

105TH CONGRESS  
1ST SESSION

# S. 64

To state the national missile defense policy of the United States.

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IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

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

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## A BILL

To state the national missile defense policy of the United  
States.

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 “Defend the United  
5       States of America Act of 1997”.

6       **SEC. 2. FINDINGS.**

7       (a) MISSILE DEFENSES AND ARMS CONTROL AGREE-  
8       MENTS.—With respect to missile defenses and arms con-  
9       trol agreements, Congress makes the following findings:

10               (1) Short-range theater ballistic missiles threat-  
11       en United States Armed Forces engaged abroad.

1       Therefore, the expeditious deployment of theater  
2       missile defenses to intercept ballistic missiles threat-  
3       ening the Armed Forces abroad is the highest prior-  
4       ity among all ballistic missile defense programs.

5           (2) The United States is developing defensive  
6       systems to protect the United States against the  
7       emerging threat of limited strategic ballistic missile  
8       attacks. Ground-based defensive systems are attain-  
9       able, are permitted by the ABM Treaty, are avail-  
10      able sooner and are more affordable than spaced-  
11      based interceptors or space-based lasers, and can  
12      protect all of the United States from limited ballistic  
13      missile attack.

14          (3) Deterring limited ballistic missile attacks  
15      upon our national territory requires not only na-  
16      tional missile defenses but arms control agreements  
17      and nonproliferation measures that can lower the  
18      threat and curb the spread of ballistic missile  
19      technology.

20          (4) The massive retaliatory capability of the  
21      United States deterred the Soviet Union, and any  
22      other nation, from launching an attack by interconti-  
23      nental ballistic missiles throughout the Cold War.

1       The Nuclear Posture Review conducted by the De-  
2       partment of Defense affirms the fundamental effec-  
3       tiveness of deterrence of large-scale nuclear attacks  
4       now and into the future. While the threat of inten-  
5       tional attack upon the United States has receded,  
6       the risk of an accidental or unauthorized attack by  
7       Russia or China remains, albeit remotely.

8           (5) United States arms control agreements (no-  
9       tably the START I Treaty and the START II Trea-  
10      ty, once implemented) will significantly reduce the  
11      threat to the United States from large-scale nuclear  
12      attack. The START I Treaty, when fully imple-  
13      mented, will reduce deployed strategic warheads by  
14      over 40 percent below 1990 levels. By the end of  
15      1996, only Russia, among the states of the former  
16      Soviet Union, will deploy nuclear weapons. The  
17      START II Treaty, once implemented, will reduce  
18      strategic warheads deployed in Russia by 66 percent  
19      below their levels before the START I Treaty.

20          (6) As strategic offensive weapons are reduced,  
21      the efficacy and affordability of defensive systems in-  
22      creases, strengthening the long-term prospects for  
23      deterrence based upon effective defenses in addition  
24      to deterrence based upon the threat of retaliation.

1           (7) Countries hostile to the United States (such  
2           as Iraq, Iran, North Korea, and Libya) have mani-  
3           fested an interest in developing both nuclear weap-  
4           ons and ballistic missiles capable of reaching the  
5           United States. In the absence of outside assistance,  
6           newly emerging threats from these countries may  
7           take as long as 15 years or more to mature, accord-  
8           ing to recent intelligence estimates. These countries  
9           could accelerate the development of long-range mis-  
10          siles if they receive external support.

11          (8) The Treaty on the Non-Proliferation of Nu-  
12          clear Weapons, the Missile Technology Control Re-  
13          gime, the Biological and Chemical Weapons Conven-  
14          tions, and continuing United States efforts to en-  
15          force export controls may prevent or delay external  
16          assistance needed by those countries to develop  
17          intercontinental ballistic missiles and weapons of  
18          mass destruction. Cooperation among our allies and  
19          the Russian Federation to limit exports of the rel-  
20          evant hardware and knowledge can help.

21          (9) The ABM Treaty has added to strategic  
22          stability by restraining the requirement on both  
23          sides for strategic weapons. At the summit in May  
24          1995, the President of the United States and the

1 President of Russia each reaffirmed his country's  
2 commitment to the ABM Treaty.

3 (10) Abrogating the ABM Treaty to deploy a  
4 noncompliant national missile defense system will  
5 not add to strategic stability if it impedes implemen-  
6 tation of the START I or START II Treaties. With-  
7 out the reductions to strategic weapons required by  
8 both treaties, the consequences and risks of unau-  
9 thorized or accidental launches will increase.

10 (11) If the nuclear arsenal of the United States  
11 must be maintained at START I levels, significant  
12 unbudgeted costs will be incurred, encroaching on  
13 funds for ballistic missile defenses and all other de-  
14 fense requirements.

15 (12) Should the combination of arms control,  
16 nonproliferation efforts, and deterrence fail, the  
17 United States must be able to defend itself against  
18 limited ballistic missile attack.

19 (13) National missile defense systems consist-  
20 ent with the ABM Treaty are capable of defending  
21 against limited ballistic missile attack. Should a na-  
22 tional missile defense system require modification of  
23 the ABM Treaty, the treaty establishes the means  
24 for the parties to amend the treaty, which the par-  
25 ties have used in the past.

1           (14) While a single-site national missile defense  
 2           system can defend all of the United States against  
 3           limited ballistic missile attacks, the addition of a  
 4           second site would substantially improve the effective-  
 5           ness of a limited national missile defense system.

6           (15) Adding a second national missile defense  
 7           site to the initial national missile defense system at  
 8           the former Safeguard antiballistic missile defense  
 9           site at Grand Forks, North Dakota, results in only  
 10          a slight degradation of two-site effectiveness when  
 11          compared to two optimally-sited national missile de-  
 12          fense deployment locations.

13          (b) WEAPONS OF MASS DESTRUCTION OTHER THAN  
 14          MISSILE-DELIVERED NUCLEAR WEAPONS.—With respect  
 15          to threatened employment of weapons of mass destruction  
 16          other than nuclear weapons delivered by long-range ballis-  
 17          tic missiles against the United States, Congress makes the  
 18          following findings:

19               (1) In addition to the threat of nuclear weapons  
 20               delivered by long-range ballistic missiles, the United  
 21               States faces other threatened uses of weapons of  
 22               mass destruction, including chemical, biological, and  
 23               radiological weapons, and other delivery means, in-  
 24               cluding commercial or private aircraft, cruise mis-  
 25               siles, international shipping containers delivered by

1 land or sea, and domestic manufacture and delivery  
2 by private entities.

3 (2) Chemical weapons have already threatened  
4 United States citizens. The terrorist bomb used  
5 against the World Trade Center in New York City  
6 contained materials intended to generate lethal  
7 chemicals in addition to the explosive effect, but the  
8 materials failed to generate a toxic mixture.

9 (3) The explosive device used against the  
10 Murrah Federal Building in Oklahoma City was con-  
11 structed of commonly available materials in the  
12 United States and delivered by rental truck.

13 (4) The Aum Shinrikyo sect in Japan manufac-  
14 tured lethal sarin gas and released it in Tokyo sub-  
15 ways, causing numerous fatalities and thousands of  
16 casualties.

17 (5) Chechen rebels threatened to spread lethal  
18 radiation throughout Moscow and revealed to the  
19 media the location of a small radioactive source hid-  
20 den in a Moscow park.

21 (6) Federal, State, and local governments are  
22 all poorly prepared to deal with threatened or actual  
23 use of chemical, biological, or radiological weapons  
24 against United States cities.

1           (7) Therefore, it is necessary for priorities to be  
2       established for dealing with the full spectrum of  
3       threatened use of weapons of mass destruction  
4       against the United States based on assessments of  
5       the likelihood of the occurrence of each particular  
6       threat, and for funding to be allocated in accordance  
7       with those priorities.

8       (c) DEVELOPMENT OF COMPLEX SYSTEMS.—With  
9       respect to the development of complex systems, Congress  
10      makes the following findings:

11           (1) The United States developed and deployed  
12      an antiballistic missile system known as Safeguard.  
13      The system was deactivated only months after  
14      achieving initial operating capability because of high  
15      cost and concern about limited effectiveness.

16           (2) Since 1983, the United States has expended  
17      more than \$35,000,000,000 on the development of  
18      missile defenses, and most of that has been ex-  
19      pended for the development of national missile  
20      defenses.

21           (3) There exists today no operational hardware  
22      that could be deployed to provide a national missile  
23      defense capability against strategic ballistic missiles.



1       Therefore, there exist no test data from which to as-  
2       sess the performance and cost of a deployed national  
3       missile defense system.

4           (4) Congress has traditionally insisted that  
5       major weapon systems be rigorously tested prior to  
6       full-rate production so that system performance is  
7       demonstrated and system cost estimates are better  
8       refined.

9           (5) Therefore, consistent with that tradition, it  
10      is appropriate that any national missile defense sys-  
11      tem developed for deployment be rigorously tested  
12      prior to a deployment decision in order to dem-  
13      onstrate successful performance and refine system  
14      costs.

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

16      (a) RESEARCH AND DEVELOPMENT PROGRAM.—(1)  
17      The Secretary of Defense shall conduct a research and de-  
18      velopment program to develop an antiballistic missile sys-  
19      tem described in subsection (b) that could achieve initial  
20      operational capability by the end of 2003.

21      (2) A decision whether to deploy the antiballistic mis-  
22      sile system shall be made by Congress during 2000 in ac-  
23      cordance with this section.

24      (3) The Secretary shall ensure that the development  
25      and deployment of an antiballistic missile system under

1 this section fully complies with the ABM Treaty and with  
2 all other treaty obligations.

3 (b) SYSTEM DESIGN.—The antiballistic missile sys-  
4 tem developed under subsection (a) shall—

5 (1) be designed to protect the United States  
6 against limited ballistic missile threats, including ac-  
7 cidental or unauthorized launches or attacks by  
8 Third World countries;

9 (2) be developed for deployment at a single site;  
10 and

11 (3) include as the system components—

12 (A) fixed, ground-based, antiballistic mis-  
13 sile battle management radars at the site;

14 (B) up to 100 ground-based interceptor  
15 missiles;

16 (C) as necessary, space-based adjuncts, in-  
17 cluding the Space Surveillance and Missile  
18 Tracking System, that are not prohibited by the  
19 ABM Treaty; and

20 (D) as necessary, Large Phased Array Ra-  
21 dars (upgraded from other radars or newly con-  
22 structed) that are located on the periphery of  
23 the United States, face outward, and are not  
24 prohibited by the ABM Treaty.

1       (c) DEPLOYMENT DECISION FACTORS.—The factors  
2 to be considered by Congress for a decision to deploy the  
3 antiballistic missile system are as follows:

4           (1) The projected threat of ballistic missile at-  
5 tack against the United States in 2000 and follow-  
6 ing years.

7           (2) The projected cost and effectiveness of the  
8 system, determined on the basis of the technology  
9 available in 2000 and the performance of the system  
10 as demonstrated in testing.

11          (3) The projected cost and effectiveness of the  
12 system if, at the time of the decision to deploy, de-  
13 velopment for deployment were to be continued for—

14                   (A) one additional year,

15                   (B) two additional years, and

16                   (C) three additional years,

17 taking into consideration the projected availability of  
18 any synergistic systems that are under development  
19 in 2000.

20          (4) Arms control factors.

21          (5) The preparedness of the United States to  
22 defend the United States against the full range of  
23 threats of attack by weapons of mass destruction,  
24 and the relative priorities for funding of defenses  
25 against such threats.

1 (d) DEPLOYMENT RECOMMENDATION.—Not later  
2 than March 31, 2000, the President shall submit to Con-  
3 gress a report containing the President’s recommendation  
4 regarding whether to deploy the antiballistic missile sys-  
5 tem developed under this section. In addition, the report  
6 shall include the following:

7 (1) A description of the system that could be  
8 deployed.

9 (2) A discussion of the basis for the President’s  
10 recommendation in terms of the factors set forth in  
11 subsection (c).

12 (e) CONGRESSIONAL DECISION ON DEPLOYMENT.—  
13 (1) The report of the President under subsection (d) shall  
14 be referred to the Committee on Armed Services of the  
15 Senate upon receipt in the Senate and to the Committee  
16 on National Security of the House of Representatives  
17 upon receipt in that House.

18 (2) A joint resolution described in paragraph (1) of  
19 subsection (f) that is introduced within the 30-day period  
20 beginning on the date on which Congress receives the  
21 President’s report shall be considered under the expedited  
22 procedures set forth in that subsection.

23 (f) EXPEDITED PROCEDURE.—(1) For the purposes  
24 of subsection (e)(2), “joint resolution” means only a joint  
25 resolution the matter after the resolving clause of which

1 is as follows: “Congress authorizes the Secretary of De-  
2 fense to begin the deployment at the former Safeguard  
3 antiballistic missile site, Grand Forks, North Dakota, of  
4 an antiballistic missile system that—

5           “(1) is designed to protect the United States  
6       against limited ballistic missile threats, including ac-  
7       cidental or unauthorized launches or attacks by  
8       Third World countries;

9           “(2) is developed for deployment at a single  
10      site; and

11          “(3) includes as the system components—

12               “(A) fixed, ground-based, antiballistic mis-  
13      sile battle management radars at the site;

14               “(B) up to 100 ground-based interceptor  
15      missiles;

16               “(C) as necessary, space-based adjuncts,  
17      including the Space Surveillance and Missile  
18      Tracking System, that are not prohibited by the  
19      ABM Treaty; and

20               “(D) as necessary, Large Phased Array  
21      Radars (upgraded from other radars or newly  
22      constructed) that are located on the periphery  
23      of the United States, face outward, and are not  
24      prohibited by the ABM Treaty.”.

1       (2) A resolution described in paragraph (1) intro-  
2       duced in the House of Representatives shall be referred  
3       to the Committee on National Security of the House of  
4       Representatives. A resolution described in paragraph (1)  
5       introduced in the Senate shall be referred to the Commit-  
6       tee on Armed Services of the Senate. Such a resolution  
7       may not be reported before the eighth day after its  
8       introduction.

9       (3) If the committee to which is referred a resolution  
10      described in paragraph (1) has not reported such resolu-  
11      tion (or an identical resolution) at the end of 30 days after  
12      its introduction or at the end of the first day after there  
13      has been reported to the House involved a joint resolution  
14      described in paragraph (1), whichever is earlier, such com-  
15      mittee shall be deemed to be discharged from further con-  
16      sideration of such resolution and such resolution shall be  
17      placed on the appropriate calendar of the House involved.

18      (4) When the committee to which a resolution is re-  
19      ferred has reported, or has been deemed to be discharged  
20      (under paragraph (3)) from further consideration of, a  
21      resolution described in paragraph (1), it is at any time  
22      thereafter in order (even though a previous motion to the  
23      same effect has been disagreed to) for any Member of the  
24      respective House to move to proceed to the consideration

1 of the resolution, and all points of order against the reso-  
 2 lution (and against consideration of the resolution) are  
 3 waived. The motion is highly privileged in the House of  
 4 Representatives and is privileged in the Senate and is not  
 5 debatable. The motion is not subject to amendment, or  
 6 to a motion to postpone, or to a motion to proceed to the  
 7 consideration of other business. A motion to reconsider the  
 8 vote by which the motion is agreed to or disagreed to shall  
 9 not be in order.

10 (5) If, before the passage by one House of a resolu-  
 11 tion of that House described in paragraph (1), that House  
 12 receives from the other House a resolution described in  
 13 paragraph (1), then the following procedures shall apply:

14 (A) The resolution of the other House shall not  
 15 be referred to a committee.

16 (B) With respect to a resolution described in  
 17 paragraph (1) of the House receiving the  
 18 resolution—

19 (i) the procedure in that House shall be  
 20 the same as if no resolution had been received  
 21 from the other House; but

22 (ii) the vote on final passage shall be on  
 23 the resolution of the other House.

24 (6) This subsection is enacted by Congress—

1 (A) as an exercise of the rulemaking power of  
 2 the Senate and House of Representatives, respec-  
 3 tively, and as such it is deemed a part of the rules  
 4 of each House, respectively, but applicable only with  
 5 respect to the procedure to be followed in that  
 6 House in the case of a resolution described in para-  
 7 graph (1), and it supersedes other rules only to the  
 8 extent that it is inconsistent with such rules; and

9 (B) with full recognition of the constitutional  
 10 right of either House to change the rules (so far as  
 11 relating to the procedure of that House) at any time,  
 12 in the same manner and to the same extent as in  
 13 the case of any other rule of that House.

14 **SEC. 4. RELATIONSHIP OF ABM SYSTEM DEPLOYMENT AND**  
 15 **ARMS CONTROL.**

16 (a) FINDINGS.—Congress makes the following  
 17 findings:

18 (1) Deployment of an antiballistic missile sys-  
 19 tem in accordance with section 3 is fully consistent  
 20 with the rights of the parties to the ABM Treaty.

21 (2) Deployment of an antiballistic missile sys-  
 22 tem in accordance with section 3 would not threaten  
 23 the deterrent capability of the Russian nuclear mis-  
 24 sile forces at force levels agreed to under the  
 25 START I Treaty, at force levels permitted under the



1 START II Treaty, or even at force levels below the  
2 agreed or permitted force levels.

3 (b) DISCUSSIONS WITH RUSSIA.—Congress urges the  
4 President to pursue discussions with Russia regarding—

5 (1) potential opportunities for cooperation on  
6 research and development of ballistic missile defense  
7 capabilities, including, for example—

8 (A) research and development of missile  
9 warning and tracking capabilities;

10 (B) research and development of intel-  
11 ligence and warning indications regarding Third  
12 World activities on ballistic missiles and weap-  
13 ons of mass destruction; and

14 (C) joint research and development of  
15 more effective theater missile defenses;

16 (2) amendments to the ABM Treaty, as nec-  
17 essary, that would permit development and deploy-  
18 ment of more effective limited defenses of the two  
19 countries against long-range ballistic missile attacks;  
20 and

21 (3) establishment of conditions conducive to  
22 more effective national missile defense, such as re-  
23 scinding the 1974 Protocol to the ABM Treaty and  
24 making conforming changes to the ABM Treaty in  
25 order to permit in each country a second ballistic

1 missile defense site, optimally located, and up to 100  
 2 additional interceptor missiles at such site.

3 (c) ALTERNATIVE ACTION UNDER ABM TREATY.—

4 If the President determines that, due to increasing threats  
 5 of ballistic missile attack on the United States, it is nec-  
 6 essary to expand the antiballistic missile system provided  
 7 for under section 3 beyond limits provided under the ABM  
 8 Treaty and that discussions between the United States  
 9 and Russia regarding cooperative liberalization of those  
 10 limits is unsuccessful, the President shall consult with  
 11 Congress on whether to exercise the right under Article  
 12 XV of the ABM Treaty for a party to withdraw from the  
 13 treaty.

14 **SEC. 5. DEVELOPMENT OF FOLLOW-ON NATIONAL MISSILE**  
 15 **DEFENSE TECHNOLOGIES.**

16 The Secretary of Defense, through the Ballistic Mis-  
 17 sile Defense Organization, shall maintain a robust pro-  
 18 gram of research and development of national missile de-  
 19 fense technologies while developing for deployment the  
 20 antiballistic missile system provided for under section 3.  
 21 These research and development activities shall be con-  
 22 ducted in full compliance with the ABM Treaty.

1 **SEC. 6. POLICY REGARDING REDUCTION OF THE THREAT**  
2 **TO THE UNITED STATES FROM WEAPONS OF**  
3 **MASS DESTRUCTION.**

4 (a) MEASURES TO ADDRESS THREATS FROM WEAP-  
5 ONS OF MASS DESTRUCTION.—In order to defend against  
6 weapons of mass destruction by preventing the spread of  
7 fissile materials and other components of weapons of mass  
8 destruction, the President shall—

9 (1) enhance efforts, both unilaterally and in co-  
10 operation with other nations, to prevent terrorist or-  
11 ganizations from obtaining and using weapons of  
12 mass destruction;

13 (2) expedite United States efforts to assist the  
14 Governments of Russia, Ukraine, Belarus, and  
15 Kazakhstan, as appropriate, in improving the safety,  
16 security, and accountability of fissile materials and  
17 nuclear warheads;

18 (3) undertake additional steps to prevent weap-  
19 ons of mass destruction and their components from  
20 being smuggled into the United States, through the  
21 use of improved security devices at United States  
22 ports of entry, increased numbers of Border Patrol  
23 agents, increased monitoring of international bor-  
24 ders, and other appropriate measures;

25 (4) seek the widest possible international adher-  
26 ence to the Missile Technology Control Regime and

1       pursue to the fullest other export control measures  
 2       intended to deter and counter the spread of weapons  
 3       of mass destruction and their components; and

4           (5) enhance conventional weapons systems to  
 5       ensure that the United States possesses effective de-  
 6       terrent and counterforce capabilities against weap-  
 7       ons of mass destruction and their delivery systems.

8       (b) MEASURES TO ADDRESS THREATS FROM  
 9 ICBMs.—In order to reduce the threat to the United  
 10 States from weapons of mass destruction delivered by  
 11 intercontinental ballistic missiles, including accidental or  
 12 unauthorized launches, the President shall—

13           (1) urge the Government and Parliament of  
 14 Russia to ratify the START II Treaty as soon as  
 15 possible, permitting its expeditious entry into force;

16           (2) pursue with the Government of Russia,  
 17 after START II entry-into-force, a symmetrical pro-  
 18 gram of early deactivation of strategic forces to be  
 19 eliminated under START II; and

20           (3) work jointly with countries possessing inter-  
 21 continental ballistic missiles to improve command  
 22 and control technology (such as permissive actions  
 23 links and other safety devices) and operations to the  
 24 maximum extent practicable.

1       (c) PLAN TO REDUCE THREATS OF WEAPONS OF  
 2 MASS DESTRUCTION.—The Secretary shall develop a com-  
 3 prehensive plan for reducing the threat to the United  
 4 States of weapons of mass destruction. The Secretary  
 5 shall develop the plan jointly with the Secretary of State,  
 6 the Secretary of Energy, the Secretary of the Treasury,  
 7 the Attorney General, and the Director of Central Intel-  
 8 ligence. The plan shall implement the requirements of sub-  
 9 sections (a) and (b).

10 **SEC. 7. JOINT PRESIDENTIAL-CONGRESSIONAL REVIEW**  
 11 **AFTER DEPLOYMENT OF INITIAL ABM**  
 12 **SYSTEM.**

13       (a) REVIEW REQUIRED.—After the first national  
 14 missile defense system deployed after the date of the en-  
 15 actment of this Act attains initial operational capability,  
 16 the President and Congress shall jointly review the mat-  
 17 ters described in subsection (b) in order to determine pri-  
 18 orities for future research and development, and possible  
 19 deployment of national missile defense technologies, and  
 20 for continued cooperation with Russia on arms control.

21       (b) MATTERS TO BE REVIEWED.—The review shall  
 22 cover the following matters:

23           (1) The status of cooperation and discussions  
 24 between the United States and Russia on matters  
 25 described in section 4(b) and on other matters of

1 common interest for the national security of both  
2 countries.

3 (2) The projected threat of ballistic missile at-  
4 tack on the United States.

5 (3) Other projected threats of attacks on the  
6 United States with weapons of mass destruction.

7 (4) United States preparedness to respond to or  
8 defend against such threats.

9 (5) The status of research and development on  
10 national missile defense technologies referred to in  
11 section 5.

12 **SEC. 8. REPORTING REQUIREMENT.**

13 (a) REQUIREMENT.—Not later than March 15, 1998,  
14 the Secretary of Defense shall submit to Congress a report  
15 on the following plans:

16 (1) The Secretary's plan for the carrying out  
17 the national missile defense program in accordance  
18 with the requirements of this Act.

19 (2) The plan for reducing the threat to the  
20 United States of weapons of mass destruction pre-  
21 pared pursuant to section 6(c).

22 (b) PLAN FOR NATIONAL MISSILE DEFENSE.—With  
23 respect to the Secretary's plan for the national missile de-  
24 fense program, the report shall include the following  
25 matters:

1           (1) The antiballistic missile system architecture,  
2           including—

3                   (A) a detailed description of the system ar-  
4                   chitecture selected for development; and

5                   (B) a justification of the architecture se-  
6                   lected and reasons for the rejection of the other  
7                   candidate architectures.

8           (2) The Secretary's estimate of the amount of  
9           appropriations required for research, development,  
10          test, and evaluation, and for procurement, for each  
11          of fiscal years 1998 through 2003 in order to  
12          achieve an initial operational capability of the anti-  
13          ballistic missile system in 2003.

14          (3) A description of promising technologies to  
15          be pursued in accordance with the requirements of  
16          section 5.

17          (4) A determination of the point, if any, at  
18          which any activity that is required to be carried out  
19          under this title would conflict with the terms of the  
20          ABM Treaty, together with a description of any  
21          such activity, the legal basis for the Secretary's de-  
22          termination, and an estimate of the time at which  
23          such point would be reached in order to meet an ini-  
24          tial operating capability in the year 2003.

1 **SEC. 9. TREATIES DEFINED.**

2 In this Act:

3 (1) ABM TREATY.—The term “ABM Treaty”  
4 means the Treaty Between the United States and  
5 the Union of Soviet Socialist Republics on the Limi-  
6 tation of Anti-Ballistic Missile Systems, signed at  
7 Moscow on May 26, 1972, and includes Protocols to  
8 that Treaty signed at Moscow on July 3, 1974, and  
9 all Agreed Statements and amendments to such  
10 Treaty in effect.

11 (2) START I TREATY.—The term “START I  
12 Treaty” means the Treaty Between the United  
13 States of America and the Union of Soviet Socialist  
14 Republics on the Reduction and Limitation of Stra-  
15 tegic Offensive Arms, signed at Moscow on July 31,  
16 1991, including related annexes on agreed state-  
17 ments and definitions, protocols, and memorandum  
18 of understanding.

19 (3) START II TREATY.—The term “START II  
20 Treaty” means the Treaty Between the United  
21 States of America and the Russian Federation on  
22 Further Reduction and Limitation of Strategic Of-  
23 fensive Arms, signed at Moscow on January 3,  
24 1993, including the following protocols and memo-  
25 randum of understanding, all such documents being  
26 integral parts of and collectively referred to as the



1 “START II Treaty” (contained in Treaty Document  
2 103–1):

3 (A) The Protocol on Procedures Governing  
4 Elimination of Heavy ICBMs and on Proce-  
5 dures Governing Conversion of Silo Launchers  
6 of Heavy ICBMs Relating to the Treaty Be-  
7 tween the United States of America and the  
8 Russian Federation on Further Reduction and  
9 Limitation of Strategic Offensive Arms (also  
10 known as the “Elimination and Conversion  
11 Protocol”).

12 (B) The Protocol on Exhibitions and In-  
13 spections of Heavy Bombers Relating to the  
14 Treaty Between the United States and the Rus-  
15 sian Federation on Further Reduction and  
16 Limitation of Strategic Offensive Arms (also  
17 known as the “Exhibitions and Inspections  
18 Protocol”).

19 (C) The Memorandum of Understanding  
20 on Warhead Attribution and Heavy Bomber  
21 Data Relating to the Treaty Between the Unit-  
22 ed States of America and the Russian Federa-  
23 tion on Further Reduction and Limitation of  
24 Strategic Offensive Arms (also known as the  
25 “Memorandum on Attribution”).

1           (4) MISSILE TECHNOLOGY CONTROL REGIME.—  
2       The term “Missile Technology Control Regime” has  
3       the meaning given such term in section 11B(c) of  
4       the Export Administration Act of 1979 (50 U.S.C.  
5       App. 2410b(c)).

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