

105TH CONGRESS
1ST SESSION

H. R. 2786

To authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 1997

Mr. WELDON of Pennsylvania (for himself, Mr. PICKETT, Ms. HARMAN, Mr. BATEMAN, Mr. BARTLETT of Maryland, Mr. MEEHAN, Mr. HOSTETTLER, Mr. BONO, Mr. GIBBONS, Mr. WATTS of Oklahoma, Mr. CRAMER, Mr. PAPPAS, Mr. RILEY, Mr. ABERCROMBIE, Mr. LOBIONDO, Mr. SPENCE, Mrs. FOWLER, Mr. ROHRABACHER, Mr. THORNBERRY, Mr. SAM JOHNSON of Texas, Mr. CUNNINGHAM, Mr. GRAHAM, Mr. CHAMBLISS, Mr. ORTIZ, Mr. HEFLEY, Mr. JONES, Mr. LEWIS of Kentucky, Mr. GILMAN, Mr. HUNTER, Mr. SOLOMON, Mr. McHALE, Mr. SKELTON, Mr. FOX of Pennsylvania, Mr. TAYLOR of Mississippi, Mr. McKEON, Mr. REYES, Mr. NETHERCUTT, Mr. COBLE, Mr. SMITH of New Jersey, Mr. McHUGH, Mr. BUYER, Mr. STUMP, Mr. COX of California, Mr. SHADEGG, Mr. GALLEGLY, Mr. SAXTON, Mr. TURNER, Mr. BLAGOJEVICH, Mr. ANDREWS, Mr. RYUN, Mr. MURTHA, Mr. TALENT, Mr. WICKER, Mr. SCARBOROUGH, Mr. DUNCAN, Mr. HASTERT, Mr. BILIRAKIS, Mr. HASTINGS of Washington, Mr. GREENWOOD, Mr. SKEEN, Mr. PITTS, Mr. GILCHREST, Mr. HOLDEN, Mr. GOSS, Mr. LAZIO of New York, Mr. RODRIGUEZ, Mr. HANSEN, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. COYNE, Mr. MILLER of Florida, Mr. COLLINS, Mr. CANADY of Florida, Mr. PACKARD, Mr. BARTON of Texas, Mr. CALVERT, Mr. LEWIS of California, Mr. HAYWORTH, Mr. McCRERY, Mr. COMBEST, Mr. KING, Mr. UNDERWOOD, Mr. SESSIONS, Mr. WELLER, Mr. EHRlich, Mr. BUNNING, Mr. BALLENGER, Mr. DREIER, Mr. BILBRAY, Mr. DIAZ-BALART, Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. DICKS, Mr. METCALF, Ms. DUNN, Mr. EVERETT, Ms. ROS-LEHTINEN, Mr. DOOLITTLE, Mr. THOMAS, Mr. WHITE, Mr. BOEHNER, Mr. CALLAHAN, Mr. BARRETT of Nebraska, Mr. TAYLOR of North Carolina, Mr. HILLEARY, Mr. COOKSEY, and Mrs. CHENOWETH) introduced the following bill; which was referred to the Committee on National Security, and in addition to the Committee on International Relations, for a period to be sub-

1 (2) The United States maintains a force of ap-
2 proximately 25,000 military personnel in the Middle
3 East and Persian Gulf region.

4 (3) The United States has many allies and
5 friends in the Middle East and Persian Gulf region.

6 (4) The policies of the current regime in Iran,
7 including the export of terrorism and the pursuit of
8 regional military hegemony, are inimical to the inter-
9 ests of the United States and its allies and friends.

10 (5) Iran has been aggressively pursuing ballistic
11 missile technology. According to a statement by the
12 Vice President in August 1997, “It is obvious that
13 there is a vigorous effort by Iran to obtain the tech-
14 nologies that it needs to build a ballistic missile and
15 to build nuclear weapons.”

16 (6) The President, in Executive Order 12938,
17 issued on November 14, 1994 and reaffirmed in No-
18 vember 1995 and November 1996, declared a state
19 of emergency, finding that “the proliferation of nu-
20 clear, biological, and chemical weapons and of the
21 means of delivering such weapons, constitutes an un-
22 usual and extraordinary threat to the national secu-
23 rity, foreign policy and economy of the United
24 States . . .”

1 (7) Iran may achieve theater ballistic missile
2 capabilities capable of striking United States forces,
3 allies, and friends in the Middle East and Persian
4 Gulf regions within one to two years. Department of
5 Defense officials report that Iran is acquiring missile
6 systems and technology from abroad and is develop-
7 ing two ballistic missile systems. The Assistant Sec-
8 retary of State for Near Eastern Affairs recently
9 testified that Iran could complete development of its
10 Shahab-3 missile in 12 to 18 months. This threat
11 will grow over time as Iranian missile production ca-
12 pability matures and missile ranges increase.

13 (8) The United States intelligence community
14 confirms that Iran is achieving the capability de-
15 scribed in paragraph (7) with substantial assistance
16 from other nations, including Russia. The Central
17 Intelligence Agency concluded that “Russia supplied
18 a variety of ballistic missile-related goods to foreign
19 countries . . . especially Iran.”

20 (9) Currently deployed missile defenses have
21 been designed to meet shorter range, slower missile
22 threats and are not adequate to meet the threat
23 posed by Iranian ballistic missiles. The United
24 States and its allies will be vulnerable to Iranian
25 missiles after they become operational and until im-

1 proved United States and allied missile defenses are
2 deployed.

3 (10) Current theater missile defense plans of
4 the Department of Defense are inadequate to meet
5 the state of emergency declared by the President.
6 The Patriot Advanced Capability (PAC-3) and Navy
7 Area Defense missile defense systems have limited
8 capability against longer-range ballistic missiles. The
9 more capable Theater High-Altitude Area Defense
10 (THAAD) system and Navy Theater-Wide system
11 are not scheduled to be deployed until well after the
12 time by which it is expected that the Iranian missile
13 threat will have matured.

14 (11) It is a matter of the highest national inter-
15 est to minimize the vulnerability of United States
16 forces, allies, and friends to this threat.

17 **SEC. 3. PURPOSE OF ACT.**

18 In light of the findings in section 2, an immediate
19 national response to the emerging Iranian missile threat,
20 consistent with the Presidential declaration of national
21 emergency, is required and is in the highest national inter-
22 est of the United States.

1 **SEC. 4. DETERMINATION OF EXTENT OF RUSSIAN CO-**
2 **OPERATION WITH BALLISTIC MISSILE AC-**
3 **TIVITIES OF IRAN.**

4 (a) COOPERATIVE PROJECTS WITH RUSSIA.—(1)

5 There is authorized to be appropriated \$2,000,000 for co-
6 operative activities with Russia for determining and fur-
7 nishing to the United States information on—

8 (A) the extent and technical specifics of co-
9 operation and assistance by Russia in the develop-
10 ment by Iran of a ballistic missile capability; and

11 (B) the technical nature of the Iranian missile
12 threat.

13 (2) The amount appropriated pursuant to the author-
14 ization in paragraph (1) may not be obligated until the
15 President certifies to Congress that the United States and
16 Russia have reached a satisfactory memorandum of under-
17 standing concerning the information to be released by
18 Russia described in paragraph (1) and the mechanism by
19 which that information will be transferred from Russia to
20 the United States.

21 (b) LIMITATION ON FISCAL YEAR 1998 COOPERA-
22 TIVE BALLISTIC MISSILE DEFENSE PROJECTS.—(1) The
23 amount described in paragraph (2) may not be obligated
24 until the President determines, and certifies to Congress,
25 that the Russian government is providing full cooperation
26 to the United States and its allies in determining the in-

1 formation described in subsection (a)(1). Such a certifi-
2 cation shall be submitted not later than 30 days after the
3 date of such a determination. The President shall include
4 with the certification a description of the basis for the
5 President's determination.

6 (2) The amount referred to in paragraph (1) is the
7 amount of \$3,000,000 appropriated for fiscal year 1998
8 for Russian cooperative ballistic missile defense projects
9 as part of the amount provided for that fiscal year for
10 missile defense programs of the Ballistic Missile Defense
11 Organization

12 **SEC. 5. DEPARTMENT OF DEFENSE MEASURES TO**
13 **COUNTER IRAN BALLISTIC MISSILE THREAT.**

14 (a) **ACCELERATION OF NAVY THEATER-WIDE MIS-**
15 **SILE DEFENSE SYSTEM.**—(1) The amount for the Navy
16 Theater-Wide missile defense system described in para-
17 graph (2) is hereby authorized and may be used to acceler-
18 ate the development of that system through additional
19 testing and risk reduction.

20 (2) The amount referred to in paragraph (1) is the
21 amount of \$65,000,000 appropriated for the Navy Thea-
22 ter-Wide missile defense system for fiscal year 1998 in the
23 Department of Defense Appropriations Act, 1998, that is
24 in excess of the amount authorized to be appropriated for

1 that system for fiscal year 1998 in the National Defense
2 Authorization Act for Fiscal Year 1998.

3 (b) OTHER BALLISTIC MISSILE DEFENSE MEAS-
4 URES.—There is hereby authorized to be appropriated for
5 defense-wide research, development, test, and evaluation
6 \$215,000,000, to be available as follows:

7 (1) \$20,000,000 for the Joint Composite
8 Tracking Network to improve battle management
9 and interoperability.

10 (2) \$15,000,000 for theater battle management,
11 command, control, and communications (BM/C³) to
12 validate the interoperability of the Army's Theater
13 High-Altitude Area Defense (THAAD) ground-based
14 radar and to accelerate the final phases of develop-
15 ment leading to operational upgrade of the Aegis
16 Spy-1 radar.

17 (3) \$5,000,000 for enhancement of integration
18 activities associated with the capabilities for a rein-
19 forced theater missile defense family of system archi-
20 tectures oriented toward the threat in the Middle
21 East and Persian Gulf region.

22 (4) \$35,000,000 for two Cobra Gemini radars
23 to improve tracking and target discrimination.

24 (5) \$15,000,000 to accelerate the remote
25 launch capability for the Patriot Advanced Capabil-

1 ity (PAC-3) missile defense system, including use of
2 an existing prototype Theater High-Altitude Area
3 Defense (THAAD) ground-based radar, to enlarge
4 the area defended by that system.

5 (6) \$25,000,000 to be available for production
6 enhancements for the PAC-3 system to accelerate
7 operational deployment of PAC-3 systems.

8 (7) \$100,000,000 to be available for additional
9 Theater High-Altitude Area Defense (THAAD) User
10 Operational Evaluation System (UOES) missiles, to
11 provide greater capability to defend against longer-
12 range Iranian ballistic missiles under development.

13 (c) **ADDITIONAL MEASURES.**—There is authorized to
14 be appropriated for military construction for the Air Force
15 \$5,000,000 to be available for hangars and support facili-
16 ties on Diego Garcia.

17 (d) **LIMITATION.**—Funds appropriated pursuant to
18 the authorization in subsection (b)(7) may be obligated
19 only after a successful THAAD intercept.

20 **SEC. 6. ISRAELI ARROW MISSILE DEFENSE SYSTEM.**

21 (a) **ADDITIONAL UNITED STATES SUPPORT.**—There
22 is hereby authorized to be appropriated for defense-wide
23 research, development, test, and evaluation \$110,000,000
24 to be available for support of the Israeli Arrow tactical
25 ballistic missile defense system, of which—

1 (1) \$20,000,000 is for production enhance-
2 ments to accelerate deployment; and

3 (2) \$90,000,000 is for additional missiles in
4 order to provide for greater territorial coverage.

5 (b) CONGRESSIONAL INTENT CONCERNING ARROW
6 SYSTEM.—The authorization of appropriations for sup-
7 port of the Israeli Arrow missile defense system under
8 subsection (a) is a one-time authorization for the purpose
9 of protecting a United States ally in imminent peril.

10 **SEC. 7. IMPLEMENTATION REPORT TO CONGRESS; FUND-**
11 **ING FLEXIBILITY.**

12 (a) REPORT.—Not later than 30 days after the date
13 of the enactment of this Act, the Secretary of Defense
14 shall submit to Congress a report on the Iranian ballistic
15 missile threat in the Middle East and Persian Gulf re-
16 gions. The report shall include a description of—

17 (1) the Secretary’s plans for implementation of
18 this Act, including the Secretary’s plan for use of
19 funds appropriated pursuant to the authorizations of
20 appropriations in this Act; and

21 (2) such additional steps as the Secretary con-
22 siders appropriate to meet the Iranian ballistic mis-
23 sile threat, including an assessment of the funding
24 implications of each of those additional steps.

1 (b) FUNDING FLEXIBILITY.—(1) If the Secretary of
2 Defense intends to propose in the report under this section
3 measures for the purpose of countering the ballistic missile
4 threat posed by Iran that vary from the theater ballistic
5 missile defense measures authorized in sections 5(b) and
6 6 and the Secretary intends to propose (within the total
7 amount authorized to be appropriated by those sections),
8 authorizations that vary from the amounts authorized in
9 those sections, the Secretary shall consult with the Com-
10 mittee on Armed Services of the Senate and Committee
11 on National Security of the House of Representatives con-
12 cerning such proposals before the report is submitted.

13 (2) Alternative measures, and funding for those
14 measures, described in paragraph (1) that are proposed
15 by the Secretary in the report to enhance the performance
16 or accelerate the development or deployment of theater
17 missile defenses for the purpose of countering the ballistic
18 missile threat posed by Iran shall be considered to be au-
19 thorized by law for purposes of section 114(a) of title 10,
20 United States Code.

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