

AMENDMENT TO H.R. 1960
OFFERED BY MR. BROOKS OF ALABAMA

At the end of subtitle E of title XII add the following new section:

1 **SEC. 12__ . LIMITATION ON FUNDS TO IMPLEMENT EXECU-**
2 **TIVE AGREEMENTS RELATING TO UNITED**
3 **STATES MISSILE DEFENSE CAPABILITIES.**

4 (a) STATEMENT OF POLICY.—Congress reaffirms,
5 with respect to executive agreements relating to the mis-
6 sile defense capabilities of the United States, including
7 basing, locations, capabilities and numbers of missiles with
8 respect to such missile defense capabilities, that section
9 303(b) of the Arms Control and Disarmament Act (22
10 U.S.C. 2573(b)) provides the following: “No action shall
11 be taken pursuant to this or any other Act that would
12 obligate the United States to reduce or limit the Armed
13 Forces or armaments of the United States in a militarily
14 significant manner, except pursuant to the treaty-making
15 power of the President set forth in Article II, Section 2,
16 Clause 2 of the Constitution or unless authorized by the
17 enactment of further affirmative legislation by the Con-
18 gress of the United States.”

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

5 (1) to implement any executive agreement relat-
6 ing to the missile defense capabilities of the United
7 States, including basing, locations, capabilities, and
8 numbers of missiles with respect to such missile de-
9 fense capabilities; or

10 (2) to implement rules of engagement or Guid-
11 ance for Employment of Force relating to such exec-
12 utive agreement.

13 (c) RULE OF CONSTRUCTION.—Subsection (b) shall
14 not apply with respect to the use of funds to negotiate
15 or implement any executive agreement with a country with
16 respect to which the United States has entered into a trea-
17 ty of alliance or has a security guarantee.

18 (d) EXECUTIVE AGREEMENT DEFINED.—In this sec-
19 tion, the term “executive agreement” means an inter-
20 national agreement other than—

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

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

