

106TH CONGRESS
1ST SESSION

H. R. 2022

To prohibit compliance by the executive branch with the 1972 Anti-Ballistic Missile Treaty and the 1997 multilateral Memorandum of Understanding related to that treaty.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1999

Mr. MCINTOSH (for himself, Mr. PITTS, Mr. ROHRABACHER, Mr. ENGLISH, Mr. TANCREDO, Mr. BLILEY, Mrs. CHENOWETH, Mr. SOUDER, Mr. ISTOOK, Mr. SESSIONS, Mr. HOSTETTLER, and Mrs. MYRICK) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To prohibit compliance by the executive branch with the 1972 Anti-Ballistic Missile Treaty and the 1997 multilateral Memorandum of Understanding related to that treaty.

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 “Freedom From Mutu-
5 ally Assured Destruction Act of 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The United States is threatened by ballistic
2 missiles from a growing number of countries.

3 (2) The United States does not now possess the
4 capacity to prevent any ballistic missile from reach-
5 ing United States soil or to intercept any but a few
6 of the crudest of ballistic missiles from destroying
7 United States forces and allies abroad, while numer-
8 ous potential adversaries are acquiring missiles of
9 great range and sophistication.

10 (3) The Anti-Ballistic Missile Treaty of 1972
11 committed the United States to refrain from defend-
12 ing its territory against ballistic missiles, to refrain
13 from establishing the base for an antimissile defense,
14 and to refrain from transferring to allies the means
15 for them to defend their nations against ballistic
16 missiles.

17 (4) The disappearance of the Soviet Union on
18 December 25, 1991, eliminated the only other signa-
19 tory to the ABM Treaty, rendering it no longer le-
20 gally binding under international law.

21 (5) In 1997, the President demonstrated aware-
22 ness of that treaty's legal demise by negotiating a
23 new treaty, designated as a Memorandum of Under-
24 standing, with Russia, Belarus, Ukraine, and
25 Kazakhstan. That new treaty, not having been sub-

1 mitted by the President to the Senate for its consid-
2 eration, is not in force since the Senate has not
3 given its advice and consent to ratification of the
4 treaty.

5 (6) The President nevertheless has directed
6 that the executive branch adhere to the terms of the
7 lapsed ABM Treaty and to the terms of the new
8 Memorandum of Understanding Treaty.

9 (7) Adherence to the terms of those two treaties
10 has prevented the United States from fulfilling its
11 constitutional duty to “provide for the common de-
12 fense”, as a result of which the American people are
13 not protected against even one long-range ballistic
14 missile, and no plans exist for any such protection
15 whatever until at least the year 2005.

16 (8) Adherence to those treaties has involved the
17 use of personnel and moneys of the United States to
18 foreclose, “de-scope”, “dumb down”, delay, reduce
19 the efficiency of, and increase the costs of, anti-mis-
20 sile programs of the United States.

21 **SEC. 3. PROHIBITION ON COMPLIANCE WITH THE ABM**
22 **TREATY OR THE MEMORANDUM OF UNDER-**
23 **STANDING TREATY.**

24 (a) PROHIBITION.—No funds appropriated or other-
25 wise made available to any entity of the executive branch

1 may be used, directly or indirectly, and no officer or em-
2 ployee of the United States or member of the Armed
3 Forces may engage in any activity, directly or indirectly,
4 to—

5 (1) comply with the ABM Treaty or the Memo-
6 randum of Understanding Treaty;

7 (2) determine potential compliance of any sys-
8 tem, or component of any system, with the terms of
9 either such treaty; or

10 (3) otherwise act, by reason of the terms of ei-
11 ther such treaty, in a manner consistent with that
12 treaty.

13 (b) REGULATIONS, ETC., RELATING TO ABM COM-
14 PLIANCE.—All regulations, directives, and other policies of
15 the executive branch designed to achieve compliance with
16 the ABM Treaty Memorandum of Understanding Treaty,
17 or to ensure adherence to policies consistent with either
18 such treaty, by reason of the terms of that Treaty, are
19 hereby declared null and void.

20 **SEC. 4. ABM TREATY AND MEMORANDUM OF UNDER-**
21 **STANDING TREATY DEFINED.**

22 For purposes of this Act:

23 (1) ABM TREATY.—The term “ABM Treaty”
24 means the Treaty Between the United States of
25 America and the Union of Soviet Socialist Republics

1 on the Limitation of Anti-Ballistic Missile Systems,
2 signed at Moscow on May 26, 1972, and includes
3 any protocol to that Treaty and any statement or
4 understanding reached between the United States
5 and the Union of Soviet Socialist Republics with re-
6 spect to that Treaty.

7 (2) MEMORANDUM OF UNDERSTANDING TREA-
8 TY.—The term “Memorandum of Understanding
9 Treaty” means the memorandum of understanding
10 entered into in New York City in 1997 between the
11 United States and Russia, Belarus, Ukraine, and
12 Kazakhstan.

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