

112TH CONGRESS
2D SESSION

H. R. 4125

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2012

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

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 2012”.

1 **SEC. 2. LIMITATION ON FUNDS TO PROVIDE THE RUSSIAN**
2 **FEDERATION WITH ACCESS TO MISSILE DE-**
3 **FENSE TECHNOLOGY.**

4 (a) **LIMITATION ON FUNDS FOR CLASSIFIED TECH-**
5 **NOLOGY AND DATA.—**

6 (1) **IN GENERAL.**—None of the funds made
7 available for fiscal years 2012 or 2013 for the De-
8 partment of Defense may be used to provide the
9 Russian Federation with access to information that
10 is classified or was classified as of January 2, 2012,
11 regarding—

12 (A) missile defense technology of the
13 United States, including hit-to-kill technology;
14 or

15 (B) data, including sensitive technical
16 data, warning, detection, tracking, targeting, te-
17 lemetry, command and control, and battle man-
18 agement data, that support the missile defense
19 capabilities of the United States.

20 (2) **APPLICABILITY.**—The limitation in para-
21 graph (1) shall apply with respect to the use of
22 funds on or after the date of the enactment of this
23 Act.

24 (b) **LIMITATION ON FUNDS FOR OTHER TECH-**
25 **NOLOGY AND DATA.—**

1 (1) IN GENERAL.—None of the funds made
2 available for fiscal years 2012 or 2013 for the De-
3 partment of Defense may be used to provide the
4 Russian Federation with access to missile defense
5 technology or technical data not described in sub-
6 section (a) unless—

7 (A) the President submits to the appro-
8 priate congressional committees—

9 (i) a report that contains a description
10 of—

11 (I) the specific missile defense
12 technology or technical data to be pro-
13 vided to the Russian Federation, the
14 reasons for providing such technology
15 or data, and how the technology or
16 technical data is intended to be used;

17 (II) the measures necessary to
18 protect the technology or technical
19 data;

20 (III) the specific missile defense
21 technology or technical data of the
22 Russian Federation that the Russian
23 Federation is providing the United
24 States with access to; and

1 (IV) the status and substance of
2 discussions between the United States
3 and the Russian Federation on missile
4 defense matters; and

5 (ii) written certification by the Presi-
6 dent that providing the Russian Federation
7 with access to such missile defense tech-
8 nology or technical data—

9 (I) includes an agreement on pro-
10 hibiting access to such technology or
11 data by any other country or entity;

12 (II) will not enable the develop-
13 ment of countermeasures to any mis-
14 sile defense system of the United
15 States or otherwise undermine the ef-
16 fectiveness of any such missile defense
17 system; and

18 (III) will correspond to equitable
19 access by the United States to missile
20 defense technology or technical data
21 of the Russian Federation; and

22 (B) a period of 30 days has elapsed fol-
23 lowing the date on which the President submits
24 to the appropriate congressional committees the

1 report and written certification under subpara-
2 graph (A).

3 (2) APPLICABILITY.—The limitation in para-
4 graph (1) shall apply with respect to the use of
5 funds on or after the date of the enactment of this
6 Act.

7 (c) FORM.—The report described in clause (i) of sub-
8 section (b)(1)(A) and the certification described in clause
9 (ii) of such subsection shall be submitted in unclassified
10 form, but may contain a classified annex, if necessary.

11 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
12 DEFINED.—In this section, the term “appropriate con-
13 gressional committees” means—

14 (1) the Committee on Armed Services and the
15 Committee on Foreign Relations of the Senate; and

16 (2) the Committee on Armed Services and the
17 Committee on Foreign Affairs of the House of Rep-
18 resentatives.

19 **SEC. 3. INTERNATIONAL AGREEMENTS RELATING TO MIS-**
20 **SILE DEFENSE.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that an agreement regarding missile defense co-
23 operation between the United States and the Russian Fed-
24 eration that is negotiated with the Russian Federation
25 through the North Atlantic Treaty Organization

1 (“NATO”) or a provision to amend the charter of the
 2 NATO–Russia Council, should not be considered legally
 3 or politically binding unless the agreement is—

4 (1) specifically approved with the advice and
 5 consent of the Senate pursuant to article II, section
 6 2, clause 2 of the Constitution; or

7 (2) specifically authorized by an Act of Con-
 8 gress.

9 (b) MISSILE DEFENSE AGREEMENTS.—

10 (1) IN GENERAL.—Chapter 3 of title 10, United
 11 States Code, is amended by adding at the end the
 12 following new section:

13 **“§ 130f. International agreements relating to missile**
 14 **defense**

15 “(a) IN GENERAL.—In accordance with the under-
 16 standing under subsection (b)(1)(B) of the Resolution of
 17 Advice and Consent to Ratification of the New START
 18 Treaty of the Senate, any agreement with a country or
 19 international organization or amendment to the New
 20 START Treaty (including an agreement made by the Bi-
 21 lateral Consultative Commission established by the New
 22 START Treaty) concerning the limitation of the missile
 23 defense capabilities of the United States shall not be bind-
 24 ing on the United States, and shall not enter into force
 25 with respect to the United States, unless after the date

1 of the enactment of this section, such agreement or
2 amendment is—

3 “(1) specifically approved with the advice and
4 consent of the Senate pursuant to article II, section
5 2, clause 2 of the Constitution; or

6 “(2) specifically authorized by an Act of Con-
7 gress.

8 “(b) ANNUAL NOTIFICATION.—Not later than Janu-
9 ary 31 of each year, beginning in 2013, the President shall
10 submit to the congressional defense committees and the
11 Committee on Foreign Relations of the Senate and the
12 Committee on Foreign Affairs of the House of Representa-
13 tives a notification of—

14 “(1) whether the Russian Federation has recog-
15 nized during the previous year the sovereign right of
16 the United States to pursue quantitative and quali-
17 tative improvements in missile defense capabilities;
18 and

19 “(2) whether during any treaty negotiations or
20 other Government-to-Government contacts between
21 the United States and the Russian Federation (in-
22 cluding under the auspices of the Bilateral Consult-
23 ative Commission established by the New START
24 Treaty) during the previous year a representative of
25 the Russian Federation suggested that a treaty or

1 other international agreement include, with respect
 2 to the United States—

3 “(A) restricting missile defense capabili-
 4 ties, military capabilities in space, or conven-
 5 tional prompt global strike capabilities; or

6 “(B) reducing the number of non-strategic
 7 nuclear weapons deployed in Europe.

8 “(c) NEW START TREATY DEFINED.—In this sec-
 9 tion, the term ‘New START Treaty’ means the Treaty be-
 10 tween the United States of America and the Russian Fed-
 11 eration on Measures for the Further Reduction and Limi-
 12 tation of Strategic Offensive Arms, signed on April 8,
 13 2010, and entered into force on February 5, 2011.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
 15 tions at the beginning of such chapter is amended
 16 by inserting after the item relating to section 130e
 17 the following new item:

“130f. International agreements relating to missile defense.”.

18 (c) DEFENSE TECHNOLOGY COOPERATION AGREE-
 19 MENTS.—

20 (1) IN GENERAL.—Subchapter II of chapter
 21 138 of title 10, United States Code, is amended by
 22 adding at the end the following new section:

1 **“§ 2350n. Defense technology cooperation agreements**
 2 **between the United States and the Rus-**
 3 **sian Federation**

4 “(a) IN GENERAL.—None of the funds made avail-
 5 able for fiscal year 2012 or any fiscal year thereafter for
 6 the Department of Defense may be used to implement a
 7 defense technology cooperation agreement entered into be-
 8 tween the United States and the Russian Federation until
 9 a period of 60 days has elapsed following the date on
 10 which the President transmits such agreement to the con-
 11 gressional defense committees.

12 “(b) DEFENSE TECHNOLOGY COOPERATION AGREE-
 13 MENT DEFINED.—In this section, the term ‘defense tech-
 14 nology cooperation agreement’ means a cooperative agree-
 15 ment related to research and development entered into
 16 under section 2358 of this title or any other provision of
 17 this title.”.

18 (2) CLERICAL AMENDMENT.—The table of sec-
 19 tions at the beginning of such subchapter is amend-
 20 ed by inserting after the item relating to section
 21 2350m the following new item:

“2350n. Defense technology cooperation agreement between the United States
 and the Russian Federation.”.

22 (d) LIMITATION ON MISSILE DEFENSE NEGOTIA-
 23 TION.—

1 (1) IN GENERAL.—None of the funds made
2 available for fiscal years 2012 or 2013 for the De-
3 partment of Defense or the Department of State
4 may be used for travel expenses related to discussing
5 missile defense matters with the Russian Federation
6 until the date that is 30 days after the date on
7 which the President transmits to the appropriate
8 congressional committees the draft agreement dis-
9 cussed between the United States and the Russian
10 Federation at Deauville, France, in May 2011.

11 (2) APPLICABILITY.—The limitation in para-
12 graph (1) shall apply with respect to the use of
13 funds on or after the date of the enactment of this
14 Act.

15 (3) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES DEFINED.—In this subsection, the term “ap-
17 propriate congressional committees” means—

18 (A) the Committee on Armed Services and
19 the Committee on Foreign Relations of the Sen-
20 ate; and

21 (B) the Committee on Armed Services and
22 the Committee on Foreign Affairs of the House
23 of Representatives.

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