

113TH CONGRESS  
1ST SESSION

# H. R. 1128

To ensure the effectiveness of the missile defense system of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2013

Mr. BROOKS of Alabama (for himself, Mr. FRANKS of Arizona, Mr. ROGERS of Alabama, Mr. LAMBORN, Mr. BRIDENSTINE, Mr. TURNER, Mr. ADERHOLT, and Mr. JONES) 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

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## A BILL

To ensure the effectiveness of the missile defense system of the United States, 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 “Protecting U.S. Missile  
5 Defense Information Act of 2013”.

1 **SEC. 2. REPORT AND BRIEFINGS ON MISSILE DEFENSE DIS-**  
2 **CUSSIONS BETWEEN THE UNITED STATES**  
3 **AND THE RUSSIAN FEDERATION.**

4 (a) **REPORT REQUIRED.**—The President shall submit  
5 to the congressional defense committees a semi-annual re-  
6 port on any discussions on missile defense between the  
7 United States Government and the Government of the  
8 Russian Federation during the preceding 6-month period.

9 (b) **MATTERS TO BE INCLUDED.**—The report re-  
10 quired by subsection (a) shall include the following with  
11 respect to any such discussions:

12 (1) The date or dates of the discussions.

13 (2) The official or officials of each government  
14 taking part in the discussions.

15 (3) A summary of the discussions.

16 (4) A copy of any documents or other materials  
17 exchanged during or as a result of the discussions.

18 (c) **INITIAL REPORT.**—The initial report required by  
19 subsection (a) shall be submitted not later than 180 days  
20 after the date of the enactment of this Act and in addition  
21 to addressing any such discussions during the preceding  
22 6-month period shall also address any such discussions  
23 during the 10-year period ending on the date of the enact-  
24 ment of this Act.

1 (d) FORM.—The reports required by subsection (a)  
2 shall be submitted in unclassified form, but may contain  
3 a classified annex, if necessary.

4 (e) CONGRESSIONAL BRIEFINGS.—In conjunction  
5 with the submission of the report required by subsection  
6 (a), the President shall brief the congressional defense  
7 committees on the matters contained in the report and any  
8 other matters relating to the report that the President de-  
9 termines to be appropriate.

10 **SEC. 3. REPORTS AND BRIEFINGS ON DECLASSIFICATION**  
11 **OF CERTAIN MISSILE DEFENSE INFORMA-**  
12 **TION.**

13 (a) REPORT REQUIRED.—The President shall submit  
14 to the congressional defense committees a semi-annual re-  
15 port on meetings held by the National Disclosure Policy  
16 Committee with respect to declassifying documents con-  
17 taining information on the missile defense systems of the  
18 United States.

19 (b) MATTERS TO BE INCLUDED.—The report re-  
20 quired by subsection (a) shall include the following with  
21 respect to any such meetings:

22 (1) The date of the meeting.

23 (2) A description of the documents considered  
24 by the National Disclosure Policy Committee during  
25 the meeting.

1           (3) The determination made by the Committee  
2           with respect to declassifying such documents, includ-  
3           ing a summary of the reasoning used to make such  
4           determination.

5           (c) INITIAL REPORT.—The initial report required by  
6           subsection (a) shall be submitted not later than 180 days  
7           after the date of the enactment of this Act and in addition  
8           to addressing any such meetings during the preceding 6-  
9           month period shall also address any such meetings during  
10          the 10-year period ending on the date of the enactment  
11          of this Act.

12          (d) FORM.—The reports required by subsection (a)  
13          shall be submitted in unclassified form, but may contain  
14          a classified annex, if necessary.

15          (e) CONGRESSIONAL BRIEFINGS.—In conjunction  
16          with the submission of the report required by subsection  
17          (a), the President shall brief the congressional defense  
18          committees on the matters contained in the report and any  
19          other matters relating to the report that the President de-  
20          termines to be appropriate.

21         **SEC. 4. LIMITATION ON FUNDS TO PROVIDE THE RUSSIAN**  
22                                 **FEDERATION WITH ACCESS TO CERTAIN MIS-**  
23                                 **SILE DEFENSE TECHNOLOGY.**

24          None of the funds authorized to be appropriated or  
25          otherwise made available for fiscal year 2014 or any fiscal

1 year thereafter for the Department of Defense may be  
2 used to provide the Russian Federation with access to in-  
3 formation regarding—

4 (1) missile defense technology of the United  
5 States relating to hit-to-kill technology; or

6 (2) telemetry data with respect to missile de-  
7 fense interceptors or target vehicles.

8 **SEC. 5. LIMITATION ON FUNDS TO NEGOTIATE OR IMPLE-**  
9 **MENT EXECUTIVE AGREEMENTS RELATING**  
10 **TO UNITED STATES MISSILE DEFENSE CAPA-**  
11 **BILITIES.**

12 (a) STATEMENT OF POLICY.—Congress declares that  
13 the United States shall not be bound, politically or other-  
14 wise, by the terms of any executive agreement relating to  
15 the missile defense capabilities of the United States, in-  
16 cluding basing, locations, capabilities, and numbers of  
17 missiles with respect to such missile defense capabilities.

18 (b) LIMITATION ON FUNDS.—None of the funds au-  
19 thorized to be appropriated or otherwise made available  
20 for fiscal year 2014 or any fiscal year thereafter for the  
21 Department of Defense may be used—

22 (1) to negotiate or implement any executive  
23 agreement relating to the missile defense capabilities  
24 of the United States, including basing, locations, ca-

1 pabilities, and numbers of missiles with respect to  
2 such missile defense capabilities; or

3 (2) to implement rules of engagement or Guid-  
4 ance for Employment of Force relating to such execu-  
5 tive agreement.

6 (c) **RULE OF CONSTRUCTION.**—Subsection (b) shall  
7 not apply with respect to the use of funds to negotiate  
8 or implement any executive agreement with a country with  
9 respect to which the United States has entered into a trea-  
10 ty of alliance or has a security guarantee.

11 (d) **EXECUTIVE AGREEMENT DEFINED.**—In this sec-  
12 tion, the term “executive agreement” means an inter-  
13 national agreement other than—

14 (1) an agreement that is in the form of a treaty  
15 under article II, section 2, clause 2 of the Constitu-  
16 tion of the United States; or

17 (2) an agreement that requires implementing  
18 legislation to be enacted into law for the agreement  
19 to enter into force with respect to the United States.

20 **SEC. 6. DISCLOSURE OF AND REPORT ON RUSSIAN FED-**  
21 **ERATION SUPPORT OF BALLISTIC MISSILE**  
22 **DEFENSE PROGRAMS OF CHINA, SYRIA, IRAN,**  
23 **AND NORTH KOREA.**

24 (a) **DISCLOSURE OF SUPPORT.**—The President shall  
25 seek to encourage the Government of the Russian Federa-

1 tion to disclose any support by the Russian Federation  
2 or Russian entities for the ballistic missile programs of  
3 the People’s Republic of China, Syria, Iran, or North  
4 Korea.

5 (b) REPORT REQUIRED.—The President shall submit  
6 to the congressional defense committees a semi-annual re-  
7 port on any disclosure by the Government of the Russian  
8 Federation of any such support during the preceding 6-  
9 month period.

10 (c) INITIAL REPORT.—The initial report required by  
11 subsection (b) shall be submitted not later than 180 days  
12 after the date of the enactment of this Act and in addition  
13 to addressing any such support during the preceding 6-  
14 month period shall also address any such support during  
15 the 10-year period ending on the date of the enactment  
16 of this Act.

17 (d) FORM.—The report required by subsection (b)  
18 shall be submitted in unclassified form, but may contain  
19 a classified annex, if necessary.

20 **SEC. 7. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

21 In this Act, the term “congressional defense commit-  
22 tees” has the meaning given that term in section  
23 101(a)(16) of title 10, United States Code.

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