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2D SESSION

S. 1873

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, and Mr. GRAMS) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Missile Pro-
3 tection Act of 1998”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

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

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

21 (B) In 1994 the President stated, that
22 “there is nothing more important to our secu-
23 rity and the world’s stability than preventing
24 the spread of nuclear weapons and ballistic mis-
25 siles”.

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

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

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

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

21 (i) Libyan leader Muammar Qaddafi
22 has stated, “If they know that you have a
23 deterrent force capable of hitting the
24 United States, they would not be able to
25 hit you. If we had possessed a deterrent—

1 missiles that could reach New York—we
2 would have hit it at the same moment.
3 Consequently, we should build this force so
4 that they and others will no longer think
5 about an attack.”

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

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

19 (iv) Iranian actions speak for them-
20 selves. Iran’s aggressive pursuit of me-
21 dium-range ballistic missiles capable of
22 striking Central Europe—aided by the con-
23 tinuing collaboration of outside agents—
24 demonstrates Tehran’s intent to acquire
25 ballistic missiles of ever-increasing range.

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

5 (C) From the end of World War II until
6 1980, ballistic missiles were used in one con-
7 flict. Since 1980, thousands of ballistic missiles
8 have been fired in at least six different con-
9 flicts.

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

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

22 (ii) Iran acquired 150-kilometer range
23 CSS-8s, progressed through the Scud B
24 and Scud C, and is developing the 1300-
25 kilometer range Shahab-3 and 2000-kilo-

1 meter range Shahab-4, which would allow
2 Iran to strike Central Europe.

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

6 (iv) Experience gained from extending
7 the range of short- and medium-range bal-
8 listic missiles facilitates the development of
9 intercontinental ballistic missiles.

10 (E) The technical information, hardware,
11 and other resources necessary to build ballistic
12 missiles are increasingly available and accessible
13 worldwide.

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

21 (ii) Components, tools, and materials
22 to support ballistic missile development are
23 increasingly available in the commercial
24 aerospace industry.

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

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

21 (G) Russia and China continue to engage
22 in missile proliferation.

23 (i) Despite numerous Russian assur-
24 ances not to assist Iran with its ballistic
25 missile program, the Deputy Assistant Sec-

1 retary of State for Nonproliferation testi-
2 fied to the Senate, that “the problem is
3 this: there is a disconnect between those
4 reassurances, which we welcome, and what
5 we believe is actually occurring.”

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

16 (H) The inability of the United States to
17 defend itself against weapons of mass destruc-
18 tion delivered by long-range ballistic missile
19 provides additional incentive for hostile nations
20 to develop long-range ballistic missiles with
21 which to threaten the United States. Missiles
22 are widely viewed as valuable tools for deterring
23 and coercing a vulnerable United States.

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

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

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

17 (C) In June of 1997, the Director of Cen-
18 tral Intelligence stated to Congress that “gaps
19 and uncertainties preclude a good projection of
20 exactly when ‘rest of the world’ countries will
21 deploy ICBMs.”

22 (D) In 1997, the Director of Central Intel-
23 ligence testified that Iran would have a me-
24 dium-range missile by 2007. One year later the
25 Director stated, “since I testified, Iran’s suc-

1 cess in getting technology and materials from
2 Russian companies, combined with recent indig-
3 enous Iranian advances, means that it could
4 have a medium-range missile much sooner than
5 I assessed last year.” Department of State offi-
6 cials have testified that Iran could be prepared
7 to deploy such a missile as early as late 1998,
8 nine years earlier than had been predicted one
9 year before by the Director of Central Intel-
10 ligence.

11 (4) The failure to prepare adequately for long-
12 range ballistic missile threats could have severe na-
13 tional security and foreign policy consequences for
14 the United States.

15 (A) An attack on the United States by a
16 ballistic missile equipped with a weapon of mass
17 destruction could inflict catastrophic death or
18 injury to citizens of the United States and se-
19 vere damage to their property.

20 (B) A rogue state’s ability to threaten the
21 United States with an intercontinental ballistic
22 missile may constrain the United States’ op-
23 tions in dealing with regional threats to its in-
24 terests, deter the United States from taking ap-
25 propriate action, or prompt allies to question

1 United States security guarantees, thereby
2 weakening alliances of the United States and
3 the United States' world leadership position.

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

7 (A) In its resolution of ratification for the
8 START II Treaty, the United States Senate
9 declared that "because deterrence may be inad-
10 equate to protect the United States against
11 long-range ballistic missile threats, missile de-
12 fenses are a necessary part of new deterrent
13 strategies."

14 (B) In September of 1994, Secretary of
15 Defense Perry stated that in the post-Cold War
16 era, "we now have opportunity to create a new
17 relationship based not on MAD, not on Mutual
18 Assured Destruction, but rather on another ac-
19 ronym, MAS, or Mutual Assured Safety."

20 (C) On February 12, 1997, the Under Sec-
21 retary of Defense for Policy testified to the
22 Senate that "I and the administration are quite
23 willing to acknowledge that if we saw a rogue
24 state, a potential proliferant, beginning to de-
25 velop a long-range ICBM capable of reaching

1 the United States, we would have to give very,
2 very serious attention to deploying a limited na-
3 tional missile defense.”

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

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

9 It is the policy of the United States to deploy as soon
10 as is technologically possible an effective National Missile
11 Defense system capable of defending the territory of the
12 United States against limited ballistic missile attack
13 (whether accidental, unauthorized, or deliberate).

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