

105TH CONGRESS
1ST SESSION

S. 7

To establish a United States policy for the deployment of a national missile defense system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1997

Mr. LOTT (for himself, Mr. THURMOND, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. KYL, Mr. COCHRAN, Mr. ABRAHAM, Mr. ALLARD, Mr. ASHCROFT, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. GRAMS, Mr. HAGEL, Mr. HATCH, Mr. HELMS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. INHOFE, Mr. MURKOWSKI, Mr. NICKLES, Mr. SESSIONS, and Mr. KEMPTHORNE) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To establish a United States policy for the deployment of a national missile defense system, and for other purposes.

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 “National Missile De-
5 fense Act of 1997”.

1 **SEC. 2. NATIONAL MISSILE DEFENSE POLICY.**

2 (a) NATIONAL MISSILE DEFENSE.—It is the policy
3 of the United States to deploy by the end of 2003 a Na-
4 tional Missile Defense system that—

5 (1) is capable of defending the territory of the
6 United States against limited ballistic missile attack
7 (whether accidental, unauthorized, or deliberate);
8 and

9 (2) could be augmented over time to provide a
10 layered defense against larger and more sophisti-
11 cated ballistic missile threats if they emerge.

12 (b) COOPERATIVE TRANSITION.—It is the policy of
13 the United States to seek a cooperative transition to a re-
14 gime that does not feature an offense-only form of deter-
15 rence as the basis for strategic stability.

16 **SEC. 3. NATIONAL MISSILE DEFENSE SYSTEM ARCHITEC-**
17 **TURE.**

18 (a) REQUIREMENT FOR DEVELOPMENT OF SYS-
19 TEM.—To implement the policy established in section
20 3(a), the Secretary of Defense shall develop for deploy-
21 ment a National Missile Defense (NMD) system which
22 shall achieve an initial operational capability (IOC) by the
23 end of 2003.

24 (b) ELEMENTS OF THE NMD SYSTEM.—The system
25 to be developed for deployment shall include the following
26 elements:

1 (1) INTERCEPTORS.—An interceptor system
 2 that optimizes defensive coverage of the continental
 3 United States, Alaska, and Hawaii against limited
 4 ballistic missile attack (whether accidental, unau-
 5 thorized, or deliberate).

6 (2) GROUND-BASED RADARS.—Fixed ground-
 7 based radars.

8 (3) SPACE-BASED SENSORS.—Space-based sen-
 9 sors, including the Space and Missile Tracking Sys-
 10 tem.

11 (4) BM/C³.—Battle management, command,
 12 control, and communications (BM/C³).

13 **SEC. 4. IMPLEMENTATION OF NATIONAL MISSILE DEFENSE**
 14 **SYSTEM.**

15 The Secretary of Defense shall—

16 (1) upon the enactment of this Act, promptly
 17 initiate required preparatory and planning actions
 18 that are necessary so as to be capable of meeting the
 19 initial operational capability (IOC) date specified in
 20 section 3(a);

21 (2) not later than the end of fiscal year 1999,
 22 conduct an integrated systems test which uses ele-
 23 ments (including BM/C³ elements) that are rep-
 24 resentative of, and traceable to, the national missile
 25 defense system architecture specified in section 3(b);

1 (3) prescribe and use streamlined acquisition
 2 policies and procedures to reduce the cost and in-
 3 crease the efficiency of developing the system speci-
 4 fied in section 3(a); and

5 (4) develop a national missile defense follow-on
 6 program that—

7 (A) leverages off of the national missile de-
 8 fense system specified in section 3(a); and

9 (B) could augment that system, if nec-
 10 essary, to provide for a layered defense.

11 **SEC. 5. REPORT ON PLAN FOR NATIONAL MISSILE DE-**
 12 **FENSE SYSTEM DEVELOPMENT AND DEPLOY-**
 13 **MENT.**

14 Not later than 120 days after the date of the enact-
 15 ment of this Act, the Secretary of Defense shall submit
 16 to Congress a report on the Secretary's plan for develop-
 17 ment and deployment of a national missile defense system
 18 pursuant to this Act. The report shall include the following
 19 matters:

20 (1) The Secretary's plan for carrying out this
 21 Act, including—

22 (A) a detailed description of the system ar-
 23 chitecture selected for development under sec-
 24 tion 3(b); and

1 (B) a discussion of the justification for the
2 selection of that particular architecture.

3 (2) The Secretary's estimate of the amount of
4 appropriations required for research, development,
5 test, evaluation, and for procurement, for each of
6 fiscal years 1998 through 2003 in order to achieve
7 the initial operational capability date specified in
8 section 3(a).

9 (3) A determination of the point at which any
10 activity that is required to be carried out under this
11 Act would conflict with the terms of the ABM Trea-
12 ty, together with a description of any such activity,
13 the legal basis for the Secretary's determination, and
14 an estimate of the time at which such point would
15 be reached in order to meet the initial operational
16 capability date specified in section 3(a).

17 **SEC. 6. POLICY REGARDING THE ABM TREATY.**

18 (a) ABM TREATY NEGOTIATIONS.—In light of the
19 findings in section 232 of the National Defense Authoriza-
20 tion Act for Fiscal Year 1996 (Public Law 102–106; 110
21 Stat. 228, 10 U.S.C. 2431 note) and the policy established
22 in section 2, Congress urges the President to pursue, if
23 necessary, high-level discussions with the Russian Federa-
24 tion to achieve an agreement to amend the ABM Treaty

1 to allow deployment of the national missile defense system
2 being developed for deployment under section 3.

3 (b) REQUIREMENT FOR SENATE ADVICE AND CON-
4 SENT.—If an agreement described in subsection (a) is
5 achieved in discussions described in that subsection, the
6 President shall present that agreement to the Senate for
7 its advice and consent. No funds appropriated or otherwise
8 available for any fiscal year may be obligated or expended
9 to implement such an amendment to the ABM Treaty un-
10 less the amendment is made in the same manner as the
11 manner by which a treaty is made.

12 (c) ACTION UPON FAILURE TO ACHIEVE NEGO-
13 TIATED CHANGES WITHIN ONE YEAR.—If an agreement
14 described in subsection (a) is not achieved in discussions
15 described in that subsection within one year after the date
16 of the enactment of this Act, the President and Congress,
17 in consultation with each other, shall consider exercising
18 the option of withdrawing the United States from the
19 ABM Treaty in accordance with the provisions of Article
20 XV of that treaty.

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) ABM TREATY.—The term “ABM Treaty”
24 means the Treaty Between the United States of
25 America and the Union of Soviet Socialist Republics

1 on the Limitation of Anti-Ballistic Missile Systems,
2 and signed at Moscow on May 26, 1972, and in-
3 cludes the Protocols to that Treaty, signed at Mos-
4 cow on July 3, 1974.

5 (2) LIMITED BALLISTIC MISSILE ATTACK.—The
6 term “limited ballistic missile attack” refers to a
7 limited ballistic missile attack as that term is used
8 in the National Ballistic Defense Capstone Require-
9 ments Document, dated August 24, 1996, that was
10 issued by the United States Space Command and
11 validated by the Joint Requirements Oversight
12 Council of the Department of Defense.

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