

Calendar No. 345

105TH CONGRESS
2^D SESSION

S. 1873

[Report No. 105-175]

To state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 1998

Mr. COCHRAN (for himself, Mr. INOUE, Mr. HOLLINGS, Mr. LOTT, Mr. THURMOND, Mr. STEVENS, Mr. HELMS, Mr. WARNER, Mr. LUGAR, Mr. NICKLES, Mr. SMITH of New Hampshire, Mrs. HUTCHISON, Mr. DOMENICI, Mr. CRAIG, Mr. INHOFE, Mr. MURKOWSKI, Mr. BURNS, Mr. BENNETT, Mr. MACK, Mr. MCCONNELL, Mr. D'AMATO, Mr. KEMPTHORNE, Mr. ALLARD, Mr. SESSIONS, Mr. FAIRCLOTH, Mr. COVERDELL, Mr. SHELBY, Mr. THOMPSON, Mr. BOND, Mr. HAGEL, Mr. FRIST, Mr. ABRAHAM, Mr. KYL, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. MCCAIN, Ms. SNOWE, Mr. ASHCROFT, Mr. GRAMS, Mr. ENZI, Ms. COLLINS, Mr. GRAMM, Mr. HATCH, Mr. BROWNBACK, Mr. ROTH, Mr. SPECTER, Mr. HUTCHINSON, Mr. DEWINE, Mr. SANTORUM, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Armed Services

APRIL 24, 1998

Reported by Mr. THURMOND, without amendment

A BILL

To state the policy of the United States regarding the deployment of a missile defense system capable of defending

the territory of the United States against limited ballistic missile attack.

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 “American Missile Pro-
5 tection Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) The threat of weapons of mass destruction
9 delivered by long-range ballistic missiles is among
10 the most serious security issues facing the United
11 States.

12 (A) In a 1994 Executive Order, President
13 Clinton certified, that “I . . . find that the pro-
14 liferation of nuclear, biological, and chemical
15 weapons (‘weapons of mass destruction’) and
16 the means of delivering such weapons, con-
17 stitute an unusual and extraordinary threat to
18 the national security, foreign policy, and econ-
19 omy of the United States, and hereby declare a
20 national emergency to deal with that threat.”
21 This state of emergency was reaffirmed in
22 1995, 1996, and 1997.

23 (B) In 1994 the President stated, that
24 “there is nothing more important to our secu-

1 rity and the world's stability than preventing
2 the spread of nuclear weapons and ballistic mis-
3 siles”.

4 (C) Several countries hostile to the United
5 States have been particularly determined to ac-
6 quire missiles and weapons of mass destruction.
7 President Clinton observed in January of 1998,
8 for example, that “Saddam Hussein has spent
9 the better part of this decade, and much of his
10 nation's wealth, not on providing for the Iraqi
11 people, but on developing nuclear, chemical and
12 biological weapons and the missiles to deliver
13 them”.

14 (D) In 1996, the Senate affirmed that, “it
15 is in the supreme interest of the United States
16 to defend itself from the threat of limited ballis-
17 tic missile attack, whatever the source.”

18 (2) The long-range ballistic missile threat to the
19 United States is increasing.

20 (A) Several adversaries of the United
21 States have stated their intention to acquire
22 intercontinental ballistic missiles capable of at-
23 tacking the United States.

24 (i) Libyan leader Muammar Qaddafi
25 has stated, “If they know that you have a

1 deterrent force capable of hitting the
2 United States, they would not be able to
3 hit you. If we had possessed a deterrent—
4 missiles that could reach New York—we
5 would have hit it at the same moment.
6 Consequently, we should build this force so
7 that they and others will no longer think
8 about an attack.”

9 (ii) Abu Abbas, the head of the Pal-
10 estine Liberation Front, has stated, “I
11 would love to be able to reach the Amer-
12 ican shore, but this is very difficult. Some-
13 day an Arab country will have ballistic
14 missiles. Someday an Arab country will
15 have a nuclear bomb. It is better for the
16 United States and for Israel to reach peace
17 with the Palestinians before that day.”

18 (iii) Saddam Hussein has stated,
19 “Our missiles cannot reach Washington. If
20 we could reach Washington, we would
21 strike if the need arose.”

22 (iv) Iranian actions speak for them-
23 selves. Iran’s aggressive pursuit of me-
24 dium-range ballistic missiles capable of
25 striking Central Europe—aided by the con-

1 tinuing collaboration of outside agents—
2 demonstrates Tehran’s intent to acquire
3 ballistic missiles of ever-increasing range.

4 (B) Over 30 non-NATO countries possess
5 ballistic missiles, with at least 10 of those coun-
6 tries developing over 20 new types of ballistic
7 missiles.

8 (C) From the end of World War II until
9 1980, ballistic missiles were used in one con-
10 flict. Since 1980, thousands of ballistic missiles
11 have been fired in at least six different con-
12 flicts.

13 (D) The clear trend among countries hos-
14 tile to the United States is toward having ballis-
15 tic missiles of greater range.

16 (i) North Korea first acquired 300-kil-
17 ometer range Scud Bs, then developed and
18 deployed 500-kilometer range Scud Cs, is
19 currently deploying the 1000-kilometer
20 range No-Dong, and is developing the
21 2000-kilometer range Taepo-Dong 1 and
22 6000-kilometer range Taepo-Dong 2,
23 which would be capable of striking Alaska
24 and Hawaii.

1 (ii) Iran acquired 150-kilometer range
2 CSS-8s, progressed through the Scud B
3 and Scud C, and is developing the 1300-
4 kilometer range Shahab-3 and 2000-kilo-
5 meter range Shahab-4, which would allow
6 Iran to strike Central Europe.

7 (iii) Iraq, in a two-year crash pro-
8 gram, produced a new missile, the Al-Hus-
9 sein, with twice the range of its Scud Bs.

10 (iv) Experience gained from extending
11 the range of short- and medium-range bal-
12 listic missiles facilitates the development of
13 intercontinental ballistic missiles.

14 (E) The technical information, hardware,
15 and other resources necessary to build ballistic
16 missiles are increasingly available and accessible
17 worldwide.

18 (i) Due to advances in information
19 technology, a vast amount of technical in-
20 formation relating to ballistic missile de-
21 sign, much of it formerly classified, has be-
22 come widely available and is increasingly
23 accessible through the Internet and other
24 distribution avenues.

1 (ii) Components, tools, and materials
2 to support ballistic missile development are
3 increasingly available in the commercial
4 aerospace industry.

5 (iii) Increasing demand for satellite-
6 based telecommunications is adding to the
7 demand for commercial Space Launch Ve-
8 hicles, which employ technology that is es-
9 sentially identical to that of interconti-
10 nental ballistic missiles. As this increasing
11 demand is met, the technology and exper-
12 tise associated with space launch vehicles
13 also proliferate.

14 (F) Russia and China have provided sig-
15 nificant technical assistance to rogue nation
16 ballistic missile programs, accelerating the pace
17 of those efforts. In June of 1997, the Director
18 of Central Intelligence, reporting to Congress
19 on weapons of mass destruction-related equip-
20 ment, materials, and technology, stated that
21 “China and Russia continued to be the primary
22 suppliers, and are key to any future efforts to
23 stem the flow of dual-use goods and modern
24 weapons to countries of concern.”

1 (G) Russia and China continue to engage
2 in missile proliferation.

3 (i) Despite numerous Russian assur-
4 ances not to assist Iran with its ballistic
5 missile program, the Deputy Assistant Sec-
6 retary of State for Nonproliferation testi-
7 fied to the Senate, that “the problem is
8 this: there is a disconnect between those
9 reassurances, which we welcome, and what
10 we believe is actually occurring.”

11 (ii) Regarding China’s actions to dem-
12 onstrate the sincerity of its commitment to
13 nonproliferation, the Director of Central
14 Intelligence testified to the Senate on Jan-
15 uary 28, 1998, that, “the jury is still out
16 on whether the recent changes are broad
17 enough in scope and whether they will hold
18 over the longer term. As such, Chinese ac-
19 tivities in this area will require continued
20 close watching.”

21 (H) The inability of the United States to
22 defend itself against weapons of mass destruc-
23 tion delivered by long-range ballistic missile
24 provides additional incentive for hostile nations
25 to develop long-range ballistic missiles with

1 which to threaten the United States. Missiles
2 are widely viewed as valuable tools for deterring
3 and coercing a vulnerable United States.

4 (3) The ability of the United States to antici-
5 pate future ballistic missile threats is questionable.

6 (A) The Intelligence Community has failed
7 to anticipate many past technical innovations
8 (for example, Iraq’s extended-range Al-Hussein
9 missiles and its development of a space launch
10 vehicle) and outside assistance enables rogue
11 states to surmount traditional technological ob-
12 stacles to obtaining or developing ballistic mis-
13 siles of increasing range.

14 (B) In June of 1997, the Director of Cen-
15 tral Intelligence reported to Congress that
16 “many Third World countries—with Iran being
17 the most prominent example—are responding to
18 Western counter-proliferation efforts by relying
19 more on legitimate commercial firms as pro-
20 curement fronts and by developing more con-
21 volved procurement networks.”

22 (C) In June of 1997, the Director of Cen-
23 tral Intelligence stated to Congress that “gaps
24 and uncertainties preclude a good projection of

1 exactly when ‘rest of the world’ countries will
2 deploy ICBMs.”

3 (D) In 1997, the Director of Central Intel-
4 ligence testified that Iran would have a me-
5 dium-range missile by 2007. One year later the
6 Director stated, “since I testified, Iran’s suc-
7 cess in getting technology and materials from
8 Russian companies, combined with recent indig-
9 enous Iranian advances, means that it could
10 have a medium-range missile much sooner than
11 I assessed last year.” Department of State offi-
12 cials have testified that Iran could be prepared
13 to deploy such a missile as early as late 1998,
14 nine years earlier than had been predicted one
15 year before by the Director of Central Intel-
16 ligence.

17 (4) The failure to prepare adequately for long-
18 range ballistic missile threats could have severe na-
19 tional security and foreign policy consequences for
20 the United States.

21 (A) An attack on the United States by a
22 ballistic missile equipped with a weapon of mass
23 destruction could inflict catastrophic death or
24 injury to citizens of the United States and se-
25 vere damage to their property.

1 (B) A rogue state's ability to threaten the
2 United States with an intercontinental ballistic
3 missile may constrain the United States' op-
4 tions in dealing with regional threats to its in-
5 terests, deter the United States from taking ap-
6 propriate action, or prompt allies to question
7 United States security guarantees, thereby
8 weakening alliances of the United States and
9 the United States' world leadership position.

10 (5) The United States must be prepared for
11 rogue nations acquiring long-range ballistic missiles
12 armed with weapons of mass destruction.

13 (A) In its resolution of ratification for the
14 START II Treaty, the United States Senate
15 declared that "because deterrence may be inad-
16 equate to protect the United States against
17 long-range ballistic missile threats, missile de-
18 fenses are a necessary part of new deterrent
19 strategies."

20 (B) In September of 1994, Secretary of
21 Defense Perry stated that in the post-Cold War
22 era, "we now have opportunity to create a new
23 relationship based not on MAD, not on Mutual
24 Assured Destruction, but rather on another ac-
25 ronym, MAS, or Mutual Assured Safety."

1 (C) On February 12, 1997, the Under Sec-
2 retary of Defense for Policy testified to the
3 Senate that “I and the administration are quite
4 willing to acknowledge that if we saw a rogue
5 state, a potential proliferant, beginning to de-
6 velop a long-range ICBM capable of reaching
7 the United States, we would have to give very,
8 very serious attention to deploying a limited na-
9 tional missile defense.”

10 (6) The United States has no defense deployed
11 against weapons of mass destruction delivered by
12 long-range ballistic missiles and no policy to deploy
13 such a national missile defense system.

14 **SEC. 3. NATIONAL MISSILE DEFENSE POLICY.**

15 It is the policy of the United States to deploy as soon
16 as is technologically possible an effective National Missile
17 Defense system capable of defending the territory of the
18 United States against limited ballistic missile attack
19 (whether accidental, unauthorized, or deliberate).

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