR 1995.—

2           For each fiscal year that begins after September 30,  
3           1995, 25 percent.

4   **SEC. 4. WAIVER AUTHORITY.**

5           If the President determines that it is necessary to do  
6   so in the national security interest of the United States,  
7   the President may waive, with respect to a foreign nation  
8   referred to in section 2(a), the limitation in section 3. In  
9   the case of each such waiver, the President shall submit  
10   to Congress a written certification of the determination  
11   and a description of the extent of the waiver.

12   **SEC. 5. REPORTING REQUIREMENT.**

13          Not later than September 30, 1993, the President  
14   shall submit to the Congress a plan and schedule for con-  
15   cluding with foreign nations referred to in section 2(a)  
16   agreements that provide for each such nation to pay 75  
17   percent of the overseas basing costs that are incurred for  
18   the stationing of members of the Armed Forces of the  
19   United States and related civilian employees of the De-  
20   partment of Defense in that nation as a result of the im-  
21   plementation of a bilateral or multilateral defense agree-  
22   ment with that nation.

23   **SEC. 6. OVERSEAS BASING COSTS DEFINED.**

24          In this Act, the term “overseas basing costs” means  
25   all costs related to the operation of installations in foreign

1 countries at which forces of the Armed Forces of the Unit-  
2 ed States are based and—

3 (1) includes but are not limited to—

4 (A) pay for foreign nationals;

5 (B) costs of utilities;

6 (C) costs of local services;

7 (D) costs of military construction projects;

8 (E) costs of real property maintenance;

9 (F) costs of environmental restoration;

10 (G) leasing costs;

11 (H) taxes;

12 (I) user fees;

13 (J) tolls; and

14 (K) import duties; and

15 (2) does not include the pay and allowances of  
16 members of the Armed Forces of the United States  
17 and civilian employees of the Department of  
18 Defense.

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