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# BALLISTIC MISSILE DEFENSE

# FY96 FUNDING AND LANGUAGE TRACK

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*BALLISTIC MISSILE DEFENSE ORGANIZATION*

*JANUARY 1996*

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Accession Number: 6013

Publication Date: Jan 01, 1996

Title: Ballistic Missile Defense FY96 Funding and Language Track

Corporate Author Or Publisher: BMDO, The Pentagon, Washington, DC 20301

Descriptors, Keywords: BMDO Ballistic Missile Defense FY96 Funding Language Track Budget

Pages: 00456

Cataloged Date: Feb 08, 1996

Document Type: HC

Number of Copies In Library: 000001

Record ID: 40630

# BALLISTIC MISSILE DEFENSE

# FY96 FUNDING AND LANGUAGE TRACK

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*JANUARY 1996*

**Note: all bill language is superseded by conference statutory language. Conference statutory language is the final word. However, all report language, including committee report language, unless specifically addressed in the conference report remains in effect.**

# BALLISTIC MISSILE DEFENSE ORGANIZATION
# FUNDING

# FY 96 AUTHORIZATION FUNDING TRACK
# TY $ IN MILLIONS

| Authorization | FY 95 Authorization | FY 96 Budget Request | HNSC Sub Committee | HNSC Full Committee | House Floor | SASC Sub Committee | SASC Full Committee | Senate Floor | Authorization Conference |
|---|---|---|---|---|---|---|---|---|---|
| Date Of Event | | 6 FEB 95 | 23 MAY 95 | 24 MAY 95 | 15 JUN 95 | 29 JUN 95 | 30 JUN 95 | 6 SEP 95 | 22 JAN 96 |
| RDT&E | | | | | | | | | |
| • TMD | 1,698.992 | 1,713.341 | 1,911.341 | 1,911.341 | 1,911.341 | 1,968.338 | 1,968.338 | 1,968.338 | 1,951.780 |
| - BPI | 40.000 | 49.061 | 29.061 | 29.061 | 29.061 | 0.000 | 0.000 | 0.000 | 0.000 |
| - Corps SAM (MEADS) | 14.971 | 30.442 | 20.442 | 20.442 | 20.442 | 0.000 | 0.000 | 35.000** | 20.442 |
| - HAWK | 26.800 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 |
| - Navy Lower Tier | 139.676 | 237.473 | 282.473 | 282.473 | 282.473 | 282.473 | 282.473 | 282.473 | 282.473 |
| - Navy Upper Tier | 68.450 | 30.442 | 200.442 | 200.442 | 200.442 | 200.442 | 200.442 | 200.442 | 200.442 |
| - Other TMD | 386.368 | 460.470 | 423.470 | 423.470 | 423.470 | 475.470 | 475.470 | 475.470 | 438.470 |
| - PAC-3 | 276.283 | 247.921 | 247.921 | 247.921 | 247.921 | 352.421 | 352.421 | 352.421 | 352.421 |
| - PAC-3 Risk EMD | 74.000 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 |
| - THAAD System | 651.901 | 576.327 | 626.327* | 626.327* | 626.327* | 576.327 | 576.327 | 576.327 | 576.327 |
| - TMD BM/C$^3$ | 20.543 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 |
| • NMD | 386.988 | 370.621 | 820.621 | 820.621 | 820.621 | 670.621 | 670.621 | 670.621 | 820.621 |
| • Support Technology | 218.407 | 172.695 | 172.695 | 172.695 | 172.695 | 242.695 | 242.695 | 242.695 | 222.695 |
| • Management Support | 163.206 | 185.542 | 165.542 | 165.542 | 165.542 | 155.542 | 155.542 | 155.542 | 155.542 |
| Total RDT&E | 2,467.593 | 2,442.199 | 3,070.199 | 3,070.199 | 3,070.199 | 3,037.196 | 3,037.196 | 3,037.196 | 3,150.638 |
| Procurement | | | | | | | | | |
| • HAWK | 3.804 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 |
| • TMD BM/C$^3$ | 0.000 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 |
| • PAC-3 | 253.272 | 399.463 | 399.463 | 399.463 | 399.463 | 294.963 | 294.963 | 294.963 | 294.963 |
| • Navy Lower Tier | 14.394 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 |
| Total Procurement | 271.470 | 453.708 | 453.708 | 453.708 | 453.708 | 349.208 | 349.208 | 349.208 | 349.208 |
| MILCON | | | | | | | | | |
| • NMD | 0.530 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 |
| • Other TMD | 0.000 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 |
| • THAAD System | 0.000 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 |
| Total MILCON | 0.530 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 |
| BMDO Total | 2,739.593 | 2,912.916 | 3,540.916 | 3,540.916 | 3,540.916 | 3,403.413 | 3,403.413 | 3,403.413 | 3,516.855 |
| SMTS | 120.000 | 114.800 | 249.800 | 249.800 | 249.800 | 249.800 | 249.800 | 249.800 | 249.800 |

* Includes $50M For THAAD EMD **$35M MEADS Plus-up Not Included In BMDO Total

mj-50797A / 121495

# FY 96 APPROPRIATION FUNDING TRACK
# TY $ IN MILLIONS

| Appropriation | FY 95 Appropriation | FY 96 Budget Request | HAC Sub Committee | HAC Full Committee | House Floor | SAC Sub Committee | SAC Full Committee | Senate Floor | Appropriation Conference*** |
|---|---|---|---|---|---|---|---|---|---|
| Date Of Event | | 6 FEB 95 | 20 JUL 95 | 25 JUL 95 | 7 SEP 95 | 7 SEP 95 | 28 JUL 95 | 6 SEP 95 | 17 NOV 95 |
| RDT&E | | | | | | | | | |
| • TMD | 1,698.992 | 1,713.341 | 1,882.280 | 1,882.280 | 1,882.280 | 1,968.338 | 1,968.338 | 1,968.338 | 1,951.780 |
| - BPI | 40.000 | 49.061 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |
| - Corps SAM (MEADS) | 14.971 | 30.442 | 20.442 | 20.442 | 20.442 | 0.000 | 0.000 | 35.000** | 20.442 |
| - HAWK | 26.800 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 | 23.188 |
| - Navy Lower Tier | 139.676 | 237.473 | 282.473 | 282.473 | 282.473 | 282.473 | 282.473 | 282.473 | 282.473 |
| - Navy Upper Tier | 68.450 | 30.442 | 200.442 | 200.442 | 200.442 | 200.442 | 200.442 | 200.442 | 200.442 |
| - Other TMD | 386.368 | 460.470 | 423.470 | 423.470 | 423.470 | 475.470 | 475.470 | 475.470 | 438.470 |
| - PAC-3 | 276.283 | 247.921 | 247.921 | 247.921 | 247.921 | 352.421 | 352.421 | 352.421 | 352.421 |
| - PAC-3 Risk EMD | 74.000 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 | 19.485 |
| - THAAD System | 651.901 | 576.327 | 626.327* | 626.327* | 626.327* | 576.327 | 576.327 | 576.327 | 576.327 |
| - TMD BM/C$^3$ | 20.543 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 | 38.532 |
| • NMD | 386.988 | 370.621 | 820.621 | 820.621 | 820.621 | 670.621 | 670.621 | 670.621 | 745.621 |
| • Support Technology | 218.407 | 172.695 | 172.695 | 172.695 | 172.695 | 242.695 | 242.695 | 242.695 | 222.695 |
| • Management Support | 163.206 | 185.542 | 165.542 | 165.542 | 165.542 | 155.542 | 155.542 | 155.542 | 155.542 |
| Total RDT&E | 2,467.593 | 2,442.199 | 3,041.138 | 3,041.138 | 3,041.138 | 3,037.196 | 3,037.196 | 3,037.196 | 3,075.638 |
| Procurement | | | | | | | | | |
| • HAWK | 3.804 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 | 5.106 |
| • TMD BM/C$^3$ | 0.000 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 | 32.242 |
| • PAC-3 | 253.272 | 399.463 | 399.463 | 399.463 | 399.463 | 294.963 | 294.963 | 294.963 | 294.963 |
| • Navy Lower Tier | 14.394 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 | 16.897 |
| Total Procurement | 271.470 | 453.708 | 453.708 | 453.708 | 453.708 | 349.208 | 349.208 | 349.208 | 349.208 |
| MILCON | | | | | | | | | |
| • NMD | 0.530 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 | 0.832 |
| • Other TMD | 0.000 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 | 2.577 |
| • THAAD System | 0.000 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 | 13.600 |
| Total MILCON | 0.530 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 | 17.009 |
| BMDO Total | 2,739.593 | 2,912.916 | 3,511.855 | 3,511.855 | 3,511.855 | 3,403.413 | 3,403.413 | 3,403.413 | 3,441.855 |
| SMTS | 120.000 | 114.800 | 214.800 | 214.800 | 214.800 | 249.800 | 249.800 | 249.800 | 249.800 |

* Includes $50M For THAAD EMD **$35M MEADS Plus-up Not Included In BMDO Total ***Became PL104-61 1 DEC 95

mj-55302 / 120695

# REPORTS REQUIRED

# SEC. 4 EXTENSION OF TIME FOR SUBMISSION OF REPORT
# FY96 DOD AUTHORIZATION CONFERENCE REPORT
# (H.REPT. 104-450)

## Sec. 4 EXTENSION OF TIME FOR SUBMISSION ON REPORT

**In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of --**

**(1) the date established for submittal of the report in such provision or amendment; or**
**(2) the date that is 45 days after the date of the enactment of this Act.**

# REPORTS REQUIRED BY FY96 LEGISLATION

| REPORT | DATE DUE |
|---|---|
| SecDef report on SBIR program baseline (Sec. 216) | 60 days after date of enactment |
| TMD architecture for each core and follow-on program (Sec. 234) | Part of annual report |
| Certification on compliance of TMD systems (Sec. 234) | 30 days after date certification issued |
| Detailed plan for carrying out cruise missile defense (Sec. 274) | Submitted with FY97 budget |
| Summarizing various studies on Navy Upper Tier | March 1, 1996 |
| Options to satisfy the Corps SAM requirement with existing systems | Not more than $15M until report |
| Summarizing findings & recommendations of BPI report | February 1, 1996 |
| Outlining a funding and program profile for SBL | March 1, 1996 |
| SecDef/CJSC review of U.S. TMD plans and long-term affordability | March 15, 1996 |
| May not proceed with Follow-On TMD systems beyond Dem/Val unless system is designated as part of core program (Sec. 234) | Prior to entering EMD |
| Review of THAAD acquisition plan | March 15, 1996 |
| Management & funding responsibilities for Navy Lower Tier | February 15, 1996 |
| Certifying Arrow MOU has been signed | No funds obligated until certification |
| Annual Report | March 15, 1996 |

# TABLE OF CONTENTS


| TITLE | PAGE |
|---|---|
| Ballistic Missile Defense Funding | 1 |
| Theater Missile Defense | 41 |
| Theater High Altitude Area Defense (THAAD) | 79 |
| Navy Upper Tier | 91 |
| Navy Lower Tier | 103 |
| MEADS/CORPS SAM | 113 |
| Patriot Advanced Capability (PAC-3) | 127 |
| Boost-Phase Intercept | 137 |
| Arrow/Israeli Programs | 147 |
| Extended Airborne Global Launch Evaluation (EAGLE) | 155 |
| Cruise Missile Defense | 159 |
| Battlefield Management/Command, Control, Communications & Intelligence (BM/C3) | 173 |
| National Missile Defense | 179 |
| Missile Defense Testing | 219 |
| ABM Treaty | 239 |
| Follow-On Technologies | 267 |
| Missile Defense Act | 283 |
| Repeal of Missile Defense Act Provisions | 401 |
| Allied Cooperation | 409 |
| Military Construction | 419 |
| Federally Funded Research & Development Centers (FFRDCs) | 425 |
| Space-Based Infrared System (SBIR) | 439 |
| High Energy Laser Test Facility (HELSTF) | 453 |

# BALLISTIC MISSILE DEFENSE ORGANIZATION
# FUNDING

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36 | Bill Language<br>Page 66 |
| ***SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.***<br><br>*(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).*<br><br>*(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | **SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.**<br><br>(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements: |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36**<br><br>*(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br><br>*(1) Theater High Altitude Area Defense (THAAD).*<br><br>*(2) Patriot Advanced Capability-3.*<br><br>*(3) Navy Lower Tier.*<br><br>*(4) Navy Upper Tier.*<br><br>*(5) Corps Surface-to-Air Missile.*<br><br>*(6) Hawk.*<br><br>*(7) Boost Phase Intercept.*<br><br>*(8) National Missile Defense.*<br><br>*(9) Arrow.* | **Bill Language**<br>**Page 66**<br><br>(1) The Patriot system.<br><br>(2) The Navy Lower Tier (Area) system.<br><br>(3) The Theater High-Altitude Area Defense (THAAD) system.<br><br>(4) The Navy Upper Tier (Theater Wide) system.<br><br>(5) Other Theater Missile Defense Activities.<br><br>(6) National Missile Defense.<br><br>(7) Follow-On and Support Technologies. |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36**<br><br>*(10) Medium Extended Air Defense.*<br><br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br><br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—* | **Bill Language**<br>**Page 66**<br><br>(b) TREATMENT OF NON-CORE TMD IN OTHER THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—Funding for theater missile defense programs, projects, and activities, other than core theater missile defense programs, shall be covered in the "Other Theater Missile Defense Activities" program element.<br><br>(c) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Funding for core theater missile defense programs specified in section 234, shall be covered in individual, dedicated program elements and shall be available only for activities covered by those program elements. |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36**<br><br>*(A) compared with the information relating to that program in the report submitted in the previous year; and*<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than* | **Bill Language**<br>**Page 66**<br><br>(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C3I) shall be covered in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.<br><br>(e) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element. |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36**<br><br>*30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.*<br><br>***SEC. 241. BALLISTIC MISSILE DEFENSE FUNDING FOR FISCAL YEAR 1996.***<br><br>*Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1996 or otherwise made available to the Department of Defense for fiscal year 1996, not more than $3,070,199,000 may be obligated for Ballistic Missile Defense programs.* | **Bill Language**<br>**Page 66** |

| BALLISTIC MISSILE DEFENSE FUNDING (CONTINUED)<br>SHELBY (R-AL) AMENDMENT ON THE BATTLEFIELD INTEGRATION CENTER | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| Bill Language | Bill Language<br>Page 37 & 38<br><br>*SEC. 201. AUTHORIZATION OF APPROPRIATIONS.*<br><br>*Funds are hereby authorized to be appropriated for fiscal year 1996 for the use of the Department of Defense for research, development, test, and evaluation as follows:*<br><br>*(1) For the Army, $4,845,097,000.*<br><br>*(2) For the Navy, $8,624,230,000.*<br><br>*(3) For the Air Force, $13,087,389,000.*<br><br>*(4) For Defense-wide activities, $9,533,148,000, of which—*<br><br>*(A) $239,341,000 is authorized for the activities of the Director, Test and Evaluation;* |

## BALLISTIC MISSILE DEFENSE FUNDING (CONTINUED)
## SHELBY (R-AL) AMENDMENT ON THE BATTLEFIELD INTEGRATION CENTER

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language | **Bill Language**<br>**Page 37 & 38**<br><br>*(B) $22,587,000 is authorized for the Director of Operational Test and Evaluation; and*<br><br>*(C) $475,470,000 is authorized for Other Theater Missile Defense, of which up to $25,000,000 may be made available for the operation of the Battlefield Integration Center.* |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act section for Nunn floor amendment on the Missile Defense Act (September 5, 1995)** |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 145**

SECTION 236—BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY

This section would require an annual report describing technical milestones, schedules, and cost of various Ballistic Missile Defense (BMD) programs.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 121**

*Ballistic Missile Defense Program Elements*

The committee recommends a provision that would realign the program element (PE) structure of BMDO's budget, reducing the number from thirteen to seven. The committee believes that all core TMD programs should be covered in individual PEs, and that all other TMD programs, projects and activities should be covered in the Other TMD Activities PE. The committee believes that battle management, command, control and communications (BM/C3) programs should be covered in the Other TMD or the NMD PEs, and that funding for program support activities should be included in the relevant PEs.

**Ballistic missile defense funding**

The fiscal year 1996 budget request for the Ballistic Missile Defense Organization (BMDO) was $2.9 billion, including research, development, test and evaluation (RDT&E), procurement, and military construction. The committee recommends a total BMDO authorization of $3.4 billion, an increase of $490.0 million over the request. The committee notes that this funding level is approximately $136.0 million lower than the amount recommended for fiscal year 1996 by the Clinton Administration's own Bottom-Up Review, and approximately $4.0 billion lower than the amount recommended for fiscal year 1996 in the last budget submitted by the Bush Administration.

The committee recommends the following budget allocation:

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 128-130**

OVERVIEW OF BALLISTIC MISSILE DEFENSE PROGRAMS

The budget request contained $2,442.2 million in research, development, test, and evaluation, $453.7 million for procurement, and $17.009 million for military construction, for a total budget request of $2,912.9 million for ballistic missile defense (BMD).

The proliferation of ballistic missiles and weapons of mass destruction poses a significant threat to the United States, U.S. military forces, and U.S. global interests. The committee is concerned, however, that current Department of Defense policies and programs are not aggressive enough in responding to this threat.

For example, although the Secretary of Defense's February 1995 "Annual Report to the President and the Congress" noted that "ballistic missiles are clearly becoming a common battlefield weapon," the President's budget request for theater missile defense (TMD) is approximately thirty percent less than spending levels recommended by the previous Administration. As a result, several of the most promising TMD concepts, such as the Navy's "Upper Tier" program and the Army's Theater High Altitude Area Defense (THAAD) system, have been delayed.

The Administration's program for national missile defense—a defense of the American homeland—is even more worrisome. There is currently no commitment to deploy a national missile defense. In fact, the Department presently plans to spend over eighty percent less for national missile defense programs than the previous Administration—approximately $500 million per year over the next five years.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**

[Millions of dollars]

| Program | Request | Change | Recommendation |
|---|---|---|---|
| Patriot System* | 666.9 | ..... | 666.9 |
| Navy Lower Tier* | 254.4 | + 45.0 | 299.4 |
| THAAD** | 589.9 | ..... | 589.9 |
| Navy Upper Tier | 30.4 | +170.0 | 200.4 |
| Hawk Upgrade* | 28.3 | ..... | 28.3 |
| TMD BM/C3* | 70.8 | ..... | 70.8 |
| Corps SAM | 30.4 | −30.4 | ..... |
| BPI | 49.1 | −49.1 | ..... |
| Other TMD** | 463.0 | +15.0 | 478.0 |
| NMD** | 371.5 | +300.0 | 671.5 |
| Support Technology | 172.7 | + 70.0 | 242.7 |
| Management | 185.5 | −30.0 | 155.5 |
| Total BMDO | 2,912.9 | +490.5 | 3,403.4 |

*Includes RDT&E and Procurement
**Includes RDT&E and Military Construction

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Report Language**<br>**Page 128-130**<br><br>The Administration's decision to abandon plans to deploy a national missile defense is particularly disturbing in light of the range of present and potential missile threats to the United States. Both Russia and China today maintain and are aggressively modernizing nuclear forces capable of destroying American cities. For Russia this includes production of follow-ons to the SS–25 intercontinental ballistic missile (ICBM) and SS–N–20 sea-launched ballistic missile (SLBM). China is producing two types of long-range ICBMs with ranges of approximately 7,000 kilometers and 10,000 kilometers respectively, as well as other strategic systems. Moreover, various "rogue regimes" are seeking a capability to attack the United States using ballistic missiles.<br>According to senior U.S. intelligence officials, it may not take long for an outlaw regime to acquire such a capability. For instance, on January 10, 1995, the Defense Intelligence Agency Director, Lieutenant General James Clapper, testified that North Korean missiles now under development probably have sufficient range to reach targets in Alaska. On January 18, 1995, the then-Acting Director of Central Intelligence, Admiral William Studeman, testified that the proliferation of technology will lead to missiles "that can reach the United States toward the end of this decade and the beginning of [the next] century." Former Director of Central Intelligence R. James Woolsey has testified that the covert purchase of missiles would provide a "shortcut approach" that may lessen the time it takes to place the United States directly at risk. In addition, he stated that "the acquisition of key production tech- | |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Report Language**<br>**Page 128-130**<br><br>nologies and technical expertise would speed up ICBM development."<br>Today, more than 25 countries have or are developing weapons of mass destruction, including nuclear, chemical, and biological weapons. More than 15 countries now possess ballistic missiles, which can be used to deliver these weapons to their targets hundreds or thousands of miles away.<br>Because of their perceived military and political importance, ballistic missiles are also becoming a valuable export commodity. It is reasonable to assume that the desire to acquire ballistic missiles has been enhanced by the inability to defend against them. Effective theater and national ballistic missile defenses can raise the cost and lower the attraction of ballistic missiles to a would-be proliferant by reducing their effectiveness. Missile defenses also provide a hedge against the use of such weapons in the event traditional nonproliferation efforts (e.g., arms control, export controls, sanctions) fail to prevent proliferation. By providing an "insurance policy" against the use of these weapons, missile defenses could dampen incentives to act (or react) precipitously in a crisis and could promote the formation of regional defensive alliances that reduce the risk that individual member states will be "held hostage" to the threat of attack.<br>In addition, the committee is concerned about the possible indigenous development or sale to third parties of space launch vehicles, which can be rapidly converted with little or no warning and minor modifications to ICBMs capable of delivering nuclear, chemical or biological warheads against American cities. According to a 1992 statement by Lawrence Gershwin, CIA national intelligence officer for strategic programs, "India, Israel, and Japan have developed space launch vehicles that, if converted to surface-to-surface missiles, are capable of reaching targets in the United States." | **Report Language** |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 128-130**

Any booster with the capability to lift a payload into orbit can also be used to deliver weapons of mass destruction on targets thousands of miles away. Through the purchase of space launch vehicles, a nation can acquire a threatening ballistic missile capability under the guise of peaceful activity. In this regard, the committee notes with concern continuing reports that Russia is attempting to market its "Start-1" and "Start-2" systems, which are modified versions of the SS-25 ICBM, as space launch vehicles. The purchase of space launch vehicles is one route by which proliferant states may seek to circumvent existing controls on the transfer of missile technology.

Given the growing ballistic missile threat, the committee is convinced that deployment of affordable, effective theater and national missile defense systems is an essential objective of a defense modernization program that adequately supports the requirements of the national military strategy. The committee's views on missile defense as an element of broader U.S. counterproliferation policy, and ballistic missile defense and strategic stability are contained in section 236 of the bill.

In response to the concerns outlined above, the committee recommends several provisions, as well as the following guidance, to strengthen the U.S. response to the missile proliferation threat.

*Funding*

The committee supports increased investment in BMD in order to deal with present and postulated ballistic missile threats in a more timely manner. Specifically, the committee recommends a total of $3,540.9 million for activities of the Ballistic Missile Defense Organization (BMDO) in fiscal year 1996, an increase of $628 million over the request of $2,912.9 million.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 43**

SEC. 224. REPORT ON REDUCTIONS IN RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

(a) REPORT REQUIREMENT.—Not later than March 15, 1996, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report that sets forth in detail the allocation of reductions for research, development, test, and evaluation described in subsection (b).

(b) DESCRIPTION OF REDUCTIONS.—The reductions for research, development, test, and evaluation covered by subsection (a) are the following Army, Navy, Air Force, and Defense-wide reductions, as required by the Department of Defense Appropriations Act, 1996:

(1) General reductions.

(2) Reductions to reflect savings from revised economic assumptions.

(3) Reductions to reflect the funding ceiling for defense federally funded research and development centers.

(4) Reductions for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.

**Page 20**

SEC. 4. EXTENSION OF TIME FOR SUBMISSION OF REPORTS.

In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of—

(1) the date established for submittal of the report in such provision or amendment; or

(2) the date that is 45 days after the date of the enactment of this Act.

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**Page 714**

*Requirement for report on reductions in research, development, test, and evaluation (sec. 225)*

The conferees agree to a provision that requires the Under Secretary of Defense (Comptroller) to submit a report to the congressional defense committees by March 15, 1996 detailing the allocation of the following reductions in research, development, test, and evaluation required by the Department of Defense Appropriations Act of 1996: (1) general reductions; (2) reductions to reflect savings from revised economic assumptions; (3) reductions to reflect the funding ceiling for federally funded research and development centers; and (4) reductions for savings through improved management of contractor automatic data processing cost charged through indirect rates on Department of Defense acquisition contracts.

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 53**

*SEC. 251. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.*

*(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:*

*(1) The Patriot system.*
*(2) The Navy Lower Tier (Area) system.*
*(3) The Theater High-Altitude Area Defense (THAAD) system.*
*(4) The Navy Upper Tier (Theater Wide) system.*
*(5) The Corps Surface-to-Air Missile (SAM) system.*
*(6) Other Theater Missile Defense Activities.*
*(7) National Missile Defense.*
*(8) Follow-On and Support Technologies.*

*(b) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Amounts requested for core theater missile defense programs specified in section 234 shall be specified in individual, dedicated program elements, and amounts appropriated for such programs shall be available only for activities covered by those program elements.*

*(c) BM/C³I PROGRAMS.—Amounts requested for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C³I) shall be included in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 704-709**

*Ballistic missile defense funding and programmatic guidance*

The budget request contained $2,912.9 million for the Ballistic Missile Defense Organization (BMDO), including $2,442.2 million for Research, Development, Test, and Evaluation (RDT&E), $453.7 million for Procurement, and $17.0 million for Military Construction.

The House bill would authorize an additional $628.0 million for BMDO.

The Senate amendment would authorize an additional $490.5 million for BMDO.

The conferees agree to authorize a total of $3,516.9 million for BMDO, an increase of $603.9 million above the budget request. The conferees set forth specific funding allocations and programmatic guidance below.

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 53**

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 704-709**

BMDO FUNDING ALLOCATION
[In thousands of dollars]

| Program | Budget Request | House Change | Senate Change | Conference Change | Conference Outcome |
|---|---|---|---|---|---|
| Support Tech | 93,308 | | | | 93,308 |
| Support Tech | 79,387 | | +70,000 | +50,000 | 129,387 |
| THAAD Dem/Val | 576,327 | | | | 576,327 |
| Hawk | 23,188 | | | | 23,188 |
| BM/C3 Dem/Val | 24,231 | | | | 24,231 |
| Navy LT Dem/Val | | | | +185,000 | 185,000 |
| Navy UT Dem/Val | 30,442 | +170,000 | +170,000 | +170,000 | 200,442 |
| Corps SAM | 30,442 | −10,000 | +4,558 | −10,000 | 20,442 |
| BPI | 49,061 | −20,000 | −49,061 | −49,061 | |
| NMD | 370,621 | +450,000 | +300,000 | +450,000 | 820,621 |
| Other TMD | 460,470 | −37,000 | +15,000 | −22,000 | 438,470 |
| THAAD EMD | | +50,000 | | | |
| BM/C3 EMD | 14,301 | | | | 14,301 |
| PAC-3 EMD | 247,921 | | +104,500 | +104,500 | 352,421 |
| PAC-3 EMD/RR | 19,485 | | | | 19,485 |
| Navy LT EMD | 237,473 | +45,000 | +45,000 | −140,000 | 97,473 |
| Management | 185,542 | −20,000 | −30,000 | −30,000 | 155,542 |
| Patriot Proc | 399,463 | | −104,500 | −104,500 | 294,963 |
| Navy LT Proc | 16,897 | | | | 16,897 |
| Hawk Proc | 5,106 | | | | 5,106 |
| BM/C3 Proc | 32,242 | | | | 32,242 |
| BMDO Milcon | 17,009 | | | | 17,009 |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language | **Report Language**<br>**Page 704-709**<br><br>*Theater High Altitude Area Defense (THAAD)*—The conferees agree to authorize the budget request of $576.3 million in PE 63861C for THAAD Demonstration/Validation (Dem/Val).<br>The conferees endorse the language in the House report (H. Rept. 104–131) and the Senate report (S. Rept. 104–112) regarding the THAAD User Operational Evaluation System (UOES) option, and the need to ensure a smooth and timely transition from the Dem/Val phase to the Engineering and Manufacturing Development (EMD) phase. The conferees direct the Secretary of Defense to restructure the THAAD program so as to achieve a First Unit Equipped (FUE) by fiscal year 2000. The conferees believe that this objective can be facilitated by making only minor modifications to the UOES design and beginning Low-Rate Initial Production as soon as the EMD missiles have been adequately tested. Subsequent performance improvements to the initial system configuration should be incorporated through block upgrades, as appropriate and necessary. The conferees note that this approach would reduce overall THAAD development costs while significantly accelerating fielding of an operational system. Therefore, the conferees urge the Secretary of Defense to release the THAAD engineering and manufacturing development (EMD) request for proposal. Finally, the conferees direct the Secretary of Defense to promptly initiate development of all battle management software for the THADD system, including that necessary to receive cuing information from external sensors. |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language** | **Report Language**<br>**Page 704-709**<br><br>*Navy Upper Tier*—The budget request included $30.4 million in PE 63868C for the Navy Upper Tier program.<br>The conferees agree to authorize an increase of $170.0 million for a total Navy Upper Tier authorization of $200.4 million. The conferees direct the Secretary of Defense to include the Navy Upper Tier program in the core theater missile defense (TMD) program and to structure the Navy Upper Tier development and acquisition program so as to achieve an initial operational capability (IOC) not later than fiscal year 2001, with a UOES capability not later than fiscal year 1999. The conferees look forward to receiving the results of the various studies that are assessing Navy Upper Tier technical issues and deployment options. The conferees agree to require the Director of BMDO to provide a status report to the congressional defense committees, not later than March 1, 1996, that summarizes the findings and recommendations (as available) of these analyses. The Director of BMDO should include in such report an assessment of options for reducing risk and enhancing competition in the Navy Upper Tier program, including the option of establishing a competitive development and flight test program between the Lightweight Exoatomospheric Projectile (LEAP) and THAAD kill vehicles.<br>The conferees believe that competition within the Navy Upper Tier program is desirable, but do not support the notion of competition between the Navy Upper Tier and THAAD programs. The conferees are convinced that the United States can and should develop and deploy both sea-based and land-based upper tier programs. Although there may be an opportunity to reduce the number of TMD programs being developed by the Department of Defense, the conferees strongly oppose the notion of a competition and down-select |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language | Report Language<br>Page 704-709 |
| | between the THAAD and Navy Upper Tier systems. The conferees view these as critical and complementary systems.<br>*Patriot*—The budget request included $247.9 in PE 64865C for PAC–3 EMD, $19.5 million in PE 64866C for PAC–3 risk reduction, and $399.5 million for Patriot procurement.<br>The conferees agree to authorize the overall amount requested for the Patriot program and related activities. Within this overall authorization, the conferees agree to transfer $104.5 million from Patriot procurement to PAC–3 EMD, a total authorization of $352.4 million in PE 64865C.<br>*Navy Lower Tier*—The budget request included $237.5 million in PE 64867C for Navy Lower Tier EMD and $16.9 million for Navy Lower Tier procurement.<br>The conferees agree to authorize an increase of $45.0 million for Navy Lower Tier Dem/Val and to transfer $140.0 million from Navy Lower Tier EMD to Navy Lower Tier Dem/Val, a total of $185.0 million in PE 63867C.<br>*Corps SAM*—The budget request included $30.4 million in PE 63869C for the Corps Surface to Air Missile (Corps SAM) system.<br>The conferees agree to authorize $20.4 million for Corps SAM, a reduction of $10.0 million. Although the conferees support the Corps SAM requirement, they remain concerned by several aspects |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language | Report Language<br>Page 704-709 |

of the current Corps SAM program, now known as the medium extended air defense system (MEADS). The conferees support an effort to explore alternative means to satisfy the Corps SAM requirement. Given the investments that have already been made in developing systems such as PAC–3 and THAAD, reintegration of existing systems and technologies may offer an achievable, cost-effective, and expeditious alternative. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement, including an assessment of cost and schedule implications. The conferees direct that, of the funds authorized in fiscal year 1996 for the Corps SAM program, not more than $15.0 million may be obligated until such report has been submitted to the congressional defense committees.

*Boost-Phase Intercept*—The budget request included $49.1 million in PE 63870C for the kinetic energy Boost-Phase Intercept (BPI) program.

The House bill would authorize $29.1 million for the kinetic BPI program.

The Senate amendment would authorize no funds for the kinetic BPI program in PE 63870C. However, the Senate amendment would authorize $15.0 million in the Other TMD (OTMD) program element (PE 63872C) to initiate a joint United States-Israel BPI program based on unmanned aerial vehicles (UAVs).

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language | Report Language<br>Page 704-709<br><br>The conferees agree to authorize no funds for the kinetic BPI program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferees agree to authorize the use of up to $15.0 million, from within funds made available in the OTMD program element, for a UAV-based BPI program. The conferees support a joint U.S.-Israel UAV–BPI program focused on risk mitigation, provided that an equitable cost-sharing arrangement can be reached and that the program will be structured to satisfy the BPI requirements of both sides. The conferees also support continuation of the Atmospheric Interceptor Technology (AIT) program, which is being developed as an advanced multi-purpose kill vehicle. The conferees authorize the use of up to $30.0 million, from within funds made available in the OTMD program element, to continue the AIT program. The conferees are disappointed that the Department has not completed its review of BPI programs and options in time to inform the conferees' deliberations and decisions. Therefore, the conferees agree to require the Director of BMDO to submit a report to the congressional defense committees, not later than February 1, 1996, that summarizes the findings and recommendations of the Department's BPI study. This report should also address promising options and technical approaches associated with a UAV BPI program. |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language | Report Language<br>Page 704-709 |
| | *Other TMD*—The budget request contained $460.5 million in PE 63872C for OTMD programs, projects, and activities.<br>The House bill would authorize $423.5 million for OTMD.<br>The Senate amendment would authorize $475.5 million, including the $15.0 million for the UAV–BPI program cited above.<br>The conferees agree to authorize $438.5 million for OTMD. Of this amount, the conferees authorize the use of up to $15.0 million to explore a UAV–BPI program and up to $30.0 million to continue the AIT advanced kill vehicle program.<br>*National Missile Defense*—The budget request contained $370.6 million in PE 63871C for National Missile Defense (NMD).<br>The House bill would authorize $820.6 million for NMD.<br>The Senate amendment would authorize $670.6 million for NMD.<br>The conferees agree to authorize $820.6 million for NMD. The conferees provide detailed programmatic guidance on NMD elsewhere in this Statement of Managers.<br>*Support Technologies*—The budget request contained $93.3 million in PE 62173C and $79.4 million in PE 63173C for ballistic missile defense (BMD) support technologies.<br>The House bill would authorize the budget request for BMD Support Technologies.<br>The Senate amendment would authorize an increase of $70.0 million in PE 63173C for the Space-Based Laser (SBL) program.<br>The conferees agree to authorize the budget request in PE 62173C and to authorize an increase in the SBL program of $50.0 million, for a total authorization of $129.4 million in PE 63173C. The conferees believe that it is critical for the United States to continue developing the technology for space-based defenses, to preserve the option of deploying highly effective global defenses in the |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language | **Report Language**<br>**Page 704-709**<br><br>future. The conferees note that a space-based laser would likely be the most effective system for intercepting ballistic missiles of virtually all ranges in the boost phase. Therefore, the conferees direct the Secretary of Defense to take the following actions: (1) continue integration and testing of the laser, mirror, and beam control components of the Alpha-Lamp Integration program; (2) accelerate design activities on the StarLITE space demonstration configuration; (3) produce the concept of operations and design requirements for a follow-on operational space-based laser deployment; and (4) revitalize the technology development efforts most likely to yield significant cost and weight savings for a future SBL spacecraft. The conferees direct the Secretary of Defense to ensure that sufficient funds are provided in the outyears for continuation of a robust SBL effort, and submit to the congressional defense committees, by March 1, 1996, a report that outlines a program and funding profile that could lead to an on-orbit test of a demonstration system by the end of 1999 if approved.<br>The conferees note that the Director, BMDO, has testified to Congress that BMDO's follow-on technology programs are severely under-funded and that the Director is seeking to increase such funding to approximately 12 percent of the overall BMDO budget. The conferees support the efforts of the Director of BMDO to increase funding for advanced technology development. However, the conferees note that such increases will require an overall increase in the funds allocated to BMDO. The conferees support such an increase in order to reinvigorate and advanced technology programs and to help sustain the development and acquisition activities endorsed by the conferees. |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language | Report Language<br>Page 704-709 |

BMDO is required to set aside 2.15 percent of extramural research, development, test, and evaluation authorized and appropriated (RDT&E) funds for Small Business Innovative Research (SBIR) efforts. Since the conferees recommend a level of funding for BMD programs exceeding the budget request, and programmed funding for SBIR represents a level below the mandated percentage, the Director of BMDO is authorized to transfer such funds as necessary from BMD program elements into PE 62173C to achieve the required percentage for SBIR.

*BMDO Management*—The budget request contained $185.5 million in PE 65218C for BMD Management.

The House bill would authorize $165.5 million for BMDO Management.

The Senate amendment would authorize $155.5 million for BMDO Management.

The conferees agree to authorize $155.5 million for BMDO Management. The conferees recognize that BMDO must maintain the integrity of its oversight of the overall BMD program. The conferees are concerned, however, that BMD management infrastructure may be unnecessarily duplicated in one or more of the services. Therefore, the conferees direct that BMDO identify any such duplication and take actions to eliminate it. The conferees request that the Director of BMDO consult with the Senate Committee on Armed Services and the House Committee on National Security regarding the Director's findings and proposed actions. The conferees further direct that BMDO show no increase in fiscal year 1997, after adjustments for inflation and any change in mission, over the level appropriated for management in fiscal year 1996.

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language** | **Report Language**<br>**Page 704-709**<br><br>*Cruise missile defense funding*<br>The House bill would authorize an increase of $76.0 million above the budget request for cruise missile defense programs, projects, and activities.<br>The Senate amendment would authorize an increase of $145.0 million above the budget request for a similar group of programs, projects, and activities.<br>The conferees agree to authorize an increase of $85.0 million above the budget request for cruise missile defense programs, projects, and activities. The conferees provide additional guidance in the classified annex. |

# BALLISTIC MISSILE DEFENSE FUNDING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language** | **Report Language**<br>**Page 734**<br><br>*Ballistic Missile Defense Program Elements (sec. 251)*<br>The Senate amendment contained a provision (sec. 239) that would establish seven program elements for the Ballistic Missile Defense Organization's budget.<br>The House bill contained no similar provision.<br>The House recedes with an amendment creating eight program elements.<br><br>**Page 738**<br><br>*Ballistic missile defense funding*<br>The House bill contained a provision (sec. 241) that would authorize $3.070 billion in Defensewide research, development, test, and evaluation (RDT&E) funds for ballistic missile defense programs.<br>The Senate amendment contained no similar provision.<br>The House recedes. The conferees discuss funding for ballistic missile defense programs elsewhere in this Statement of Managers. |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**Page 29**<br><br>*Provided*, That not less than $170,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program. | **Bill Language**<br>**None** |

## BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)
## DOMENICI (R-NM) AMENDMENT TO INCREASE FUNDS FOR THE STARS PROGRAM

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| | Bill Language<br>Page 29<br><br>*Pro-*<br><br>*vided further, That of the funds appropriated in this paragraph for the Ballistic Missile Defense Organization, $10,000,000 shall only be available to continue program activities and launch preparation efforts under the Strategic Target System (STARS) program.* |

## BALLISTIC MISSILE DEFENSE ORGANIZATION (CONT)

| House FY96 DOD Appropriation Bill H.R. 2126; H.Rept. 104-208 | Senate FY96 DOD Appropriation Bill S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| | **See Follow-On Technolgies section for Shelby floor amendment on Other TMD funds to be used for the Battlefield Integration Center (BIC) (August 10, 1995)** |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

## House FY96 DoD Appropriation Bill
## H.R. 2126; H. Rept. 104-208 (7/27/95)

**Report Language**
**Page 167-169**

BALLISTIC MISSILE TECHNOLOGY

The Department requested $2,442,199,000 for Ballistic Missile Defense in the Research, Development, Test and Evaluation title of the bill. The Committee recommends $3,041,138,000 for the Ballistic Missile Defense Organization's (BMDO) research and development programs, an increase of $598,939,000. The Committee recommends specific changes in Ballistic Missile Defense Organization programs as detailed in the table below.

BALLISTIC MISSILE DEFENSE

[In thousands of dollars]

| | Budget request | Committee recommendation | Change from request |
|---|---|---|---|
| National Missile Defense | $370,621 | $820,621 | +$450,000 |
| Navy Upper Tier | 30,442 | 200,442 | +170,000 |
| MEADS (Corps SAM) | 30,442 | 20,442 | −10,000 |
| Other TMD | 460,470 | 423,470 | −37,000 |
| Ballistic Missile Management | 185,542 | 165,542 | −20,000 |
| Theater High-Altitude Area Defense (EMD) | | 50,000 | +50,000 |
| Navy Lower Tier | 237,473 | 282,473 | +45,000 |
| Boost Phase Intercept | 49,061 | | −49,061 |

THEATER MISSILE DEFENSE

The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore rec-

## Senate FY96 DoD Appropriation Bill
## S. 1087; Sen. Rept. 104-124 (7/28/95)

**Report Language**
**Page 183**

Finally, the Committee recommendation includes an increase of $30,000,000 which shall only be available for upgrades and modernization of the Ballistic Missile Defense Organization's [BMDO] Advanced Research Center [ARC] supercomputing facility. These funds will enable the ARC to expand its ability to meet the supercomputing needs of BMDO and the U.S. Army Space and Strategic Defense Command [USASSDC].

**Report Language**
**Page 186-187**

*Ballistic Missile Defense Organization [BMDO].*—The Committee has provided $3,037,196,000 for research, development, test, and evaluation [RDT&E] efforts on national and theater ballistic missile defense systems and technologies. This appropriation represents an overall increase of $594,997,000 to the Ballistic Missile Defense Organization [BMDO] RDT&E budget request. The Committee has made a number of adjustments to individual accounts, consistent with the Senate reported authorization bill.

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

## House FY96 DoD Appropriation Bill
## H.R. 2126; H. Rept. 104-208 (7/27/95)

**Report Language**
**Page 167-169**

ommends an increase of $45,000,000 to Navy Lower Tier and an increase of $50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of $170,000,000 over the budget request.

The Committee is concerned about the lack of focus in the Medium Extended Area Defense System (MEADS) program, formerly Corps SAM, and the Boost Phase Interceptor (BPI) program. While the Committee supports the general concept underlying both programs, it believes that neither program is workable or affordable as currently conceived. Therefore, the Committee recommends no appropriation for BPI. Furthermore, the Committee recommends a reduction to Other TMD and Follow-on activities of $37,000,000 as proposed by the House National Security Committee.

While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by $10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC–3 development activities.

## Senate FY96 DoD Appropriation Bill
## S. 1087; Sen. Rept. 104-124 (7/28/95)

**Report Language**
**Page 186-187**

*National missile defense.*—The Committee has provided $670,621,000, an increase of $300,000,000 over the budget request. The Committee has taken this action to accelerate the development of a national missile defense [NMD] system. The Committee endorses the realignment and augmentation of funding for BMDO activities for fiscal year 1996. The Committee shares the commitment articulated in the report accompanying Senate bill 1026 that adequate resources be made available to facilitate the deployment of an operational national missile defense system at the earliest possible time, that can fully protect all 50 States.

*Theater missile defense.*—The Committee has provided additional funds for a number of ongoing theater missile defense [TMD] programs to ensure adequate funding and timely fielding of these systems.

First, the Committee has provided an increase of $170,000,000 for the Navy upper tier program. The Committee believes that further development and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.

Second, the Committee has added $45,000,000 to the Navy lower tier program. The Committee endorses the urgent need to develop the lower tier system to provide protection for our ships as well as port areas where amphibious operations or logistics and supply activities may be threatened by ballistic missiles.

Third, the Committee has fully funded the development of the patriot advanced capability [PAC–3] and theater high altitude area defense [THAAD] programs. These systems are essentiall to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles.

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Report Language**<br>**Page 167-169** | **Report Language**<br>**Page 186-187** |
| The Committee is concerned that the Arrow program has not been successful. Since 1986, the U.S. has spent nearly $500 million on the Arrow program. However, the program has been plagued with serious technical problems and has had few successes—including only one successful intercept out of six tests. While the Committee supports efforts to defend Israel from ballistic missile attack, the track record of the Arrow program suggests it will not readily accomplish that goal. Furthermore, the Committee is concerned about the total cost of the system, which some estimate to be as high as $10 billion. There has also been some question about Israel's commitment to deploy Arrow, as well as the degree to which U.S. funds would be used to support procurement of a deployed system. Based on these factors, the Committee seriously considered terminating the Arrow program. However, based on assurances from the Israeli government about its commitment to deployment and its recognition of its responsibility for production costs, the Committee approves the requested amount of $56,500,000. However, the Committee strongly believes that U.S. funding support for Arrow is more appropriately regarded as foreign assistance rather than a program requiring direct funding from the Department of Defense. Therefore, the Committee directs that any future funding request for the Arrow Weapon System should be budgeted within function 150 and should be considered by the Foreign Operations Subcommittee on Appropriations for funding.<br>The Committee believes that the Wide Area Missile (WAM) concept should be considered for inclusion in the Navy's TMD Cost and | *Support technologies/follow-on technologies advanced development.*—The Committee has provided $149,387,000, the recommended authorization amount, to support the development of product improvements and next generation missile defense systems. Within the available funds, the Committee directs that $10,000,000 shall be available only to continue efforts under the Russian-American Observational Satellites [RAMOS] Program.<br>In order to optimize follow-on technology development, the Committee directs BMDO to designate the Army Space and Strategic Defense Command [SSDC] as a center of excellence for technology development. The Committee believes that commonality in requirements offers the potential for cost savings through centralized screening and common technology development, with SSDC functioning as the executive agent to BMDO, to help assure that duplication is avoided, and efficiencies maximized.<br>*Other theater missile defense/follow-on TMD activities acquisition—demonstration/validation.*—The Committee fully supports the Department's continued participation in the ARROW program. The Committee expects the funds included in the budget request for the U.S. share of the bilateral ARROW development agreement to be available only for this purpose. The Committee also directs that $3,000,000 of the available funds shall only be used to continue operation and maintenance of the Kauai test facility [KTF]. KTF is expected to continue to be required to support the development and testing of missile defense systems. |

# BALLISTIC MISSILE DEFENSE ORGANIZATION (Cont)

## House FY96 DoD Appropriation Bill
## H.R. 2126; H. Rept. 104-208 (7/27/95)

**Report Language**
**Page 167-169**

Operational Effectiveness Analysis (COEA). The Committee further believes that the WAM concept has not received a thorough objective analysis of its potential in the area of missile defense. The Navy is directed to work in close consultation with the concept developers to provide a complete analysis of the WAM concept, including its relative costs, operational effectivness, and compatibility within the Navy's TMD architecture as part of the Navy COEA.

The Committee recognizes the importance of the Extended Airborne Global Launch Evaluation (EAGLE) program. Therefore, the Committee strongly recommends that $19.9 million, as requested in the fiscal year 1996 budget, be obligated for this program.

NATIONAL MISSILE DEFENSE

The Committee believes that National Missile Defense (NMD) is one of the highest national security priorities. The Committee is concerned about the proliferation of weapons of mass destruction and the possible emergence of a ballistic missile threat from a rogue nation. However, the Committee does not believe that the Administration's program of "technology readiness" is sufficient to address this threat. Therefore, the Committee recommends an increase of $450,000,000 to significantly accelerate the development of a national missile defense system that will be capable of defending the United States from a limited ballistic missile attack. Furthermore, the Committee agrees with the House National Security Committee that the NMD program should be structured so as to support deployment of an NMD system at the soonest possible date—now estimated to be within four to six years.

## Senate FY96 DoD Appropriation Bill
## S. 1087; Sen. Rept. 104-124 (7/28/95)

**Report Language**
**Page 186-187**

[In thousands of dollars]

| Item | Budget estimate | Committee recommendation | Change from budget estimate |
|---|---|---|---|
| Support technologies/follow-on technologies advanced development | 79,387 | 149,387 | +70,000 |
| Navy upper tier TMD—demonstration/validation | 30,442 | 200,442 | +170,000 |
| CORPS surface-to-air missile—TMD—demonstration/validation | 30,442 | ..... | −30,442 |
| Boost phase intercept theater missile defense acquisition—demonstration/validation | 49,061 | ..... | −49,061 |
| National missile defense—demonstration/validation | 370,621 | 670,621 | +300,000 |
| Other theater missile defese/follow-on TMD activities acquisition—demonstration/validation | 460,470 | 475,470 | +15,000 |
| Patriot. PAC–3 theater missile defense acquisition—EMD | 247,921 | 352,421 | +104,500 |
| Navy lower tier TMD acquisition—EMD | 237,473 | 282,473 | +45,000 |
| Ballistic missile defense RDT&E program management and support | 185,542 | 155,542 | −30,000 |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (CONT)

| Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) | Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>**Page 33**<br><br>*(RESCISSIONS)*<br><br>*SEC. 8083. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:*<br>*"Aircraft Procurement, Air Force, 1994/1996", $53,654,000;*<br>*"Missile Procurement, Air Force, 1994/1996", $16,783,000;*<br>*"Weapons Procurement, Navy, 1995/1997", $14,600,000;*<br>*"Shipbuilding and Conversion, Navy, 1995/1999", $87,700,000;*<br>*"Other Procurement, Navy, 1995/1997", $8,600,000;*<br>*"Aircraft Procurement, Air Force, 1995/1997", $24,000,000;*<br>*"Missile Procurement, Air Force, 1995/1997", $140,978,000;*<br>*"Other Procurement, Air Force, 1995/1997", $180,000,000;*<br>*"Research, Development, Test and Evaluation, Army, 1995/1996", $9,000,000;*<br>*"Research, Development, Test and Evaluation, Navy, 1995/1996", $6,000,000;*<br>*"Research, Development, Test and Evaluation, Air Force, 1995/1996", $7,902,000;*<br>*"Research, Development, Test and Evaluation, Defense-Wide, 1995/1996", $12,000,000.* | **Report Language**<br>**None** |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (CONT)

| Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) | Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>**Page 38**<br><br>*SEC. 8101. The total amount appropriated in title II, III, and IV of this Act is hereby reduced by $30,000,000 for savings through improved management of contractor automatic data processing costs charged through indirect rates on Department of Defense acquisition contracts.*<br><br>**Page 45**<br><br>*SEC. 8125. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $832,000,000 to reflect savings from revised economic assumptions, to be distributed as follows:*<br>*Operation and Maintenance, Army, $54,000,000;*<br>*Operation and Maintenance, Navy, $80,000,000;*<br>*Operation and Maintenance, Marine Corps, $9,000,000;*<br>*Operation and Maintenance, Air Force, $51,000,000;*<br>*Operation and Maintenance, Defense-Wide, $36,000,000;*<br>*Operation and Maintenance, Army Reserve, $4,000,000;*<br>*Operation and Maintenance, Navy Reserve, $4,000,000;*<br>*Operation and Maintenance, Marine Corps Reserve, $1,000,000;*<br>*Operation and Maintenance, Air Force Reserve, $3,000,000;*<br>*Operation and Maintenance, Army National Guard, $7,000,000;*<br>*Operation and Maintenance, Air National Guard, $7,000,000;* | **Report Language**<br>**None** |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (CONT)

| Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) | Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>**Page 45**<br><br>*Drug Interdiction and Counter-Drug Activities, Defense, $5,000,000;*<br>*Environmental Restoration, Defense, $11,000,000;*<br>*Overseas Humanitarian, Disaster, and Civic Aid, $1,000,000;*<br>*Former Soviet Union Threat Reduction, $2,000,000;*<br>*Defense Health Program, $51,000,000;*<br>*Aircraft Procurement, Army, $9,000,000;*<br>*Missile Procurement, Army, $5,000,000;*<br>*Procurement of Weapons and Tracked Combat Vehicles, Army, $10,000,000;*<br>*Procurement of Ammunition, Army, $6,000,000;*<br>*Other Procurement, Army, $17,000,000;*<br>*Aircraft Procurement, Navy, $29,000,000;*<br>*Weapons Procurement, Navy, $13,000,000;*<br>*Shipbuilding and Conversion, Navy, $42,000,000;*<br>*Other Procurement, Navy, $18,000,000;*<br>*Procurement, Marine Corps, $4,000,000;*<br>*Aircraft Procurement, Air Force, $50,000,000;*<br>*Missile Procurement, Air Force, $29,000,000;*<br>*Other Procurement, Air Force, $45,000,000;*<br>*Procurement, Defense-Wide, $16,000,000;*<br>*Chemical Agents and Munitions Destruction, Defense, $5,000,000;*<br>*Research, Development, Test and Evaluation, Army, $20,000,000;*<br>*Research, Development, Test and Evaluation, Navy, $50,000,000;*<br>*Research, Development, Test and Evaluation, Air Force, $79,000,000;* | **Report Language**<br>**None** |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (CONT)

| Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) | Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>**Page 45**<br><br>*Research, Development, Test and Evaluation, Defense-Wide, $57,000,000; and*<br>*Developmental Test and Evaluation, Defense, $2,000,000: Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.* | **Report Language**<br>**None** |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>Page 47<br><br>*SEC. 8129. (a) In addition to any other reductions required by this Act, the following funds are hereby reduced from the following accounts in title IV of this Act in the specified amounts:*<br>*"Research, Development, Test and Evaluation, Army", $47,852,000;*<br>*"Research, Development, Test and Evaluation, Navy", $85,947,000;*<br>*"Research, Development, Test and Evaluation, Air Force", $128,958,000; and*<br>*"Research, Development, Test and Evaluation, Defense-Wide", $62,243,000.*<br>*(b) The reductions taken pursuant to subsection (a) shall be applied on a pro-rata basis by subproject within each R–1 program element as modified by this Act, except that no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.* | Report Language<br>Page 127<br><br>The conferees included a new general provision (Section 8129) which reduces the funding provided in Title IV, Research, Development, Test and Evaluation, by $325,000,000, in order to achieve savings in overhead and improve management efficiencies. This reduction is to be applied on a pro-rata basis by subproject within each R–1 program element as modified by this Act, except no reduction may be taken against funds made available to the Department of Defense for Ballistic Missile Defense. |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|

Statutory Language

None

Report Language

Page 114

| | | | | |
|---|---|---|---|---|
| NATIONAL MISSILE DEFENSE—DEM/VAL | 370,621 | 820,621 | 670,621 | 745,621 |
| CORPS SURFACE-TO-AIR MISSILE—TMD—DEM/VAL | 30,442 | 20,442 | ..... | 20,442 |
| SUPPORT TECHNOLOGIES/FOLLOW-ON TECHNOLOGIES—ADVANCE | 79,387 | 79,387 | 149,387 | 129,387 |
| OTHER THEATER MISSILE DEFENSE/FOLLOW-ON TMD ACTIVITIES | 460,470 | 423,470 | 475,470 | 438,470 |
| BALLISTIC MISSILE DEFENSE RDT&E PROGRAM MANAGEMENT | 185,542 | 165,542 | 155,542 | 155,542 |
| PATRIOT PAC-3 THEATER MISSILE DEFENSE ACQUISITION—EM | 247,921 | 247,921 | 352,421 | 352,421 |
| THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM—TMD—EMD | ..... | 50,000 | ..... | ..... |
| NAVY LOWER TIER ACQUISITION EMD | 237,473 | 282,473 | 282,473 | 97,473 |
| NAVY LOWER TIER ACQUISITION DEM/VAL | ..... | ..... | ..... | 185,000 |

| | | | | |
|---|---|---|---|---|
| Other Theater Missile Defense | 460,470 | 423,470 | 475,470 | 438,470 |
| Reduction | ..... | −37,0000 | ..... | −37,000 |
| UAV/Boost Phase Interceptor | ..... | ..... | +15,000 | +15,000 |
| Kauai Test Facility | ..... | ..... | (3,000) | (3,000) |

# BALLISTIC MISSILE DEFENSE ORGANIZATION FUNDING (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>None | Report Language<br>Page 118<br><br>STRATEGIC TARGET SYSTEM (STARS)<br><br>The conferees agree to provide $10,000,000, the budget amount, only to continue planning, preparation and actual conduct of STARS flight tests. The conferees direct that BMDO take no actions to terminate or place the STARS program in a caretaker status. |

# THEATER MISSILE DEFENSE

# THEATER MISSILE DEFENSE

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33** | **Bill Language**<br>**Page 49-55** |
| ***SEC. 231. SHORT TITLE.***<br><br>*This subtitle may be cited as the "Ballistic Missile Defense Act of 1995".* | ~~SEC. 231. SHORT TITLE.~~<br><br>~~This subtitle may be cited as the "Missile Defense Act of 1995".~~ |
| ***SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES.***<br><br>*It is the policy of the United States—*<br><br>*(1) to deploy at the earliest practical date highly effective theater missile defenses (TMDs) to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement and support the missile defense capabilities of friendly forces and of allies of the United States; and* | ~~SEC. 232. FINDINGS.~~<br><br>~~Congress makes the following findings:~~<br><br>~~(1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.~~<br><br>~~(2) The deployment of Theater Missile Defense systems will deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33** | **Bill Language**<br>**Page 49-55** |
| *(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.*<br><br>***SEC. 233. IMPLEMENTATION OF POLICY.***<br><br>*(a) TMD DEPLOYMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.* | ~~missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.~~<br><br>~~(3) The intelligence community of the United States has confirmed that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile threat to the continental United States is not fore-~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33** | **Bill Language**<br>**Page 49-55** |
| *(b) NMD SYSTEM ARCHITECTURE.—To implement the policy established in section 232(2), the Secretary of Defense shall develop for deployment at the earliest practical date an affordable, operationally-effective National Missile Defense (NMD) system designed to protect the United States against limited ballistic missile attacks. The system to be developed for deployment shall include the following:*<br>*(1) Up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary.* | ~~cast within the next 10 years there are ways for determined countries to acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development~~.<br>(~~4) The deployment by the United States~~ and its ~~allies of effective defenses against ballistic missiles of all ranges, as well as against cruise~~ missiles, ~~will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33**<br><br>*(2) Fixed, ground-based radars.*<br><br>*(3) Space-based sensors, including, within the type of space-based sensors known as ABM-adjunct sensors (such sensors not being prohibited by the ABM Treaty), those sensor systems (such as the Space and Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.*<br><br>*(4) Battle management, command, control, and communications.* | **Bill Language**<br>**Page 49-55**<br><br>~~(5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction between strategic defense and nonstrategic defense, is technologically and geostrategically outdated.~~<br><br>~~(6) The concept of mutual assured destruction, which provides the philosophical rationale for the ABM Treaty and continued reliance on an offense-only form of deterrence, is adversarial and bipolar in nature and is not a suitable basis for stability in~~ a ~~multipolar world and one in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements~~. |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33** | **Bill Language**<br>**Page 49-55** |
| *(c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—*<br>*(1) the deployment of advanced theater missile defense (TMD) systems pursuant to subsection (a); and*<br>*(2) the deployment of a national missile defense system which meets the requirements specified in subsection (b).* | ~~(7) By undermining the credibility of, and incentives to pursue, destabilizing first-strike strategies, theater and national missile defenses can contribute to the maintenance of strategic stability as missile threats proliferate and as the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.~~<br>~~(8) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-38 | Bill Language<br>Page 49-55 |
| ***SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.***<br>*(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).*<br>*(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | (9) ~~Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks~~.<br>SEC. ~~233. MISSILE DEFENSE POLICY~~.<br>It ~~is the policy of the United States to~~—<br>(~~1~~) ~~deploy as soon as possible highly effective theater missile defenses capable of countering existing and emerging theater ballistic missiles~~; |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-38** | **Bill Language**<br>**Page 49-55** |
| *(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br>*(1) Theater High Altitude Area Defense (THAAD).*<br>*(2) Patriot Advanced Capability-3.*<br>*(3) Navy Lower Tier.*<br>*(4) Navy Upper Tier.*<br>*(5) Corps Surface-to-Air Missile.*<br>*(6) Hawk.*<br>*(7) Boost Phase Intercept.*<br>*(8) National Missile Defense.*<br>*(9) Arrow.* | ~~(2) deploy a multiple-site national missile defense system that (A) is highly effective against~~ limited ballistic missile attacks on the territory of the United States, and ~~(B) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats~~;<br>~~(3) improve existing cruise missile defenses and deploy as soon as practical defenses that are highly effective against advanced cruise missiles~~;<br>~~(4) pursue a focused research and development program to provide follow-on ballistic missile defense options;~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-38** | **Bill Language**<br>**Page 49-55** |
| *(10) Medium Extended Air Defense.*<br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | ~~(5) employ streamlined acquisition procedures~~ to ~~lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses; and~~<br>~~(6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability~~. |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-38** | **Bill Language**<br>**Page 49-55** |
| *(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.* | ~~SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.~~<br>~~(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:~~<br>~~(1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.~~<br>~~(2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 43**<br><br>*SEC. 243. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.*<br><br>*Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1600) is amended to read as follows:*<br><br>*"(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.* | **Bill Language**<br>**Page 49-55**<br><br>~~(UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.~~<br><br>~~(3) The Theater High-Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.~~<br><br>~~(4) The Navy Upper Tier (Theater Wide) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 43**<br><br>*"(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—*<br><br>*"(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and*<br><br>*"(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.*<br><br>*"(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to* | **Bill Language**<br>**Page 49-55**<br><br>~~(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space-based sensors including, in particular, the Space and Missile Tracking System (SMTS).~~<br><br>(c) ~~TERMINATION OF PROGRAMS.—The Secretary of Defense shall terminate the following programs:~~<br><br>~~(1) The Corps Surface to Air Missile system (Corps SAM).~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 43** | **Bill Language**<br>**Page 49-55** |
| *section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.*<br><br>*"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.*<br><br>*"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.".* | ~~(2) The Boost Phase Interceptor (BPI).~~<br><br>(d) ~~FOLLOW-ON SYSTEMS.—(1) The Secretary~~ of ~~Defense shall develop an affordable development plan~~ for ~~follow-on theater missile defense systems which leverages existing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program~~.<br><br>~~(2) Before adding new theater missile defense systems to the core program from among the follow-on activities, the Secretary of Defense shall submit to the congressional defense committees a report describing—~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-55**<br><br>~~(A) the requirements for the~~ program;<br><br>~~(B) how the new program will relate to, support, and leverage off existing core programs~~;<br><br>~~(C) the planned acquisition strategy;~~ and<br><br>(D) a preliminary ~~estimate of total program cost and budgetary impact~~.<br><br>(e) ~~REPORT.—Not later than 60 days after~~ the date of the ~~enactment of this Act, the Secretary of~~ Defense ~~shall submit to the congressional defense committees~~ a report ~~detailing the Secretary's plans for implementing the guidance specified in this~~ section. |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 66-67**<br><br>~~**SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.**~~<br><br>(a) ~~ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic~~ Missile Defense Organization ~~shall be set forth in accordance with the following program elements~~: |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 66-67**<br><br>(1) ~~The Patriot system~~.<br><br>~~(2) The Navy Lower Tier (Area) system~~.<br><br>~~(3) The Theater High-Altitude Area Defense (THAAD) system~~.<br><br>~~(4) The Navy Upper Tier (Theater Wide) system~~.<br><br>~~(5) Other Theater Missile Defense Activities~~.<br><br>~~(6) National Missile Defense~~.<br><br>(7) ~~Follow On and Support Technologies~~.<br><br>~~(b) TREATMENT OF NON-CORE TMD IN OTHER THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—Funding for theater missile defense programs,~~ projects, |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 66-67**<br><br>~~and activities, other than core theater missile defense programs, shall be covered in the "Other Theater Missile Defense Activities" program element.~~<br><br>~~(c) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Funding for core theater missile defense programs specified in section 234, shall be covered in individual, dedicated program elements and shall be available only for activities covered by those program elements.~~<br><br>~~(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/~~ |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 66-67**<br><br>~~C3I) shall be covered in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis~~ of ~~the primary objectives involved~~.<br><br>~~(e) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element~~. |

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 11**

The committee's research and development recommendations include an attempt to revitalize the Army's moribund modernization program, a renewed emphasis on the Navy's littoral warfare programs in anti-submarine warfare, mine countermeasures and naval surface fire support, as well as a significant boost to the Air Force's space and reusable launch efforts. However, the centerpiece of the committee's efforts to refocus defense research is found in its efforts to reinvigorate the ballistic missile defense program. As rogue nations determinedly seek to acquire weapons of mass destruction and the technology to deliver them over great distances, the United States can ill-afford not to pursue a more robust effort to develop and deploy effective theater and national missile defenses.

The nation must not forget how a crude, conventionally-armed Scud missile accounted for the greatest single loss of American lives during the Gulf War. Contrary to those who criticize attempts to defend U.S. troops or the American people from these weapons of terror, a massive SDI-like program to deploy exotic technologies is not envisioned. Yet it would be unconscionable in this emerging world of proliferating technology not to protect our troops abroad as well as Americans at home from ballistic missile attack—whether deliberate or accidental. Theater and national missile defense must once again become a national priority. To this end, the committee has accelerated funding for both theater and national missile defense programs.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 2**

**Finally, the committee addressed the proliferation of missile technology and weapons of mass destruction. With an increasing number of nations acquiring or developing long-range missile technology, the United States must be able to defend both its deployed forces and the homeland. The committee provided direction and funds for both of these requirements. It initiated a program to enhance defense against cruise missiles while funding robust Theater Missile Defenses and mandating a National Missile Defense program that will lead to the deployment of a limited defense of the United States in the foreseeable future. The committee reaffirmed its support for cooperative threat reductions with Russia, Ukraine, Belarus, and Kazakhstan.**

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 128-129**

OVERVIEW OF BALLISTIC MISSILE DEFENSE PROGRAMS

The budget request contained $2,442.2 million in research, development, test, and evaluation, $453.7 million for procurement, and $17.009 million for military construction, for a total budget request of $2,912.9 million for ballistic missile defense (BMD).

The proliferation of ballistic missiles and weapons of mass destruction poses a significant threat to the United States, U.S. military forces, and U.S. global interests. The committee is concerned, however, that current Department of Defense policies and programs are not aggressive enough in responding to this threat.

For example, although the Secretary of Defense's February 1995 "Annual Report to the President and the Congress" noted that "ballistic missiles are clearly becoming a common battlefield weapon," the President's budget request for theater missile defense (TMD) is approximately thirty percent less than spending levels recommended by the previous Administration. As a result, several of the most promising TMD concepts, such as the Navy's "Upper Tier" program and the Army's Theater High Altitude Area Defense (THAAD) system, have been delayed.

The Administration's program for national missile defense—a defense of the American homeland—is even more worrisome. There is currently no commitment to deploy a national missile defense. In fact, the Department presently plans to spend over eighty percent less for national missile defense programs than the previous Administration—approximately $500 million per year over the next five years.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-116**

**Missile Defense Act of 1995**

**The committee recommends that the Missile Defense Act of 1991 be replaced by a provision (Subtitle C of Title II) that more completely responds to the challenges and opportunities of the post-Cold War era, and which charts a firmer and clearer course for missile defenses than the United States is currently on. The Missile Defense Act of 1995 would: (1) accelerate and focus U.S. theater missile defense (TMD) efforts; (2) establish a deployment plan for a national missile defense (NMD) system; (3) establish a cruise missile defense (CMD) initiative to strengthen and coordinate current CMD programs while preparing systems that will be highly capable against future threats; (4) set forth a compliance standard for air and theater missile defense with regard to the Anti-Ballistic Missile (ABM) Treaty; (5) advocate a cooperative transition to a regime that does not feature mutual assured destruction as the basis for strategic deterrence and stability; and (6) recommend establishment of a Senate select committee to conduct a comprehensive review of the continuing value and validity of the ABM Treaty and recommend a specific course of action.**

**The committee has received extensive testimony and briefings from the intelligence community, administration officials, and nongovernmental experts on the expanding ballistic and cruise missile threat. It is clear that the threat to the national security of the United States posed by the proliferation of such missiles is significant and growing, both qualitatively and quantitatively. It is equally clear in the committee's view that the United States must respond aggressively by deploying effective defenses against ballistic missiles of all ranges and against cruise missiles.**

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 128-129**

The Administration's decision to abandon plans to deploy a national missile defense is particularly disturbing in light of the range of present and potential missile threats to the United States. Both Russia and China today maintain and are aggressively modernizing nuclear forces capable of destroying American cities. For Russia this includes production of follow-ons to the SS–25 intercontinental ballistic missile (ICBM) and SS–N–20 sea-launched ballistic missile (SLBM). China is producing two types of long-range ICBMs with ranges of approximately 7,000 kilometers and 10,000 kilometers respectively, as well as other strategic systems. Moreover, various "rogue regimes" are seeking a capability to attack the United States using ballistic missiles.

According to senior U.S. intelligence officials, it may not take long for an outlaw regime to acquire such a capability. For instance, on January 10, 1995, the Defense Intelligence Agency Director, Lieutenant General James Clapper, testified that North Korean missiles now under development probably have sufficient range to reach targets in Alaska. On January 18, 1995, the then-Acting Director of Central Intelligence, Admiral William Studeman, testified that the proliferation of technology will lead to missiles "that can reach the United States toward the end of this decade and the beginning of [the next] century." Former Director of Central Intelligence R. James Woolsey has testified that the covert purchase of missiles would provide a "shortcut approach" that may lessen the time it takes to place the United States directly at risk. In addition, he stated that "the acquisition of key production tech-

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-116**

*Theater Missile Defense Architecture*

The committee recommends rapid development and deployment of a core theater missile defense program. The committee recommends a provision that would specify that the following systems shall define the core program: the Patriot PAC–3 system, the Navy Lower Tier system, the Theater High-Altitude Area Defense (THAAD) system, and the Navy Upper Tier system. The provision would also establish guidelines for advancing new systems into the core TMD program. The committee directs the Secretary of Defense to ensure that the systems in the core program are developed aggressively so that they become operational as soon as possible.

*THAAD*—The committee understands that the THAAD user operational evaluation system (UOES), consisting of operational prototype hardware, will meet the primary system performance requirements against the full threat spectrum. The budget request for the THAAD program in fiscal year 1996 includes funds to acquire 40 UOES missiles. Additional funding will be required to support testing of the UOES missiles in fiscal year 1997. The THAAD UOES systems delivered during 1997 and 1998 will provide a warfighting commander-in-chief (CINC) with a critical capability to deploy advanced theater missile defenses in the event of a crisis. Therefore, the committee directs the Secretary of Defense to execute the option to procure the UOES missiles. Upon completion of the demonstration/validation (DemVal) phase, the THAAD program will enter a four year engineering and manufacturing development (EMD) phase. Limited rate initial production (LRIP) will begin after adequate testing of the EMD missiles. The purpose of the EMD program should be to build on the DemVal system by addressing the manufacturing technology, producibility, and reliability improvements, all while maintaining the continuity necessary to achieve reductions in procurement and life cycle costs. Thus, the committee believes there should be a smooth transition from DemVal to EMD and LRIP. Since the UOES missile appears to

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 128-129**

nologies and technical expertise would speed up ICBM development."

Today, more than 25 countries have or are developing weapons of mass destruction, including nuclear, chemical, and biological weapons. More than 15 countries now possess ballistic missiles, which can be used to deliver these weapons to their targets hundreds or thousands of miles away.

Because of their perceived military and political importance, ballistic missiles are also becoming a valuable export commodity. It is reasonable to assume that the desire to acquire ballistic missiles has been enhanced by the inability to defend against them. Effective theater and national ballistic missile defenses can raise the cost and lower the attraction of ballistic missiles to a would-be proliferant by reducing their effectiveness. Missile defenses also provide a hedge against the use of such weapons in the event traditional nonproliferation efforts (e.g., arms control, export controls, sanctions) fail to prevent proliferation. By providing an "insurance policy" against the use of these weapons, missile defenses could dampen incentives to act (or react) precipitously in a crisis and could promote the formation of regional defensive alliances that reduce the risk that individual member states will be "held hostage" to the threat of attack.

In addition, the committee is concerned about the possible indigenous development or sale to third parties of space launch vehicles, which can be rapidly converted with little or no warning and minor modifications to ICBMs capable of delivering nuclear, chemical or biological warheads against American cities. According to a 1992 statement by Lawrence Gershwin, CIA national intelligence officer for strategic programs, "India, Israel, and Japan have developed space launch vehicles that, if converted to surface-to-surface missiles, are capable of reaching targets in the United States."

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-116**

meet most system performance requirements in its current configuration, the committee believes that additional missiles should be made available for contingency use before the year 2000. To accomplish all these objectives, the committee believes that LRIP could be initiated concurrently with the testing of the EMD missiles, once initial tests have verified that performance has not been degraded by any EMD design changes. Therefore, the committee directs the Secretary of Defense to submit, as part of the TMD reporting requirement contained in the Missile Defense Act of 1995, an analysis of these planning issues and the department's plan for implementing a smooth transition from DemVal to production, all while providing additional EMD missiles to augment the initial UOES inventory.

*NAVY LOWER AND UPPER TIER*—The committee is equally concerned that the Navy Lower Tier and Upper Tier systems become operational as soon as possible. The committee has recommended sufficient funding, which, if continued in the out years, would ensure availability of Navy Lower Tier UOES missiles in fiscal year 1997 and an initial operational capability (IOC) of the objective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year 1999 and an IOC in fiscal year 2001. The committee directs the Secretary of Defense to provide sufficient funding to ensure that these schedules are met. Regarding Navy Upper Tier, the committee supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" version of the THAAD kill vehicle, along with associated boosters, to reduce risk and ensure that the best system is selected. This comparison should reflect the results of the ongoing cost and operational effectiveness analysis (COEA), as well as actual technical developments and demonstrated performance. The committee urges the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in time to achieve a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 128-129**

Any booster with the capability to lift a payload into orbit can also be used to deliver weapons of mass destruction on targets thousands of miles away. Through the purchase of space launch vehicles, a nation can acquire a threatening ballistic missile capability under the guise of peaceful activity. In this regard, the committee notes with concern continuing reports that Russia is attempting to market its "Start-1" and "Start-2" systems, which are modified versions of the SS-25 ICBM, as space launch vehicles. The purchase of space launch vehicles is one route by which proliferant states may seek to circumvent existing controls on the transfer of missile technology.

Given the growing ballistic missile threat, the committee is convinced that deployment of affordable, effective theater and national missile defense systems is an essential objective of a defense modernization program that adequately supports the requirements of the national military strategy. The committee's views on missile defense as an element of broader U.S. counterproliferation policy, and ballistic missile defense and strategic stability are contained in section 236 of the bill.

In response to the concerns outlined above, the committee recommends several provisions, as well as the following guidance, to strengthen the U.S. response to the missile proliferation threat.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-116**

***TMD BATTLE MANAGEMENT/COMMAND AND CONTROL***—**The committee is aware both of an ongoing Ballistic Missile Defense Organization (BMDO) study on missile defense command and control, and of individual missile defense command and control efforts by the services, notably the Navy's Cooperative Engagement Capability (CEC) and the Army's Battlefield Integration Center (BIC). The committee welcomes the effort by the Department to examine the command and control requirements for effective theater missile defenses, in light of the numerous programs currently under development. However, the committee is concerned that the CEC and BIC efforts appear to be proceeding on independent paths, with little interaction between them; and even less effort on the requirement for their ultimate integration into a "seamless" theater-level command and control network under the control of a Theater CINC. The committee sees little evidence that Theater CINCs—the ultimate users—have been consulted as to their preferences for the design and operation of theater missile defense command and control centers. Moreover, any command and control solution for Theater CINCs must be designed for effective operations under a variety of possible scenarios, including such variants as the CINC's initial command center being remote from the theater of operations, or initial operations from shipboard with a subsequent transfer of command and control authority to a facility ashore. Finally, the theater missile defense center has to be capable of dealing with both ballistic missile and cruise missile threats within the theater. Because of the evident complexity of the theater missile defense command and control problem, the committee directs the Secretary of Defense to expand the charter and focus of this ongoing study effort. This effort should involve close consultation and interaction with Theater CINCs regarding the development of a "seamless" command and control center capable of rapid integration of sensor information, surveillance information, and interceptor allocations, whether land or sea based.**

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 130-131**

*Missile defense and acquisition reform*

In order to ensure the timely and affordable development and deployment of effective U.S. missile defense capabilities, the committee directs the Secretary to implement streamlined acquisition processes and procedures for the following programs and projects: National Missile Defense (NMD), THAAD, Navy Upper and Lower Tier systems, and Patriot. The Under Secretary of Defense for Acquisition and Technology is directed to prepare and submit a report to the congressional defense committees describing the steps taken to meet this requirement, along with the estimated cost savings and schedule accelerations that would result from these measures. The report shall be due not later than February 1, 1996.

*Theater missile defense*

The committee supports accelerating development and deployment of advanced TMD systems. For this reason, the committee recommends a provision (sec. 232) that would establish policy for the deployment of advanced TMD systems.

The committee is concerned about the long-term affordability of U.S. TMD programs and projects. Therefore, the committee directs the Secretary of Defense and Chairman of the Joint Chiefs of Staff to jointly review U.S. TMD plans, programs, and budgets, and to report to the Congressional defense committees by March 15, 1996, on the long-term affordability and need for the various TMD programs currently being pursued. In particular, the Secretary and Chairman should provide a prioritized listing of TMD systems and should make recommendations on down-selecting among competing TMD systems. Additional TMD program-specific guidance is provided below.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-116**

*OTHER TMD ACTIVITIES*—Despite its strong support for TMD in general and the core programs in particular, the committee is concerned that approximately eighty percent of our investments in BMD are currently being directed to TMD activities. The committee is also troubled by the expanding number of new TMD systems that are headed for acquisition. If the current course is allowed to continue, the United States will expend virtually all its effort and resources on a plethora of TMD systems that are designed for narrow in-theater applications. The committee does not understand how the Department of Defense can contemplate an entirely new development and acquisition program to provide air and missile defense for maneuver forces when it is already planning to spend $15.8 billion on the Patriot PAC–3 and THAAD systems. Also, while the committee is strongly supportive of developing systems capable of intercepting ballistic missiles in the boost phase, it does not understand how the Department of Defense can push a fighter-launched kinetic energy boost-phase intercept (BPI) system in the direction of acquisition when serious technical and operational obstacles remain to be solved.

The committee recommends a more focused TMD investment strategy and increases to other BMD activities to restore a more balanced BMD program. The committee is not opposed to the emergence of new core TMD systems, but insists that such systems be coherent and affordable, and that they leverage to the extent possible existing systems and technologies. Follow-on TMD investments must be targeted so as to build on existing investments, or to support significant leaps ahead in the technological state of the art. The United States cannot afford and does not need six kinetic-energy TMD systems that approach the threat fundamentally in the same technical manner.

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 130-131**

*THAAD*

The committee notes and reaffirms the previous Congressional endorsement of the User Operational Evaluation System (UOES) concept, and urges that a THAAD UOES system be delivered no later than mid-FY 1998. In this regard, the committee endorses a decision to acquire 40 THAAD UOES demonstration/validation (dem/val) prototype missiles. The committee urges the Director of the BMDO to review the THAAD acquisition plan to ensure a smooth transition from the dem/val phase of development to the engineering and manufacturing development (EMD) and low-rate initial production (LRIP) phases. This review should also consider the merits of producing additional missiles for contingency use before the year 2000 and of initiating LRIP concurrently with the testing of EMD missiles once initial tests have verified that performance has not been degraded by any EMD design changes. The Director of BMDO is directed to prepare and submit a report to the committee not later than March 15, 1996, on the results of his review. Finally, the committee expects the Director of BMDO to initiate development of all battle management software for the THAAD system, including that necessary to receive cuing information from external sensors.

*Navy upper tier*

The committee urges prompt completion of the Upper Tier cost and operational effectiveness analysis (COEA), but emphasizes that a fair and impartial assessment is imperative. The committee will closely scrutinize the COEA to ensure that all relevant technological approaches were considered.

## Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-116**

The committee, therefore, recommends the termination of the existing Corps SAM and kinetic-energy BPI programs. To satisfy the Corps SAM requirement, which the committee views as valid, the Department of Defense should propose a restructured program, which essentially merges ongoing efforts in PAC–3 and THAAD to produce a mobile hybrid system with 360 degree coverage. The committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAM/MEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infrastructure, which is excessively large and manpower-intensive, with a new type of system that is essentially a mobile PAC–3. If implemented properly, production of the new system could be phased into ongoing PAC–3 production, thereby providing savings from both ends of the spectrum.

The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restructured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on wide-area missile defense. The primary threat to our European and Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and Navy Upper Tier.

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 130-131**

*Navy lower tier*

Given the importance of Navy Lower Tier to the Navy's ability to defend the fleet against cruise missile attacks, the committee directs the Secretary to review the management and funding responsibilities for Navy Lower Tier, including the possibility of transferring such responsibilities from BMDO to the Navy. The result of the Secretary's review should be communicated to the congressional defense committees not later than February 15, 1996.

*Arrow*

The committee directs that none of the funds authorized for Arrow may be obligated until the Secretary has certified in writing to the congressional defense committees that a U.S.-Israeli Memorandum of Agreement governing the next phase of U.S.-Israeli cooperation on missile defense has been signed. Along with such certification, the Secretary shall also include a report on the annual U.S. and Israeli funding necessary to implement, and any cost-sharing arrangements contained in the agreement.

*Russian-American observational satellites (RAMOS)*

The committee commends the Department for providing increased funding in fiscal year 1995 for the RAMOS project. The committee continues to strongly support this cooperative research and development effort and recommends not more than $10 million for this program in fiscal year 1996 in PE 63173C.

*Boost phase intercept (BPI)*

To maximize defense effectiveness, ballistic missiles armed with early-release submunitions need to be attacked early in their flight trajectory. This represents a significant challenge for the defense, however. While generally supportive of the concept of boost phase intercept, the committee notes that the BPI program is at present unfocussed, with no workable system design yet defined. As a result, the committee recommends a reduction of $20 million to the request.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-116**

With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The committee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Secretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs.

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language
Page 138

*High modulus polcrylonitrile (PAN) carbon fiber*

High modulus polcrylonitrile (PAN) carbon fiber is a critical component of the Theater High Altitude Air Defense (THAAD) system's kinetic kill interceptor. The committee understands that, currently only one company in the world, located in Japan, will be able to meet THAAD production requirements. The committee believes that the United States should not be totally dependent on a foreign producer for this critical THAAD component. Accordingly, the committee has included an additional total of $4 million in PE 78045A to support the development of a domestic source for this material.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language
Page 131

**High modulus polycrylonitrile (PAN) carbon fiber**

Polyacrylonitrile (PAN) carbon fiber is a critical composite material used in the Theater High Altitude Air Defense (THAAD) missile component. Currently, the only company supplying this material is located in Japan. In order to develop at least two domestic sources for this material, the committee recommends an additional authorization of $4.0 million in PE 602105A to fund this effort. The committee directs that all applicable competitive procedures be used in the award of any contracts or other agreements under this program, and that cost-sharing requirements for non-federal participants be utilized where appropriate.

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 144**

SECTION 233—IMPLEMENTATION OF POLICY

This section would direct the Secretary of Defense to take certain actions to implement the policy established in section 232, and to issue a report to Congress setting forth the Secretary's plan for implementing that guidance. Further, the section would direct that the report include a revised five-year funding plan for National Missile Defense (NMD), consistent with the guidance contained in the provision. The Secretary's report would specify projected timelines and costs for deploying advanced Theater Missile Defense (TMD) systems and an NMD system. Furthermore, the report would state whether or when ABM Treaty constraints would have the effect of constraining the deployment and efficient operation of a highly-effective NMD system.

SECTION 236—BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY

This section would require an annual report describing technical milestones, schedules, and cost of various Ballistic Missile Defense (BMD) programs.

SECTION 243—TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS

This section would amend section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) regarding testing of theater missile defense interceptors.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 120-121**

*Development, Testing and Deployment of Non-ABM Systems*

The committee observes that the ABM Treaty does not limit the development or deployment of TMD or air defense systems; yet, as a result of ambiguities in the treaty, the United States has for years unilaterally limited the development of non-ABM systems. These self-imposed restraints exceed not only the requirements of the Treaty, but common sense. Article VI(a) of the ABM Treaty states that non-ABM systems may not be "tested in an ABM mode" and may not be "given capabilities to counter strategic ballistic missiles." Unfortunately, these terms and concepts remain essentially undefined. In this void, the Department of Defense developed an arbitrary methodology, based on computer simulations of one-on-one engagements, to determine whether defensive systems have "capabilities to counter strategic ballistic missiles." This approach, unfortunately, conforms neither to operational reality nor to the requirements of the ABM Treaty. Since the treaty is verified and monitored solely by "national technical means," compliance standards based on computer simulations clearly exceed the terms and requirements of the Treaty. There is no evidence that Russia, or the Soviet Union before it, has ever employed anything as onerous and self-limiting as this.

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144 | Report Language<br>Page 120-121 |

The results of this excessive self-regulation have recently become very apparent. Recent compliance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.

Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.

*Ballistic Missile Defense Program Elements*

The committee recommends a provision that would realign the program element (PE) structure of BMDO's budget, reducing the number from thirteen to seven. The committee believes that all core TMD programs should be covered in individual PEs, and that all other TMD programs, projects and activities should be covered in the Other TMD Activities PE. The committee believes that battle management, command, control and communications (BM/C3) programs should be covered in the Other TMD or the NMD PEs, and that funding for program support activities should be included in the relevant PEs.

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|

**Report Language**
**Page 122-123**

CORE THEATER MISSILE DEFENSE PROGRAMS

The committee recommends the establishment of a core TMD program consisting of the Patriot PAC–3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995–99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of $1.8 billion in fiscal year 1996. This includes an increase of $45.0 million for Navy Lower Tier, an increase of $170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:

—For Patriot PAC–3, a First Unit Equipped (FUE) in fiscal year 1998.

—For THAAD, a user operational evaluation system (UOES) capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.

—For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.

—For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

The committee endorses this schedule and directs the Secretary of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds authorized for core TMD programs not be utilized for other purposes without the express consent of the congressional defense committees. The committee also directs that no funds authorized for the Navy Upper Tier program be used for additional Terrier-LEAP flight tests.

*Other Theater Missile Defense Activities*

The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, core

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 122-123**<br><br>TMD program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be realized.<br>Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.<br>The committee does recommend an increase of $15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs. |

# THEATER MISSILE DEFENSE (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br><br>**See the Missile Defense Act section for language on Theater Missile Defense. (See Sections 233, 234, 235, 236, 237, 252)** | **Report Language**<br><br>**See Missile Defense Act section for report language on Theater Missile Defense (Conference report pages 729-734)**<br><br>**See Ballistic Missile Defense Funding section for report language on Theater Missile Defense (Conference Report pages 704-709)** |

# THEATER MISSILE DEFENSE

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**Page 29**<br><br>*Provided*, That not less than $170,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program. | **Bill Language**<br>**None** |

# THEATER MISSILE DEFENSE (Cont)

## House FY96 DoD Appropriation Bill
## H.R. 2126; H. Rept. 104-208 (7/27/95)

**Report Language**
**Page 167-169**

THEATER MISSILE DEFENSE

The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of $45,000,000 to Navy Lower Tier and an increase of $50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of $170,000,000 over the budget request.

The Committee is concerned about the lack of focus in the Medium Extended Area Defense System (MEADS) program, formerly Corps SAM, and the Boost Phase Interceptor (BPI) program. While the Committee supports the general concept underlying both programs, it believes that neither program is workable or affordable as currently conceived. Therefore, the Committee recommends no appropriation for BPI. Furthermore, the Committee recommends a reduction to Other TMD and Follow-on activities of $37,000,000 as proposed by the House National Security Committee.

While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by $10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC–3 development activities.

## Senate FY96 DoD Appropriation Bill
## S. 1087; Sen. Rept. 104-124 (7/28/95)

**Report Language**
**Page 186**

*Theater missile defense.*—The Committee has provided additional funds for a number of ongoing theater missile defense [TMD] programs to ensure adequate funding and timely fielding of these systems.

First, the Committee has provided an increase of $170,000,000 for the Navy upper tier program. The Committee believes that further development and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.

Second, the Committee has added $45,000,000 to the Navy lower tier program. The Committee endorses the urgent need to develop the lower tier system to provide protection for our ships as well as port areas where amphibious operations or logistics and supply activities may be threatened by ballistic missiles.

Third, the Committee has fully funded the development of the patriot advanced capability [PAC–3] and theater high altitude area defense [THAAD] programs. These systems are essentiall to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles.

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Report Language**<br>**Page 167-169**<br><br>The Committee is concerned that the Arrow program has not been successful. Since 1986, the U.S. has spent nearly $500 million on the Arrow program. However, the program has been plagued with serious technical problems and has had few successes—including only one successful intercept out of six tests. While the Committee supports efforts to defend Israel from ballistic missile attack, the track record of the Arrow program suggests it will not readily accomplish that goal. Furthermore, the Committee is concerned about the total cost of the system, which some estimate to be as high as $10 billion. There has also been some question about Israel's commitment to deploy Arrow, as well as the degree to which U.S. funds would be used to support procurement of a deployed system. Based on these factors, the Committee seriously considered terminating the Arrow program. However, based on assurances from the Israeli government about its commitment to deployment and its recognition of its responsibility for production costs, the Committee approves the requested amount of $56,500,000. However, the Committee strongly believes that U.S. funding support for Arrow is more appropriately regarded as foreign assistance rather than a program requiring direct funding from the Department of Defense. Therefore, the Committee directs that any future funding request for the Arrow Weapon System should be budgeted within function 150 and should be considered by the Foreign Operations Subcommittee on Appropriations for funding.<br>The Committee believes that the Wide Area Missile (WAM) concept should be considered for inclusion in the Navy's TMD Cost and | |

# THEATER MISSILE DEFENSE (Cont)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Report Language**<br>**Page 167-169**<br><br>Operational Effectiveness Analysis (COEA). The Committee further believes that the WAM concept has not received a thorough objective analysis of its potential in the area of missile defense. The Navy is directed to work in close consultation with the concept developers to provide a complete analysis of the WAM concept, including its relative costs, operational effectivness, and compatibility within the Navy's TMD architecture as part of the Navy COEA.<br>The Committee recognizes the importance of the Extended Airborne Global Launch Evaluation (EAGLE) program. Therefore, the Committee strongly recommends that $19.9 million, as requested in the fiscal year 1996 budget, be obligated for this program. | |

# THEATER MISSILE DEFENSE (CONT)

| Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) | Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br><br>See Navy Upper Tier for conference language on Navy Upper Tier. | Report Language<br><br>See Navy Upper Tier and Navy Lower Tier for conference language. |

# THEATER HIGH ALTITUDE AREA DEFENSE (THAAD)

# THEATER HIGH ALTITUDE AREA DEFENSE

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 53-54** |
| ***SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.***<br><br>*(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).*<br><br>*(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | ~~SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.~~<br><br>~~(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:~~<br><br>~~(1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.~~<br><br>~~(2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.~~ |

# THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 53-54** |
| *(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br>*(1) Theater High Altitude Area Defense (THAAD).*<br>*(2) Patriot Advanced Capability-3.*<br>*(3) Navy Lower Tier.*<br>*(4) Navy Upper Tier.*<br>*(5) Corps Surface-to-Air Missile.*<br>*(6) Hawk.*<br>*(7) Boost Phase Intercept.*<br>*(8) National Missile Defense.*<br>*(9) Arrow.* | ~~(3) The Theater High-Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.~~<br>~~(4) The Navy Upper Tier (Theater Wide) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.~~ |

# THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 53-54** |
| *(10) Medium Extended Air Defense.*<br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | ~~(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space based sensors including, in particular, the Space and Missile Tracking System (SMTS).~~ |

# THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.* | |

# THEATER HIGH ALTITUDE AREA DEFENSE (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act section for Nunn amendment on the Missile Defense Act concerning THAAD (September 5, 1995)** |

# THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 130-131**

*THAAD*

The committee notes and reaffirms the previous Congressional endorsement of the User Operational Evaluation System (UOES) concept, and urges that a THAAD UOES system be delivered no later than mid-FY 1998. In this regard, the committee endorses a decision to acquire 40 THAAD UOES demonstration/validation (dem/val) prototype missiles. The committee urges the Director of the BMDO to review the THAAD acquisition plan to ensure a smooth transition from the dem/val phase of development to the engineering and manufacturing development (EMD) and low-rate initial production (LRIP) phases. This review should also consider the merits of producing additional missiles for contingency use before the year 2000 and of initiating LRIP concurrently with the testing of EMD missiles once initial tests have verified that performance has not been degraded by any EMD design changes. The Director of BMDO is directed to prepare and submit a report to the committee not later than March 15, 1996, on the results of his review. Finally, the committee expects the Director of BMDO to initiate development of all battle management software for the THAAD system, including that necessary to receive cuing information from external sensors.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-114**

*Theater Missile Defense Architecture*

The committee recommends rapid development and deployment of a core theater missile defense program. The committee recommends a provision that would specify that the following systems shall define the core program: the Patriot PAC–3 system, the Navy Lower Tier system, the Theater High-Altitude Area Defense (THAAD) system, and the Navy Upper Tier system. The provision would also establish guidelines for advancing new systems into the core TMD program. The committee directs the Secretary of Defense to ensure that the systems in the core program are developed aggressively so that they become operational as soon as possible.

*THAAD*—The committee understands that the THAAD user operational evaluation system (UOES), consisting of operational prototype hardware, will meet the primary system performance requirements against the full threat spectrum. The budget request for the THAAD program in fiscal year 1996 includes funds to acquire 40 UOES missiles. Additional funding will be required to support testing of the UOES missiles in fiscal year 1997. The THAAD UOES systems delivered during 1997 and 1998 will provide a warfighting commander-in-chief (CINC) with a critical capability to deploy advanced theater missile defenses in the event of a crisis. Therefore, the committee directs the Secretary of Defense to execute the option to procure the UOES missiles. Upon completion of the demonstration/validation (DemVal) phase, the THAAD program will enter a four year engineering and manufacturing development (EMD) phase. Limited rate initial production (LRIP) will begin after adequate testing of the EMD missiles. The purpose of the EMD program should be to build on the DemVal system by addressing the manufacturing technology, producibility, and reliability improvements, all while maintaining the continuity necessary to achieve reductions in procurement and life cycle costs. Thus, the committee believes there should be a smooth transition from

# THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 138**

*High modulus polcrylonitrile (PAN) carbon fiber*

High modulus polcrylonitrile (PAN) carbon fiber is a critical component of the Theater High Altitude Air Defense (THAAD) system's kinetic kill interceptor. The committee understands that, currently only one company in the world, located in Japan, will be able to meet THAAD production requirements. The committee believes that the United States should not be totally dependent on a foreign producer for this critical THAAD component. Accordingly, the committee has included an additional total of $4 million in PE 78045A to support the development of a domestic source for this material.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-114**

DemVal to EMD and LRIP. Since the UOES missile appears to meet most system performance requirements in its current configuration, the committee believes that additional missiles should be made available for contingency use before the year 2000. To accomplish all these objectives, the committee believes that LRIP could be initiated concurrently with the testing of the EMD missiles, once initial tests have verified that performance has not been degraded by any EMD design changes. Therefore, the committee directs the Secretary of Defense to submit, as part of the TMD reporting requirement contained in the Missile Defense Act of 1995, an analysis of these planning issues and the department's plan for implementing a smooth transition from DemVal to production, all while providing additional EMD missiles to augment the initial UOES inventory.

# THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 122**<br><br>The committee recommends the establishment of a core TMD program consisting of the Patriot PAC–3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995–99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of $1.8 billion in fiscal year 1996. This includes an increase of $45.0 million for Navy Lower Tier, an increase of $170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:<br>—For Patriot PAC–3, a First Unit Equipped (FUE) in fiscal year 1998.<br>—For THAAD, a user operational evaluation system (UOES) capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.<br>—For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.<br>—For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.<br>The committee endorses this schedule and directs the Secretary of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds authorized for core TMD programs not be utilized for other purposes without the express consent of the congressional defense committees. The committee also directs that no funds authorized for the Navy Upper Tier program be used for additional Terrier-LEAP flight tests. |

# THEATER HIGH ALTITUDE AREA DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 131**<br><br>**High modulus polycrylonitrile (PAN) carbon fiber**<br>Polyacrylonitrile (PAN) carbon fiber is a critical composite material used in the Theater High Altitude Air Defense (THAAD) missile component. Currently, the only company supplying this material is located in Japan. In order to develop at least two domestic sources for this material, the committee recommends an additional authorization of $4.0 million in PE 602105A to fund this effort. The committee directs that all applicable competitive procedures be used in the award of any contracts or other agreements under this program, and that cost-sharing requirements for non-federal participants be utilized where appropriate. |

# THEATER HIGH ALTITUDE AIR DEFENSE (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language<br><br>See the Missile Defense Act section for language on THAAD. (See Sections 234, and 251,; Conference Report Pages 45-54) | Report Language<br><br>See Missile Defense Act section for report language on THAAD. (Conference Report pages 731-734)<br><br>See Ballistic Missile Defense Funding section for report language on THAAD. (Conference Report pages 704-706) |

# THEATER HIGH ALTITUDE AIR DEFENSE (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>**Page 657**<br><br>*Polycrylonitrile carbon fibers*<br>The budget request did not include funding for polycrylonitrile (PAN) fiber development.<br>The House bill would authorize an additional $4.0 million for PAN fibers in the Army MANTECH program.<br>The Senate amendment would authorize an additional $4.0 million for PAN fibers in the Army materials technology program.<br>The conferees agree to authorize an additional $4.0 million for this PAN fibers program in PE 78045A. |

# THEATER HIGH ALTITUDE AREA DEFENSE (THAAD)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>None |
| **Report Language**<br>**Page 167-168** | **Report Language**<br>**Page 186** |
| The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of $45,000,000 to Navy Lower Tier and an increase of $50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of $170,000,000 over the budget request. | First, the Committee has provided an increase of $170,000,000 for the Navy upper tier program. The Committee believes that further development and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.<br>Third, the Committee has fully funded the development of the patriot advanced capability [PAC–3] and theater high altitude area defense [THAAD] programs. These systems are essentiall to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles. |

# THEATER HIGH ALTITUDE AREA DEFENSE (THAAD) (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>**None** | **Report Language**<br>**None** |

# NAVY UPPER TIER

# NAVY UPPER TIER

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37 | Bill Language<br>Page 53-54 |
| ***SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.*** | ~~SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.~~ |
| *(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).* | (a) ~~ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:~~ |
| *(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | ~~(1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.~~<br>~~(2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system~~<br>~~(3) improve existing cruise missile defenses and deploy as soon as practical defenses that are highly effective against advanced cruise missiles;~~ |

# NAVY UPPER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br><br>*(1) Theater High Altitude Area Defense (THAAD).*<br><br>*(2) Patriot Advanced Capability-3.*<br><br>*(3) Navy Lower Tier.*<br><br>*(4) Navy Upper Tier.*<br><br>*(5) Corps Surface-to-Air Missile.*<br><br>*(6) Hawk.*<br><br>*(7) Boost Phase Intercept.*<br><br>*(8) National Missile Defense.*<br><br>*(9) Arrow.* | **Bill Language**<br>**Page 53-54**<br><br>~~(4) pursue a focused research and development program to provide follow-on ballistic missile defense options~~;<br><br>~~(5) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses; and~~<br><br>~~(6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability~~. |

# NAVY UPPER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 53-54** |
| *(10) Medium Extended Air Defense.*<br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | ~~SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.~~<br>~~(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:~~<br>~~(1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.~~<br>~~(2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.~~ |

# NAVY UPPER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than* | **Bill Language**<br>**Page 53-54**<br><br>~~(3) The Theater High-Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.~~<br><br>~~(4) The Navy Upper Tier (Theater Wide) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.~~ |

# NAVY UPPER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 53-54**<br><br>(b) ~~INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS. To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space based sensors including, in particular, the Space and Missile Tracking System (SMTS).~~ |

# NAVY UPPER TIER (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act section for Nunn amendment on the Missile Defense Act concerning Navy Upper Tier (September 5, 1995)** |

# NAVY UPPER TIER (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 131**

*Navy upper tier*

The committee urges prompt completion of the Upper Tier cost and operational effectiveness analysis (COEA), but emphasizes that a fair and impartial assessment is imperative. The committee will closely scrutinize the COEA to ensure that all relevant technological approaches were considered.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 114**

*NAVY LOWER AND UPPER TIER*—The committee is equally concerned that the Navy Lower Tier and Upper Tier systems become operational as soon as possible. The committee has recommended sufficient funding, which, if continued in the out years, would ensure availability of Navy Lower Tier UOES missiles in fiscal year 1997 and an initial operational capability (IOC) of the objective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year 1999 and an IOC in fiscal year 2001. The committee directs the Secretary of Defense to provide sufficient funding to ensure that these schedules are met. Regarding Navy Upper Tier, the committee supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" version of the THAAD kill vehicle, along with associated boosters, to reduce risk and ensure that the best system is selected. This comparison should reflect the results of the ongoing cost and operational effectiveness analysis (COEA), as well as actual technical developments and demonstrated performance. The committee urges the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in time to achieve a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

# NAVY UPPER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 122**<br><br>CORE THEATER MISSILE DEFENSE PROGRAMS<br><br>The committee recommends the establishment of a core TMD program consisting of the Patriot PAC–3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995–99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of $1.8 billion in fiscal year 1996. This includes an increase of $45.0 million for Navy Lower Tier, an increase of $170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:<br>—For Patriot PAC–3, a First Unit Equipped (FUE) in fiscal year 1998.<br>—For THAAD, a user operational evaluation system (UOES) capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.<br>—For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.<br>—For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.<br>The committee endorses this schedule and directs the Secretary of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds authorized for core TMD programs not be utilized for other purposes without the express consent of the congressional defense committees. The committee also directs that no funds authorized for the Navy Upper Tier program be used for additional Terrier-LEAP flight tests. |

# NAVY UPPER TIER (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br><br>See the Missile Defense Act section for language on Navy Upper Tier. (See Sections 234, and 251,; Conference Report Pages 45-54) | **Report Language**<br><br>See Missile Defense Act section for report language on THAAD. (Conference Report pages 731-734)<br><br>See Ballistic Missile Defense Funding section for report language on Navy Upper Tier. (Conference Report pages 704-706) |

# NAVY UPPER TIER

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**Page 29**<br><br>*Provided*, That not less than $170,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program. | **Bill Language**<br>**None** |

# NAVY UPPER TIER (Cont)

## House FY96 DoD Appropriation Bill
## H.R. 2126; H. Rept. 104-208 (7/27/95)

**Report Language**
**Page 167-169**

THEATER MISSILE DEFENSE

The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of $45,000,000 to Navy Lower Tier and an increase of $50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of $170,000,000 over the budget request.

The Committee believes that the Wide Area Missile (WAM) concept should be considered for inclusion in the Navy's TMD Cost and Operational Effectiveness Analysis (COEA). The Committee further believes that the WAM concept has not received a thorough objective analysis of its potential in the area of missile defense. The Navy is directed to work in close consultation with the concept developers to provide a complete analysis of the WAM concept, including its relative costs, operational effectivness, and compatibility within the Navy's TMD architecture as part of the Navy COEA.

## Senate FY96 DoD Appropriation Bill
## S. 1087; Sen. Rept. 104-124 (7/28/95)

**Report Language**
**Page 186**

*Theater missile defense.*—The Committee has provided additional funds for a number of ongoing theater missile defense [TMD] programs to ensure adequate funding and timely fielding of these systems.

First, the Committee has provided an increase of $170,000,000 for the Navy upper tier program. The Committee believes that further development and testing of this concept is necessary to allow an informed decision on DOD's theater missile defense architecture and to allow a competitive evaluation of the lightweight exo-atmospheric projectile [LEAP] and marinized version of the theater high altitude area defense [THAAD] system.

# NAVY UPPER TIER (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>Page 14 | Report Language<br>Page 118 |
| *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE*<br><br>*For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,411,057,000, to remain available for obligation until September 30, 1997: Provided, That not less than $200,442,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program:* | NAVAL THEATER BALLISTIC MISSILE DEFENSE<br><br>The conferees believe that the Navy's area wide (Lower Tier) and theater wide (Upper Tier) programs should be deployed as rapidly as possible. The Navy's current plan to build on existing ship platforms, the Aegis system, proven launch systems, and the operational Standard missile family has resulted in a cost effective, technically capable and manageable program that is planned to produce a user operational capability (UOES) Upper Tier system not later than FY 1999 with an initial operational capability (IOC) by 2001. The conferees are committed to a rapid and actual deployment of an effective sea-based missile defense system. The conferees direct the Department to place highest priority on proceeding with a development program that achieves deployment of the Navy Upper Tier system by the planned 2001 IOC. The conferees endorse the Navy Theater Wide system as a core TMD program and endorse fully funding the core program in the 5-year defense plan. The conferees direct that not less than $200,442,000 shall be spent on Navy Upper Tier and not less than $282,473,000 on Navy Lower Tier for research and development activities. Funding allocations through BMDO to the Navy for these programs should proceed expeditiously. |

# NAVY LOWER TIER

# NAVY LOWER TIER

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 53-54** |
| ***SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.*** | ~~**SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.**~~ |
| *(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).* | ~~(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:~~ |
| *(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | ~~(1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.~~<br>~~(2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system~~ |

# NAVY LOWER TIER (Cont)

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br><br>*(1) Theater High Altitude Area Defense (THAAD).*<br><br>*(2) Patriot Advanced Capability-3.*<br><br>*(3) Navy Lower Tier.*<br><br>*(4) Navy Upper Tier.*<br><br>*(5) Corps Surface-to-Air Missile.*<br><br>*(6) Hawk.*<br><br>*(7) Boost Phase Intercept.*<br><br>*(8) National Missile Defense.*<br><br>*(9) Arrow.* | **Bill Language**<br>**Page 53-54**<br><br>~~(UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.~~<br><br>~~(3) The Theater High-Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.~~<br><br>~~(4) The Navy Upper Tier (Theater Wide) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.~~ |

# NAVY LOWER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 53-54** |
| *(10) Medium Extended Air Defense.*<br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | ~~(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS. To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space based sensors including, in particular, the Space and Missile Tracking System (SMTS).~~ |

# NAVY LOWER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than* | |

# NAVY LOWER TIER (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act section for Nunn floor amendment on the Missile Defense Act concerning Navy Lower Tier (September 5, 1995)** |

# NAVY LOWER TIER (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 131**

*Navy lower tier*

Given the importance of Navy Lower Tier to the Navy's ability to defend the fleet against cruise missile attacks, the committee directs the Secretary to review the management and funding responsibilities for Navy Lower Tier, including the possibility of transferring such responsibilities from BMDO to the Navy. The result of the Secretary's review should be communicated to the congressional defense committees not later than February 15, 1996.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 114**

***NAVY LOWER AND UPPER TIER*—The committee is equally concerned that the Navy Lower Tier and Upper Tier systems become operational as soon as possible. The committee has recommended sufficient funding, which, if continued in the out years, would ensure availability of Navy Lower Tier UOES missiles in fiscal year 1997 and an initial operational capability (IOC) of the objective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year 1999 and an IOC in fiscal year 2001. The committee directs the Secretary of Defense to provide sufficient funding to ensure that these schedules are met. Regarding Navy Upper Tier, the committee supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" version of the THAAD kill vehicle, along with associated boosters, to reduce risk and ensure that the best system is selected. This comparison should reflect the results of the ongoing cost and operational effectiveness analysis (COEA), as well as actual technical developments and demonstrated performance. The committee urges the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in time to achieve a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.**

# NAVY LOWER TIER (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 122**<br><br>The committee recommends the establishment of a core TMD program consisting of the Patriot PAC–3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995–99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of $1.8 billion in fiscal year 1996. This includes an increase of $45.0 million for Navy Lower Tier, an increase of $170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:<br>—For Patriot PAC–3, a First Unit Equipped (FUE) in fiscal year 1998.<br>—For THAAD, a user operational evaluation system (UOES) capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.<br>—For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.<br>—For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.<br>The committee endorses this schedule and directs the Secretary of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds authorized for core TMD programs not be utilized for other purposes without the express consent of the congressional defense committees. The committee also directs that no funds authorized for the Navy Upper Tier program be used for additional Terrier-LEAP flight tests. |

# NAVY LOWER TIER (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language<br><br>See the Missile Defense Act section for language on Navy Lower Tier. (See Sections 234, and 251,; Conference Report Pages 45-54) | Report Language<br><br>See Missile Defense Act section for report language onNavy Lower Tier. (Conference Report pages 731-734)<br><br>See Ballistic Missile Defense Funding section for report language on Navy Lower Tier. (Conference Report pages 704-706) |

# NAVY LOWER TIER

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>None |
| **Report Language**<br>**Page 167-168** | **Report Language**<br>**Page 186** |
| The Committee believes that Theater Missile Defense (TMD) is a top national security priority and that TMD systems should be deployed at the earliest possible date. The Committee therefore recommends an increase of $45,000,000 to Navy Lower Tier and an increase of $50,000,000 to the Army's Theater High-Altitude Area Defense System (THAAD) to ensure that these programs remain on schedule. In addition, the Committee believes that the Navy Upper Tier program will provide a substantial defense capability and therefore recommends an increase of $170,000,000 over the budget request. | Second, the Committee has added $45,000,000 to the Navy lower tier program. The Committee endorses the urgent need to develop the lower tier system to provide protection for our ships as well as port areas where amphibious operations or logistics and supply activities may be threatened by ballistic missiles. |

# NAVY LOWER TIER (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>None | Report Language<br>Page 118<br><br>NAVAL THEATER BALLISTIC MISSILE DEFENSE<br><br>The conferees believe that the Navy's area wide (Lower Tier) and theater wide (Upper Tier) programs should be deployed as rapidly as possible. The Navy's current plan to build on existing ship platforms, the Aegis system, proven launch systems, and the operational Standard missile family has resulted in a cost effective, technically capable and manageable program that is planned to produce a user operational capability (UOES) Upper Tier system not later than FY 1999 with an initial operational capability (IOC) by 2001. The conferees are committed to a rapid and actual deployment of an effective sea-based missile defense system. The conferees direct the Department to place highest priority on proceeding with a development program that achieves deployment of the Navy Upper Tier system by the planned 2001 IOC. The conferees endorse the Navy Theater Wide system as a core TMD program and endorse fully funding the core program in the 5-year defense plan. The conferees direct that not less than $200,442,000 shall be spent on Navy Upper Tier and not less than $282,473,000 on Navy Lower Tier for research and development activities. Funding allocations through BMDO to the Navy for these programs should proceed expeditiously. |

# MEADS/CORPS SAM

# MEADS/CORPS SAM

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.*<br><br>*(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).*<br><br>*(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | **Bill Language**<br>**Page 54-55**<br><br>~~(c) TERMINATION OF PROGRAMS.—The Secretary of Defense shall terminate the following programs:~~<br><br>~~(1) The Corps Surface to Air Missile system (Corps SAM).~~ |

# MEADS/CORPS SAM (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37<br><br>*(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br>*(1) Theater High Altitude Area Defense (THAAD).*<br>*(2) Patriot Advanced Capability-3.*<br>*(3) Navy Lower Tier.*<br>*(4) Navy Upper Tier.*<br>*(5) Corps Surface-to-Air Missile.*<br>*(6) Hawk.*<br>*(7) Boost Phase Intercept.*<br>*(8) National Missile Defense.*<br>*(9) Arrow.* | |

## MEADS/CORPS SAM (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37<br><br>*(10) Medium Extended Air Defense.*<br><br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br><br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br><br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.* | |

# MEADS/CORPS SAM (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See National Missile Defense section for Nunn floor amendment on Corps SAM/MEADS (August 2, 1995)** |

# MEADS/CORPS SAM (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>None | Report Language<br>Page 115-116<br><br>*OTHER TMD ACTIVITIES*—Despite its strong support for TMD in general and the core programs in particular, the committee is concerned that approximately eighty percent of our investments in BMD are currently being directed to TMD activities. The committee is also troubled by the expanding number of new TMD systems that are headed for acquisition. If the current course is allowed to continue, the United States will expend virtually all its effort and resources on a plethora of TMD systems that are designed for narrow in-theater applications. The committee does not understand how the Department of Defense can contemplate an entirely new development and acquisition program to provide air and missile defense for maneuver forces when it is already planning to spend $15.8 billion on the Patriot PAC–3 and THAAD systems. Also, while the committee is strongly supportive of developing systems capable of intercepting ballistic missiles in the boost phase, it does not understand how the Department of Defense can push a fighter-launched kinetic energy boost-phase intercept (BPI) system in the direction of acquisition when serious technical and operational obstacles remain to be solved.<br>The committee recommends a more focused TMD investment strategy and increases to other BMD activities to restore a more balanced BMD program. The committee is not opposed to the emergence of new core TMD systems, but insists that such systems be coherent and affordable, and that they leverage to the extent possible existing systems and technologies. Follow-on TMD investments must be targeted so as to build on existing investments, or to support significant leaps ahead in the technological state of the art. The United States cannot afford and does not need six kinetic-energy TMD systems that approach the threat fundamentally in the same technical manner.<br>The committee, therefore, recommends the termination of the existing Corps SAM and kinetic-energy BPI programs. To satisfy the Corps SAM requirement, which the committee views as valid, the Department of Defense should propose a restructured program, which essentially merges ongoing efforts in PAC–3 and THAAD to |

# MEADS/CORPS SAM (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>None | Report Language<br>Page 115-116<br><br>produce a mobile hybrid system with 360 degree coverage. The committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAM/MEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infrastructure, which is excessively large and manpower-intensive, with a new type of system that is essentially a mobile PAC–3. If implemented properly, production of the new system could be phased into ongoing PAC–3 production, thereby providing savings from both ends of the spectrum.<br>The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restructured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on wide-area missile defense. The primary threat to our European and Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and Navy Upper Tier.<br>With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The committee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Secretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs. |

# MEADS/CORPS SAM (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>None | Report Language<br>Page 122<br><br>*Other Theater Missile Defense Activities*<br>The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, core TMD program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be realized.<br>Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.<br>The committee does recommend an increase of $15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs. |

# MEADS/CORPS SAM (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>**Page 861**<br><br>*Sense of the Senate on protection of United States from ballistic missile attack*<br><br>The Senate amendment contained a provision (sec. 1062) that would express the Sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack, and that front line troops of the United States should be protected from missile attacks. The Senate provision would also provide funding for the Corps surface-to-air missile (SAM) program.<br>The House bill contained no similar provision.<br>The Senate recedes. Although the conferees fully support the views expressed in the Senate provision, they believe that such views are adequately represented elsewhere in the conference report. The conferees also address the Corps SAM issue elsewhere in the conference report. |

# MEADS/CORPS SAM (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>**Page 706**<br><br>*Corps SAM*—The budget request included $30.4 million in PE 63869C for the Corps Surface to Air Missile (Corps SAM) system.<br>The conferees agree to authorize $20.4 million for Corps SAM, a reduction of $10.0 million. Although the conferees support the Corps SAM requirement, they remain concerned by several aspects of the current Corps SAM program, now known as the medium extended air defense system (MEADS). The conferees support an effort to explore alternative means to satisfy the Corps SAM requirement. Given the investments that have already been made in developing systems such as PAC–3 and THAAD, reintegration of existing systems and technologies may offer an achievable, cost-effective, and expeditious alternative. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the Corps SAM requirement, including an assessment of cost and schedule implications. The conferees direct that, of the funds authorized in fiscal year 1996 for the Corps SAM program, not more than $15.0 million may be obligated until such report has been submitted to the congressional defense committees. |

# MEADS/Corps SAM

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>Page 168<br><br>The Committee is concerned about the lack of focus in the Medium Extended Area Defense System (MEADS) program, formerly Corps SAM, and the Boost Phase Interceptor (BPI) program. While the Committee supports the general concept underlying both programs, it believes that neither program is workable or affordable as currently conceived. Therefore, the Committee recommends no appropriation for BPI. Furthermore, the Committee recommends a reduction to Other TMD and Follow-on activities of $37,000,000 as proposed by the House National Security Committee.<br>While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by $10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC–3 development activities. | **Bill Language**<br>None<br><br>**Report Language**<br>None |

**MEADS/CORPS SAM (Cont)**
**STEVENS (R-AK) AMENDMENT TO INCREASE FUNDIGN FOR MEADS/CORPS SAM**

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| | Bill Language<br>Page 29<br><br>*Provided, That of the funds appropriated in this paragraph, $35,000,000 shall be available for the Corps Surface-to-Air Missile (Corps SAM) program:* |

# MEADS/CORPS SAM (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# PATRIOT ADVANCED CAPABILITY (PAC-3)

# PAC-3

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37 | Bill Language<br>Page 53-54 |
| *SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.*<br><br>*(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).*<br><br>*(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | ~~SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.~~<br><br>~~(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary~~ of Defense ~~shall establish a top priority core theater missile defense program consisting of the following systems:~~<br><br>~~(1) The Patriot PAC-3 system, which shall~~ have a first unit equipped ~~(FUE) in fiscal year 1998.~~<br><br>~~(2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system~~ |

# PAC-3 (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 53-54** |
| *(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br>*(1) Theater High Altitude Area Defense (THAAD).*<br>*(2) Patriot Advanced Capability-3.*<br>*(3) Navy Lower Tier.*<br>*(4) Navy Upper Tier.*<br>*(5) Corps Surface-to-Air Missile.*<br>*(6) Hawk.*<br>*(7) Boost Phase Intercept.*<br>*(8) National Missile Defense.*<br>*(9) Arrow.* | ~~(UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.~~<br>~~(3) The Theater High-Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.~~<br>~~(4) The Navy Upper Tier (Theater Wide) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year~~ 2001. |

## PAC-3 (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(10) Medium Extended Air Defense.*<br><br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br><br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br><br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | **Bill Language**<br>**Page 53-54**<br><br>(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—~~To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space based sensors including, in particular, the Space and Missile Tracking System (SMTS).~~ |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>Page 36-37<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.* | |

## PAC-3 (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act section for Nunn floor amendment on the Missile Defense Act concerning PAC-3 (August 2, 1995)** |

# PAC-3 (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>None | Report Language<br>Page 122<br><br>CORE THEATER MISSILE DEFENSE PROGRAMS<br><br>The committee recommends the establishment of a core TMD program consisting of the Patriot PAC–3 system, the Navy Lower Tier system, the THAAD system, and the Navy Upper Tier system. The committee notes that this prioritization is consistent with the Department of Defense's Bottom-Up Review, which recommended that these four programs be funded as major acquisitions in the fiscal year 1995–99 Future Years Defense Program (FYDP). The committee recommends a total core TMD funding level of $1.8 billion in fiscal year 1996. This includes an increase of $45.0 million for Navy Lower Tier, an increase of $170.0 million for Navy Upper Tier, and full funding of the requests for THAAD and Patriot. The committee understands that this funding profile, if sustained, would lead to the following operational capabilities:<br>—For Patriot PAC–3, a First Unit Equipped (FUE) in fiscal year 1998.<br>—For THAAD, a user operational evaluation system (UOES) capability in fiscal year 1997 and an IOC in fiscal year 2002, which may be accelerated by as many as three years.<br>—For Navy Lower Tier, a UOES capability in fiscal year 1997 and an IOC in fiscal year 1999.<br>—For Navy Upper Tier, a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.<br>The committee endorses this schedule and directs the Secretary of Defense to provide sufficient funding in the outyears to sustain it. The committee also directs the Secretary to ensure that funds authorized for core TMD programs not be utilized for other purposes without the express consent of the congressional defense committees. The committee also directs that no funds authorized for the Navy Upper Tier program be used for additional Terrier-LEAP flight tests. |

# PAC-3 (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language<br><br>See the Missile Defense Act section for language on PAC-3. (See Sections 234, and 251,; Conference Report Pages 45-54) | Report Language<br><br>See Missile Defense Act section for report language on PAC-3 (Conference Report pages 731-734)<br><br>See Ballistic Missile Defense Funding section for report language on PAC-3 (Conference Report pages 704-706) |

# PATRIOT ADVANCED CAPABILITY (PAC-3)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>None |
| **Report Language**<br>**Page 168**<br><br>While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by $10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC–3 development activities. | **Report Language**<br>**Page 186**<br><br>Third, the Committee has fully funded the development of the patriot advanced capability [PAC–3] and theater high altitude area defense [THAAD] programs. These systems are essentiall to providing a layered defense for our land-based forces which are now threatened by the proliferation of theater ballistic missiles. |

# PATRIOT ADVANCED CAPABILITY (PAC-3)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# BOOST-PHASE INTERCEPT

# BOOST-PHASE INTERCEPT

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>Page 36-37 | **Bill Language**<br>Page 54-55 |
| *SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.*<br><br>*(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).*<br><br>*(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | (c) TERMINATION OF PROGRAMS.—The Secretary of Defense shall terminate the following programs:<br><br>(1) The Corps Surface to Air Missile system (Corps SAM).<br><br>(2) The Boost Phase Interceptor (BPI). |

# BOOST-PHASE INTERCEPT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37 | Bill Language |
| *(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br>*(1) Theater High Altitude Area Defense (THAAD).*<br>*(2) Patriot Advanced Capability-3.*<br>*(3) Navy Lower Tier.*<br>*(4) Navy Upper Tier.*<br>*(5) Corps Surface-to-Air Missile.*<br>*(6) Hawk.*<br>*(7) Boost Phase Intercept.*<br>*(8) National Missile Defense.*<br>*(9) Arrow.* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>Page 36-37<br><br>*(10) Medium Extended Air Defense.*<br><br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br><br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—* | **Bill Language**<br>Page 54-55 |

## BOOST-PHASE INTERCEPT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37<br><br>*(A) compared with the information relating to that program in the report submitted in the previous year; and*<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.* | |

# BOOST-PHASE INTERCEPT (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 131**

*Boost phase intercept (BPI)*

To maximize defense effectiveness, ballistic missiles armed with early-release submunitions need to be attacked early in their flight trajectory. This represents a significant challenge for the defense, however. While generally supportive of the concept of boost phase intercept, the committee notes that the BPI program is at present unfocussed, with no workable system design yet defined. As a result, the committee recommends a reduction of $20 million to the request.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 116**

*OTHER TMD ACTIVITIES*—Despite its strong support for TMD in general and the core programs in particular, the committee is concerned that approximately eighty percent of our investments in BMD are currently being directed to TMD activities. The committee is also troubled by the expanding number of new TMD systems that are headed for acquisition. If the current course is allowed to continue, the United States will expend virtually all its effort and resources on a plethora of TMD systems that are designed for narrow in-theater applications. The committee does not understand how the Department of Defense can contemplate an entirely new development and acquisition program to provide air and missile defense for maneuver forces when it is already planning to spend $15.8 billion on the Patriot PAC–3 and THAAD systems. Also, while the committee is strongly supportive of developing systems capable of intercepting ballistic missiles in the boost phase, it does not understand how the Department of Defense can push a fighter-launched kinetic energy boost-phase intercept (BPI) system in the direction of acquisition when serious technical and operational obstacles remain to be solved.

The committee recommends a more focused TMD investment strategy and increases to other BMD activities to restore a more balanced BMD program. The committee is not opposed to the emergence of new core TMD systems, but insists that such systems be coherent and affordable, and that they leverage to the extent possible existing systems and technologies. Follow-on TMD investments must be targeted so as to build on existing investments, or to support significant leaps ahead in the technological state of the art. The United States cannot afford and does not need six kinetic-energy TMD systems that approach the threat fundamentally in the same technical manner.

The committee, therefore, recommends the termination of the existing Corps SAM and kinetic-energy BPI programs. To satisfy the Corps SAM requirement, which the committee views as valid, the Department of Defense should propose a restructured program, which essentially merges ongoing efforts in PAC–3 and THAAD to produce a mobile hybrid system with 360 degree coverage. The

# BOOST-PHASE INTERCEPT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 116** |

committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAM/MEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infrastructure, which is excessively large and manpower-intensive, with a new type of system that is essentially a mobile PAC–3. If implemented properly, production of the new system could be phased into ongoing PAC–3 production, thereby providing savings from both ends of the spectrum.

The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restructured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on wide-area missile defense. The primary threat to our European and Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and Navy Upper Tier.

With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The committee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Secretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs.

# BOOST-PHASE INTERCEPT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 122**<br><br>*Other Theater Missile Defense Activities*<br>The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, core TMD program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be realized.<br>Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.<br>The committee does recommend an increase of $15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs. |

# BOOST-PHASE INTERCEPT (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**None** | **Report Language**<br>**Page 706**<br><br>*Boost-Phase Intercept*—The budget request included $49.1 million in PE 63870C for the kinetic energy Boost-Phase Intercept (BPI) program.<br>The House bill would authorize $29.1 million for the kinetic BPI program.<br>The Senate amendment would authorize no funds for the kinetic BPI program in PE 63870C. However, the Senate amendment would authorize $15.0 million in the Other TMD (OTMD) program element (PE 63872C) to initiate a joint United States-Israel BPI program based on unmanned aerial vehicles (UAVs).<br>The conferees agree to authorize no funds for the kinetic BPI program due to continuing skepticism about the operational and technical effectiveness of a BPI system based on a manned tactical aircraft. However, the conferees agree to authorize the use of up to $15.0 million, from within funds made available in the OTMD program element, for a UAV-based BPI program. The conferees support a joint U.S.-Israel UAV–BPI program focused on risk mitigation, provided that an equitable cost-sharing arrangement can be reached and that the program will be structured to satisfy the BPI requirements of both sides. The conferees also support continuation of the Atmospheric Interceptor Technology (AIT) program, which is being developed as an advanced multi-purpose kill vehicle. The conferees authorize the use of up to $30.0 million, from within funds made available in the OTMD program element, to continue the AIT program. The conferees are disappointed that the Department has not completed its review of BPI programs and options in time to inform the conferees' deliberations and decisions. Therefore, the conferees agree to require the Director of BMDO to submit a report to the congressional defense committees, not later than February 1, 1996, that summarizes the findings and recommendations of the Department's BPI study. This report should also address promising options and technical approaches associated with a UAV BPI program. |

# BOOST PHASE INTERCEPT

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>Page 168<br><br>While the Committee understands and endorses the Army requirement for Corps SAM, the Committee questions the expense and risk associated with a multinational codevelopment program. Consequently, the Committee recommends the program be reduced by $10,000,000 and that within 90 days the Department of the Army propose a restructured program consisting of current technology and ongoing efforts that will provide ground forces with mobile 360 degree protection against cruise missiles and very short range tactical ballistic missiles. The Army should consider cost reduction measures which streamline acquisition and capitalize on the current PAC–3 development activities. | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# BOOST PHASE INTERCEPT (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# ARROW/ISRAELI PROGRAMS

# ARROW/ISRAELI PROGRAMS

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 36-37 | Bill Language<br>Page 358-360 |
| *SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.* | SEC. 1055. STRATEGIC COOPERATION BETWEEN THE UNITED STATES AND ISRAEL. |
| *(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).* | (a) FINDINGS.—Congress makes the following findings: |
| *(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | (1) The President and Congress have repeatedly declared the long-standing United States commitment to maintaining the qualitative superiority of the Israel Defense Forces over any combination of potential adversaries.<br>(2) Congress continues to recognize the many benefits to the United States from its strategic relationship with Israel, including that of enhanced regional stability and technical cooperation. |

# ARROW/ISRAELI PROGRAMS (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br><br>*(1) Theater High Altitude Area Defense (THAAD).*<br><br>*(2) Patriot Advanced Capability-3.*<br><br>*(3) Navy Lower Tier.*<br><br>*(4) Navy Upper Tier.*<br><br>*(5) Corps Surface-to-Air Missile.*<br><br>*(6) Hawk.*<br><br>*(7) Boost Phase Intercept.*<br><br>*(8) National Missile Defense.*<br><br>*(9) Arrow.*<br><br>*(10) Medium Extended Air Defense.* | **Bill Language**<br>**Page 358-360**<br><br>(3) Despite the historic peace effort in which Israel and its neighbors are engaged, Israel continues to face severe potential threats to its national security that are compounded by terrorism and by the proliferation of weapons of mass destruction and ballistic missiles.<br><br>(4) Congress supports enhanced United States cooperation with Israel in all fields and, especially, in finding new ways to deter or counter mutual threats. |

# ARROW/ISRAELI PROGRAMS (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37** | **Bill Language**<br>**Page 358-360** |
| *(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br><br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br><br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | (b) UNITED STATES POLICY.—It shall be the policy of the United States that—<br><br>(1) the President should ensure that any conventional defense system or technology offered by the United States for sale to any member nation of the North Atlantic Treaty Organization (NATO) or to any major non-NATO ally is concurrently made available for purchase by Israel unless the President determines that it would not be in the national security interests of the United States to do so; and |

# ARROW/ISRAELI PROGRAMS (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-37**<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.* | **Bill Language**<br>**Page 358-360**<br><br>(2) the President should make available to Israel, within existing technology transfer laws, regulations, and policies, advanced United States technology necessary for achieving continued progress in cooperative United States-Israel research and development of theater missile defenses. |

# ARROW/ISRAELI PROGRAMS (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 131**

*Arrow*

The committee directs that none of the funds authorized for Arrow may be obligated until the Secretary has certified in writing to the congressional defense committees that a U.S.-Israeli Memorandum of Agreement governing the next phase of U.S.-Israeli cooperation on missile defense has been signed. Along with such certification, the Secretary shall also include a report on the annual U.S. and Israeli funding necessary to implement, and any cost-sharing arrangements contained in the agreement.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 288**

**Section – 1055. Strategic cooperation between the United States and Israel.**

**The committee recommends a provision which expresses the sense of Congress supporting continued cooperation between the United States and Israel in military and technical areas; in particular, in missile defense systems. This provision calls for the elimination of unnecessary barriers to collaboration between the two allies in order to maintain Israel's qualitative edge over potential adversaries in conventional weaponry and missile defenses.**

**The committee believes that both the United States and Israel have benefitted from this collaborative effort. The committee recognizes that Israel is engaged in a peace initiative that could pose increased risks to its security. Maintaining Israel's defense qualitative edge is thus more critical now than perhaps at any other time. However, the committee also notes that U.S. national security concerns, such as the proliferation of weapons of mass destruction, must limit cooperation in certain technical areas.**

# ARROW/ISRAELI PROGRAMS (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>**Page 860**<br><br>*Defense cooperation between the United States and Israel*<br>The Senate amendment contained a provision (sec. 1055) that would express the Sense of Congress for continued cooperation between the United States and Israel in military and technical areas.<br>The House bill contained no similar provision.<br>The Senate recedes. The conferees note that a provision virtually identical to that contained in the Senate amendment exists in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The conferees recognize the numerous benefits to the United States resulting from our strategic relationship with Israel. The conferees strongly commend the United States' continuing commitment to maintaining Israel's qualitative edge over any combination of adversaries. Despite the great progress made in the Middle East peace process, Israel continues to face an unstable and highly dangerous environment, compounded by the proliferation of weapons of mass destruction and ballistic missiles. |

# ARROW/ISRAELI PROGRAMS

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**None** | **Bill Language**<br>**None** |
| **Report Language**<br>**Page 168**<br><br>The Committee is concerned that the Arrow program has not been successful. Since 1986, the U.S. has spent nearly $500 million on the Arrow program. However, the program has been plagued with serious technical problems and has had few successes—including only one successful intercept out of six tests. While the Committee supports efforts to defend Israel from ballistic missile attack, the track record of the Arrow program suggests it will not readily accomplish that goal. Furthermore, the Committee is concerned about the total cost of the system, which some estimate to be as high as $10 billion. There has also been some question about Israel's commitment to deploy Arrow, as well as the degree to which U.S. funds would be used to support procurement of a deployed system. Based on these factors, the Committee seriously considered terminating the Arrow program. However, based on assurances from the Israeli government about its commitment to deployment and its recognition of its responsibility for production costs, the Committee approves the requested amount of $56,500,000. However, the Committee strongly believes that U.S. funding support for Arrow is more appropriately regarded as foreign assistance rather than a program requiring direct funding from the Department of Defense. Therefore, the Committee directs that any future funding request for the Arrow Weapon System should be budgeted within function 150 and should be considered by the Foreign Operations Subcommittee on Appropriations for funding. | **Report Language**<br>**Page 186**<br><br>*Other theater missile defense/follow-on TMD activities acquisition—demonstration/validation.*—The Committee fully supports the Department's continued participation in the ARROW program. The Committee expects the funds included in the budget request for the U.S. share of the bilateral ARROW development agreement to be available only for this purpose. The Committee also directs that $3,000,000 of the available funds shall only be used to continue operation and maintenance of the Kauai test facility [KTF]. KTF is expected to continue to be required to support the development and testing of missile defense systems. |

# ARROW/ISRAELI PROGRAMS (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# EXTENDED AIRBORNE GLOBAL LAUNCH EVALUATION (EAGLE)

# EXTENDED AIRBORNE GLOBAL LAUNCH EVALUATION (EAGLE) (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# EXTENDED AIRBORNE GLOBAL LAUNCH EVALUATION (EAGLE) (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**None** | **Report Language**<br>**None** |

# EXTENDED AIRBORNE GLOBAL LAUNCH EVALUATION (EAGLE)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>Page 169<br><br>The Committee recognizes the importance of the Extended Airborne Global Launch Evaluation (EAGLE) program. Therefore, the Committee strongly recommends that $19.9 million, as requested in the fiscal year 1996 budget, be obligated for this program. | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# EXTERNAL AIRBORNE GLOBAL LAUNCH EVALUATION (EAGLE)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# CRUISE MISSILE DEFENSE

# CRUISE MISSILE DEFENSE

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>**Page 59-61**<br><br>~~SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.~~<br><br>~~(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs, projects, and activities of the military departments, the Advanced Research Projects Agency and the Ballistic Missile Defense Organization to ensure that the United States develops and deploys highly effective defenses against existing and future cruise missile threats.~~<br><br>~~(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In carrying out subsection (a), the Secretary of Defense shall ensure that—~~<br><br>~~(1) to the extent practicable, the ballistic missile defense and cruise missile defense efforts of the~~ |

# CRUISE MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>Page 59-61<br>~~Department of Defense are coordinated and mutually reinforcing;~~<br>~~(2) existing air defense systems are adequately upgraded to defend against existing and near-term cruise missile threats; and~~<br>~~(3) the Department of Defense undertakes~~ a ~~high priority and well coordinated technology development program to support the future deployment of systems that are highly effective against advanced cruise missiles, including cruise missiles with low observable features.~~<br>~~(c) IMPLEMENTATION PLAN.—Not later than 60~~ days after the date of the ~~enactment of this Act, the Secretary of Defense shall submit to the congressional defense~~ |

## CRUISE MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>**Page 59-61**<br>~~committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of—~~<br>~~(1) the systems that currently have cruise missile defense capabilities, and existing programs to improve these capabilities;~~<br>~~(2) the technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities, and the investments that would be required to ready the technologies for deployment;~~ |

# CRUISE MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>Page 59-61<br><br>~~(3) the cost and operational tradeoffs, if any, between upgrading existing air and missile defense systems and accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles, and~~<br><br>~~(4) the organizational and management changes that would strengthen and further coordinate the cruise missile defense efforts of the Department of Defense, including the disadvantages, if any, of implementing such changes.~~ |

# CRUISE MISSILE DEFENSE (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act for Nunn amendment on the Missile Defense Act concerning Cruise Missile Defense (September 5, 1995)** |

# CRUISE MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 78-79, 135**

DEFENSE-WIDE PROGRAMS

SPECIAL CONSIDERATIONS

*Cruise missile defense*

Along with the threat posed by ballistic missiles, the committee is concerned about the growing threat posed by cruise missiles. Cruise missiles, particularly those capable of land-attack roles, could quickly become as equally threatening to deployed U.S. forces as ballistic missiles.

The committee believes that certain prudent steps should be taken to prepare for the day when U.S. and allied forces could face an enhanced cruise missile threat.

*Continued advanced research and development*

The impact of cruise missiles on the battlefield will likely grow with time. While the above efforts are excellent first steps to meet most first and second generation systems requirements and are ideal for regional contingencies, ARPA should continue its fundamental mission of pursuing advanced sensor and system concepts, as well as understanding and countering critical gaps through special studies. The committee recommends an additional $35 million in PE 63226E for these purposes.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 106, 119, 124**

*Cruise Missile Proliferation*

**The committee is concerned about the growing threat posed by cruise missiles. At least a dozen countries now have land-attack cruise missiles under development. Several of those countries appear willing to export complete systems, including systems with low observable features and component technologies and development expertise. The widespread availability of cheap guidance, navigation, and digital mapping technologies would enable developing countries to convert widely proliferated anti-ship cruise missiles and unmanned aerial vehicles to land-attack roles. Cruise missile accuracy and aerodynamic stability make them excellent platforms for delivery of biological and chemical agents, which could threaten U.S. and allied projection forces.**

**Given the emerging cruise missile threat, the committee believes that certain prudent measures should be taken, and recommends an increase of $35.0 million in program element 0203801A to upgrade Patriot PAC–1 missiles to provide an improved anti-cruise missile capability. Further details of this recommendation are contained in the report section on Army research, development, test, and evaluation (RDT&E) programs.**

# CRUISE MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 78-79, 135**

*Consolidated management*

The committee is also aware of organizational problems in the area of cruise missile defense. Various organizations ranging from the military services to ARPA and the Office of the Under Secretary of Defense for Acquisition and Technology to the Ballistic Missile Defense Organization, are pursuing programs and have management responsibility for cruise missile defense. Such diffusion of effort clearly undermines the ability of the Department to achieve timely results in developing systems that are capable of countering the cruise missile threat.

Therefore, the committee directs the Secretary of Defense to review the existing organizational and management structure for cruise missile defense-related activities to achieve program consolidation. The committee urges the Secretary to review the recommendations of the Defense Science Board regarding the appropriate management structure for pursuing an effective cruise missile program for the Department. The Secretary shall report the results of the review to the congressional defense committees not later than February 15, 1996.

*Cruise missile defense advanced concept technology demonstration*

The budget request included $7 million in PE 63750D for support of the cruise missile defense advanced concept and technology demonstration (ACTD). The committee understands that the Department of Defense has increased the priority of cruise missile defense in order to develop and deploy cruise missile defenses as a complement to ballistic missile defenses in an integrated theater air defense architecture. The committee recommends an increase of $8 million for simulation and analysis of cruise missile defense options being demonstrated in this ACTD in support of the Joint Staff and Office of the Secretary of Defense tradeoff examinations of how best to defend deployed U.S. forces against cruise missile attack.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 106, 119, 124**

***Cruise Missile Defense Initiative***

**In a significant departure from the Missile Defense Act of 1991, the Missile Defense Act of 1995 addresses the threat posed by existing and emerging cruise missiles. The committee believes that CMD has not been given the degree of attention warranted by the threat, and notes with concern the intelligence community's estimate that at least twelve countries have land-attack cruise missiles under development. Although there are many programs in the Department of Defense involving CMD, for the most part these have not been sufficiently emphasized, funded, or coordinated. The committee believes that the Secretary of Defense should seek to coordinate and leverage activities involving air defense, CMD and BMD to maximize synergies and cost savings.**

**The committee directs the Secretary of Defense to coordinate the department's CMD and BMD efforts and to ensure that existing air defense systems are upgraded to improve capabilities against cruise missiles. The committee also directs the Secretary to undertake a high priority development program to support the future deployment of systems that are highly effective against advanced cruise missiles, including cruise missiles with low observable features. Finally, the committee directs the Secretary to prepare a plan for implementing a cruise missile defense initiative, including an assessment of organizational and managerial changes that could strengthen and further coordinate the cruise missile defense activities of the Department of Defense. The committee recommends a substantial increase in funding for cruise missile defense activities, which is described in a separate funding section below.**

# CRUISE MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 78-79, 135 | Report Language<br>Page 106, 119, 124 |

**Cruise missile defense funding**

The committee has become increasingly concerned by the growing threat of cruise missiles. The committee is particularly alarmed by the emerging threat posed by land-attack cruise missiles, especially those that employ low observable technologies. Although the Department of Defense has a number of programs designed in part or whole to deal with this threat, the committee believes that more can and must be done to enhance and coordinate these efforts. The committee therefore recommends a provision, as part of the Missile Defense Act of 1995, that would establish a Cruise Missile Defense Initiative. To support this effort, the committee recommends a funding increase of $145.0 million for various cruise missile defense programs and activities. The allocation of this proposed increase is presented below.

The committee endorses the Defense Science Board's recommendation to enhance existing air defenses through improved connectivity among existing shooter and sensor assets. To help foster this improved connectivity, the committee recommends an additional $15.0 million to accelerate joint programs between the Advanced Research Projects Agency (ARPA) and the military services. Specifically, the committee recommends an increase of $5.0 million in each of the following three service program elements for ARPA/Service seeker development: (1) 0603009A TRACTOR HIKE; (2) 0207163F AMRAAM; (3) 0603746N RETRACT MAPLE.

The most serious aspect of the emerging cruise missile threat is the severe reduction it will cause in available battlespace to detect and intercept low-flying, low-observable missiles. Existing and planned improvements in theater air defenses will not restore that battlespace. Fortunately, advanced sensors and sensor platforms being developed by ARPA and the services are maturing and offer vastly improved capabilities to detect and track low-observable targets at ranges of several hundred kilometers. Fixed-wing platforms offer flexibility for a centralized airborne surveillance and fire control system. By contrast, lighter-than-air platforms, including

# CRUISE MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Report Language**<br>**Page 78-79, 135** | **Report Language**<br>**Page 106, 119, 124** |
| | aerostats and airships, would significantly reduce cost, technical risks, and acquisition time, at some marginal degradation in operational flexibility. Life-cycle costs also favor lighter-than-air options over fixed-wing alternatives. To explore this potential, the committee recommends an additional $5.0 million in PE 0603009A for aerostat risk reduction evaluations jointly conducted by ARPA and the Army. The committee believes that airships may offer the most cost-effective alternative to the airborne sensor problem. Airships would provide sufficient payload volume, weight, and power to carry the sensors capable of providing three dimensional target resolution sufficient to acquire a target at considerable standoff ranges, and provide target illumination and data link services for a beyond the horizon intercept. Hence, the committee recommends an increase of $60.0 million in PE 0603238N to begin the development of an airship and mission system that is militarily significant in scope, of full size and operationally capable of demonstrating a counter-cruise missile capability for ground and naval forces. The committee also recommends an additional $10.0 in PE 0603226E to support ARPA's classified cruise missile defense activities.<br><br>The committee is particularly supportive of the Navy's Cooperative Engagement Capability (CEC) program, which will dramatically enhance air and missile defense effectiveness. The committee encourages the Navy's efforts to include the Army and the Air Force in the CEC program. CEC integration into systems such as Patriot, Hawk, THAAD and AWACS appears to be quite promising. The committee, therefore, recommends an increase of $20.0 million in PE 0603755N to accelerate joint Army-Navy and Air Force-Navy exploitation of CEC for cruise missile defense and theater missile defense.<br><br>The committee is aware of a proposal to refurbish and upgrade existing Patriot missiles within the Army's current inventory to provide an improved anti-cruise missile capability. This effort would provide a new seeker for older Patriot missiles to optimize their performance against cruise missiles. The committee strongly supports this upgrade. The committee, therefore, recommends an increase of $35.0 million in PE 0203801A for the first year of a three-year research and development effort for the proposed upgrade. |

# CRUISE MISSILE DEFENSE (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 59-60**

*SEC. 274. CRUISE MISSILE DEFENSE INITIATIVE.*

*(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs of the Department of Defense to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats to United States military forces and operations.*

*(b) COORDINATION WITH BALLISTIC MISSILE DEFENSE EFFORTS.—In carrying out subsection (a), the Secretary shall ensure that, to the extent practicable, the cruise missile defense programs of the Department of Defense and the ballistic missile defense programs of the Department of Defense are coordinated with each other and that those programs are mutually supporting.*

*(c) DEFENSES AGAINST EXISTING AND NEAR-TERM CRUISE MISSILE THREATS.—As part of the initiative under subsection (a), the Secretary shall ensure that appropriate existing and planned air defense systems are upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats to United States military forces and operations.*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 708-709**

*Cruise missile defense funding*

The House bill would authorize an increase of $76.0 million above the budget request for cruise missile defense programs, projects, and activities.

The Senate amendment would authorize an increase of $145.0 million above the budget request for a similar group of programs, projects, and activities.

The conferees agree to authorize an increase of $85.0 million above the budget request for cruise missile defense programs, projects, and activities. The conferees provide additional guidance in the classified annex.

# CRUISE MISSILE DEFENSE (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 59-60**

*(d) DEFENSES AGAINST ADVANCED CRUISE MISSILES.—As part of the initiative under subsection (a), the Secretary shall undertake a well-coordinated development program to support the future deployment of cruise missile defense systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.*

*(e) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of the following:*

*(1) The systems of the Department of Defense that currently have or could have cruise missile defense capabilities and existing programs of the Department of Defense to improve these capabilities.*

*(2) The technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities and the investments that would be required to ready those technologies for deployment.*

*(3) The cost and operational tradeoffs, if any, between (A) upgrading existing air and missile defense systems, and (B) accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles.*

*(4) The organizational and management changes that would strengthen and further coordinate the cruise missile defense programs of the Department of Defense, including the disadvantages, if any, of implementing such changes.*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 736**

*Cruise missile defense initiative (sec. 274)*

The Senate amendment contained a provision (sec. 236) that would establish a cruise missile defense initiative. The provision would require the Secretary of Defense to strengthen and coordinate the cruise missile defense programs of the Department of Defense, and provide Congress with a report describing the Secretary's plans for implementing this provision.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

# CRUISE MISSILE DEFENSE (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**Page 59-60** | **Report Language**<br>**Page 670** |
| *(f) DEFINITION.—For the purposes of this section, the term "cruise missile defense programs" means the programs, projects, and activities of the military departments, the Advanced Research Projects Agency, and the Ballistic Missile Defense Organization relating to development and deployment of defenses against cruise missiles.* | *Cooperative engagement capability*<br>The budget request included $180.0 million in PE 63755N for development of the cooperative engagement capability (CEC).<br>The House bill would authorize the requested amount, but would direct that no more than $102.0 million be obligated until the Secretary of Defense notifies the congressional defense committees that the test and evaluation master plan for the CEC program has been approved by the Director, Operational Test and Evaluation.<br>The Senate amendment would add $22.5 million to continue accelerated development of the airborne component of CEC and an additional $20.0 million to accelerate joint Army-Navy and Air Force-Navy exploitation of CEC for cruise missile defense and theater missile defense.<br>The conferees agree to an additional $42.5 million for CEC for the purposes described in Senate amendment. The House recedes from its funding limitation. The conferees note the concerns expressed in the House report (H. Rept. 104–131) regarding developmental testing and independent operational testing required to insure that the CEC is operationally effective and suitable when deployed to the fleet. They direct the Secretary of the Navy to submit to the congressional defense committees, by March 31, 1996, a report on the status of plans for developmental and independent operational testing of the CEC. |

# CRUISE MISSILE DEFENSE (CONT)

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# CRUISE MISSILE DEFENSE (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>None | Report Language<br>None |

# BM/C3

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>**Page 67**<br><br>(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C3I) shall be covered in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved. |

# BM/C3

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 78**

*Improving battle management command, control and communications (C3)*

The committee endorses the Defense Science Board's call for enhancing existing air defenses through improved connectivity among the military services' varied senor and "shooter" assets. The committee directs the Secretary of Defense to insure such conectivity among the C3 capabilities of the Navy (Cooperative Engagement Capability), Air Force (Joint Tactical Information Distribution System/Link 16), and Army ("Digitized Battlefield"). The committee requests that the Secretary provide a report to the congressional defense committees on the Department's actions to insure connectivity in this area by May 1, 1996.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 115**

*TMD BATTLE MANAGEMENT/COMMAND AND CONTROL*—The committee is aware both of an ongoing Ballistic Missile Defense Organization (BMDO) study on missile defense command and control, and of individual missile defense command and control efforts by the services, notably the Navy's Cooperative Engagement Capability (CEC) and the Army's Battlefield Integration Center (BIC). The committee welcomes the effort by the Department to examine the command and control requirements for effective theater missile defenses, in light of the numerous programs currently under development. However, the committee is concerned that the CEC and BIC efforts appear to be proceeding on independent paths, with little interaction between them; and even less effort on the requirement for their ultimate integration into a "seamless" theater-level command and control network under the control of a Theater CINC. The committee sees little evidence that Theater CINCs—the ultimate users—have been consulted as to their preferences for the design and operation of theater missile defense command and control centers. Moreover, any command and control solution for Theater CINCs must be designed for effective operations under a variety of possible scenarios, including such variants as the CINC's initial command center being remote from the theater of operations, or initial operations from shipboard with a subsequent transfer of command and control authority to a facility ashore. Finally, the theater missile defense center has to be capable of dealing with both ballistic missile and cruise missile threats within the theater. Because of the evident complexity of the theater missile defense command and control problem, the committee directs the Secretary of Defense to expand the charter and focus of this ongoing study effort. This effort should involve close consultation and interaction with Theater CINCs regarding the development of a "seamless" command and control center capable of rapid integration of sensor information, surveillance information, and interceptor allocations, whether land or sea based.

# BM/C3 (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br><br>See the Missile Defense Act section for language on BM/C3. (See Sections 234, 233, 235, and 251; Conference Report Pages 45-54) | **Report Language**<br><br>See Missile Defense Act section for report language on BM/C3. (Conference Report pages 731-732)<br><br>See Ballistic Missile Defense Funding section for report language on BM/C3. (Conference Report pages 704) |

# BM/C3 (CONT)

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# BM/C3

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# NATIONAL MISSILE DEFENSE

# NATIONAL MISSILE DEFENSE

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 31-33 | Bill Language<br>Page 49-52 |
| ***SEC. 231. SHORT TITLE.***<br><br>*This subtitle may be cited as the "Ballistic Missile Defense Act of 1995".* | ~~SEC. 231. SHORT TITLE.~~<br><br>~~This subtitle may be cited as the "Missile Defense Act of 1995".~~ |
| ***SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES.***<br><br>*It is the policy of the United States—*<br><br>*(1) to deploy at the earliest practical date highly effective theater missile defenses (TMDs) to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement and support the missile defense capabilities of friendly forces and of allies of the United States; and* | ~~SEC. 232. FINDINGS.~~<br><br>~~Congress makes the following findings:~~<br><br>~~(1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.~~<br><br>~~(2) The deployment of Theater Missile Defense systems will deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the Unit-~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33** | **Bill Language**<br>**Page 49-52** |
| *(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.*<br>***SEC. 233. IMPLEMENTATION OF POLICY.***<br>*(a) TMD DEPLOYMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.*<br>*(b) NMD SYSTEM ARCHITECTURE.—To implement the policy established in section 232(2), the Secretary of Defense shall develop for deployment at the earliest practical date an affordable, operationally-effective National Missile De-* | ~~ed States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.~~<br>~~(3) The intelligence community of the United States has confirmed that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile threat to the continental United States is not forecast within the next 10 years there are ways for de-* |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33** | **Bill Language**<br>**Page 49-52** |
| *fense (NMD) system designed to protect the United States against limited ballistic missile attacks. The system to be developed for deployment shall include the following:*<br>*(1) Up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary.*<br>*(2) Fixed, ground-based radars.*<br>*(3) Space-based sensors, including, within the type of space-based sensors known as ABM-adjunct sensors (such sensors not being prohibited by the ABM Treaty), those sensor systems (such as the Space and* | ~~termined countries to acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.~~<br>~~(4) The deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges, as well as against cruise missiles, will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.~~<br>~~(5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction be-~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33** | **Bill Language**<br>**Page 49-52** |
| *Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.*<br>*(4) Battle management, command, control, and communications.*<br>*(c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—*<br>*(1) the deployment of advanced theater missile defense (TMD) systems pursuant to subsection (a); and* | ~~tween strategic defense and nonstrategic defense,~~ is ~~technologically and geostrategically outdated~~.<br>(6) ~~The concept of mutual assured destruction, which provides the philosophical rationale for the ABM Treaty and continued reliance on an offense-only form of deterrence, is adversarial and bipolar in nature and is not a suitable basis for stability in~~ a multipolar world ~~and one in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-33**<br><br>*(2) the deployment of a national missile defense system which meets the requirements specified in subsection (b).* | **Bill Language**<br>**Page 49-52**<br><br>~~(7) By undermining the credibility of, and incentives to pursue, destabilizing first-strike strategies, theater and national missile defenses can contribute to the maintenance of strategic stability as missile threats proliferate and as the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.~~<br><br>~~(8) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42** | **Bill Language**<br>**Page 49-52** |
| ***SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.*** | (9) ~~Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.~~ |
| *(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).* | ~~SEC. 233. MISSILE DEFENSE POLICY.~~<br>~~It is the policy of the United States to—~~<br>~~(1) deploy as soon as possible highly effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;~~ |
| *(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).* | |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br><br>*(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br><br>*(1) Theater High Altitude Area Defense (THAAD).*<br><br>*(2) Patriot Advanced Capability-3.*<br><br>*(3) Navy Lower Tier.*<br><br>*(4) Navy Upper Tier.*<br><br>*(5) Corps Surface-to-Air Missile.*<br><br>*(6) Hawk.*<br><br>*(7) Boost Phase Intercept.*<br><br>*(8) National Missile Defense.*<br><br>*(9) Arrow.* | **Bill Language**<br>**Page 49-52**<br><br>~~(2) deploy a multiple-site national missile defense system that (A) is highly effective against limited ballistic missile attacks on the territory of the United States, and (B) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats;~~<br><br>~~(3) improve existing cruise missile defenses and deploy as soon as practical defenses that are highly effective against advanced cruise missiles;~~<br><br>~~(4) pursue a focused research and development program to provide follow-on ballistic missile defense options;~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br><br>*(10) Medium Extended Air Defense.*<br><br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br><br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report, any difference in the technical milestones, program schedule milestones, and costs for that program—*<br><br>*(A) compared with the information relating to that program in the report submitted in the previous year; and* | **Bill Language**<br>**Page 49-52**<br><br>~~(5) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses;~~ and<br><br>~~(6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability~~. |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br><br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br><br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br><br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than 30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.* | **Bill Language**<br>**Page 56-59**<br><br>~~SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.~~<br><br>~~(a) IN GENERAL.—To implement the policy established in section 233, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system, which will attain initial operational capability (IOC) by the end of 2003. The national missile defense system to be developed for deployment shall include the following:~~<br><br>~~(1) Ground-based interceptors deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive cov-~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42** | **Bill Language**<br>**Page 56-59** |
| *SEC. 242. POLICY CONCERNING BALLISTIC MISSILE DEFENSE.*<br>*(a) BALLISTIC MISSILE DEFENSE AND OTHER COUNTERPROLIFERATION EFFORTS.—The Congress views the deployment of ballistic missile defenses as a necessary, but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of means of their delivery and to defend against the consequences of such proliferation. The Congress, therefore, endorses and supports measures designed to slow or halt the proliferation of advanced technologies that pose a threat to the safety and security of the United States and to international stability.* | ~~(2) Fixed ground-based radars and space-based sensors, including the Space and Missile Tracking system, the mix, siting and numbers of which are to be determined so as to optimize sensor support and minimize total system cost.~~<br>~~(3) Battle management, command, control, and communications (BM/C3).~~<br>(b) ~~INTERIM OPERATIONAL CAPABILITY. To provide a hedge against the emergence of near-term ballistic missile threats against the United States and to support the development and deployment of the objective system specified in subsection (a), the Secretary of Defense shall~~ |

## NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42** | **Bill Language**<br>**Page 56-59** |
| *(b) BALLISTIC MISSILE DEFENSE AND STRATEGIC STABILITY.—(1) The Congress views the deployment of ballistic missile defenses as a strategically stabilizing measure.*<br><br>*(2) The deployment of Theater Missile Defense systems at the earliest practical date pursuant to section 232(a)(1) will deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.* | ~~develop an interim national missile defense capability, consistent with the technical requirements and schedule of such objective system, to be operational by the end of 1999. In developing this capability the Secretary shall make use of—~~<br><br>~~(1) developmental, or user operational evaluation system (UOES) interceptors, radars, and battle management, command, control, and communications (BM/C3), to the extent that such use directly supports, and does not significantly increase the cost of, the objective system specified in subsection (a);~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br><br>*(3) The deployment of a National Missile Defense system at the earliest practical date pursuant to section 232(a)(2) against the threat of limited ballistic missile attacks—*<br><br>*(A) will strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaties (START–I and START–II); and*<br><br>*(B) would further strengthen deterrence if reductions below the levels permitted under START–II should be agreed to in the future.*<br><br>*(c) PRESIDENTIAL DISCUSSIONS WITH OTHER NATIONS.—(1) The Congress—*<br><br>*(A) notes that on the basis of section 235 it is* | **Bill Language**<br>**Page 56-59**<br><br>~~(2) one or more of the sites that will be used as deployment locations for the objective system specified in subsection (a);~~<br><br>~~(3) upgraded early warning radars; and~~<br><br>~~(4) space-based sensors.~~<br><br>~~(c) USE OF STREAMLINED ACQUISITION PROCEDURES. The Secretary of Defense shall prescribe and use streamlined acquisition procedures to—~~<br><br>~~(1) reduce the cost and increase the efficiency of developing the national missile defense system specified in subsection (a); and~~<br><br>~~(2) ensure that the interim national missile defense capabilities developed pursuant to subsection (b) are operationally effective and on a path to fulfill~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42** | **Bill Language**<br>**Page 56-59** |
| *no longer necessary for the United States to continue discussions with Russia to clarify the distinction between ABM and TMD systems and, therefore, urges the President to discontinue any such discussions;*<br><br>*(B) notes that the ABM Treaty prohibits deployment of ground-based interceptors in a number that would be sufficient to assure that the entire continental United States, Alaska, and Hawaii are defended against limited ballistic missile attacks; and*<br><br>*(C) notes that past discussions with Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow defense against a limited ballistic missile attack that would* | ~~the technical requirements and schedule of the objective system~~.<br><br>~~(d) ADDITIONAL COST SAVING MEASURES.—~~In addition to the procedures prescribed pursuant to subsection ~~(c), the Secretary of Defense shall employ cost saving measures that do not decrease the operational effectiveness of the systems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures should include the following~~:<br><br>~~(1) The use of existing facilities and infrastructure.~~<br><br>~~(2) The use, where appropriate, of existing or upgraded systems and technologies~~. |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br><br>*have included (among other measures) permitted deployment of as many as four ground-based interceptor sites in addition to the one site currently permitted under the ABM Treaty and unrestricted exploitation of ground-based and space-based sensors.*<br><br>*(2) In light of the findings in paragraph (1), Congress urges the President to pursue high-level discussions with Russia to amend the ABM Treaty to permit—*<br><br>*(A) deployment of the number of ground-based ABM sites necessary to provide effective defense of the entire territory of the United States against limited ballistic missile attack; and*<br><br>*(B) the unrestricted exploitation of sensors based within the atmosphere and in space.* | **Bill Language**<br>**Page 56-59**<br><br>~~(3) Development of systems and components that do not rely on a large and permanent infrastructure and are easily transported, emplaced, and moved.~~<br><br>~~(c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:~~<br><br>~~(1) The Secretary's plan for carrying out this section.~~ |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br>*(3) It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement and support the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—*<br>*(A) to pursue high-level discussions with allies and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;*<br>*(B) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and* | **Bill Language**<br>**Page 56-59**<br>~~(2) An analysis of options for supplementing or modifying the national missile defense architecture~~ specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost effectiveness or the operational effectiveness of such system by adding one or a combination of the following:<br>~~(A) Additional ground based interceptors at existing or new sites.~~<br>~~(B) Sea based missile defense systems.~~<br>~~(C) Space based kinetic energy interceptors.~~<br>~~(D) Space based directed energy systems.~~ |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br><br>*(C) in the interim, to seek agreement with allies and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—*<br><br>*(i) the sharing of early warning information derived from sensors deployed by the United States and other states;*<br><br>*(ii) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and* | |

## NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 36-42**<br><br>*(iii) operational level planning to exploit current missile defense capabilities and to help define future requirements.* | |

# NATIONAL MISSILE DEFENSE (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act for Nunn amendment on the Missile Defense Act concerning NMD (September 5, 1995)** |

| NATIONAL MISSILE DEFENSE (CONTINUED)<br>KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS | |
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| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | Bill Language<br>Page 405 - 409<br><br>***SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED STATES FROM BALLISTIC MISSILE ATTACK.***<br><br>*(a) FINDINGS.—The Senate makes the following findings:*<br><br>*(1) The proliferation of weapons of mass destruction and ballistic missiles presents a threat to the entire World.*<br><br>*(2) This threat was recognized by Secretary of Defense William J. Perry in February 1995 in the Annual Report to the President and the Congress which states that "[b]eyond the five declared nuclear weapons states, at least 20 other nations have acquired or are attempting to acquire weapons of mass* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 405 - 409**<br><br>*destruction—nuclear, biological, or chemical weapons—and the means to deliver them. In fact, in most areas where United States forces could potentially be engaged on a large scale, many of the most likely adversaries already possess chemical and biological weapons. Moreover, some of these same states appear determined to acquire nuclear weapons.".*<br><br>*(3) At a summit in Moscow in May 1995, President Clinton and President Yeltsin commented on this threat in a Joint Statement which recognizes* |

| NATIONAL MISSILE DEFENSE (CONTINUED)<br>KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 405 - 409**<br><br>*" . . . the threat posed by worldwide proliferation of missiles and missile technology and the necessity of counteracting this threat . . . ".*<br><br>*(4) At least 25 countries may be developing weapons of mass destruction and the delivery systems for such weapons.*<br><br>*(5) At least 24 countries have chemical weapons programs in various stages of research and development.*<br><br>*(6) Approximately 10 countries are believed to have biological weapons programs in various stages of development.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 405 - 409**<br><br>*(7) At least 10 countries are reportedly interested in the development of nuclear weapons.*<br><br>*(8) Several countries recognize that weapons of mass destruction and missiles increase their ability to deter, coerce, or otherwise threaten the United States. Saddam Hussein recognized this when he stated, on May 8, 1990, that "[o]ur missiles cannot reach Washington. If they could reach Washington, we would strike it if the need arose.".*<br><br>*(9) International regimes like the Non-Proliferation Treaty, the Biological Weapons Convention, and the Missile Technology Control Regime, while effective, cannot by themselves halt the spread of weapons* |

| NATIONAL MISSILE DEFENSE (CONTINUED)<br>KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS | |
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| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 405 - 409**<br><br>*and technology. On January 10, 1995, Director of Central Intelligence, James Woolsey, said with regard to Russia that " . . . we are particularly concerned with the safety of nuclear, chemical, and biological materials as well as highly enriched uranium or plutonium, although I want to stress that this is a global problem. For example, highly enriched uranium was recently stolen from South Africa, and last month Czech authorities recovered three kilograms of 87.8 percent-enriched HEU in the Czech Republic—the largest seizure of near-weapons grade material to date outside the Former Soviet Union.".* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 405 - 409**<br><br>*(10) The possession of weapons of mass destruction and missiles by developing countries threatens our friends, allies, and forces abroad and will ultimately threaten the United States directly. On August 11, 1994, Deputy Secretary of Defense John Deutch said that "[i]f the North Koreans field the Taepo Dong 2 missile, Guam, Alaska, and parts of Hawaii would potentially be at risk.".*<br><br>*(11) The end of the Cold War has changed the strategic environment facing and between the United States and Russia. That the Clinton Administration believes the environment to have changed was made clear by Secretary of Defense William J. Perry on* |

| NATIONAL MISSILE DEFENSE (CONTINUED)<br>KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS | |
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| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 405 - 409**<br>*September 20, 1994, when he stated that "[w]e now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety.".*<br>*(12) The United States and Russia have the opportunity to create a relationship based on trust rather than fear.*<br>*(b) SENSE OF SENATE.—It is the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack. It is the further sense of the Senate that front-line troops of the United States Armed Forces should be protected from missile attacks.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 405 - 409**<br><br>*(c) FUNDING FOR CORPS SAM AND BOOST-PHASE INTERCEPTOR PROGRAMS.—*<br><br>*(1) Notwithstanding any other provision in this Act, of the funds authorized to be appropriated by section 201(4), $35,000,000 shall be available for the Corps SAM/MEADS program.*<br><br>*(2) With a portion of the funds authorized in paragraph (1) for the Corps SAM/MEADS program, the Secretary of Defense shall conduct a study to determine whether a Theater Missile Defense system derived from Patriot technologies could fulfill the Corps* |

| NATIONAL MISSILE DEFENSE (CONTINUED)<br>KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS | |
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| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 405 - 409**<br><br>*SAM/MEADS requirements at a lower estimated life-cycle cost than is estimated for the cost of the United States portion of the Corps SAM/MEADS program.*<br><br>*(3) The Secretary shall provide a report on the study required under paragraph (2) to the congressional defense committees not later than March 1, 1996.*<br><br>*(4) Of the funds authorized to be appropriated by section 201(4), not more than $3,403,413,000 shall be available for missile defense programs within the Ballistic Missile Defense Organization.* |

## NATIONAL MISSILE DEFENSE (CONTINUED)
## KYL (R-AZ) SENSE OF CONGRESS & NUNN (D-GA) SECOND DEGREE AMENDMENT ON MEADS

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 405 - 409**<br><br>*(d) OBLIGATION OF FUNDS.—Of the amounts referred to in section (c)(1), $10,000,000 may not be obligated until the report referred to in subsection (c)(2) is submitted to the congressional defense committees.* |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 111<br><br>The committee's research and development recommendations include an attempt to revitalize the Army's moribund modernization program, a renewed emphasis on the Navy's littoral warfare programs in anti-submarine warfare, mine countermeasures and naval surface fire support, as well as a significant boost to the Air Force's space and reusable launch efforts. However, the centerpiece of the committee's efforts to refocus defense research is found in its efforts to reinvigorate the ballistic missile defense program. As rogue nations determinedly seek to acquire weapons of mass destruction and the technology to deliver them over great distances, the United States can ill-afford not to pursue a more robust effort to develop and deploy effective theater and national missile defenses.<br>The nation must not forget how a crude, conventionally-armed Scud missile accounted for the greatest single loss of American lives during the Gulf War. Contrary to those who criticize attempts to defend U.S. troops or the American people from these weapons of terror, a massive SDI-like program to deploy exotic technologies is not envisioned. Yet it would be unconscionable in this emerging world of proliferating technology not to protect our troops abroad as well as Americans at home from ballistic missile attack—whether deliberate or accidental. Theater and national missile defense must once again become a national priority. To this end, the committee has accelerated funding for both theater and national missile defense programs. | |

# NATIONAL MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 131-133**

*National missile defense (NMD)*

The committee believes that the NMD program should be structured to support an initial deployment at the earliest practical date as a matter of national priority. The committee recommendation of an increase in funding for NMD of $450 million, would provide a total authorization of $820.6 million for fiscal year 1996. This recommendation is intended to significantly accelerate the development and integrated testing of "critical path" elements of an objective NMD system, including the ground-based interceptor (GBI), the NMD-ground based radar (NMD-GBR), upgrades to existing early warning radars, and associated battle management, command control and communications (BMC3) in fiscal year 1996. The committee recognizes that the budget for the NMD-GBR has been cut dramatically in recent years, and therefore strongly urges the Director of the Ballistic Missile Defense Organization (BMDO) to provide sufficient funding to ensure significant acceleration of the NMD-GRB schedule. To reduce risk in the NMD program, the Director of BMDO is strongly urged to maintain competition in the development of an exoatmospheric kill vehicle (EKV) through flight testing. Furthermore, the committee expects that a significant fraction of the NMD budget will be used to accelerate research involving discrimination, phenomenology, component miniaturization, focal plane arrays, signal processing, countermeasures to submunitions, and kinetic kill vehicle (KKV) lethality activities.

*Policy on Anti-Ballistic Missile Treaty compliance*

The committee is deeply concerned about the Administration's apparent efforts to turn the 1972 Anti-Ballistic Missile (ABM) Treaty into a new, multilateral "ABM-TMD Treaty" in its arms control talks with Russia and others. Current U.S. proposals would impose specific design limitations on U.S. systems and result in a significantly compromised U.S. TMD capability.

The committee believes that U.S. forces overseas should be deployed with the most modern and capable systems available to protect them in the event of conflict. Theater missile defenses are no exception to this rule. Artificially constraining the capabilities of

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 117-121**

***National Missile Defense Architecture***

**The committee notes that there is greater ambiguity and more disagreement regarding the future ballistic missile threat to the territory of the United States than there is regarding the threat posed by short- and medium-range missiles, which are already deployed in large numbers throughout the world. With regard to ballistic missile threats to the United States itself, there are really two subcategories—existing threats that we have lived with for some time, and emerging new threats. Most of the debate has surrounded the question of new threats.**

**The committee notes that the intelligence community does not presently forecast the emergence of a new indigenously-developed ballistic missile threat to the continental United States within the next ten years. Nevertheless, the intelligence community does confirm that the proliferation trend is toward longer-range and more sophisticated ballistic missiles, and that there are a number of ways for determined countries to rapidly acquire intercontinental ballistic missiles (ICBM) by means other than indigenous development. The intelligence community also confirms that North Korea is developing an ICBM class missile (the Taepo Dong II), which may become operational within five years, and which may have sufficient range to target Alaska. Some analysts speculate that this missile could have an even longer range. In any event, the mere existence of this North Korean program is cause for questioning the intelligence community's ten year forecast. It also highlights how suddenly a new ICBM threat can emerge. Given North Korea's history as a missile proliferator and its ongoing cooperation with Iran on such programs, the committee views these developments as extremely threatening.**

**The committee does not believe that the intelligence community's ten year threat assessment in any way undermines the case for accelerating deployment of a national missile defense system. Even if it were certain that a new threat would not materialize for ten years, the United States would still need to get started now to ensure that it develops a highly effective and affordable system in time. As previously noted, however, there is a great deal of uncertainty surrounding the ten year estimate. The United States must**

# NATIONAL MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**

**Page 131-133**

U.S. TMD systems risks more than good relations with the Russians—it risks American lives. The committee notes that the single greatest number of American deaths in the Gulf War resulted from the launch of one Iraqi Scud missile against a U.S. barracks in Saudi Arabia.

The committee therefore recommends a provision (sec. 235) that would prohibit the obligation or expenditure of funds for the purpose of applying the ABM treaty, or any limitation or obligation under that Treaty, to the research, development, testing or deployment of a theater missile defense system, upgrade, or component. The standard used to define the demarcation between anti-ballistic missile defense which are limited by the ABM Treaty, and theater missile defenses which are not, is similar to the one used by the Administration at the beginning of the negotiations among the United States, Russia, and other nations. This definition would provide that a missile defense system which is covered by the ABM Treaty is defined as one which has been flight-tested against a ballistic missile which, in that flight test, exceeded, first, a range of more than 3,500 kilometers, or, second, a maximum velocity of more than 5 kilometers per second. Put simply, if a missile defense system has not been flight-tested in an ABM mode—and therefore has not demonstrated a flight-tested capability to counter intercontinental ballistic missiles—it should not be limited in any way by the ABM Treaty.

The committee also recommends a provision (sec. 236) that would strongly urge the President to pursue high-level discussions with Russia to amend the ABM Treaty, and to seek to foster international coopeation in the development, deployment and operation of BMD systems.

Finally, it is the committee's understanding that all the elements of an NMD system architecture listed in section 233 can be developed and deployed under the ABM Treaty. The Treaty limits only the number of ground-based interceptors and the number ABM sites, and may affect the ability of sensors other than ABM radars to contribute efficiently to the performance of the overall NMD system.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**

**Page 117-121**

be prepared to respond earlier if necessary. Perhaps more important, deploying an NMD system prior to the unambiguous emergence of new missile threats to the United States may serve to deter countries that would otherwise seek to acquire ICBMs. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

In addition to dealing with emerging threats to the United States, NMD can help pave the way for a more reliable and less adversarial form of strategic stability. Mutual vulnerability is clearly not a necessary basis for a stable deterrence relationship. In the near-term, NMD deployments would serve to stabilize mutual deterrence by reducing prospective incentives to strike first in a crisis. The committee believes that even modest NMD deployments can reduce the vulnerability of U.S. strategic forces and thereby strengthen stability. Over time, as political circumstances permit, increasingly robust defenses can serve to devalue offensive forces, especially those that are most destabilizing, virtually eliminating first strike incentives and establishing the basis for deeper offensive reductions.

Indefinitely extending Cold War notions of nuclear deterrence based on vulnerability and threats of retaliation is likely to perpetuate basic animosities and security concerns, and prohibit the development of the more positive relations necessary for a genuinely stable U.S.-Russian strategic relationship. Arms reductions alone cannot accomplish this goal. By easing concerns about possible noncompliance and third party ballistic missile threats, missile defenses can help provide the confidence necessary to move toward deeper offensive reductions. In sum, the argument that effective national ballistic missile defenses are inconsistent with deterrence and arms control is as outdated as the Cold War itself.

Therefore, the committee recommends a provision which would establish an NMD program to deploy a multiple-site, ground-based interceptor system by 2003, with a more limited contingency capability available by the turn of the century. The committee believes that there is an urgent need to establish explicit milestones and performance goals for the NMD program in order to achieve these deployment goals. The committee directs the Secretary of Defense to employ streamlined acquisition procedures and other cost saving measures as appropriate to ensure rapid and cost-effective development of an NMD system.

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 131-133 | Report Language<br>Page 117-121<br>The committee notes that the ground-based interceptor (GBI) program, with its exoatmospheric kill vehicle (EKV), has been underway for almost five years, and has achieved significant technical progress. The committee also notes the existence of various options for off-the-shelf boosters for the GBI, but questions whether these can be optimized for the GBI mission. The committee therefore recommends that a detailed analysis be conducted in order to select an optimized booster configuration that balances cost and performance considerations. The committee supports aggressive development and testing of the EKV to support the deployment goals specified above. The committee is troubled by recent schedule delays in the EKV program and the fact that BMDO is considering a down-select to a single design and contractor before conducting flight tests. To ensure that the best design is selected upon demonstrated performance, and to minimize program risk, the Secretary of Defense is directed to maintain competition in the EKV program through successful completion of flight demonstrations.<br>In order to develop and deploy optimized sensor support for an NMD system, the committee supports upgrading existing early warning radars while new X-band fire control radars are readied for deployment. The committee also strongly supports the development of the Space and Missile Tracking System (SMTS), which is being developed by the Air Force as part of the Space-Based Infrared System (SBIRS). The committee believes that SMTS should be developed for a first launch in fiscal year 2001, with an IOC in fiscal year 2003, to support the objective multiple-site NMD system. The committee believes that the proper mix between space-based sensors and ground-based radars must be achieved to maximize coverage and effectiveness while minimizing the ultimate cost of the NMD system. With robust space-based sensor support, the system may not require new radars at each interceptor deployment location.<br>The committee recognizes that there may be opportunities to significantly improve the cost and operational effectiveness of a ground-based NMD system by including space-based and/or sea-based defensive systems in the NMD architecture. The committee directs the Secretary of Defense to include an analysis of such options in the NMD implementation plan. |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 131-133 | Report Language<br>Page 117-121 |

*Policy Regarding the ABM Treaty*

The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty. Rather than recommend a specific course of action at this time, however, the committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of making a well informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.

The Missile Defense Act of 1995 would establish a policy to seek a cooperative transition to a regime which does not feature mutual assured destruction as the basis for deterrence and stability, yet it is not presently clear how best to achieve this goal. Incremental amendments to the treaty must be considered, but there is a risk that such incrementalism may undermine the ultimate goal of replacing the treaty with a more appropriate and up-to-date regime.

Congress also will want to evaluate the Secretary of Defense's NMD implementation plan and a variety of technical and policy issues before recommending a specific course of action. Furthermore, given that there are no ABM Treaty limitations on research, development, or testing of ground-based NMD systems or components, it is prudent to dedicate a year to studying all ABM Treaty-related issues and alternatives. The committee, therefore, recommends a provision that calls for the Senate to undertake a careful one-year review of the continuing value and validity of the ABM Treaty, during which time all efforts by the administration to modify, clarify, or otherwise alter U.S. obligations under the ABM Treaty should cease.

To conduct this comprehensive review and to issue specific guidance, the committee recommends that the Senate consider establishment of a select committee on the future of the ABM Treaty, which would convene for a one-year period of time. The select committee would conduct hearings and interviews, review all relevant documents, and carefully consider the full range of policy issues. At the end of the 104th Congress, the select committee would issue a report and be disbanded.

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 117-121**<br><br>To facilitate the Senate's review and to foster full and open debate, the committee recommends requiring the declassification of the ABM Treaty negotiating record. This action would be consistent with the classification policy in Executive Order 12958, announced by the administration on April 17, 1995. The Reagan Administration, which declassified a significant portion of the ABM Treaty record, established the precedent for this action. The committee understands that in connection with the 1987 study of the ABM Treaty by the State Department Legal Advisor, most of the negotiating record along with a complete index was compiled. The committee suggests that this would be a good starting point for the administration in providing Congress with the information requested.<br><br>*Development, Testing and Deployment of Non-ABM Systems*<br><br>The committee observes that the ABM Treaty does not limit the development or deployment of TMD or air defense systems; yet, as a result of ambiguities in the treaty, the United States has for years unilaterally limited the development of non-ABM systems. These self-imposed restraints exceed not only the requirements of the Treaty, but common sense. Article VI(a) of the ABM Treaty states that non-ABM systems may not be "tested in an ABM mode" and may not be "given capabilities to counter strategic ballistic missiles." Unfortunately, these terms and concepts remain essentially undefined. In this void, the Department of Defense developed an arbitrary methodology, based on computer simulations of one-on-one engagements, to determine whether defensive systems have "capabilities to counter strategic ballistic missiles." This approach, unfortunately, conforms neither to operational reality nor to the requirements of the ABM Treaty. Since the treaty is verified and monitored solely by "national technical means," compliance standards based on computer simulations clearly exceed the terms and requirements of the Treaty. There is no evidence that Russia, or the Soviet Union before it, has ever employed anything as onerous and self-limiting as this. |

# NATIONAL MISSILE DEFENSE (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 117-121**<br><br>**The results of this excessive self-regulation have recently become very apparent. Recent compliance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.**<br>**Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.** |

# NATIONAL MISSILE DEFENSE (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 144-145**

SECTION 233—IMPLEMENTATION OF POLICY

This section would direct the Secretary of Defense to take certain actions to implement the policy established in section 232, and to issue a report to Congress setting forth the Secretary's plan for implementing that guidance. Further, the section would direct that the report include a revised five-year funding plan for National Missile Defense (NMD), consistent with the guidance contained in the provision. The Secretary's report would specify projected timelines and costs for deploying advanced Theater Missile Defense (TMD) systems and an NMD system. Furthermore, the report would state whether or when ABM Treaty constraints would have the effect of constraining the deployment and efficient operation of a highly-effective NMD system.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 123-124**

*National Missile Defense*

The Missile Defense Act of 1995 (Subtitle C of Title II) would establish a highly focused effort to defend the United States against limited ballistic missile attacks. The NMD program as it now exists is structured to spend approximately $400 million a year for the foreseeable future without deploying a single element of defensive capability. The committee views this as a wasteful expenditure and a program that fundamentally neglects a serious emerging threat to the national security of the United States. The committee, therefore, recommends an increase of $300.0 million for the NMD program, for a total of $671.5 million, to accelerate key technologies and systems pending the outcome of a detailed NMD deployment plan.

The committee recognizes that deploying a multiple-site NMD system by 2003 will require significant investments in the out years, and directs the Secretary of Defense to budget accordingly. Given the consequences of not being prepared for the emerging threat, the committee believes that this investment should be one of the Secretary's highest priorities.

The committee believes that the ultimate cost of deploying an NMD system can be significantly reduced by employing streamlined acquisition procedures and a sense of urgency. The Missile Defense Act of 1995 would establish a requirement for the Secretary to prescribe and employ such procedures as well as other cost saving measures. The committee believes that, for purposes of acquisition, the Secretary should consider NMD deployment a national priority, requiring highly streamlined treatment. The committee notes the case of the Pershing II intermediate-range ballistic missile development and deployment effort during the late 1970s and early 1980s, in which streamlined acquisition procedures and a sense of urgency produced rapid, cost-effective and technically very satisfactory results. The committee directs the Secretary of Defense to emulate this model for NMD as much as possible.

# NATIONAL MISSILE DEFENSE (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br><br>**All statutory language pertaining to NMD has been deleted.** | **Report Language**<br>**Page 699**<br><br>*National Missile Defense*—The budget request contained $370.6 million in PE 63871C for National Missile Defense (NMD).<br>The House bill would authorize $820.6 million for NMD.<br>The Senate amendment would authorize $670.6 million for NMD. |

# NATIONAL MISSILE DEFENSE (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br><br>**All statutory language pertaining to NMD has been deleted.** | **Report Language**<br>**Page 729**<br><br>*National missile defense*<br><br>The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop for deployment at the earliest practical date a national missile defense system consisting of: (1) up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary; (2) fixed, ground-based radars; (3) space based sensors, including those sensor systems that are capable of cuing ground-based interceptors and providing initial targeting vectors; and (4) battle management, command, control, and communications.<br><br>The Senate amendment contained a provision (sec. 235) that would direct the Secretary of Defense to take the following steps regarding national missile defense (NMD): (1) develop for deployment an affordable and operationally effective NMD system (consisting of ground-based interceptors capable of being deployed at multiple sites, ground-based radars, space-based sensors, and battle management, command, control, and communications) to counter a limited, accidential, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability by the end of 2003; (2) develop an interim operational capability plan that would give the United States the ability to field a limited NMD system by the end of 1999; (3) prescribe and use streamlined acquisition procedures; (4) employ additional cost saving measures; and (5) report on his plan for NMD deployment and an analysis of options for supplementing the initial NMD architecture to improve cost and operational effectiveness. The Senate amendment also contained a provision (sec. 235(d)(2)) that would prohibit the use of Minuteman boosters in any NMD architecture.<br><br>The conference agreement does not include a provision on national missile defense. |

# NATIONAL MISSILE DEFENSE

## House FY96 DoD Appropriation Bill
## H.R. 2126; H. Rept. 104-208 (7/27/95)

**Bill Language**
**None**

**Report Language**
**Page 169**

NATIONAL MISSILE DEFENSE

The Committee believes that National Missile Defense (NMD) is one of the highest national security priorities. The Committee is concerned about the proliferation of weapons of mass destruction and the possible emergence of a ballistic missile threat from a rogue nation. However, the Committee does not believe that the Administration's program of "technology readiness" is sufficient to address this threat. Therefore, the Committee recommends an increase of $450,000,000 to significantly accelerate the development of a national missile defense system that will be capable of defending the United States from a limited ballistic missile attack. Furthermore, the Committee agrees with the House National Security Committee that the NMD program should be structured so as to support deployment of an NMD system at the soonest possible date—now estimated to be within four to six years.

## Senate FY96 DoD Appropriation Bill
## S. 1087; Sen. Rept. 104-124 (7/28/95)

**Bill Language**
**None**

**Report Language**
**Page 186**

*National missile defense.*—The Committee has provided $670,621,000, an increase of $300,000,000 over the budget request. The Committee has taken this action to accelerate the development of a national missile defense [NMD] system. The Committee endorses the realignment and augmentation of funding for BMDO activities for fiscal year 1996. The Committee shares the commitment articulated in the report accompanying Senate bill 1026 that adequate resources be made available to facilitate the deployment of an operational national missile defense system at the earliest possible time, that can fully protect all 50 States.

# NATIONAL MISSILE DEFENSE

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>**None** | **Report Language**<br>**None** |

# MISSILE DEFENSE TESTING

# MISSILE DEFENSE TESTING

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 43-45**<br><br>*SEC. 243. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.*<br><br>*Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1600) is amended to read as follows:*<br><br>*"(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.* | **Bill Language**<br>**None** |

# MISSILE DEFENSE TESTING

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 43-45**<br><br>*"(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—*<br><br>*"(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and*<br><br>*"(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.*<br><br>*"(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to* | **Bill Language**<br>**None** |



Pages 220-222 Removed

## MISSILE DEFENSE TESTING

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 43-45**<br><br>*section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.*<br><br>*"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.*<br><br>*"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.".* | **Bill Language**<br>**None** |

## MISSILE DEFENSE TESTING (CONTINUED)
## PRYOR (D-AR) AMENDMENT ON TESTING OF TMD INTERCEPTORS

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | Bill Language<br>Page 55 - 57<br><br>***SEC. 227. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.***<br><br>*(a) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation, and is found to be a suitable and effective system.*<br><br>*(b) In order to be certified under subsection (a) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptor program must have included flight tests—* |

## PRYOR (D-AR) AMENDMENT ON TESTING OF TMD INTERCEPTORS

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(1) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and*<br><br>*(2) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.*<br><br>*(c) For purposes of this section, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.* |

| MISSILE DEFENSE TESTING (CONTINUED)<br>PRYOR (D-AR) AMENDMENT ON TESTING OF TMD INTERCEPTORS | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(d) The number of flight tests described in subsection (b) that are required in order to make the certification under subsection (a) shall be a number determined by the Director of Operational Test and Evaluation to be sufficient for the purposes of this section.*<br><br>*(e) The Secretary may augment flight testing to demonstrate weapons system performance goals for purposes of the certification under subsection (a) through the use of modeling and simulation that is validated by ground and flight testing.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(f) The Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress plans to adequately test theater missile defense interceptor programs throughout the acquisition process. As these theater missile defense systems progress through the acquisition process, the Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment of how these programs satisfy planned test objectives.* |

# MISSILE DEFENSE TESTING (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Report Language**<br>**Page 145**<br><br>SECTION 243—TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS<br><br>This section would amend section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) regarding testing of theater missile defense interceptors. | **Report Language**<br>**None** |

# MISSILE DEFENSE TESTING (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 53-54**

*SEC. 252. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.*

*Subsection (a) of section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1600) is amended to read as follows:*

*"(a) TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.—(1) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation.*

*"(2) In order to be certified under paragraph (1) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptors program must have included flight tests—*

*"(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and*

*"(B) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.*

*"(3) For purposes of this subsection, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 734**

*Testing of theater missile defense interceptors (sec. 252)*

The House bill contained a provision (sec. 243) that would amend subsection (a) of section 237 of Public Law 103–160, pertaining to the testing of theater missile defense interceptors.

The Senate amendment contained a similar provision (sec. 227) that also would relate to the testing of theater missile defense interceptors.

The Senate recedes.

# MISSILE DEFENSE TESTING (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**Page 53-54**<br><br>*"(4) The number of flight tests described in paragraph (2) that are required in order to make the certification under paragraph (1) shall be a number determined by the Secretary of Defense to be sufficient for the purposes of this section.*<br>*"(5) The Secretary may augment live-fire testing to demonstrate weapons system performance goals for purposes of the certification under paragraph (1) through the use of modeling and simulation that is validated by ground and flight testing.".* | **Report Language** |

# MISSILE DEFENSE TESTING

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>Page 187<br><br>The Committee also directs that $3,000,000 of the available funds shall only be used to continue operation and maintenance of the Kauai test facility [KTF]. KTF is expected to continue to be required to support the development and testing of missile defense systems. |

## MISSILE DEFENSE TESTING (CONT)
## PRYOR (D-AR) AMENDENT ON TESTING OF TMD INTERCEPTORS

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| | **Bill Language**<br>**Page 95**<br><br>***SEC. 8101. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.***<br><br>*(a) APPROVAL BEYOND LOW-RATE INITIAL PRODUCTION.—The Secretary of Defense may not approve a theater missile defense interceptor program beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that the program—*<br><br>*(1) has successfully completed initial operational test and evaluation; and*<br><br>*(2) involves a suitable and effective system.* |

| MISSILE DEFENSE TESTING (CONT)<br>PRYOR (D-AR) AMENDENT ON TESTING OF TMD INTERCEPTORS | |
|---|---|
| **House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95)** | **Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95)** |
| | **Bill Language**<br>**Page 95**<br><br>*(b) CERTIFICATION REQUIREMENTS.—(1) In order to be certified under subsection (a), the initial operational test and evaluation conducted with respect to a program shall include flight tests—*<br><br>*(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and*<br><br>*(B) the results of which demonstrate the achievement of baseline performance thresholds by such interceptors.* |

## MISSILE DEFENSE TESTING (CONT)
## PRYOR (D-AR) AMENDENT ON TESTING OF TMD INTERCEPTORS

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| | **Bill Language**<br>**Page 95**<br><br>*(2) The Director of Operational Test and Evaluation shall specify the number of flight tests required with respect to a program under paragraph (1) in order to make a certification referred to in subsection (a).*<br><br>*(3) The Secretary may utilize modeling and simulation validated by ground and flight testing in order to augment flight testing to demonstrate weapons system performance for purposes of a certification under subsection (a).*<br><br>*(c) REPORTS.—(1) The Director of Operational Test and Evaluation and the head of the Ballistic Missile Defense Organization shall include in the annual reports to Congress of such officials plans to test adequately theater* |

| MISSILE DEFENSE TESTING (CONT)<br>PRYOR (D-AR) AMENDENT ON TESTING OF TMD INTERCEPTORS | |
|---|---|
| **House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95)** | **Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95)** |
| | **Bill Language**<br>**Page 95**<br><br>*missile defense interceptor programs throughout the acquisition process.*<br><br>*(2) As each theater missile defense system progresses through the acquisition process, the officials referred to in paragraph (1) shall include in the annual reports to Congress of such officials an assessment of the extent to which such programs satisfy the planned test objectives for such programs.* |

## MISSILE DEFENSE TESTING (CONT)
## PRYOR (D-AR) AMENDENT ON TESTING OF TMD INTERCEPTORS

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| | **Bill Language**<br>**Page 95**<br><br>*(d) DEFINITION.—For purposes of this section, the baseline performance thresholds for a program are the weapon system performance thresholds specified in the baseline description for the weapon system established pursuant to section 2435(a)(1) of title 10, United States Code, before the program entered into the engineering and manufacturing development stage.* |

# MISSILE DEFENSE TESTING (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>None | Report Language<br>Page 109<br><br>NAVY RANGE SUPPORT SHIP<br><br>In the process of restructuring its fleet of oceanographic research vessels, the Navy recently decided that the Kaimalino would not be part of the future Navy oceanographic fleet. The conferees are aware of a plan for the Pacific Missile Range Facility (PMRF) to acquire the Kaimalino to support operational training needs as well as research and development programs, such as Navy Upper and Lower Tier Patriot, and THAAD. The conferees believe this would be an effective use of the Kaimalino. The conferees direct the Navy to review PMRF's request and to report to the Committees on Appropriations prior to taking any other action on the ship. The conferees further direct that the reuse of the Kaimalino shall have no effect on other ships in the Navy's oceanographic fleet. |

# ABM TREATY

# ABM TREATY

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 34-36** | **Bill Language**<br>**Page 61-65** |
| ***SEC. 235. POLICY ON COMPLIANCE WITH THE ABM TREATY.***<br>*(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—*<br>*(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and*<br>*(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.* | ~~SEC. 237. POLICY REGARDING THE ABM TREATY.~~<br>(a) ~~SENSE OF CONGRESS.—In light of the findings and policies provided in this subtitle, it is the sense of Congress that—~~<br>~~(1) the Senate should—~~<br>~~(A) undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of providing additional policy guidance on the future of the ABM Treaty during the second session of the 104th Congress; and~~ |

# ABM TREATY (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 34-36** | **Bill Language**<br>**Page 61-65** |
| *(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—*<br>*(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or*<br>*(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense sys-* | ~~(B) consider establishing a select committee to carry out the review and to recommend such additional policy guidance on future application of the ABM Treaty as the select committee considers appropriate; and~~<br>~~(2) the President should cease all efforts to modify, clarify, or otherwise alter United States obligations under the ABM Treaty pending the outcome of the review.~~<br>(b) ~~ABM TREATY NEGOTIATING RECORD.—(1) To~~ support the ~~comprehensive review specified in subsection~~ (a), ~~the Secretary of Defense, in consultation with other~~ appropriate ~~officials of the executive branch, shall provide~~ |

# ABM TREATY (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 34-36** | **Bill Language**<br>**Page 61-65** |
| *tem, a theater missile defense system upgrade, or a theater missile defense system component.*<br><br>*(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.*<br><br>*(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.* | ~~the Senate with a complete, declassified version of the ABM Treaty negotiating record, including—~~<br><br>~~(A) within 30 days after the date of the enactment of this Act, an index of the documents comprising the negotiating record; and~~<br><br>~~(B) within 60 days after the date of the enactment of this Act, the documents comprising the negotiating record in unclassified form.~~<br><br>~~(2) If the Secretary considers it necessary to do so, the Secretary may submit the documents referred to in paragraph (1)(B) in classified form when due under that paragraph. If the Secretary does so, however, the Secretary shall submit the documents in unclassified form within 90 days after the date of the enactment of this Act.~~ |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 34-36**<br><br>*(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.* | **Bill Language**<br>**Page 61-65**<br><br>~~(e) WAIVER.—The Secretary of Defense, after consultation with any select committee established in accordance with subsection (a)(1)(B) or, if no select committee, the Committee on Armed Services of the Senate, may waive the declassification requirement under subsection (b) on a document by document basis.~~<br><br>~~SEC. 238. STANDARD FOR ASSESSING COMPLIANCE WITH THE ABM TREATY.~~<br><br>~~(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Unless and until a missile defense or~~ air defense system, system upgrade, or system component, in- |

# ABM TREATY (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42** | **Bill Language**<br>**Page 61-65** |
| ***SEC. 237. ABM TREATY DEFINED.***<br>*For purposes of this subtitle and subtitle D, the term "ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes Protocols to that Treaty, signed at Moscow on July 3, 1974.*<br>***SEC. 242. POLICY CONCERNING BALLISTIC MISSILE DEFENSE.***<br>*(a) BALLISTIC MISSILE DEFENSE AND OTHER COUNTERPROLIFERATION EFFORTS.—The Congress views the deployment of ballistic missile defenses as a necessary,* | ~~cluding one that exploits data from space-based or other external sensors (such as the Space and Missile Tracking System, which can be deployed as an ABM adjunct,~~ or the ~~Navy's Cooperative Engagement Capability), is flight tested in an ABM qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—~~<br>~~(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and~~<br>~~(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty~~. |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42**<br><br>*but not sufficient, element of a broader strategy to discourage both the proliferation of weapons of mass destruction and the proliferation of means of their delivery and to defend against the consequences of such proliferation. The Congress, therefore, endorses and supports measures designed to slow or halt the proliferation of advanced technologies that pose a threat to the safety and security of the United States and to international stability.*<br><br>*(b) BALLISTIC MISSILE DEFENSE AND STRATEGIC STABILITY.—(1) The Congress views the deployment of ballistic missile defenses as a strategically stabilizing measure.* | **Bill Language**<br>**Page 61-65**<br><br>~~(b) PROHIBITIONS.—(1) Appropriated funds may not be obligated or expended by any official of the Federal Government for the purpose of—~~<br><br>~~(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors; or~~<br><br>~~(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such treaty) to be applied to research, development,~~ |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42** | **Bill Language**<br>**Page 61-65** |
| *(2) The deployment of Theater Missile Defense systems at the earliest practical date pursuant to section 232(a)(1) will deny potential adversaries the option of escalating a conflict by threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.*<br>*(3) The deployment of a National Missile Defense system at the earliest practical date pursuant to section 232(a)(2) against the threat of limited ballistic missile attacks—* | ~~testing, or deployment of a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors.~~<br>~~(2) This subsection shall cease to apply with respect to a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors, when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.~~<br>~~(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that~~ |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42** | **Bill Language**<br>**Page 61-65** |
| *(A) will strengthen deterrence at the levels of forces agreed to by the United States and Russia under the Strategic Arms Reduction Talks Treaties (START–I and START–II); and*<br>*(B) would further strengthen deterrence if reductions below the levels permitted under START–II should be agreed to in the future.*<br>*(c) PRESIDENTIAL DISCUSSIONS WITH OTHER NATIONS.—(1) The Congress—*<br>*(A) notes that on the basis of section 235 it is no longer necessary for the United States to continue discussions with Russia to clarify the distinction be-* | ~~flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second~~.<br>~~(d) ACTIONS OF THE SECRETARY OF DEFENSE.—~~ Not ~~later than 60 days after the date of the enactment of this Act, and each year thereafter in the annual report of the Ballistic Missile Defense Organization, the Secretary of Defense shall certify to Congress that no United States missile defense or air defense system, system upgrade, or system component is being limited, modified, or otherwise constrained pursuant to the ABM Treaty in a manner that is inconsistent with this section~~. |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42**<br><br>*tween ABM and TMD systems and, therefore, urges the President to discontinue any such discussions;*<br><br>*(B) notes that the ABM Treaty prohibits deployment of ground-based interceptors in a number that would be sufficient to assure that the entire continental United States, Alaska, and Hawaii are defended against limited ballistic missile attacks; and*<br><br>*(C) notes that past discussions with Russia, based on Russian President Yeltsin's proposal for a Global Protection System, held promise of an agreement to amend the ABM Treaty to allow defense against a limited ballistic missile attack that would have included (among other measures) permitted de-* | **Bill Language**<br>**Page 61-65**<br><br>(c) ~~CONGRESSIONAL REVIEW OF RANGE AND VELOCITY PARAMETERS.—Congress finds that the range and velocity parameters set forth in subsection (c) are based~~ on a ~~distinction between strategic and nonstrategic ballistic missiles that is technically and geostrategically outdated~~, ~~and, therefore, should be subject to review and change as part of the Senate's comprehensive review under section 237~~. |

# ABM TREATY (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missile Defense Act for Nunn amendment on the Missile Defense Act concerning the ABM Treaty (September 5, 1995)** |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42**<br><br>*ployment of as many as four ground-based interceptor sites in addition to the one site currently permitted under the ABM Treaty and unrestricted exploitation of ground-based and space-based sensors.*<br><br>*(2) In light of the findings in paragraph (1), Congress urges the President to pursue high-level discussions with Russia to amend the ABM Treaty to permit—*<br><br>*(A) deployment of the number of ground-based ABM sites necessary to provide effective defense of the entire territory of the United States against limited ballistic missile attack; and*<br><br>*(B) the unrestricted exploitation of sensors based within the atmosphere and in space.* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42**<br><br>*(3) It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement and support the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—*<br><br>*(A) to pursue high-level discussions with allies and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;*<br><br>*(B) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 38-42 | |
| *Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and*<br>*(C) in the interim, to seek agreement with allies and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—*<br>*(i) the sharing of early warning information derived from sensors deployed by the United States and other states;* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 38-42**<br><br>*(ii) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and*<br><br>*(iii) operational level planning to exploit current missile defense capabilities and to help define future requirements.* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 407-409<br><br>*SEC. 1227. SENSE OF CONGRESS ON ABM TREATY VIOLATIONS.*<br><br>*(a) FINDINGS.—The Congress finds the following:*<br><br>*(1) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.*<br><br>*(2) The 1972 Anti-Ballistic Missile Treaty prohibits either party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.*<br><br>*(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Trea-* | |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 407-409**<br>*ty as the critical long lead-time element of a nationwide defense against ballistic missiles.*<br>*(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that was judged to be for ballistic missile early warning and tracking.*<br>*(5) The Krasnoyarsk radar was certified by the Reagan Administration and previous sessions of Congress as an unequivocal violation by the Soviet Union of the Anti-Ballistic Missile Treaty.* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 407-409<br><br>*(6) Retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition that its location would be a clear violation of the ABM Treaty.*<br><br>*(7) General Votintsev has publicly stated that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.*<br><br>*(b) SENSE OF CONGRESS.—It is the sense of Congress that—* | |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 407-409**<br><br>*(1) the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests; and*<br><br>*(2) the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.* | |

# ABM TREATY (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 132-133**

*Policy on Anti-Ballistic Missile Treaty compliance*

The committee is deeply concerned about the Administration's apparent efforts to turn the 1972 Anti-Ballistic Missile (ABM) Treaty into a new, multilateral "ABM–TMD Treaty" in its arms control talks with Russia and others. Current U.S. proposals would impose specific design limitations on U.S. systems and result in a significantly compromised U.S. TMD capability.

The committee believes that U.S. forces overseas should be deployed with the most modern and capable systems available to protect them in the event of conflict. Theater missile defenses are no exception to this rule. Artificially constraining the capabilities of U.S. TMD systems risks more than good relations with the Russians—it risks American lives. The committee notes that the single greatest number of American deaths in the Gulf War resulted from the launch of one Iraqi Scud missile against a U.S. barracks in Saudi Arabia.

The committee therefore recommends a provision (sec. 235) that would prohibit the obligation or expenditure of funds for the purpose of applying the ABM treaty, or any limitation or obligation under that Treaty, to the research, development, testing or deployment of a theater missile defense system, upgrade, or component. The standard used to define the demarcation between anti-ballistic missile defense which are limited by the ABM Treaty, and theater missile defenses which are not, is similar to the one used by the Administration at the beginning of the negotiations among the United States, Russia, and other nations. This definition would provide that a missile defense system which is covered by the ABM Treaty is defined as one which has been flight-tested against a ballistic missile which, in that flight test, exceeded, first, a range of more than 3,500 kilometers, or, second, a maximum velocity of more than 5 kilometers per second. Put simply, if a missile defense system has not been flight-tested in an ABM mode—and therefore has not demonstrated a flight-tested capability to counter inter-

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 119-121**

***Policy Regarding the ABM Treaty***

**The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty. Rather than recommend a specific course of action at this time, however, the committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of making a well informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.**

**The Missile Defense Act of 1995 would establish a policy to seek a cooperative transition to a regime which does not feature mutual assured destruction as the basis for deterrence and stability, yet it is not presently clear how best to achieve this goal. Incremental amendments to the treaty must be considered, but there is a risk that such incrementalism may undermine the ultimate goal of replacing the treaty with a more appropriate and up-to-date regime. Congress also will want to evaluate the Secretary of Defense's NMD implementation plan and a variety of technical and policy issues before recommending a specific course of action. Furthermore, given that there are no ABM Treaty limitations on research, development, or testing of ground-based NMD systems or components, it is prudent to dedicate a year to studying all ABM Treaty-related issues and alternatives. The committee, therefore, recommends a provision that calls for the Senate to undertake a careful one-year review of the continuing value and validity of the ABM Treaty, during which time all efforts by the administration to modify, clarify, or otherwise alter U.S. obligations under the ABM Treaty should cease.**

**To conduct this comprehensive review and to issue specific guidance, the committee recommends that the Senate consider establishment of a select committee on the future of the ABM Treaty, which would convene for a one-year period of time. The select committee would conduct hearings and interviews, review all relevant documents, and carefully consider the full range of policy issues. At the end of the 104th Congress, the select committee would issue a report and be disbanded.**

# ABM TREATY (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 132-133**

continental ballistic missiles—it should not be limited in any way by the ABM Treaty.

The committee also recommends a provision (sec. 236) that would strongly urge the President to pursue high-level discussions with Russia to amend the ABM Treaty, and to seek to foster international coopeation in the development, deployment and operation of BMD systems.

Finally, it is the committee's understanding that all the elements of an NMD system architecture listed in section 233 can be developed and deployed under the ABM Treaty. The Treaty limits only the number of ground-based interceptors and the number ABM sites, and may affect the ability of sensors other than ABM radars to contribute efficiently to the performance of the overall NMD system.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 119-121**

**To facilitate the Senate's review and to foster full and open debate, the committee recommends requiring the declassification of the ABM Treaty negotiating record. This action would be consistent with the classification policy in Executive Order 12958, announced by the administration on April 17, 1995. The Reagan Administration, which declassified a significant portion of the ABM Treaty record, established the precedent for this action. The committee understands that in connection with the 1987 study of the ABM Treaty by the State Department Legal Advisor, most of the negotiating record along with a complete index was compiled. The committee suggests that this would be a good starting point for the administration in providing Congress with the information requested.**

***Development, Testing and Deployment of Non-ABM Systems***

**The committee observes that the ABM Treaty does not limit the development or deployment of TMD or air defense systems; yet, as a result of ambiguities in the treaty, the United States has for years unilaterally limited the development of non-ABM systems. These self-imposed restraints exceed not only the requirements of the Treaty, but common sense. Article VI(a) of the ABM Treaty states that non-ABM systems may not be "tested in an ABM mode" and may not be "given capabilities to counter strategic ballistic missiles." Unfortunately, these terms and concepts remain essentially undefined. In this void, the Department of Defense developed an arbitrary methodology, based on computer simulations of one-on-one engagements, to determine whether defensive systems have "capabilities to counter strategic ballistic missiles." This approach, unfortunately, conforms neither to operational reality nor to the requirements of the ABM Treaty. Since the treaty is verified and monitored solely by "national technical means," compliance standards based on computer simulations clearly exceed the terms and requirements of the Treaty. There is no evidence that Russia, or the Soviet Union before it, has ever employed anything as onerous and self-limiting as this.**

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 145**

SECTION 235—POLICY ON COMPLIANCE WITH THE ABM TREATY

This section would establish policy concerning systems subject to the ABM Treaty, state certain prohibitions, and define an ABM-qualifying flight test.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 119-121**

**The results of this excessive self-regulation have recently become very apparent. Recent compliance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.**

**Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.**

# ABM TREATY (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| Statutory Language<br>See the Missile Defense Act section for language on ABM Treaty.<br>See Sections 235 and 237. | Report Language<br>See Missile Defense Act section for report language on ABM Treaty.<br>(Conference Report pages 723)<br><br>Page 729-730<br><br>*Policy regarding the ABT Treaty*<br>The Senate amendment contained a provision (sec. 237) that would clarify that the policies, programs, and requirements of the "Missile Defense Act of 1995" (subtitle C of title II of the Senate amendment) can be accomplished through processes specified in the ABM Treaty, and that would express the sense of Congress that the Senate should review the continuing value and validity of the ABM Treaty.<br>The House bill contained a provision (sec. 242(c)(2)) that would urge the President to pursue high-level discussions with Russia to amend the ABM Treaty.<br>The conference agreement does not include either provision. |

# ABM TREATY (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 323-324**

*SEC. 1405. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING TREATY VIOLATIONS.*

*(a) REAFFIRMATION OF PRIOR FINDINGS CONCERNING THE KRASNOYARSK RADAR.—Congress, noting its previous findings with respect to the large phased-array radar of the Soviet Union known as the "Krasnoyarsk radar" stated in paragraphs (1) through (4) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) (and reaffirmed in section 1006(a) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543)), hereby reaffirms those findings as follows:*

*(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.*

*(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.*

*(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.*

*(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.*

*(b) FURTHER REFERENCE TO 1987 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 902 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1135) Congress also—*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 879**

*Congressional findings and Sense of Congress concerning treaty violations (sec. 1405)*

The House bill contained a provision (sec. 1227) that would express a sense of Congress that the government of the former Soviet Union intentionally violated its legal obligation under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests, and that the United States should remain vigilant to ensure compliance with arms control obligations.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would outline the legislative history behind the provision.

# ABM TREATY (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**Page 323-324** | **Report Language** |

*(1) noted that the President had certified that the Krasnoyarsk radar was an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty; and*

*(2) stated it to be the sense of the Congress that the Soviet Union was in violation of its legal obligation under that treaty.*

*(c) FURTHER REFERENCE TO 1989 CONGRESSIONAL STATEMENTS.—Congress further notes that in section 1006(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1543) Congress also—*

*(1) again noted that in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty and noted that on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty; and*

*(2) stated it to be the sense of the Congress that the Soviet Union should dismantle the Krasnoyarsk radar expeditiously and without conditions and that until such radar was completely dismantled it would remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.*

*(d) ADDITIONAL FINDINGS.—Congress also finds, with respect to the Krasnoyarsk radar, that retired Soviet General Y.V. Votintsev, Director of the Soviet National Air Defense Forces from 1967 to 1985, has publicly stated—*

# ABM TREATY (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 323-324**

*(1) that he was directed by the Chief of the Soviet General staff to locate the large phased-array radar at Krasnoyarsk despite the recognition by Soviet authorities that the location of such a radar at that location would be a clear violation of the 1972 Anti-Ballistic Missile Treaty; and*

*(2) that Marshal D.F. Ustinov, Soviet Minister of Defense, threatened to relieve from duty any Soviet officer who continued to object to the construction of a large-phased array radar at Krasnoyarsk.*

*(e) SENSE OF CONGRESS CONCERNING SOVIET TREATY VIOLATIONS.—It is the sense of Congress that the government of the Soviet Union intentionally violated its legal obligations under the 1972 Anti-Ballistic Missile Treaty in order to advance its national security interests.*

*(f) SENSE OF CONGRESS CONCERNING COMPLIANCE BY RUSSIA WITH ARMS CONTROL OBLIGATIONS.—In light of subsections (a) through (e), it is the sense of Congress that the United States should remain vigilant in ensuring compliance by Russia with its arms control obligations and should, when pursuing future arms control agreements with Russia, bear in mind violations of arms control obligations by the Soviet Union.*

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

# ABM TREATY (CONT)

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# ABM TREATY (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# FOLLOW-ON TECHNOLOGIES

# FOLLOW-ON TECHNOLOGIES

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 33-34**<br>***SEC. 234. FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT.***<br>*(a) FOLLOW-ON NATIONAL AND THEATER MISSILE DEFENSE TECHNOLOGY.—The Secretary shall pursue research and development of technologies and systems related to national missile defense and theater missile defense in order to provide future options for—*<br>*(1) protecting the United States against limited ballistic missile attacks; and* | **Bill Language**<br>**Page 55**<br>~~(d) FOLLOW-ON SYSTEMS. (1) The Secretary of Defense shall develop an affordable development plan for follow-on theater missile defense systems which leverages existing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program.~~<br>~~(2) Before adding new theater missile defense systems to the core program from among the follow-on activities, the Secretary of Defense shall submit to the congressional defense committees a report describing—~~ |

# FOLLOW-ON TECHNOLOGIES (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 33-34** | **Bill Language**<br>**Page 55** |
| *(2) defending forward-deployed and expeditionary elements of the Armed Forces of the United States and complementing and supporting the missile defense capabilities of friendly forces and allies of the United States.*<br><br>*(b) EXCLUSION OF CERTAIN SYSTEMS FROM INITIAL DEPLOYMENT.—The initial National Missile Defense system architecture developed for deployment pursuant to section 233(b) may not include—*<br><br>*(1) ground-based or space-based directed energy weapons; or*<br><br>*(2) space-based interceptors.* | ~~(A) the requirements for the program~~;<br><br>~~(B) how the new program will relate to, support, and leverage off existing core programs~~;<br><br>~~(C) the planned acquisition strategy; and~~<br><br>~~(D) a preliminary estimate of total program cost and budgetary impact.~~<br><br>~~(c) REPORT. Not later than 60 days after the date~~ of ~~the enactment of this Act, the Secretary of D~~efense ~~shall submit to the congressional defense committees a report detailing the Secretary's plans for implementing~~ the ~~guidance specified in this section~~. |

| FOLLOW-ON TECHNOLOGIES<br>SHELBY (R-AL) / HEFLIN (R-AL) AMENDMENT TO ESTABLISH A BMD TECHNOLOGY CENTER | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 80**<br><br>***SEC. 243. BALLISTIC MISSILE DEFENSE TECHNOLOGY CENTER.***<br><br>*(a) ESTABLISHMENT.—The Director of the Ballistic Missile Defense Organization shall establish a Ballistic Missile Defense Technology Center within the Space and Strategic Defense Command of the Army.*<br><br>*(b) MISSION.—The missions of the Center are as follows:*<br><br>*(1) To maximize common application of ballistic missile defense component technology programs, target test programs, functional analysis and phenomenology investigations.* |

## SHELBY (R-AL) / HEFLIN (R-AL) AMENDMENT TO ESTABLISH A BMD TECHNOLOGY CENTER

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 80**<br>*(2) To store data from the missile defense technology programs of the Armed Forces using computer facilities of the Missile Defense Data Center.*<br>*(c) TECHNOLOGY PROGRAM COORDINATION WITH CENTER.—The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall require the head of each element or activity of the Department of Defense beginning a new missile defense program referred to in subsection (b)(1) to first coordinate the program with the Ballistic Missile Defense Technology Center in order to prevent duplication of effort.* |

## FOLLOW-ON TECHNOLOGIES (CONT)

| House FY96 DOD Authorization Bill H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See BMD Funding for Shelby amendment on the Battlefield Integration Center (August 5, 1995)** |

# FOLLOW-ON TECHNOLOGIES (CONT)

| House FY96 DOD Authorization Bill<br>H.R. 1530; H.Rept. 104-131 (6/1/95) | Senate FY96 DOD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br><br>**See Missle Defense Act for Nunn amendment on the Missile Defense Act concerning follow-on technologies (September 5, 1995)** |

# FOLLOW-ON TECHNOLOGIES (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 145**

SECTION 234—FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT

This section would direct the Secretary of Defense to pursue research and development of follow-on technologies and systems for national and theater missile defense, and state an exclusion from the initial deployment architecture.

**Report Language**
**Page 131**

*Russian-American observational satellites (RAMOS)*

The committee commends the Department for providing increased funding in fiscal year 1995 for the RAMOS project. The committee continues to strongly support this cooperative research and development effort and recommends not more than $10 million for this program in fiscal year 1996 in PE 63173C.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 122-123**

***Other Theater Missile Defense Activities***

**The committee believes that BMDO's TMD activities lack sufficient focus. Establishment of a well funded, high priority, core TMD program will help but will not solve this problem. The committee believes that other theater missile defense (OTMD) activities must also be focused and made more efficient. In addition to providing core support activities such as targets, the committee believes that OTMD funds must be pooled and focused so as to satisfy outstanding TMD requirements. Some difficult choices will have to be made and greater efficiencies will have to be realized.**

**Therefore, the committee recommends the termination of the Corps SAM and Boost-Phase Interceptor (BPI) programs. As explained elsewhere in this report, there are more efficient ways to satisfy the requirements that these programs are attempting to fulfill. The committee believes that the Atmospheric Interceptor Technology (AIT) program, which has been funded as part of the BPI program, should be transferred to the OTMD PE, and be restructured as a follow-on kill vehicle technology program.**

**The committee does recommend an increase of $15.0 million in the OTMD PE to initiate a joint U.S.-Israel boost-phase intercept program based on unmanned aerial vehicles (UAVs). The committee looks forward to evaluating a restructured Corps SAM program, which leverages to a much greater degree existing systems, technologies and programs.**

# FOLLOW-ON TECHNOLOGIES (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Report Language**<br>**Page 124**<br><br>*Support Technologies*<br>The committee notes that of the BMDO budget request, only approximately 6 percent is for advanced follow-on technology development. While the committee is pleased that BMDO is now pursuing a variety of major acquisition efforts, it is concerned that the pendulum may have swung too far away from technology development. If the present funding allocation continues, the United States will soon have "consumed its seed corn" and built structural obsolescence into its deployed BMD systems. Moreover, the United States will have abandoned promising missile defense technologies, which offer the possibility of vastly improving BMD cost and operational effectiveness.<br>The committee is particularly troubled by the administration's plans to terminate our last remaining space-based missile defense program, the space-based laser, at the end of fiscal year 1997. The committee believes that it is critical for the United States to continue developing space-based defenses to preserve the option of deploying highly effective global defenses in the future. The committee notes that a space-based laser would be the most effective system for intercepting ballistic missiles of all ranges in the boost phase. The committee therefore recommends an increase of $70.0 million to the Support Technologies PE for the space-based laser program. The committee directs the Secretary of Defense to reinvigorate this program and to ensure that sufficient funds are provided in the outyears to continue a robust effort. |

# FOLLOW-ON TECHNOLOGIES (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>**Page 707**<br><br>*Support Technologies*—The budget request contained $93.3 million in PE 62173C and $79.4 million in PE 63173C for ballistic missile defense (BMD) support technologies.<br>The House bill would authorize the budget request for BMD Support Technologies.<br>The Senate amendment would authorize an increase of $70.0 million in PE 63173C for the Space-Based Laser (SBL) program.<br>The conferees agree to authorize the budget request in PE 62173C and to authorize an increase in the SBL program of $50.0 million, for a total authorization of $129.4 million in PE 63173C. The conferees believe that it is critical for the United States to continue developing the technology for space-based defenses, to preserve the option of deploying highly effective global defenses in the future. The conferees note that a space-based laser would likely be the most effective system for intercepting ballistic missiles of virtually all ranges in the boost phase. Therefore, the conferees direct the Secretary of Defense to take the following actions: (1) continue integration and testing of the laser, mirror, and beam control components of the Alpha-Lamp Integration program; (2) accelerate design activities on the StarLITE space demonstration configuration; (3) produce the concept of operations and design requirements for |

# FOLLOW-ON TECHNOLOGIES (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>**Page 707**<br><br>a follow-on operational space-based laser deployment; and (4) revitalize the technology development efforts most likely to yield significant cost and weight savings for a future SBL spacecraft. The conferees direct the Secretary of Defense to ensure that sufficient funds are provided in the outyears for continuation of a robust SBL effort, and submit to the congressional defense committees, by March 1, 1996, a report that outlines a program and funding profile that could lead to an on-orbit test of a demonstration system by the end of 1999 if approved.<br>The conferees note that the Director, BMDO, has testified to Congress that BMDO's follow-on technology programs are severely under-funded and that the Director is seeking to increase such funding to approximately 12 percent of the overall BMDO budget. The conferees support the efforts of the Director of BMDO to increase funding for advanced technology development. However, the conferees note that such increases will require an overall increase in the funds allocated to BMDO. The conferees support such an increase in order to reinvigorate and advanced technology programs and to help sustain the development and acquisition activities endorsed by the conferees.<br><br>**Page 738**<br><br>*Ballistic missile defense follow-on technology research and development*<br>The House bill contained a provision (sec. 234) that would provide guidance on follow-on technology development for theater and national ballistic missile defense programs.<br>The Senate amendment contained no similar provision.<br>The House recedes. |

# FOLLOW-ON TECHNOLOGIES (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>**Page 740**<br><br>*Battlefield Integration Center*<br>The Senate amendment contained a provision (sec. 201(4)(C)) that would authorize the use of up to $25.0 million in Defensewide research, development, test, and evaluation (RDT&E) funds made available for Other Theater Missile Defense activities for the Army's Battlefield Integration Center (BIC).<br>The House bill contained no similar provision.<br>The Senate recedes.<br>The conferees agree to authorize an increase of $21.0 million in PE 63308A for the BIC.<br><br>**Page 741**<br><br>*Ballistic missile defense technology center*<br>The Senate amendment contained a provision (sec. 243) that would establish a ballistic missile defense technology center within the Space and Strategic Defense Command of the Army.<br>The House bill contained no similar provision.<br>The Senate recedes. |

# FOLLOW-ON TECHNOLOGIES

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**Page 73**<br><br>SEC. 8068. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the acquisition and sustainment of operations, including maintenance of the supercomputing and related networking capability at (1) the DOD Science and Technology sites under the cognizance of the DDR&E, (2) the DOD Test and Evaluation centers under the Director, Test and Evaluation, OUSD (A&T), and (3) the Ballistic Missile Defense Organization: *Provided,* That the contracts, contract modifications, or contract options are awarded competitively solely upon the requirements of the users. | **Bill Language**<br>**None** |

| FOLLOW-ON TECHNOLOGIES (CONT)<br>SHELBY (R-AL) AMENDMENT FOR THE BATTLEFIELD INTEGRATION CENTER | |
|---|---|
| **House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95)** | **Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95)** |
| | **Bill Language**<br>**Page 29**<br><br>*Provided further, That of the $475,470,000 appropriated in this paragraph for the Other Theater Missile Defense, up to $25,000,000 may be available for the operation of the Battlefield Integration Center:* |

# FOLLOW-ON TECHNOLOGIES (Cont)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Report Language**<br>None | **Report Language**<br>**Page 183**<br><br>*High Performance Computing Modernization Program.*—The Committee recommends $119,682,000, an increase of $30,000,000 to the budget request amount for the Department of Defense [DOD] High Performance Computing Modernization Program. The recommendation reflects three significant adjustments. The Committee approves a decrease of $15,000,000 to reflect the availability of fiscal year 1995 funds which will be carried into fiscal year 1996. Second, the Committee adds $15,000,000 to this program element to establish a new project which will allow DOD to pay the operation and sustainment costs for supercomputers which were purchased with DOD funds and can play an integral role in helping DOD to meet its supercomputing capability and capacity requirements. The Committee directs the Under Secretary of Defense for Acquisition and Technology to develop and provide to the Committees on Appropriations a plan for allocating these funds. This plan should also identify the funds DOD plans to budget in future years to continue to ensure that these capable computing systems are available to DOD scientists and engineers.<br>— Finally, the Committee recommendation includes an increase of $30,000,000 which shall only be available for upgrades and modernization of the Ballistic Missile Defense Organization's [BMDO] Advanced Research Center [ARC] supercomputing facility. These funds will enable the ARC to expand its ability to meet the supercomputing needs of BMDO and the U.S. Army Space and Strategic Defense Command [USASSDC]. |

# FOLLOW-ON TECHNOLOGIES (Cont)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Report Language**<br>None | **Report Language**<br>**Page 186-187**<br><br>*Support technologies/follow-on technologies advanced development.*—The Committee has provided $149,387,000, the recommended authorization amount, to support the development of product improvements and next generation missile defense systems. Within the available funds, the Committee directs that $10,000,000 shall be available only to continue efforts under the Russian-American Observational Satellites [RAMOS] Program.<br><br>In order to optimize follow-on technology development, the Committee directs BMDO to designate the Army Space and Strategic Defense Command [SSDC] as a center of excellence for technology development. The Committee believes that commonality in requirements offers the potential for cost savings through centralized screening and common technology development, with SSDC functioning as the executive agent to BMDO, to help assure that duplication is avoided, and efficiencies maximized. |

# FOLLOW-ON TECHNOLOGIES (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>Page 31<br><br>*SEC. 8073. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the acquisition and sustainment of operations, including maintenance of the supercomputing and related networking capability at (1) the DOD Science and Technology sites under the cognizance of the DDR&E, (2) the DOD Test and Evaluation centers under the Director, Test and Evaluation, OUSD (A&T), and (3) the Ballistic Missile Defense Organization: Provided, That the contracts, contract modifications, or contract options are awarded upon the requirements of the users.* | Report Language<br>None |

# MISSILE DEFENSE ACT

# MISSILE DEFENSE ACT

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 31-38 | Bill Language<br>Page 49-59 |
| *SEC. 231. SHORT TITLE.* | ~~SEC. 231. SHORT TITLE.~~ |
| *This subtitle may be cited as the "Ballistic Missile Defense Act of 1995".* | ~~This subtitle may be cited as the "Missile Defense Act of 1995".~~ |
| *SEC. 232. BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES.* | ~~SEC. 232. FINDINGS.~~ |
| *It is the policy of the United States—* | ~~Congress makes the following findings:~~ |
| *(1) to deploy at the earliest practical date highly effective theater missile defenses (TMDs) to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement and support the missile defense capabilities of friendly forces and of allies of the United States; and* | ~~(1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.~~<br>~~(2) The deployment of Theater Missile Defense systems will deny potential adversaries the option of escalating a conflict by threatening or attacking~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *(2) to deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.*<br>***SEC. 233. IMPLEMENTATION OF POLICY.***<br>*(a) TMD DEPLOYMENT.—To implement the policy established in section 232(1), the Secretary of Defense shall develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems.*<br>*(b) NMD SYSTEM ARCHITECTURE.—To implement the policy established in section 232(2), the Secretary of Defense* | ~~United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.~~<br>~~(3) The intelligence community of the United States has confirmed that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *shall develop for deployment at the earliest practical date an affordable, operationally-effective National Missile Defense (NMD) system designed to protect the United States against limited ballistic missile attacks. The system to be developed for deployment shall include the following:*<br><br>*(1) Up to 100 ground-based interceptors at a single site or a greater number of interceptors at a number of sites, as determined necessary by the Secretary.*<br><br>*(2) Fixed, ground-based radars.*<br><br>*(3) Space-based sensors, including, within the type of space-based sensors known as ABM-adjunct sensors (such sensors not being prohibited by the ABM Treaty), those sensor systems (such as the Space and* | ~~threat to the continental United States is not forecast within the next 10 years there are ways for determined countries to acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.~~<br><br>~~(4) The deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges, as well as against cruise missiles, will reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.~~<br><br>~~(5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction be-~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *Missile Tracking System) that are capable of cuing ground-based anti-ballistic missile interceptors and of providing initial targeting vectors.*<br><br>*(4) Battle management, command, control, and communications.*<br><br>*(c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the Secretary's plan for—* | ~~tween strategic defense and nonstrategic defense, is technologically and geostrategically outdated.~~<br><br>~~(6) The concept of mutual assured destruction, which provides the philosophical rationale for the ABM Treaty and continued reliance on an offense-only form of deterrence, is adversarial and bipolar in nature and is not a suitable basis for stability in a multipolar world and one in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.~~<br><br>~~(7) By undermining the credibility of, and incentives to pursue, destabilizing first-strike strate-~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *(1) the deployment of advanced theater missile defense (TMD) systems pursuant to subsection (a); and*<br><br>*(2) the deployment of a national missile defense system which meets the requirements specified in subsection (b).*<br><br>***SEC. 234. FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT.***<br><br>*(a) FOLLOW-ON NATIONAL AND THEATER MISSILE DEFENSE TECHNOLOGY.—The Secretary shall pursue research and development of technologies and systems related to national missile defense and theater missile defense in order to provide future options for—* | ~~gies, theater and national missile defenses can contribute to the maintenance of strategic stability as missile threats proliferate and as the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.~~<br><br>~~(8) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *(1) protecting the United States against limited ballistic missile attacks; and*<br>*(2) defending forward-deployed and expeditionary elements of the Armed Forces of the United States and complementing and supporting the missile defense capabilities of friendly forces and allies of the United States.*<br>*(b) EXCLUSION OF CERTAIN SYSTEMS FROM INITIAL DEPLOYMENT.—The initial National Missile Defense system architecture developed for deployment pursuant to section 233(b) may not include—*<br>*(1) ground-based or space-based directed energy weapons; or* | ~~(9) Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.~~<br>~~**SEC. 233. MISSILE DEFENSE POLICY.**~~<br>~~It is the policy of the United States to—~~<br>~~(1) deploy as soon as possible highly effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *(2) space-based interceptors.*<br><br>***SEC. 235. POLICY ON COMPLIANCE WITH THE ABM TREATY.***<br><br>*(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—*<br><br>*(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and*<br><br>*(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.* | ~~(2) deploy a multiple-site national missile defense system that (A) is highly effective against limited ballistic missile attacks on the territory of the United States, and (B) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats~~;<br><br>(3) ~~improve existing cruise missile defenses and deploy as soon as practical defenses that are highly effective against advanced cruise missiles~~;<br><br>~~(4) pursue a focused research and development program to provide follow-on ballistic missile defense options~~; |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—*<br>*(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or*<br>*(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under* | ~~(5) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses; and~~<br>~~(6) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability.~~<br>~~SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.~~<br>~~(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38**<br>*such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.*<br>*(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.*<br>*(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.* | **Bill Language**<br>**Page 49-59**<br>~~(1) The Patriot PAC-3 system, which shall have a first unit equipped (FUE) in fiscal year 1998.~~<br>~~(2) The Navy Lower Tier (Area) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.~~<br>~~(3) The Theater High Altitude Area Defense (THAAD) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 31-38 | Bill Language<br>Page 49-59 |
| *(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.*<br>***SEC. 236. BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY.***<br>*(a) ANNUAL BMD PROGRAMS REPORT.—The Secretary of Defense shall submit to the congressional defense committees an annual report describing the technical milestones, schedule, and cost of each ballistic missile defense program specified in subsection (c).* | ~~(4) The Navy Upper Tier (Theater Wide) system, which shall have a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.~~<br>(b) ~~INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space-based sensors including, in particular, the Space and Missile Tracking System (SMTS).~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall list all technical milestones, program schedule milestones, and costs of each phase of development and acquisition, together with total estimated program costs, covering the entire life of each program specified in subsection (c).*<br>*(c) COVERED PROGRAMS.—The reports under this section shall cover the following programs:*<br>*(1) Theater High Altitude Area Defense (THAAD).*<br>*(2) Patriot Advanced Capability-3.*<br>*(3) Navy Lower Tier.*<br>*(4) Navy Upper Tier.* | ~~(c) TERMINATION OF PROGRAMS.—The Secretary of Defense shall terminate the following programs:~~<br>~~(1) The Corps Surface to Air Missile system (Corps SAM).~~<br>~~(2) The Boost Phase Interceptor (BPI).~~<br>~~(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall develop an affordable development plan for follow-on theater missile defense systems which leverages existing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program.~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38**<br><br>*(5) Corps Surface-to-Air Missile.*<br><br>*(6) Hawk.*<br><br>*(7) Boost Phase Intercept.*<br><br>*(8) National Missile Defense.*<br><br>*(9) Arrow.*<br><br>*(10) Medium Extended Air Defense.*<br><br>*(11) Any theater missile defense program or national missile defense program which the Department of Defense initiates after the date of the enactment of this Act.*<br><br>*(d) VARIANCE REPORTING REQUIREMENTS.—(1) In the annual report under this section, the Secretary shall describe, with respect to each program covered in the report,* | **Bill Language**<br>**Page 49-59**<br><br>~~(2) Before adding new theater missile defense systems to the core program from among the follow-on activities, the Secretary of Defense shall submit to the congressional defense committees a report describing—~~<br><br>~~(A) the requirements for the program;~~<br><br>~~(B) how the new program will relate to, support, and leverage off existing core programs;~~<br><br>~~(C) the planned acquisition strategy; and~~<br><br>~~(D) a preliminary estimate of total program cost and budgetary impact.~~<br><br>(e) ~~REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of~~ Defense |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *any difference in the technical milestones, program schedule milestones, and costs for that program—*<br>*(A) compared with the information relating to that program in the report submitted in the previous year; and*<br>*(B) compared with the information relating to that program in the first report submitted under this section in which that program is covered.*<br>*(2) Paragraph (1)(A) shall not apply to the first report submitted under this section.*<br>*(e) DATE OF SUBMISSION.—The report required by this section for any year shall be submitted not later than* | ~~shall submit to the congressional defense committees a report detailing the Secretary's plans for implementing the guidance specified in this section.~~<br>~~SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.~~<br>~~(a) IN GENERAL.—To implement the policy established in section 233, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system, which will attain initial operational capability (IOC) by the end of 2003. The national missile defense system to be developed for deployment shall include the following:~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59** |
| *30 days after the date on which the President's budget for the next fiscal year is submitted, except that the first report shall be submitted not later than 90 days after the date of the enactment of this Act.*<br>***SEC. 237. ABM TREATY DEFINED.***<br>*For purposes of this subtitle and subtitle D, the term "ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes Protocols to that Treaty, signed at Moscow on July 3, 1974.*<br>***SEC. 238. REPEAL OF MISSILE DEFENSE ACT OF 1991.***<br>*The Missile Defense Act of 1991 is repealed.* | ~~(1) Ground-based intereceptors deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska,~~ and ~~Hawaii against limited ballistic missile attacks~~.<br>~~(2) Fixed ground-based radars and space-based sensors, including the Space and Missile Tracking system, the mix, siting and numbers of which are to be determined so as to optimize sensor support and minimize total system cost.~~<br>~~(3) Battle management, command, control, and communications (BM/C3)~~. |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
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| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59**<br>~~(b) INTERIM OPERATIONAL CAPABILITY.—To provide a hedge against the emergence of near-term ballistic missile threats against the United States and to support the development and deployment of the objective system specified in subsection (a), the Secretary of Defense shall develop an interim national missile defense capability, consistent with the technical requirements and schedule of such objective system, to be operational by the end of 1999. In developing this capability the Secretary shall make use of—~~<br>~~(1) developmental, or user operational evaluation system (UOES) interceptors, radars, and battle management, command, control, and communica-~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 31-38 | Bill Language<br>Page 49-59 |

~~tions (BM/C3), to the extent that such use directly supports, and does not significantly increase the cost of, the objective system specified in subsection (a);~~

~~(2) one or more of the sites that will be used as deployment locations for the objective system specified in subsection (a);~~

~~(3) upgraded early warning radars; and~~

~~(4) space-based sensors.~~

~~(c) USE OF STREAMLINED ACQUISITION PROCEDURES. The Secretary of Defense shall prescribe and use streamlined acquisition procedures to—~~

~~(1) reduce the cost and increase the efficiency of developing the national missile defense system specified in subsection (a); and~~

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 31-38 | Bill Language<br>Page 49-59<br>~~(2) ensure that the interim national missile defense capabilities developed pursuant to subsection (b) are operationally effective and on a path to fulfill the technical requirements and schedule of the objective system.~~<br>~~(d) ADDITIONAL COST SAVING MEASURES.—In addition to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures that do not decrease the operational effectiveness of the systems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures should include the following:~~<br>~~(1) The use of existing facilities and infrastructure.~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 31-38 | Bill Language<br>Page 49-59 |

~~(2) The use, where appropriate, of existing or upgraded systems and technologies.~~

~~(3) Development of systems and components that do not rely on a large and permanent infrastructure and are easily transported, emplaced, and moved.~~

~~(c) REPORT ON PLAN FOR DEPLOYMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:~~

~~(1) The Secretary's plan for carrying out this section.~~

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 31-38** | **Bill Language**<br>**Page 49-59**<br>~~(2) An analysis of options for supplementing or modifying the national missile defense architecture specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost-effectiveness or the operational effectiveness of such system by adding one or a combination of the following:~~<br>~~(A) Additional ground-based interceptors at existing or new sites.~~<br>~~(B) Sea-based missile defense systems.~~<br>~~(C) Space-based kinetic energy interceptors.~~<br>~~(D) Space-based directed energy systems.~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~**SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.**~~<br><br>~~(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs, projects, and activities of the military departments, the Advanced Research Projects Agency and the Ballistic Missile Defense Organization to ensure that the United States develops and deploys highly effective defenses against existing and future cruise missile threats.~~<br><br>~~(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In carrying out subsection (a), the Secretary of Defense shall ensure that—~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br>~~(1) to the extent practicable, the ballistic missile defense and cruise missile defense efforts of the Department of Defense are coordinated and mutually reinforcing;~~<br>~~(2) existing air defense systems are adequately upgraded to defend against existing and near-term cruise missile threats; and~~<br>~~(3) the Department of Defense undertakes a high priority and well coordinated technology development program to support the future deployment of systems that are highly effective against advanced cruise missiles, including cruise missiles with low observable features.~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~(c) IMPLEMENTATION PLAN.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of—~~<br><br>~~(1) the systems that currently have cruise missile defense capabilities, and existing programs to improve these capabilities;~~<br><br>~~(2) the technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities, and~~ |

## MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~the investments that would be required to ready the technologies for deployment;~~<br><br>~~(3) the cost and operational tradeoffs, if any, between upgrading existing air and missile defense systems and accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles; and~~<br><br>~~(4) the organizational and management changes that would strengthen and further coordinate the cruise missile defense efforts of the Department of Defense, including the disadvantages, if any, of implementing such changes.~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~SEC. 237. POLICY REGARDING THE ABM TREATY.~~<br><br>(a) ~~SENSE OF CONGRESS.—In light of the findings and policies provided in this subtitle, it is the sense of Congress that—~~<br><br>~~(1) the Senate should—~~<br><br>~~(A) undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of providing additional policy guidance on the future of the ABM Treaty during the second session of the 104th Congress; and~~<br><br>~~(B) consider establishing a select committee to carry out the review and to recommend such additional policy guidance on future appli-~~ |

## MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br>~~cation of the ABM Treaty as the select committee considers appropriate; and~~<br>~~(2) the President should cease all efforts to modify, clarify, or otherwise alter United States obligations under the ABM Treaty pending the outcome of the review.~~<br>~~(b) ABM TREATY NEGOTIATING RECORD.—(1) To support the comprehensive review specified in subsection (a), the Secretary of Defense, in consultation with other appropriate officials of the executive branch, shall provide the Senate with a complete, declassified version of the ABM Treaty negotiating record, including—~~<br>~~(A) within 30 days after the date of the enactment of this Act, an index of the documents com-~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~prising the negotiating record, and~~<br><br>~~(B) within 60 days after the date of the enactment of this Act, the documents comprising the negotiating record in unclassified form.~~<br><br>~~(2) If the Secretary considers it necessary to do so,~~ the ~~Secretary may submit the documents referred to in paragraph (1)(B) in classified form when due under that paragraph. If the Secretary does so, however, the Secretary shall submit the documents in unclassified form within 90 days after the date of the enactment of this Act.~~<br><br>~~(c) WAIVER. The Secretary of Defense, after consultation with any select committee established in accordance with subsection (a)(1)(B) or, if no select committee,~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br>~~the Committee on Armed Services of the Senate, may waive the declassification requirement under subsection (b) on a document by document basis.~~<br>~~SEC. 238. STANDARD FOR ASSESSING COMPLIANCE WITH THE ABM TREATY.~~<br>(a) ~~POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Unless and until a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors (such as the Space and Missile Tracking System, which can be deployed as an ABM adjunct, or the Navy's Cooperative Engagement Capability), is flight~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—~~<br><br>~~(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and~~<br><br>~~(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.~~<br><br>(b) ~~PROHIBITIONS.—(1) Appropriated funds may~~ not ~~be obligated or expended by any official of the Federal~~ Government ~~for the purpose of—~~<br><br>~~(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would~~ |

## MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors; or~~<br><br>~~(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such treaty) to be applied to research, development, testing, or deployment of a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space based or other external sensors.~~ |

## MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~(2) This subsection shall cease to apply with respect to a missile defense or air defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors, when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.~~<br><br>~~(c) ABM-QUALIFYING FLIGHT TEST DEFINED.— For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or~~ (2) ~~a velocity of 5 kilometers per second.~~<br><br>~~(d) ACTIONS OF THE SECRETARY OF DEFENSE.— Not later than 60 days after the date of the enactment~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~of this Act, and each year thereafter in the annual report of the Ballistic Missile Defense Organization, the Secretary of Defense shall certify to Congress that no United States missile defense or air defense system, system upgrade, or system component is being limited, modified, or otherwise constrained pursuant to the ABM Treaty in a manner that is inconsistent with this section.~~<br><br>~~(c) CONGRESSIONAL REVIEW OF RANGE AND VELOCITY PARAMETERS.—Congress finds that the range and velocity parameters set forth in subsection (c) are based on a distinction between strategic and nonstrategic ballistic missiles that is technically and geostrategically outdated,~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br>~~and, therefore, should be subject to review and change as part of the Senate's comprehensive review under section 237.~~<br>~~SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.~~<br>~~(a) ELEMENTS SPECIFIED. In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~(1) The Patriot system.~~<br><br>~~(2) The Navy Lower Tier (Area) system.~~<br><br>~~(3) The Theater High Altitude Area Defense (THAAD) system.~~<br><br>~~(4) The Navy Upper Tier (Theater Wide) system.~~<br><br>~~(5) Other Theater Missile Defense Activities.~~<br><br>~~(6) National Missile Defense.~~<br><br>~~(7) Follow-On and Support Technologies.~~<br><br>~~(b) TREATMENT OF NON-CORE TMD IN OTHER THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—Funding for theater missile defense programs, projects, and activities, other than core theater missile defense pro-~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~grams, shall be covered in the "Other Theater Missile Defense Activities" program element.~~<br><br>~~(c) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Funding for core theater missile defense programs specified in section 234, shall be covered in individual, dedicated program elements and shall be available only for activities covered by those program elements.~~<br><br>~~(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~C3I) shall be covered in the "Other Theater Missile Defense Activities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.~~<br><br>~~(c) MANAGEMENT AND SUPPORT. Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.~~<br><br>~~**SEC. 240. ABM TREATY DEFINED.**~~<br><br>~~For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~Limitation of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.~~<br><br>SEC. ~~241. REPEAL OF MISSILE DEFENSE PROVISIONS~~.<br><br>~~The following provisions of law are repealed:~~<br><br>~~(1) The Missile Defense Act of 1991 (part C of title II of Public Law 102-190; 10 U.S.C. 2431 note)~~.<br><br>~~(2) Section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160)~~. |

## MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~(3) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160).~~<br><br>~~(4) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 613; 10 U.S.C. 2431 note).~~<br><br>~~(5) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 614).~~<br><br>~~(6) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1057; 10 U.S.C. 2431 note).~~ |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 49-59**<br><br>~~(7) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 102 Stat. 2270-40).~~<br><br>~~(8) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102-172; 105 Stat. 1211).~~<br><br>~~(9) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160, 107 Stat. 1595, 10 U.S.C. 2431 note).~~<br><br>~~(10) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2701; 10 U.S.C. 221 note).~~ |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | Bill Language<br>Page 55 - 57 |

## *Subtitle C—Missile Defense*

***SEC. 231. SHORT TITLE.***

*This subtitle may be cited as the "Missile Defense Act of 1995".*

***SEC. 232. FINDINGS.***

*Congress makes the following findings:*

*(1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.*

*(2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or at-*

MISSILE DEFENSE ACT (CONTINUED)
NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | Bill Language<br>Page 55 - 57 |

*tacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.*

*(3) The intelligence community of the United States has estimated that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an*

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile threat to the continental United States is not forecast within the next 10 years there is a danger that determined countries will acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.*<br><br>*(4) The deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges, as well as against cruise missiles, can reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.* |

| MISSILE DEFENSE ACT (CONTINUED)<br>NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction between strategic defense and nonstrategic defense, has changed because of technological advancements and should be reviewed.*<br><br>*(6) The concept of mutual assured destruction, which was one of the major philosophical rationales for the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br>*are seeking to normalize relations and eliminate Cold War attitudes and arrangements.*<br>*(7) Theater and national missile defenses can contribute to the maintenance of stability as missile threats proliferate and as the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.*<br>*(8) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures alone are inadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(9) Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.*<br><br>***SEC. 233. MISSILE DEFENSE POLICY.***<br><br>*It is the policy of the United States to—*<br><br>*(1) deploy as soon as possible affordable and operationally effective theater missile defenses capable* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br>*of countering existing and emerging theater ballistic missiles;*<br>*(2)(A) develop for deployment a multiple-site national missile defense system that: (i) is affordable and operationally effective against limited, accidental, and unauthorized ballistic missile attacks on the territory of the United States, and (ii) can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats;*<br>*(B) initiate negotiations with the Russian Federation as necessary to provide for the national missile defense systems specified in section 235; and* |

| MISSILE DEFENSE ACT (CONTINUED)<br>NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br>*(C) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of the Treaty, subject to consultations between the President and the Senate;*<br>*(3) ensure congressional review, prior to a decision to deploy the system developed for deployment under paragraph (2), of: (A) the affordability and operational effectiveness of such a system; (B) the threat to be countered by such a system; and (C) ABM Treaty considerations with respect to such a system.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(4) improve existing cruise missile defenses and deploy as soon as practical defenses that are affordable and operationally effective against advanced cruise missiles;*<br><br>*(5) pursue a focused research and development program to provide follow-on ballistic missile defense options;*<br><br>*(6) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses;* |

| MISSILE DEFENSE ACT (CONTINUED)<br>NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and*<br><br>*(8) carry out the policies, programs, and requirements of subtitle C of title II of this Act through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>***SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.***<br><br>*(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:*<br><br>*(1) The Patriot PAC–3 system, with a first unit equipped (FUE) in fiscal year 1998.*<br><br>*(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.*<br><br>*(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.*<br><br>*(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploit-* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br>*ing external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space-based sensors including, in particular, the Space and Missile Tracking System (SMTS).*<br>*(c) TERMINATION OF PROGRAMS.—The Secretary of Defense shall terminate the Boost Phase Interceptor (BPI) program.*<br>*(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall develop an affordable development plan for follow-on theater missile defense systems which leverages exist-* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*ing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program.*<br><br>*(2) Before adding new theater missile defense systems to the core program from among the follow-on activities, the Secretary of Defense shall submit to the congressional defense committees a report describing—*<br><br>*(A) the requirements for the program and the specific threats to be countered;*<br><br>*(B) how the new program will relate to, support, and leverage off existing core programs;* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(C) the planned acquisition strategy; and*<br><br>*(D) a preliminary estimate of total program cost and budgetary impact.*<br><br>*(e) REPORT.—(1) Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report detailing the Secretary's plans for implementing the guidance specified in this section.*<br><br>*(2) For each deployment date for each system described in subsection (a), the report required by paragraph (1) of* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | Bill Language<br>Page 55 - 57 |

*this subsection shall include the funding required for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the fiscal year in which deployment is projected under subsection (a).*

***SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.***

*(a) IN GENERAL.—To implement the policy established in section 233, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attain-*

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*ing initial operational capability (IOC) by the end of 2003. Such system shall include the following:*<br><br>*(1) Ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.*<br><br>*(2) Fixed ground-based radars and space-based sensors, including the Space and Missile Tracking system, the mix, siting and numbers of which are to be determined so as to optimize sensor support and minimize total system cost.* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(3) Battle management, command, control, and communications (BM/C3).*<br><br>*(b) INTERIM OPERATIONAL CAPABILITY.—To provide a hedge against the emergence of near-term ballistic missile threats against the United States and to support the development and deployment of the objective system specified in subsection (a), the Secretary of Defense shall develop an interim national missile defense plan that would give the United States the ability to field a limited operational capability by the end of 1999 if required by the threat. In developing this plan the Secretary shall make use of—* |

| MISSILE DEFENSE ACT (CONTINUED)<br>NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>- S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(1) developmental, or user operational evaluation system (UOES) interceptors, radars, and battle management, command, control, and communications (BM/C3), to the extent that such use directly supports, and does not significantly increase the cost of, the objective system specified in subsection (a);*<br><br>*(2) one or more of the sites that will be used as deployment locations for the objective system specified in subsection (a);*<br><br>*(3) upgraded early warning radars; and*<br><br>*(4) space-based sensors.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(c) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition procedures to—*<br><br>*(1) reduce the cost and increase the efficiency of developing the national missile defense system specified in subsection (a); and*<br><br>*(2) ensure that any interim national missile defense capabilities developed pursuant to subsection (b) are operationally effective and on a path to fulfill the technical requirements and schedule of the objective system.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(d) ADDITIONAL COST SAVING MEASURES.—In addition to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures that do not decrease the operational effectiveness of the systems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures should include the following:*<br><br>*(1) The use of existing facilities and infrastructure.*<br><br>*(2) The use, where appropriate, of existing or upgraded systems and technologies, except that Min-* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*uteman boosters may not be used as part of a National Missile Defense architecture.*<br><br>*(3) Development of systems and components that do not rely on a large and permanent infrastructure and are easily transported, emplaced, and moved.*<br><br>*(e) REPORT ON PLAN FOR DEPLOYMENT.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(1) The Secretary's plan for carrying out this section.*<br><br>*(2) For each deployment date in subsections (a) and (b), the report shall include the funding required for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the fiscal year in which deployment is projected under subsection (a) or (b). The report shall also describe the specific threat to be countered and provide the Secretary's assessment as to whether deployment is affordable and operationally effective.* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(3) An analysis of options for supplementing or modifying the national missile defense architecture specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost-effectiveness or the operational effectiveness of such system by adding one or a combination of the following:*<br><br>*(A) Additional ground-based interceptors at existing or new sites.*<br><br>*(B) Sea-based missile defense systems.*<br><br>*(C) Space-based kinetic energy interceptors.*<br><br>*(D) Space-based directed energy systems.* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>***SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.***<br><br>*(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs, projects, and activities of the military departments, the Advanced Research Projects Agency and the Ballistic Missile Defense Organization to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats.*<br><br>*(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In carrying out subsection (a), the Secretary of Defense shall ensure that—* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(1) to the extent practicable, the ballistic missile defense and cruise missile defense efforts of the Department of Defense are coordinated and mutually reinforcing;*<br><br>*(2) existing air defense systems are adequately upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats; and*<br><br>*(3) the Department of Defense undertakes a high priority and well coordinated technology development program to support the future deployment of systems* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.*<br><br>*(c) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of—* |

| MISSILE DEFENSE ACT (CONTINUED)<br>NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT | |
|---|---|
| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(1) the systems that currently have cruise missile defense capabilities, and existing programs to improve these capabilities;*<br><br>*(2) the technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities, and the investments that would be required to ready the technologies for deployment;*<br><br>*(3) the cost and operational tradeoffs, if any, between upgrading existing air and missile defense systems and accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles; and* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(4) the organizational and management changes that would strengthen and further coordinate the cruise missile defense efforts of the Department of Defense, including the disadvantages, if any, of implementing such changes.*<br><br>***SEC. 237. POLICY REGARDING THE ABM TREATY.***<br><br>*(a) Congress makes the following findings:*<br><br>*(1) Article XIII of the ABM Treaty envisions "possible changes in the strategic situation which have a bearing on the provisions of this treaty".* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(2) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.*<br><br>*(3) Article XV of the ABM Treaty establishes the means for a party to withdraw from the Treaty, upon 6 months notice, "if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests".*<br><br>*(4) The policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with,* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
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| | **Bill Language**<br>**Page 55 - 57**<br><br>*the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.*<br><br>*(b) SENSE OF CONGRESS.—In light of the findings and policies provided in this subtitle, it is the sense of Congress that—*<br><br>*(1) Given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology, and the effect this threat could have on the options of the United States to act in a time of crisis—* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(A) it is in the vital national security interest of the United States to defend itself from the threat of a limited, accidental, or unauthorized ballistic missile attack, whatever its source; and*<br><br>*(B) the deployment of a national missile defense system, in accord with section 233, to protect the territory of the United States against a limited, accidental, or unauthorized missile attack can strengthen strategic stability and deterrence; and* |

| MISSILE DEFENSE ACT (CONTINUED)<br>NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT | |
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| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(2)(A) the Senate should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of providing additional policy guidance on the future of the ABM Treaty during the second session of the One Hundred Fourth Congress; and*<br><br>*(B) upon completion of the review, the Committee on Foreign Relations, in consultation with the Committee on Armed Services and other appropriate committees, should report its findings to the Senate.* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
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| | **Bill Language**<br>**Page 55 - 57**<br><br>***SEC. 238. PROHIBITION ON FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.***<br><br>*(a) FINDINGS.—Congress makes the following findings:*<br><br>*(1) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 provides that the ABM Treaty does not apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system com-* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*ponents are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.*<br><br>*(2) Section 232 of the National Defense Authorization Act for Fiscal Year 1995 provides that the United States shall not be bound by any international agreement that would substantially modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.*<br><br>*(3) the demarcation standard described in subsection (b)(1) is based upon current technology.*<br><br>*(b) SENSE OF CONGRESS.—It is the sense of Congress that—* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(1) unless a missile defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors, is flight tested against a ballistic missile target that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second, such missile defense system, system upgrade, or system component has not been tested in an ABM mode nor deemed to have been given capabilities to counter strategic ballistic missiles, and*<br><br>*(2) any international agreement that would limit the research, development, testing, or deploy-* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*ment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the criteria in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.*<br><br>*(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1995 that would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except: (1) to the extent provided in an Act enacted subsequent to this Act; (2) to implement that portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making power of the President under the Constitution.* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>***SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.***<br><br>*(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | Bill Language<br>Page 55 - 57<br><br>*(1) The Patriot system.*<br><br>*(2) The Navy Lower Tier (Area) system.*<br><br>*(3) The Theater High-Altitude Area Defense (THAAD) system.*<br><br>*(4) The Navy Upper Tier (Theater Wide) system.*<br><br>*(5) Other Theater Missile Defense Activities.*<br><br>*(6) National Missile Defense.*<br><br>*(7) Follow-On and Support Technologies.*<br><br>*(b) TREATMENT OF NON-CORE TMD IN OTHER THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—Funding for theater missile defense programs, projects, and activities,* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*other than core theater missile defense programs, shall be covered in the "Other Theater Missile Defense Activities" program element.*<br><br>*(c) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Funding for core theater missile defense programs specified in section 234, shall be covered in individual, dedicated program elements and shall be available only for activities covered by those program elements.*<br><br>*(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C3I) shall be covered in the "Other Theater Missile Defense Ac-* |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*tivities" program element or the "National Missile Defense" program element, as determined on the basis of the primary objectives involved.*<br><br>*(e) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.*<br><br>***SEC. 240. ABM TREATY DEFINED.***<br><br>*For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limita-* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br>*tion of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.*<br>***SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.***<br>*The following provisions of law are repealed:*<br>*(1) The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note).*<br>*(2) Section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).*<br>*(3) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).* |

| MISSILE DEFENSE ACT (CONTINUED)<br>NUNN (D-GA) AMENDMENT ON THE MISSILE DEFENSE ACT | |
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| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(4) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).*<br><br>*(5) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).*<br><br>*(6) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).*<br><br>*(7) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).* |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| | **Bill Language**<br>**Page 55 - 57**<br><br>*(8) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).*<br><br>*(9) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).*<br><br>*(10) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).* |

# MISSILE DEFENSE ACT (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 144-145**

SUBTITLE C—BALLISTIC MISSILE DEFENSE ACT OF 1995

SECTION 231—SHORT TITLE

This section would designate this subtitle as the "Missile Defense Act of 1995."

SECTION 232—BALLISTIC MISSILE DEFENSE POLICY OF THE UNITED STATES

This section would establish the ballistic missile defense policy of the United States.

SECTION 233—IMPLEMENTATION OF POLICY

This section would direct the Secretary of Defense to take certain actions to implement the policy established in section 232, and to issue a report to Congress setting forth the Secretary's plan for implementing that guidance. Further, the section would direct that the report include a revised five-year funding plan for National Missile Defense (NMD), consistent with the guidance contained in the provision. The Secretary's report would specify projected timelines and costs for deploying advanced Theater Missile Defense (TMD) systems and an NMD system. Furthermore, the report would state whether or when ABM Treaty constraints would have the effect of constraining the deployment and efficient operation of a highly-effective NMD system.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-121**

**Missile Defense Act of 1995**

**The committee recommends that the Missile Defense Act of 1991 be replaced by a provision (Subtitle C of Title II) that more completely responds to the challenges and opportunities of the post-Cold War era, and which charts a firmer and clearer course for missile defenses than the United States is currently on. The Missile Defense Act of 1995 would: (1) accelerate and focus U.S. theater missile defense (TMD) efforts; (2) establish a deployment plan for a national missile defense (NMD) system; (3) establish a cruise missile defense (CMD) initiative to strengthen and coordinate current CMD programs while preparing systems that will be highly capable against future threats; (4) set forth a compliance standard for air and theater missile defense with regard to the Anti-Ballistic Missile (ABM) Treaty; (5) advocate a cooperative transition to a regime that does not feature mutual assured destruction as the basis for strategic deterrence and stability; and (6) recommend establishment of a Senate select committee to conduct a comprehensive review of the continuing value and validity of the ABM Treaty and recommend a specific course of action.**

**The committee has received extensive testimony and briefings from the intelligence community, administration officials, and non-governmental experts on the expanding ballistic and cruise missile threat. It is clear that the threat to the national security of the United States posed by the proliferation of such missiles is significant and growing, both qualitatively and quantitatively. It is equally clear in the committee's view that the United States must respond aggressively by deploying effective defenses against ballistic missiles of all ranges and against cruise missiles.**

# MISSILE DEFENSE ACT (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 144-145**

SECTION 234—FOLLOW-ON TECHNOLOGIES RESEARCH AND DEVELOPMENT

This section would direct the Secretary of Defense to pursue research and development of follow-on technologies and systems for national and theater missile defense, and state an exclusion from the initial deployment architecture.

SECTION 235—POLICY ON COMPLIANCE WITH THE ABM TREATY

This section would establish policy concerning systems subject to the ABM Treaty, state certain prohibitions, and define an ABM-qualifying flight test.

SECTION 236—BALLISTIC MISSILE DEFENSE PROGRAM ACCOUNTABILITY

This section would require an annual report describing technical milestones, schedules, and cost of various Ballistic Missile Defense (BMD) programs.

SECTION 237—ABM TREATY DEFINED

This section would define the term "ABM Treaty".

SECTION 238—REPEAL OF MISSILE DEFENSE ACT OF 1991

This section would repeal the Missile Defense Act of 1991.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 113-121**

***Theater Missile Defense Architecture***

**The committee recommends rapid development and deployment of a core theater missile defense program. The committee recommends a provision that would specify that the following systems shall define the core program: the Patriot PAC–3 system, the Navy Lower Tier system, the Theater High-Altitude Area Defense (THAAD) system, and the Navy Upper Tier system. The provision would also establish guidelines for advancing new systems into the core TMD program. The committee directs the Secretary of Defense to ensure that the systems in the core program are developed aggressively so that they become operational as soon as possible.**

***THAAD*—The committee understands that the THAAD user operational evaluation system (UOES), consisting of operational prototype hardware, will meet the primary system performance requirements against the full threat spectrum. The budget request for the THAAD program in fiscal year 1996 includes funds to acquire 40 UOES missiles. Additional funding will be required to support testing of the UOES missiles in fiscal year 1997. The THAAD UOES systems delivered during 1997 and 1998 will provide a warfighting commander-in-chief (CINC) with a critical capability to deploy advanced theater missile defenses in the event of a crisis. Therefore, the committee directs the Secretary of Defense to execute the option to procure the UOES missiles. Upon completion of the demonstration/validation (DemVal) phase, the THAAD program will enter a four year engineering and manufacturing development (EMD) phase. Limited rate initial production (LRIP) will begin after adequate testing of the EMD missiles. The purpose of the EMD program should be to build on the DemVal system by addressing the manufacturing technology, producibility, and reliability improvements, all while maintaining the continuity necessary to achieve reductions in procurement and life cycle costs. Thus, the committee believes there should be a smooth transition from DemVal to EMD and LRIP. Since the UOES missile appears to**

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |

meet most system performance requirements in its current configuration, the committee believes that additional missiles should be made available for contingency use before the year 2000. To accomplish all these objectives, the committee believes that LRIP could be initiated concurrently with the testing of the EMD missiles, once initial tests have verified that performance has not been degraded by any EMD design changes. Therefore, the committee directs the Secretary of Defense to submit, as part of the TMD reporting requirement contained in the Missile Defense Act of 1995, an analysis of these planning issues and the department's plan for implementing a smooth transition from DemVal to production, all while providing additional EMD missiles to augment the initial UOES inventory.

*NAVY LOWER AND UPPER TIER*—The committee is equally concerned that the Navy Lower Tier and Upper Tier systems become operational as soon as possible. The committee has recommended sufficient funding, which, if continued in the out years would ensure availability of Navy Lower Tier UOES missiles in fiscal year 1997 and an initial operational capability (IOC) of the objective system in fiscal year 1999. For Navy Upper Tier, the committee's recommended funding would provide a UOES in fiscal year 1999 and an IOC in fiscal year 2001. The committee directs the Secretary of Defense to provide sufficient funding to ensure that these schedules are met. Regarding Navy Upper Tier, the committee supports a thorough comparison of the Lightweight Exoatmospheric Projectile (LEAP) system and a "marinized" version of the THAAD kill vehicle, along with associated boosters, to reduce risk and ensure that the best system is selected. This comparison should reflect the results of the ongoing cost and operational effectiveness analysis (COEA), as well as actual technical developments and demonstrated performance. The committee urges the Navy to consider developing a program plan for a competition between these two kill vehicle/missile concepts, including parallel development activities and flight tests, followed by a down-select in time to achieve a UOES capability in fiscal year 1999 and an IOC in fiscal year 2001.

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |
| | *TMD BATTLE MANAGEMENT/COMMAND AND CONTROL*—The committee is aware both of an ongoing Ballistic Missile Defense Organization (BMDO) study on missile defense command and control, and of individual missile defense command and control efforts by the services, notably the Navy's Cooperative Engagement Capability (CEC) and the Army's Battlefield Integration Center (BIC). The committee welcomes the effort by the Department to examine the command and control requirements for effective theater missile defenses, in light of the numerous programs currently under development. However, the committee is concerned that the CEC and BIC efforts appear to be proceeding on independent paths, with little interaction between them; and even less effort on the requirement for their ultimate integration into a "seamless" theater-level command and control network under the control of a Theater CINC. The committee sees little evidence that Theater CINCs—the ultimate users—have been consulted as to their preferences for the design and operation of theater missile defense command and control centers. Moreover, any command and control solution for Theater CINCs must be designed for effective operations under a variety of possible scenarios, including such variants as the CINC's initial command center being remote from the theater of operations, or initial operations from shipboard with a subsequent transfer of command and control authority to a facility ashore. Finally, the theater missile defense center has to be capable of dealing with both ballistic missile and cruise missile threats within the theater. Because of the evident complexity of the theater missile defense command and control problem, the committee directs the Secretary of Defense to expand the charter and focus of this ongoing study effort. This effort should involve close consultation and interaction with Theater CINCs regarding the development of a "seamless" command and control center capable of rapid integration of sensor information, surveillance information, and interceptor allocations, whether land or sea based.<br>*OTHER TMD ACTIVITIES*—Despite its strong support for TMD in general and the core programs in particular, the committee is concerned that approximately eighty percent of our investments in BMD are currently being directed to TMD activities. The committee is also troubled by the expanding number of new TMD systems |

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | **Report Language**<br>**Page 113-121** |

that are headed for acquisition. If the current course is allowed to continue, the United States will expend virtually all its effort and resources on a plethora of TMD systems that are designed for narrow in-theater applications. The committee does not understand how the Department of Defense can contemplate an entirely new development and acquisition program to provide air and missile defense for maneuver forces when it is already planning to spend $15.8 billion on the Patriot PAC–3 and THAAD systems. Also, while the committee is strongly supportive of developing systems capable of intercepting ballistic missiles in the boost phase, it does not understand how the Department of Defense can push a fighter-launched kinetic energy boost-phase intercept (BPI) system in the direction of acquisition when serious technical and operational obstacles remain to be solved.

The committee recommends a more focused TMD investment strategy and increases to other BMD activities to restore a more balanced BMD program. The committee is not opposed to the emergence of new core TMD systems, but insists that such systems be coherent and affordable, and that they leverage to the extent possible existing systems and technologies. Follow-on TMD investments must be targeted so as to build on existing investments, or to support significant leaps ahead in the technological state of the art. The United States cannot afford and does not need six kinetic-energy TMD systems that approach the threat fundamentally in the same technical manner.

The committee, therefore, recommends the termination of the existing Corps SAM and kinetic-energy BPI programs. To satisfy the Corps SAM requirement, which the committee views as valid, the Department of Defense should propose a restructured program, which essentially merges ongoing efforts in PAC–3 and THAAD to produce a mobile hybrid system with 360 degree coverage. The committee believes that such a system will satisfy the requirement more rapidly and in a more cost-effective manner than the Corps SAM/MEADS program. The committee also believes that this will present an opportunity to begin replacing existing Patriot infra-

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |

structure, which is excessively large and manpower-intensive, with a new type of system that is essentially a mobile PAC–3. If implemented properly, production of the new system could be phased into ongoing PAC–3 production, thereby providing savings from both ends of the spectrum.

The committee is sensitive to the diplomatic implications of canceling the MEADS program, but believes that it is better to restructure the program in its infancy rather than later. The committee is not opposed to having an international aspect to the restructured program. More important, the committee believes that the United States should seek to foster cooperation with its allies on wide-area missile defense. The primary threat to our European and Asian allies will not be countered by a MEADS-like system. The committee believes that the United States should place greater emphasis on fostering cooperation on programs such as THAAD and Navy Upper Tier.

With regard to boost-phase intercept, the committee remains highly skeptical about a BPI system based on manned tactical aircraft. Even if the needed interceptor technology should mature, the operational implications of this system make it almost unsustainable. To the extent that kinetic-energy BPI systems hold promise for TMD applications, the committee believes that reliance should be placed on unmanned aerial vehicles (UAVs). The committee notes that the United States is conducting extensive work on UAVs and has an ongoing, though severely under-funded, program to study a UAV/BPI concept with the State of Israel. The committee believes that leveraging existing U.S. UAV programs and the ongoing effort with Israel would provide the basis for a much more cost-effective BPI program. The committee, therefore, recommends that the Secretary of Defense initiate a cooperative program between the United States and Israel, which leverages the work both countries have done on missile defense and UAVs.

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |

*National Missile Defense Architecture*

The committee notes that there is greater ambiguity and more disagreement regarding the future ballistic missile threat to the territory of the United States than there is regarding the threat posed by short- and medium-range missiles, which are already deployed in large numbers throughout the world. With regard to ballistic missile threats to the United States itself, there are really two subcategories—existing threats that we have lived with for some time, and emerging new threats. Most of the debate has surrounded the question of new threats.

The committee notes that the intelligence community does not presently forecast the emergence of a new indigenously-developed ballistic missile threat to the continental United States within the next ten years. Nevertheless, the intelligence community does confirm that the proliferation trend is toward longer-range and more sophisticated ballistic missiles, and that there are a number of ways for determined countries to rapidly acquire intercontinental ballistic missiles (ICBM) by means other than indigenous development. The intelligence community also confirms that North Korea is developing an ICBM class missile (the Taepo Dong II), which may become operational within five years, and which may have sufficient range to target Alaska. Some analysts speculate that this missile could have an even longer range. In any event, the mere existence of this North Korean program is cause for questioning the intelligence community's ten year forecast. It also highlights how suddenly a new ICBM threat can emerge. Given North Korea's history as a missile proliferator and its ongoing cooperation with Iran on such programs, the committee views these developments as extremely threatening.

The committee does not believe that the intelligence community's ten year threat assessment in any way undermines the case for accelerating deployment of a national missile defense system. Even if it were certain that a new threat would not materialize for ten years, the United States would still need to get started now to ensure that it develops a highly effective and affordable system in

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |

time. As previously noted, however, there is a great deal of uncertainty surrounding the ten year estimate. The United States must be prepared to respond earlier if necessary. Perhaps more important, deploying an NMD system prior to the unambiguous emergence of new missile threats to the United States may serve to deter countries that would otherwise seek to acquire ICBMs. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

In addition to dealing with emerging threats to the United States, NMD can help pave the way for a more reliable and less adversarial form of strategic stability. Mutual vulnerability is clearly not a necessary basis for a stable deterrence relationship. In the near-term, NMD deployments would serve to stabilize mutual deterrence by reducing prospective incentives to strike first in a crisis. The committee believes that even modest NMD deployments can reduce the vulnerability of U.S. strategic forces and thereby strengthen stability. Over time, as political circumstances permit, increasingly robust defenses can serve to devalue offensive forces, especially those that are most destabilizing, virtually eliminating first strike incentives and establishing the basis for deeper offensive reductions.

Indefinitely extending Cold War notions of nuclear deterrence based on vulnerability and threats of retaliation is likely to perpetuate basic animosities and security concerns, and prohibit the development of the more positive relations necessary for a genuinely stable U.S.-Russian strategic relationship. Arms reductions alone cannot accomplish this goal. By easing concerns about possible noncompliance and third party ballistic missile threats, missile defenses can help provide the confidence necessary to move toward deeper offensive reductions. In sum, the argument that effective national ballistic missile defenses are inconsistent with deterrence and arms control is as outdated as the Cold War itself.

Therefore, the committee recommends a provision which would establish an NMD program to deploy a multiple-site, ground-based interceptor system by 2003, with a more limited contingency capability available by the turn of the century. The committee believes that there is an urgent need to establish explicit milestones and performance goals for the NMD program in order to achieve these

# MISSILE DEFENSE ACT (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language
Page 144-145

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language
Page 113-121

deployment goals. The committee directs the Secretary of Defense to employ streamlined acquisition procedures and other cost saving measures as appropriate to ensure rapid and cost-effective development of an NMD system.

The committee notes that the ground-based interceptor (GBI) program, with its exoatmospheric kill vehicle (EKV), has been underway for almost five years, and has achieved significant technical progress. The committee also notes the existence of various options for off-the-shelf boosters for the GBI, but questions whether these can be optimized for the GBI mission. The committee therefore recommends that a detailed analysis be conducted in order to select an optimized booster configuration that balances cost and performance considerations. The committee supports aggressive development and testing of the EKV to support the deployment goals specified above. The committee is troubled by recent schedule delays in the EKV program and the fact that BMDO is considering a down-select to a single design and contractor before conducting flight tests. To ensure that the best design is selected upon demonstrated performance, and to minimize program risk, the Secretary of Defense is directed to maintain competition in the EKV program through successful completion of flight demonstrations.

In order to develop and deploy optimized sensor support for an NMD system, the committee supports upgrading existing early warning radars while new X-band fire control radars are readied for deployment. The committee also strongly supports the development of the Space and Missile Tracking System (SMTS), which is being developed by the Air Force as part of the Space-Based Infrared System (SBIRS). The committee believes that SMTS should be developed for a first launch in fiscal year 2001, with an IOC in fiscal year 2003, to support the objective multiple-site NMD system. The committee believes that the proper mix between space-based sensors and ground-based radars must be achieved to maximize coverage and effectiveness while minimizing the ultimate cost of the NMD system. With robust space-based sensor support, the sys-

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |

tem may not require new radars at each interceptor deployment location.

The committee recognizes that there may be opportunities to significantly improve the cost and operational effectiveness of a ground-based NMD system by including space-based and/or sea-based defensive systems in the NMD architecture. The committee directs the Secretary of Defense to include an analysis of such options in the NMD implementation plan.

*Cruise Missile Defense Initiative*

In a significant departure from the Missile Defense Act of 1991, the Missile Defense Act of 1995 addresses the threat posed by existing and emerging cruise missiles. The committee believes that CMD has not been given the degree of attention warranted by the threat, and notes with concern the intelligence community's estimate that at least twelve countries have land-attack cruise missiles under development. Although there are many programs in the Department of Defense involving CMD, for the most part these have not been sufficiently emphasized, funded, or coordinated. The committee believes that the Secretary of Defense should seek to coordinate and leverage activities involving air defense, CMD and BMD to maximize synergies and cost savings.

The committee directs the Secretary of Defense to coordinate the department's CMD and BMD efforts and to ensure that existing air defense systems are upgraded to improve capabilities against cruise missiles. The committee also directs the Secretary to undertake a high priority development program to support the future deployment of systems that are highly effective against advanced cruise missiles, including cruise missiles with low observable features. Finally, the committee directs the Secretary to prepare a plan for implementing a cruise missile defense initiative, including an assessment of organizational and managerial changes that could strengthen and further coordinate the cruise missile defense activities of the Department of Defense. The committee recommends a substantial increase in funding for cruise missile defense activities, which is described in a separate funding section below.

# MISSILE DEFENSE ACT (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

Report Language
Page 144-145

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

Report Language
Page 113-121

*Policy Regarding the ABM Treaty*

The committee acknowledges that many of the policies and recommendations contained in the Missile Defense Act of 1995, if implemented, would require relief in one form or another from the ABM Treaty. Rather than recommend a specific course of action at this time, however, the committee believes that Congress should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of making a well informed and carefully considered recommendation on how to proceed by the end of the 104th Congress.

The Missile Defense Act of 1995 would establish a policy to seek a cooperative transition to a regime which does not feature mutual assured destruction as the basis for deterrence and stability, yet it is not presently clear how best to achieve this goal. Incremental amendments to the treaty must be considered, but there is a risk that such incrementalism may undermine the ultimate goal of replacing the treaty with a more appropriate and up-to-date regime. Congress also will want to evaluate the Secretary of Defense's NMD implementation plan and a variety of technical and policy issues before recommending a specific course of action. Furthermore, given that there are no ABM Treaty limitations on research, development, or testing of ground-based NMD systems or components, it is prudent to dedicate a year to studying all ABM Treaty-related issues and alternatives. The committee, therefore, recommends a provision that calls for the Senate to undertake a careful one-year review of the continuing value and validity of the ABM Treaty, during which time all efforts by the administration to modify, clarify, or otherwise alter U.S. obligations under the ABM Treaty should cease.

To conduct this comprehensive review and to issue specific guidance, the committee recommends that the Senate consider establishment of a select committee on the future of the ABM Treaty, which would convene for a one-year period of time. The select committee would conduct hearings and interviews, review all relevant documents, and carefully consider the full range of policy issues. At the end of the 104th Congress, the select committee would issue a report and be disbanded.

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |

To facilitate the Senate's review and to foster full and open debate, the committee recommends requiring the declassification of the ABM Treaty negotiating record. This action would be consistent with the classification policy in Executive Order 12958, announced by the administration on April 17, 1995. The Reagan Administration, which declassified a significant portion of the ABM Treaty record, established the precedent for this action. The committee understands that in connection with the 1987 study of the ABM Treaty by the State Department Legal Advisor, most of the negotiating record along with a complete index was compiled. The committee suggests that this would be a good starting point for the administration in providing Congress with the information requested.

*Development, Testing and Deployment of Non-ABM Systems*

The committee observes that the ABM Treaty does not limit the development or deployment of TMD or air defense systems; yet, as a result of ambiguities in the treaty, the United States has for years unilaterally limited the development of non-ABM systems. These self-imposed restraints exceed not only the requirements of the Treaty, but common sense. Article VI(a) of the ABM Treaty states that non-ABM systems may not be "tested in an ABM mode" and may not be "given capabilities to counter strategic ballistic missiles." Unfortunately, these terms and concepts remain essentially undefined. In this void, the Department of Defense developed an arbitrary methodology, based on computer simulations of one-on-one engagements, to determine whether defensive systems have "capabilities to counter strategic ballistic missiles." This approach, unfortunately, conforms neither to operational reality nor to the requirements of the ABM Treaty. Since the treaty is verified and monitored solely by "national technical means," compliance standards based on computer simulations clearly exceed the terms and requirements of the Treaty. There is no evidence that Russia, or the Soviet Union before it, has ever employed anything as onerous and self-limiting as this.

# MISSILE DEFENSE ACT (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 144-145 | Report Language<br>Page 113-121 |

The results of this excessive self-regulation have recently become very apparent. Recent compliance reviews have imposed a variety of constraints on our ability to proceed efficiently and aggressively with TMD programs such as THAAD and Navy Upper Tier. Both systems are now being forced down a very precarious path between artificial ABM Treaty constraints and the pressing need to maximize their operational capability.

Therefore, the committee recommends a provision that would codify in precise terms that a demonstrated standard shall be used for evaluating the compliance of TMD and air defense systems. The provision would establish that TMD and air defense systems are not subject to the terms of the ABM Treaty unless flight tested against a ballistic missile with a range greater than 3,500 kilometers or a velocity in excess of 5 kilometers per second. The committee did not select these parameters arbitrarily; in fact, they formed the basis for the official United States position tabled at the Standing Consultative Commission in November 1993. The committee finds that specific performance or deployment limitations on TMD systems would be inconsistent with our current treaty obligations and United States national security interests in general. Unlike the demonstrated standard recommended by the committee, such limitations would establish new legal obligations for the United States under the ABM Treaty, essentially transforming it into a TMD treaty.

*Ballistic Missile Defense Program Elements*

The committee recommends a provision that would realign the program element (PE) structure of BMDO's budget, reducing the number from thirteen to seven. The committee believes that all core TMD programs should be covered in individual PEs, and that all other TMD programs, projects and activities should be covered in the Other TMD Activities PE. The committee believes that battle management, command, control and communications (BM/C3) programs should be covered in the Other TMD or the NMD PEs, and that funding for program support activities should be included in the relevant PEs.

# MISSILE DEFENSE ACT (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 46-50**

SEC. 233. BALLISTIC MISSILE DEFENSE POLICY.

It is the policy of the United States—

(1) to deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the Armed Forces of the United States and to complement the missile defense capabilities of forces of coalition partners and of allies of the United States; and

(2) to seek a cooperative, negotiated transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in paragraph (1) of section 233, the Secretary of Defense shall restructure the core theater missile defense program to consist of the following systems, to be carried out so as to achieve the specified capabilities:

(1) The Patriot PAC–3 system, with a first unit equipped (FUE) during fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000.

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**Page 721-724**

***Ballistic missile defense policy (secs. 231–253)***

**The House bill contained eight provisions (secs. 231–238) that collectively would be called the "Ballistic Missile Defense Act of 1995." The House bill contained four additional provisions (secs. 241–244) that would also deal with matters related to ballistic missile defense (BMD).**

**The Senate amendment contained eleven provisions (secs. 231–241) that collectively would be called the "Missile Defense Act of 1995." The Senate amendment contained two additional provisions (secs. 227 and 243) that would also deal with matters related to BMD.**

**The conference agreement combines the House and the Senate BMD provisions into two subtitles as described below.**

**Subtitle C—Ballistic Missile Defense Act of 1995**

***Short title (sec. 231)***

**The House bill contained a provision (sec. 231) that would entitle this group of provisions the "Ballistic Missile Defense Act of 1995."**

**The Senate amendment contained a provision (sec. 231) that would use a different title—"Missile Defense Act of 1995"—reflecting the fact that the Senate version included a provision dealing with cruise missile defense.**

The Senate recedes.

# MISSILE DEFENSE ACT (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 46-50**

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001.

(b) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing and deploying the theater missile defense systems specified in subsection (a).

(c) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility of the systems comprising the core theater missile defense program, the Secretary of Defense shall ensure that those systems are integrated and complementary and are fully capable of exploiting external sensor and battle management support from systems such as—

(A) the Cooperative Engagement Capability (CEC) system of the Navy;

(B) airborne sensors; and

(C) space-based sensors (including, in particular, the Space and Missile Tracking System).

(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall prepare an affordable development plan for theater missile defense systems to be developed as follow-on systems to the core systems specified in subsection (a). The Secretary shall make the selection of a system for inclusion in the plan based on the capability of the system to satisfy military requirements not met by the systems in the core program and on the capability of the system to use prior investments in technologies, infrastructure, and battle-management capabilities that are incorporated in, or associated with, the systems in the core program.

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**Page 721-724**

*Findings (sec. 232)*

The Senate amendment contained a provision (sec. 232) that would establish a series of congressional findings as the rationale for developing and deploying theater and national ballistic missile defenses.

The House bill contained a provision (sec. 242) that would make several similar findings.

The House recedes with an amendment merging the House and Senate findings.

*Ballistic Missile Defense Policy (sec. 233)*

The House bill contained a provision (sec. 232) that would establish a United States policy to: (1) deploy at the earliest practical date highly effective theater missile defenses; and (2) deploy at the earliest practical date a national missile defense (NMD) system that is capable of providing a highly effective defense of the United States against limited ballistic missile attacks.

The Senate amendment contained a similar provision (sec. 233) that would establish a United States policy to: (1) deploy as soon as possible affordable and operationally effective theater missile defenses; (2) develop for deployment a multiple site national missile defense system (that can be augmented to a layered defense over time) while initiating negotiations to amend the Anti-Ballistic Missile (ABM) Treaty; (3) ensure congressional review prior to a decision to deploy the NMD system; (4) improve existing cruise missile defense systems and deploy as soon as practical defenses against advanced cruise missiles; (5) pursue a focused research and devel-

# MISSILE DEFENSE ACT (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 46-50**

(2) The Secretary may not proceed with the development of a follow-on theater missile defense system beyond the Demonstration/Validation stage of development unless the Secretary designates that system as a part of the core program under this section and submits to the congressional defense committees notice of that designation. The Secretary shall include with any such notification a report describing—

(A) the requirements for the system and the specific threats that such system is designed to counter;

(B) how the system will relate to, support, and build upon existing core systems;

(C) the planned acquisition strategy for the system; and

(D) a preliminary estimate of total program cost for that system and the effect of development and acquisition of such system on Department of Defense budget projections.

(e) PROGRAM ACCOUNTABILITY REPORT.—(1) As part of the annual report of the Ballistic Missile Defense Organization required by section 224 of Public Law 101–189 (10 U.S.C. 2431 note), the Secretary of Defense shall describe the technical milestones, the schedule, and the cost of each phase of development and acquisition (together with total estimated program costs) for each core and follow-on theater missile defense program.

(2) As part of such report, the Secretary shall describe, with respect to each program covered in the report, any variance in the technical milestones, program schedule milestones, and costs for the program compared with the information relating to that program in the report submitted in the previous year and in the report submitted in the first year in which that program was covered.

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**Page 721-724**

opment program to provide follow-on ballistic missile defense options; (6) employ streamlined acquisition procedures in developing and deploying missile defenses; (7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and (8) carry out the policies, programs, and requirements of the Missile Defense Act through processes specified within, or consistent with, the ABM Treaty.

The House recedes with an amendment to establish a United States policy to: (1) deploy affordable and operationally effective theater missile defenses to protect forward-deployed and expeditionary elements of the armed forces of the United States and to complement and support the missile defense capabilities of the forces of coalition partners and allies of the United States; and (2) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis of strategic stability.

*Theater Missile Defense Architecture (sec. 234)*

The House bill contained a provision (sec. 233) that, in part, would direct the Secretary of Defense to develop and deploy at the earliest practical date advanced theater missile defense (TMD) systems. The House bill contained another provision (sec. 236) that would establish a ballistic missile defense program accountability report.

# MISSILE DEFENSE ACT (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 46-50**

(f) REPORTS ON TMD SYSTEM LIMITATIONS UNDER ABM TREATY.—(1) Whenever, after January 1, 1993, the Secretary of Defense issues a certification with respect to the compliance of a particular Theater Missile Defense system with the ABM Treaty, the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a copy of such certification. Such transmittal shall be made not later than 30 days after the date on which such certification is issued, except that in the case of a certification issued before the date of the enactment of this Act, such transmittal shall be made not later than 60 days after the date of the enactment of this Act.

(2) If a certification under paragraph (1) is based on application of a policy concerning United States compliance with the ABM Treaty that differs from the policy described in section 235(b)(1), the Secretary shall include with the transmittal under that paragraph a report providing a detailed assessment of—

(A) how the policy applied differs from the policy described in section 235(b)(1); and

(B) how the application of that policy (rather than the policy described in section 235(b)(1)) will affect the cost, schedule, and performance of that system.

SEC. 235. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) FINDINGS.—(1) Congress hereby reaffirms—

(A) the finding in section 234(a)(7) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160;

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**Page 721-724**

The Senate amendment contained a provision (sec. 234) that would provide detailed policy guidance related to theater missile defense. The provision would establish a core theater missile defense program (the Theater High Altitude Area Defense system, the Navy Upper Tier system, the Patriot PAC–3 system, and the Navy Lower Tier system) with programmatic milestones for each core system, require that the systems in the core program be interoperable and mutually supporting, establish guidelines for creating new core systems, and require the Secretary of Defense to provide the congressional defense committees a TMD Architecture report along with the fiscal year 1997 budget submission.

The House recedes with an amendment to integrate elements of the House's ballistic missile defense program accountability provision into a revised TMD reporting requirement, and to make technical and clarifying changes. Included is a requirement that the Secretary of Defense report on the following matters to the Senate Committee on Armed Services and the House Committee on National Security whenever the Secretary issues an ABM Treaty compliance certification for any TMD system: (1) the compliance policy applied in preparing such a certification; (2) how the policy applied differs from the policy stated in section 235(b)(1) of this Act (the so-called "demonstrated standard"); and (3) how the application of that compliance policy (rather than the "demonstrated standard") will affect the cost, schedule, and performance of the TMD system being considered.

# MISSILE DEFENSE ACT (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 46-50**

107 Stat. 1595; 10 U.S.C. 2431 note) that the ABM Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles; and

(B) the statement in section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2700) that the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(2) Congress also finds that the demarcation standard described in subsection (b)(1) for compliance of a missile defense system, system upgrade, or system component with the ABM Treaty is based upon current technology.

(b) SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—It is the sense of Congress that—

(1) unless a missile defense system, system upgrade, or system component (including one that exploits data from space-based or other external sensors) is flight tested in an ABM-qualifying flight test (as defined in subsection (e)), that system, system upgrade, or system component has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles and, therefore, is not subject to any application, limitation, or obligation under the ABM Treaty; and

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**Page 721-724**

*Prohibition on use of funds to implement an international agreement concerning theater missile defense systems (sec. 235)*

The House bill contained a provision (sec. 235) that would establish a theater missile defense demarcation standard (the so-called "demonstrated standard" based on the range and speed of the target) and would prohibit the obligation or expenditure of funds appropriated for the Department of Defense to implement or employ any other standard.

The Senate amendment contained a related provision (sec. 238) that would: (1) express the sense of Congress that the "demonstrated standard" is the appropriate standard for defining a TMD demarcation; and (2) prohibit the use of funds appropriated for the Department of Defense in fiscal year 1996 to implement an international agreement that is inconsistent with this standard, unless such agreement receives Senate advice and consent to ratification, or is specifically approved in a subsequent Act.

The House recedes with a clarifying amendment.

*Ballistic missile defense cooperation with allies (sec. 236)*

The House bill contained a provision (sec. 242) that, in part, would endorse cooperation in the area of ballistic missile defense between the United States and its allies and coalition partners, and that would urge the President to: (1) pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties can cooperate in the development, deployment, and operation of ballistic missile defenses; (2) take the initiative within the North Atlantic Treaty Organization to develop a consensus for deployment of BMD by the

# MISSILE DEFENSE ACT (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 46-50**

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement, or any understanding with respect to interpretation of the ABM Treaty, between the United States and any of the independent states of the former Soviet Union entered into after January 1, 1995, that—

(1) would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty; or

(2) would restrict the performance, operation, or deployment of United States theater missile defense systems.

(d) EXCEPTIONS.—Subsection (c) does not apply—

(1) to the extent provided by law in an Act enacted after this Act;

(2) to expenditures to implement that portion of any such agreement or understanding that implements the policy set forth in subsection (b)(1); or

(3) to expenditures to implement any such agreement or understanding that is approved as a treaty or by law.

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**Page 721-724**

Alliance; and (3) seek agreement with U.S. allies and selected other states on steps the parties can take to reduce the risks posed by the threat of limited ballistic missile attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include the House language on BMD cooperation with allies as a free-standing provision.

*ABM Treaty defined (sec. 237)*

The House bill contained a provision (sec. 237) that would define the ABM Treaty.

The Senate amendment contained a similar provision.

The Senate recedes with a technical amendment.

*Repeal of Missile Defense Act of 1991 (sec. 238)*

The House bill contained a provision, (sec. 238) that would repeal the Missile Defense Act of 1991.

The Senate amendment contained a similar provision (sec. 241(1)).

The Senate recedes.

# MISSILE DEFENSE ACT (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**Page 46-50** | **Report Language**<br>**Page 721-724** |

(e) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds (1) a range of 3,500 kilometers, or (2) a velocity of 5 kilometers per second.

SEC. 236. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other states;

# MISSILE DEFENSE ACT (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 46-50**

(B) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 238. REPEAL OF MISSILE DEFENSE ACT OF 1991.

The Missile Defense Act of 1991 (10 U.S.C. 2431 note) is repealed.

Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 721-724**

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# MISSILE DEFENSE ACT (CONT)

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| Bill Language<br>None<br><br>Report Language<br>None | Bill Language<br>None<br><br>Report Language<br>None |

# MISSILE DEFENSE ACT (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95)1 |
|---|---|
| Statutory Language<br>None | Report Language<br>None |

# REPEAL OF MISSILE DEFENSE ACT PROVISIONS

# REPEAL OF MISSILE DEFENSE ACT PROVISIONS

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 44-45 | Bill Language<br>Page 68-69 |
| ***SEC. 244. REPEAL OF MISSILE DEFENSE PROVISIONS.***<br>*The following provisions of law are repealed:*<br>*(1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).*<br>*(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).*<br>*(3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).* | **SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.**<br>The following provisions of law are repealed:<br>(1) The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note).<br>(2) Section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).<br>(3) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160). |

# REPEAL OF MISSILE DEFENSE ACT PROVISIONS (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 44-45 | Bill Language<br>Page 68-69 |
| *(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).*<br><br>*(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).*<br><br>*(6) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).* | (4) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).<br><br>(5) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).<br><br>(6) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).<br><br>(7) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40). |

## REPEAL OF MISSILE DEFENSE ACT PROVISIONS (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 44-45 | Bill Language<br>Page 68-69 |
| | (8) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).<br>(9) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).<br>(10) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note). |

# REPEAL OF MISSILE DEFENSE ACT PROVISIONS (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Report Language**<br>**Page 146**<br><br>SECTION 244—REPEAL OF MISSILE DEFENSE PROVISIONS<br><br>This section would repeal six provisions of law with respect to missile defense. | **Report Language**<br>**None** |

# REPEAL OF MISSILE DEFENSE ACT PROVISIONS (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 54**

*SEC. 253. REPEAL OF MISSILE DEFENSE PROVISIONS.*

*The following provisions of law are repealed:*

*(1) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).*

*(2) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).*

*(3) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).*

*(4) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).*

*(5) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).*

*(6) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).*

*(7) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1603; 10 U.S.C. 2431 note).*

*(8) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).*

*(9) Section 2609 of title 10, United States Code.*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 734**

*Repeal of missile defense provisions (sec. 253)*

The Senate amendment contained a provision (sec. 241) that would repeal ten outdated BMD-related provisions of law.

The House bill contained a similar provision (sec. 244) that would repeal six outdated BMD-related provisions of law.

The House recedes with an amendment. The Conferees agree to repeal nine outdated BMD-related provisions of law.

# REPEAL OF MISSILE DEFENSE ACT PROVISIONS (CONT)

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# REPEAL OF MISSILE DEFENSE ACT PROVISIONS (CONT)

| Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) | Conference Report on FY96 DOD Appropriations H.R. 2126; H.Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>None | Report Language<br>None |

# ALLIED COOPERATION

# ALLIED COOPERATION

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 403-404** | **Bill Language**<br>**Page 358-360** |
| *SEC. 1225. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.*<br><br>*(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:*<br><br>*"(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the* | **SEC. 1055. STRATEGIC COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.**<br><br>(a) FINDINGS.—Congress makes the following findings:<br><br>(1) The President and Congress have repeatedly declared the long-standing United States commitment to maintaining the qualitative superiority of the Israel Defense Forces over any combination of potential adversaries.<br><br>(2) Congress continues to recognize the many benefits to the United States from its strategic relationship with Israel, including that of enhanced regional stability and technical cooperation. |

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 403-404** | **Bill Language**<br>**Page 358-360** |
| *contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).".*<br><br>*(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".*<br><br>*(c) TECHNICAL AMENDMENT.—Such section is further amended—* | (3) Despite the historic peace effort in which Israel and its neighbors are engaged, Israel continues to face severe potential threats to its national security that are compounded by terrorism and by the proliferation of weapons of mass destruction and ballistic missiles.<br><br>(4) Congress supports enhanced United States cooperation with Israel in all fields and, especially, in finding new ways to deter or counter mutual threats.<br><br>(b) UNITED STATES POLICY.—It shall be the policy of the United States that— |

## ALLIED COOPERATION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 403-404** | **Bill Language**<br>**Page 358-360** |
| *(1) in subsection (e)(1), by striking out "a report to the congressional defense committees" and inserting in lieu thereof "to the congressional committees specified in subsection (g) a report"; and*<br><br>*(2) by adding at the end the following new subsection:*<br><br>*"(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—*<br><br>*"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and*<br><br>*"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".* | (1) the President should ensure that any conventional defense system or technology offered by the United States for sale to any member nation of the North Atlantic Treaty Organization (NATO) or to any major non-NATO ally is concurrently made available for purchase by Israel unless the President determines that it would not be in the national security interests of the United States to do so; and<br><br>(2) the President should make available to Israel, within existing technology transfer laws, regulations, and policies, advanced United States technology necessary for achieving continued progress in cooperative United States-Israel research and development of theater missile defenses. |

# ALLIED COOPERATION (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 262**

SECTION 1225—ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS

This section would authorize the United States to accept burdensharing contributions in the currency of the host nation or in dollars, and to manage it as a separate account, available until expended.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 288**

**Section – 1055. Strategic cooperation between the United States and Israel.**

The committee recommends a provision which expresses the sense of Congress supporting continued cooperation between the United States and Israel in military and technical areas; in particular, in missile defense systems. This provision calls for the elimination of unnecessary barriers to collaboration between the two allies in order to maintain Israel's qualitative edge over potential adversaries in conventional weaponry and missile defenses.

The committee believes that both the United States and Israel have benefitted from this collaborative effort. The committee recognizes that Israel is engaged in a peace initiative that could pose increased risks to its security. Maintaining Israel's defense qualitative edge is thus more critical now than perhaps at any other time. However, the committee also notes that U.S. national security concerns, such as the proliferation of weapons of mass destruction, must limit cooperation in certain technical areas.

# ALLIED COOPERATION (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 52**

SEC. 236. BALLISTIC MISSILE DEFENSE COOPERATION WITH ALLIES.

It is in the interest of the United States to develop its own missile defense capabilities in a manner that will permit the United States to complement the missile defense capabilities developed and deployed by its allies and possible coalition partners. Therefore, the Congress urges the President—

(1) to pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties on a bilateral basis can cooperate in the development, deployment, and operation of ballistic missile defenses;

(2) to take the initiative within the North Atlantic Treaty Organization to develop consensus in the Alliance for a timely deployment of effective ballistic missile defenses by the Alliance; and

(3) in the interim, to seek agreement with allies of the United States and selected other states on steps the parties should take, consistent with their national interests, to reduce the risks posed by the threat of limited ballistic missile attacks, such steps to include—

(A) the sharing of early warning information derived from sensors deployed by the United States and other states;

(B) the exchange on a reciprocal basis of technical data and technology to support both joint development programs and the sale and purchase of missile defense systems and components; and

(C) operational level planning to exploit current missile defense capabilities and to help define future requirements.

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 733**

*Ballistic missile defense cooperation with allies (sec. 236)*

The House bill contained a provision (sec. 242) that, in part, would endorse cooperation in the area of ballistic missile defense between the United States and its allies and coalition partners, and that would urge the President to: (1) pursue high-level discussions with allies of the United States and selected other states on the means and methods by which the parties can cooperate in the development, deployment, and operation of ballistic missile defenses; (2) take the initiative within the North Atlantic Treaty Organization to develop a consensus for deployment of BMD by the Alliance; and (3) seek agreement with U.S. allies and selected othe states on steps the parties can take to reduce the risks posed by the threat of limited ballistic missile attacks.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to include the House language on BMD cooperation with allies as a free-standing provision.

# ALLIED COOPERATION (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 314-315**

*SEC. 1331. ACCOUNTING FOR BURDENSHARING CONTRIBUTIONS.*

*(a) AUTHORITY TO MANAGE CONTRIBUTIONS IN LOCAL CURRENCY, ETC.—Subsection (b) of section 2350j of title 10, United States Code, is amended to read as follows:*

*"(b) ACCOUNTING.—Contributions accepted under subsection (a) which are not related to security assistance may be accepted, managed, and expended in dollars or in the currency of the host nation (or, in the case of a contribution from a regional organization, in the currency in which the contribution was provided). Any such contribution shall be placed in an account established for such purpose and shall remain available until expended for the purposes specified in subsection (c). The Secretary of Defense shall establish a separate account for such purpose for each country or regional organization from which such contributions are accepted under subsection (a).".*

*(b) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking out "credited under subsection (b) to an appropriation account of the Department of Defense" and inserting in lieu thereof "placed in an account established under subsection (b)".*

*(c) TECHNICAL AMENDMENT.—Such section is further amended—*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 860**

*Defense cooperation between the United States and Israel*

The Senate amendment contained a provision (sec. 1055) that would express the Sense of Congress for continued cooperation between the United States and Israel in military and technical areas.

The House bill contained no similar provision.

The Senate recedes. The conferees note that a provision virtually identical to that contained in the Senate amendment exists in the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337). The conferees recognize the numerous benefits to the United States resulting from our strategic relationship with Israel. The conferees strongly commend the United States' continuing commitment to maintaining Israel's qualitative edge over any combination of adversaries. Despite the great progress made in the Middle East peace process, Israel continues to face an unstable and highly dangerous environment, compounded by the proliferation of weapons of mass destruction and ballistic missiles.

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 314-315**

*(1) in subsection (e)(1), by striking out "a report to the congressional defense committees" and inserting in lieu thereof "to the congressional committees specified in subsection (g) a report"; and*

*(2) by adding at the end the following new subsection:*

*"(g) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in subsection (e)(1) are—*

*"(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and*

*"(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.".*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 874**

Subtitle D—Burdensharing and Other Cooperative Activities Involving Allies and NATO

*Accounting for burdensharing contributions (sec. 1331)*

The House bill contained a provision (sec. 1225) that would authorize the United States to accept burdensharing contributions in the currency of the host nation or in United States dollars. This provision would maintain this funding in a separate account that would be available until expended.

The Senate bill contained no similar provision.

The Senate recedes.

# ALLIED COOPERATION (CONT)

| House FY96 DOD Appropriation Bill<br>H.R. 2126; H.Rept. 104-208 (7/27/95) | Senate FY96 DOD Appropriation Bill<br>S. 1087; Sen Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# ALLIED COOPERATION (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# MILITARY CONSTRUCTION

# MILITARY CONSTRUCTION

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

Bill Language
Page 427

*SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.*

*(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:*

***Defense Agencies: Inside the United States***

| *Agency/State* | *Installation or location* | *Amount* |
|---|---|---|
| ***Ballistic Missile Defense Organization*** | | |
| *Texas* | *Fort Bliss* | *$13,600,000* |

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

Bill Language
Page 421

**SEC. 2401: AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

| Agency | Installation Or Location | Amount |
|---|---|---|
| Ballistic Missile Defense Organization: | Fort Bliss, Texas | $13,600,000 |

# MILITARY CONSTRUCTION (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Report Language**<br>None | **Report Language**<br>None |

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**

**Page 369**

*SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.*

*(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), and, in the case of the project described in section 2405(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:*

*Defense Agencies: Inside the United States*

| Agency/State | Installation or location | Amount |
|---|---|---|
| Ballistic Missile Defense Organization | | |
| Texas | Fort Bliss | $13,600,000 |
| Defense Finance & Accounting Service | | |
| Ohio | Columbus Center | $72,403,000 |
| Defense Intelligence Agency | | |
| District of Columbia | Bolling Air Force Base | $498,000 |

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**

**None**

# MILITARY CONSTRUCTION (CONT)

| House FY96 DOD Appropriation Bill H.R. 1817; H.Rept. 104-137 (6/13/95) | Senate FY96 DOD Appropriation Bill H.R. 1817; Sen Rept. 104-116 (7/19/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>None | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# MILITARY CONSTRUCTION (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 1817; H. Rept. 104-247 (9/14/95) | Conference Report on FY96 DoD Appropriations H.R 1817; Sen. Rept. 104-247 (9/14/95) |
|---|---|
| Statutory Language<br>None | Report Language<br>None |

# FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCS)

# FFRDCs

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>Page 53-55 | Bill Language<br>Page 42-44 |
| *SEC. 257. FIVE-YEAR PLAN FOR FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS (FFRDCS).*<br>*(a) FIVE-YEAR PLAN.—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by federally funded research and development centers (FFRDCs) and establish a framework for the future workload of such centers.*<br>*(b) OBJECTIVES.—The plan shall set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, the following:* | **SEC. 219. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.**<br>(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report. |

# FFRDCs (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Bill Language**
**Page 53-55**

*(1) Implementation by federally funded research and development centers of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers.*

*(2) Consolidation of such core level activities into as few federally funded research and development centers as is practical and possible.*

*(3) Acquisition of systems engineering and systems integration activities currently performed by federally funded research and development centers through the use of competitive procedures.*

*(4) Transfer of the management of the Software Engineering Initiative activities to the Defense Infor-*

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Bill Language**
**Page 42-44**

(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—

(A) the name of each federally funded research and development center from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 53-55** | **Bill Language**<br>**Page 42-44** |
| *mation Systems Agency for purposes of supporting command, control, communications, computing, and intelligence ($C^4I$) programs.*<br><br>*(5) Transfer of the management of the core activities of Lincoln Laboratory to the Office of the Secretary of Defense.*<br><br>*(6) Acquisition of services provided to the Department of Defense by university-affiliated research centers (that operate like federally funded research and development centers) through the use of competitive procedures.*<br><br>*(c) OTHER MATTERS.—The plan also shall include the following:* | (2) The total of the proposed funding levels set forth in the report for all federally funded research and development centers may not exceed the amount set forth in subsection (d).<br><br>(c) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 may be obligated to procure work from a federally funded research and development center until the Secretary of Defense submits the report required by subsection (b).<br><br>(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,162,650,000 may be obligated to procure services from |

| House FY96 DoD Authorization Bill H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 53-55** | **Bill Language**<br>**Page 42-44** |
| *(1) An assessment of the number of staff needed in each federally funded research and development center during each year over the five years covered by the plan.*<br><br>*(2) A specific timetable for phasing in the objectives set forth in subsection (b).*<br><br>*(d) REPORT.—Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan.*<br><br>*(e) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $90,097,000.* | the federally funded research and development centers named in the report required by subsection (b).<br><br>(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to a federally funded research and development center. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice |

## FFRDCs (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>**Page 53-55** | **Bill Language**<br>**Page 42-44**<br>is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of that determination and the reasons for the determination.<br>(f) UNDISTRIBUTED REDUCTION.—The total amount authorized to be appropriated for research, development, test, and evaluation in section 201 is hereby reduced by $90,000,000. |

# FFRDCs (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
Page 80-81

SECTION 257—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS

This section would require the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to reevaluate the functions of Federally Funded Research and Development Centers (FFRDCs) and to achieve certain reductions, consolidations and management goals. The provision would limit FFRDC funding to $1.15 billion. This provision would also reduce FFRDC funding by $90.097 million.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 109**

**Section – 219. Federally funded research and development centers.**

**The committee is pleased at the degree to which the Under Secretary of Defense for Acquisition and Technology is attempting to assert greater management control over the 11 Department of Defense federally-funded research and development centers (FFRDC) and the similar university affiliated research centers (UARC). The committee supports the current initiatives within the Department of Defense to improve the management of fees, to define the core work that FFRDC's and UARC's perform, to compete the non-core work, and to establish an independent advisory committee to review and report annually on Department of Defense management of FFRDC's and UARC's. The committee intends to review the implementation of these initiatives in future hearings to insure that implementation is timely and aggressive.**

**The committee notes that the recent DOD FFRDC management efforts have included two independent reviews of the controversial issue of executive compensation. Both the DOD Inspector General and the private sector Hay Group analyzed this issue and found that executive compensation levels at FFRDC's were generally either at or below the market averages. Therefore, the committee believes that continuation of a congressionally-mandated salary ceiling is inappropriate.**

**In recognition of the continuing decline in funding for research and development, the committee recommends an undistributed reduction in FFRDC funding of $90.0 million below the ceiling for fiscal year 1995 and has established a statutory ceiling for FFRDC's of $1.162 billion in fiscal year 1996. The committee expects that this reduction will be implemented by moving non-core work, from FFRDCs other than Studies and Anaylses FFRDCs, to other competitively-awarded contracts as determined by the ongoing DOD review of core capabilities for FFRDC's. The committee directs the Department to ensure adequate funding this year for those**

# FFRDCs (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
Page 80-81

*Federally funded research and development centers (FFRDCs)*

The committee is disappointed that the recently released Defense Science Board (DSB) study on the role of FFRDCs failed to offer any innovative alternatives to redefine and rebalance the workload of the centers. The report noted however, that private sector capabilities in systems engineering (SE) and systems integration (SI) have grown dramatically and that there is general agreement, inside and outside of government, that current private sector capabilities in SE and SI are more than sufficient to meet the Department's needs for these services. Therefore, the committee believes that steps should be taken to phase out a significant portion of FFRDC activity through competitive contracting. The committee recommends a legislative provision (sec. 257) that would require the Department to subject future FFRDC SE and SI work to open competition.

The committee also notes that the Department has decreased funding for FFRDCs that perform studies and analyses less than 5 percent in actual funding since 1991. The committee believes the FFRDC capability must be rebalanced with additional efficiencies achieved in studies and analysis as well as a reevaluation of its FFRDC laboratory functions. The committee recognizes that the Lincoln Laboratory as well as other university affiliated research centers that serve the military under long-term "FFRDC-like" arrangements offer vital bridges from university discovery to potential military products. The committee recommends that this valuable FFRDC function be recognized for its important contribution and be factored into subsequent defense technology planning.

The committee believes additional reductions can and should be made in certain FFRDCs and limits FFRDC funding by the Department in fiscal year 1996 to $1.15 billion, a reduction of $100 million from the projected requirement, of which $9.903 million is for the Lincoln Laboratory research program in PE 62234D.

The committee directs that the Institute for Defense Analysis and the Software Engineering Institute level of funding shall not be reduced from the Department planned fiscal year 1996 activity.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 109**

**FFRDCs engaging in studies and analyses for the Office of the Secretary of Defense and the services. The committee further directs the Department to provide Congress with a recommended funding ceiling for the UARCs for fiscal year 1996. The committee directs that no more than one third of the total funds for UARCs be released until the proposed ceiling is transmitted to Congress.**

# FFRDC'S (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 40-41**

*SEC. 220. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.*

*(a) CENTERS COVERED.—Funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 may be obligated to procure work from a federally funded research and development center (in this section referred to as an "FFRDC") or a university-affiliated research center (in this section referred to as a "UARC") only in the case of a center named in the report required by subsection (b) and, in the case of such a center, only in an amount not in excess of the amount of the proposed funding level set forth for that center in such report.*

*(b) REPORT ON ALLOCATIONS FOR CENTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing—*

*(A) the name of each FFRDC and UARC from which work is proposed to be procured for the Department of Defense for fiscal year 1996; and*

*(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1996.*

*(2) The total of the proposed funding levels set forth in the report for all FFRDCs and UARCs may not exceed the amount set forth in subsection (d).*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 721**

*Federally-Funded Research and Development Centers (sec. 220)*

The House bill contained a provision (sec. 257) that would require the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force to reevaluate the functions of Federally-Funded Research and Development Centers (FFRDCs) and to achieve certain reductions, consolidations and management goals. The provision would limit FFRDC funding to $1.15 billion and reduce funding for FFRDCs and University-Affiliated Research Centers (UARC) by $90.1 million.

The Senate amendment contained a provision (sec. 219) that would require an undistributed reduction in FFRDC funding of $90.0 million, below the ceiling for fiscal year 1995, and would establish a statutory ceiling for FFRDCs of $1.2 billion in fiscal year 1996.

The Senate recedes with an amendment. The conferees agree to reduce the funding for FFRDCs and UARCs by $90.0 million in fiscal year 1996 and direct that not more than $9.0 million of this reduction be applied to funding for UARCs. The conferees have included language that would require the Secretary of Defense to manage the UARCs at the fiscal year 1995 level. The conferees direct the Secretary of Defense to ensure adequate funding in fiscal year 1996 for those FFRDCs that engage in studies and analysis for the Office of the Secretary of Defense and the services. The conferees also direct the Secretary to examine the possibility of increasing the use of the Software Engineering Institute in support of command, control, communications, computing, and intelligence programs managed by the Office of the Secretary of Defense.

# FFRDC'S (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**Page 40-41**<br><br>*(c) LIMITATION PENDING SUBMISSION OF REPORT. Not more than 15 percent of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996 pursuant to an authorization of appropriations in section 201 for FFRDCs and UARCs may be obligated to procure work from an FFRDC or UARC until the Secretary of Defense submits the report required by sub-*<br>*(d) FUNDING.—Of the amounts authorized to be appropriated by section 201, not more than a total of $1,668,850,000 may be obligated to procure services from the FFRDCs and UARCs named in the report required by subsection (b).*<br>*(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—The Secretary of Defense may waive the limitation regarding the maximum funding amount that applies under subsection (a) to an FFRDC or UARC. Whenever the Secretary proposes to make such a waiver, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives notice of the proposed waiver and the reasons for the waiver. The waiver may then be made only after the end of the 60-day period that begins on the date on which the notice is submitted to those committees, unless the Secretary determines that it is essential to the national security that funds be obligated for work at that center in excess of that limitation before the end of such period and notifies those committees of that determination and the reasons for the determination.* | **Report Language** |

# FFRDC'S (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**Page 40-41** | **Report Language** |

*(f) FIVE-YEAR PLAN.—(1) The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop a five-year plan to reduce and consolidate the activities performed by FFRDCs and UARCs and establish a framework for the future workload of such centers.*

*(2) The plan shall—*

*(A) set forth the manner in which the Secretary of Defense could achieve by October 1, 2000, implementation by FFRDCs and UARCs of only those core activities, as defined by the Secretary, that require the unique capabilities and arrangements afforded by such centers; and*

*(B) include an assessment of the number of personnel needed in each FFRDC and UARC during each year over the five years covered by the plan.*

*(3) Not later than February 1, 1996, the Secretary of Defense shall submit to the congressional defense committees a report on the plan required by this subsection.*

## FFRDCs (Cont)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**Page 61**<br><br>SEC. 8042. (a) Funds appropriated in this Act to finance activities of Department of Defense (DoD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DoD approved conflict of interest policy for its members.<br><br>(b) LIMITATION ON COMPENSATION.—No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive Schedule Level I by that FFRDC. | **Bill Language**<br>**Page 74-75**<br><br>SEC. 8077. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.<br><br>(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid |

# FFRDCs (Cont)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**Page 61**<br><br>(c) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided,* That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties. | **Bill Language**<br>**Page 74-75**<br><br>consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided,* That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.<br><br>(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded |

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Report Language**<br>**None** | **Report Language**<br>**None** |
| (d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: *Provided,* That in addition to any other reductions required by this section, the total amounts appropriated in titles II, III, and IV of this Act to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical engineering and management support are hereby reduced by $90,097,000. | by government grants, or for absorption of contract overruns.<br>(d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than $1,162,650,000 may be obligated for financing activities of defense FFRDCs: *Provided,* That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $90,000,000 to reflect the funding ceiling contained in this subsection. |

# FFRDCs (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>Page 26<br><br>*SEC. 8046. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.*<br>*(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.*<br>*(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.*<br>*(d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than $1,162,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $90,000,000 to reflect the funding ceiling contained in this subsection.* | Report Language<br>None |

# SPACE-BASED INFRARED SYSTEM (SBIR)

## SPACE-BASED INFRARED SYSTEM (SBIR)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Bill Language<br>None | Bill Language<br>Page 35-36<br><br>SEC. 214. SPACE AND MISSILE TRACKING SYSTEM PROGRAM.<br><br>(a) DEVELOPMENT AND DEPLOYMENT PLAN.—The Secretary of the Air Force shall structure the development schedule for the Space and Missile Tracking System so as to achieve a first launch of a user operation evaluation system (UOES) satellite in fiscal year 2001, and to attain initial operational capability (IOC) of a full constellation of user operation evaluation systems and objective system satellites in fiscal year 2003.<br><br>(b) MANAGEMENT OVERSIGHT.—In exercising the responsibility for the Space and Missile Tracking System program, the Secretary of the Air Force shall first obtain |

# SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>**Page 35-36**<br>the concurrence of the Director of the Ballistic Missile Defense Organization before implementing any decision that would have any of the following results regarding the program:<br>(1) A reduction in funds available for obligation or expenditure for the program for a fiscal year below the amount specifically authorized and appropriated for the program for that fiscal year.<br>(2) An increase in the total program cost.<br>(3) A delay in a previously established development or deployment schedule.<br>(4) A modification in the performance parameters or specifications. |

## SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>**Page 35-36**<br><br>(c) AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(3) for fiscal year 1996, $249,824,000 shall be available for the Space and Missile Tracking System (SMTS) program. |

# SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

## House FY96 DoD Authorization Bill
## H.R. 1530; H. Rept. 104-131 (6/1/95)

**Report Language**
**Page 122**

*Space-based infrared system*

The budget request included $130.744 million in PE 63441F for Space-Based Infrared System (SBIRS) demonstration/validation, and $152.219 million in PE 64441F for SBIRS High Element engineering and manufacturing development (EMD).

The committee reaffirms its strong support for fielding an improved capability to provide the nation's political and military leaders with timely and effective missile warning information. The committee recommends several actions intended to accelerate the Department's plans for fielding such a system. With respect to PE 63441F:

(1) $249.8 million is recommended for the Space and Missile Tracking System (SMTS), an increase of $135 million, and $15.9 million, the requested amount, is recommended for the "Cobra Brass" space experiment;

(2) the schedule for launching the SMTS flight demonstration satellites should be accelerated as much as practical;

(3) deployment of SMTS operational satellites shall begin not later than the fourth quarter of fiscal year 2003; and

(4) a long-wave infrared (LWIR) sensor shall be tested on at least one of the two flight demonstration satellites.

In PE 64441F, $9.4 million is recommended for the Miniature Sensor Technology Integration and $152.8 million, an increase of $10 million, for the SBIRS High Element EMD. The committee encourages the Department, in light of efforts to accelerate SMTS, to review the appropriate mix of capabilities between the high and low earth orbit components of SBIRS and to communicate the results of this analysis to the congressional defense committees by no late than September 1, 1995.

The committee commends the Air Force for adopting innovative acquisition streamlining measures for the SBIRS program, and urges that these processes and procedures remain in effect for the duration of the program.

## Senate FY96 DoD Authorization Bill
## S. 1026; Sen. Rept. 104-112 (7/12/95)

**Report Language**
**Page 99-101**

**Section – 214. Space and missile tracking system program.**

**The Space-Based Infrared System (SBIRS) will replace and provide increased performance over the existing Defense Support Program (DSP) system. SBIRS will incorporate new technologies to enhance detection, provide direct reporting of strategic and theater ballistic missile launches, and provide mid-course tracking and discrimination data for national and theater missile defense. The system will consist of sensors located in geosynchronous orbits (GEO), highly elliptical orbits (HEO), and low earth orbits (LEO), and an integrated centralized ground station serving all space elements of SBIRS as well as DSP.**

**The committee commends the Department of Defense for the process that was employed in deciding upon the SBIRS architecture and the streamlined acquisition strategy that has been adopted. The committee expects the resulting integrated structure to provide the basis for program stability and efficiency in what has been an overly turbulent and protracted search for a DSP follow-on. More importantly, the committee expects the SBIRS program to be a catalyst in the development of a new approach to missile warning. Tactical Warning and Attack Assessment (TW/AA) can no longer be viewed as a mission which stands separate from ballistic missile defense. Future national and theater missile defenses must be integrated with, and take maximum advantage of, the SBIRS architecture. SBIRS also signals a dramatic technical departure from past approaches. The introduction of a distributed LEO constellation will provide tremendous advantages and opportunities, some of which are not yet fully understood. In addition to its role in missile defense, the LEO system will make major contributions in the areas of technical intelligence and space object characterization and surveillance.**

# SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 122 | Report Language<br>Page 99-101<br><br>The budget request for SBIRS included $130.7 million for Demonstration/Validation (Dem/Val), $152.2 for Engineering and Manufacturing Development (EMD), and $19.9 million for Procurement. Of the funds requested for Dem/Val, $114.8 million was for the Space and Missile Tracking System (SMTS), formerly known as "Brilliant Eyes."<br>After evaluation of its original ground system development plan, the Air Force has decided to restructure the program to re-phase hardware purchases and software engineering to allow for a more careful evaluation of system costs versus military utility. Hence, the $19.9 million procurement request is no longer needed for the previously identified purpose. The committee, therefore, recommends no funding for SBIRS procurement (PE 35915F), and recommends that $10.0 million of these funds be transferred to SBIRS EMD (PE 0604441F) to support ground system risk reduction, for a total of $162.2 million. Of this amount, the committee directs the Secretary of the Air Force to use $9.4 million to launch the third Miniature Sensor Technology Integration (MSTI–3) satellite. MSTI–3 will provide critical infrared background clutter phenomenology data for the SBIRS high element EMD program.<br>Although the committee endorses the priority and schedule for the GEO and HEO components of SBIRS, it views the current schedule for the LEO segment to be unacceptably prolonged. Current plans do not call for the first launch of an objective SMTS satellite until 2006. This leisurely schedule is based on the assumption that SMTS will not be needed to support national or theater missile defenses before this date. The committee strongly disputes this planning assumption. Theater missile defense systems that will be able to exploit SMTS data will become operational before the turn of the century. More important, the Missile Defense Act of 1995 (Subtitle C of Title II), is premised in part on an SMTS initial operational capability in fiscal year 2003. |

# SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 122 | Report Language<br>Page 99-101<br><br>The committee notes that there are no technical obstacles to having a first launch of an SMTS user operational evaluation system (UOES) satellite in 2001. The committee, therefore, recommends a provision which requires the Secretary of the Air Force to restructure the SMTS program to support a first launch of UOES satellites in fiscal year 2001, with the full SMTS constellation (consisting of a combination of UOES satellites and objective satellites) on orbit by the end of fiscal year 2003. To support this restructured schedule, the committee recommends an authorization of $250.0 million in fiscal year 1996 for the SMTS program, an increase of $135.0 million over the budget request. The committee directs the Air Force to restructure the SMTS schedule to meet the following milestones:<br>—Preliminary Design Review (PDR) and Critical Design Review (CDR) of the flight demonstration system (FDS) in fiscal year 1996.<br>—System Requirements Review (SRR) for the objective SMTS satellites in fiscal year 1996.<br>—Formal Requirements Review (FRR), deployment decision, and PDR for the objective SMTS satellites in fiscal year 1997.<br>—Launch of the FDS satellites in fiscal year 1998.<br>—CDR for the objective satellites in fiscal year 1999.<br>The objective SMTS system shall be designed, developed, tested and constructed to detect, characterize, track, and synthesize stereo track information concerning ballistic missile attack. The system shall be designed to generate and transmit, in a sufficiently timely manner, all data necessary to enable defensive interceptors to commit, launch, fly-out, and receive in flight target updates and guidance information in advance of—or in place of—the defensive system's associated radar, and in a way which maximizes the kinematic potential of the defensive interceptor to conduct ballistic missile intercepts. |

# SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| Report Language<br>Page 122 | Report Language<br>Page 99-101<br><br>To ensure that this schedule and these technical specifications are met, the committee recommends a provision which would require the Air Force to seek the concurrence of the Director of the Ballistic Missile Defense Organization before implementing any decision that would have any of the following results regarding SMTS: (1) a reduction in funds available in any fiscal year; (2) an increase in the total program cost; (3) a schedule delay; or (4) a modification of the performance parameters or specifications.<br><br>As a result of budgetary constraints, the Air Force has been forced to down-select to a single flying contractor for the SMTS FDS. While the committee does not oppose this decision, it does believe that the Air Force should consider alternatives for maintaining competition and reducing risk. The committee is aware of proposals to have the non-flying contractor conduct a low-cost flight experiment to provide a second SMTS concept capable of moving forward into EMD. The committee understands that such a flight experiment could be conducted for a total of $80 million over three years. The committee urges the Air Force to carefully evaluate this alternative and to determine whether this approach could in fact reduce risk and help meet the deployment goals specified above. If the Secretary of the Air Force determines that this approach would help achieve the deployment goals specified above, the committee authorizes the use of up to $40 million of the funds authorized for SMTS in fiscal year 1996 to begin such a low-cost flight experiment. |

# SPACE-BASED INFRARED SYSTEM (SBIR) (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 37-38**

*SEC. 216. SPACE-BASED INFRARED SYSTEM.*

*(a) PROGRAM BASELINE.—The Secretary of Defense shall establish a program baseline for the Space-Based Infrared System. Such baseline shall—*

*(1) include—*

*(A) program cost and an estimate of the funds required for development and acquisition activities for each fiscal year in which such activities are planned to be carried out;*

*(B) a comprehensive schedule with program milestones and exit criteria; and*

*(C) optimized performance parameters for each segment of an integrated space-based infrared system;*

*(2) be structured to achieve initial operational capability of the low earth orbit space segment (the Space and Missile Tracking System) in fiscal year 2003, with a first launch of Block I satellites in fiscal year 2002;*

*(3) ensure integration of the Space and Missile Tracking System into the architecture of the Space-Based Infrared System; and*

*(4) ensure that the performance parameters of all space segment components are selected so as to optimize the performance of the Space-Based Infrared System while minimizing unnecessary redundancy and cost.*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Report Language**
**Page 715-717**

*Space-based infrared system (sec. 216)*

The Senate amendment contained a provision (sec. 214) that would accelerate development and deployment of the Space and Missile Tracking System (SMTS), formerly known as Brilliant Eyes, and that would require the Secretary of the Air Force to obtain the concurrence of the Director of the Ballistic Missile Defense Organization (BMDO) before implementing any decision that would impact the SMTS program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a program baseline for the overall Space-Based Infrared System (SBIRS) program. The baseline would include the following:

(1) overall program structure, including: (A) program cost and an estimate of the funds required in each fiscal year in which development and acquisition activities are planned, (B) a comprehensive schedule with program milestones and exit criteria, and (C) optimized performance parameters for each segment of the integrated system;

(2) a development schedule for SMTS structured to achieve the first launch of a Block I satellite in fiscal year 2002, and initial operational capability (IOC) of the system in fiscal year 2003;

(3) full integration of SMTS into the overall SBIRS architecture; and

(4) establishment of the performance parameters of all space segment components so as to optimize the performance of the integrated system while minimizing unnecessary redundancy and cost.

# SPACE-BASED INFRARED SYSTEM (SBIR) (CONT)

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)

**Statutory Language**
**Page 37-38**

*(b) REPORT ON PROGRAM BASELINE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms as necessary, on the program baseline established under subsection (a).*

*(c) ESTABLISHMENT OF PROGRAM ELEMENTS.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for the Space-Based Infrared System shall be set forth in accordance with the following program elements:*

*(1) Space Segment High.*

*(2) Space Segment Low (Space and Missile Tracking System).*

*(3) Ground Segment.*

*(d) FUNDING FOR FISCAL YEAR 1996.—Of the amounts authorized to be appropriated pursuant to section 201(3) for fiscal year 1996, or otherwise made available to the Department of Defense for fiscal year 1996, the following amounts shall be available for the Space-Based Infrared System:*

*(1) $265,744,000 for demonstration and validation, of which $249,824,000 shall be available for the Space and Missile Tracking System.*

*(2) $162,219,000 for engineering and manufacturing development, of which $9,400,000 shall be available for the Miniature Sensor Technology Integration program.*

## Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)*

**Report Language**
**Page 715-717**

The provision adopted by the conferees would require the Secretary of Defense to provide a report to the congressional defense committees on the SBIRS program baseline not later than 60 days after the enactment of this Act.

The conference provision would also establish the following program elements for the SBIRS program:

(1) Space Segment High;
(2) Space Segment Low (SMTS); and
(3) Ground Segment.

The conference provision requires the SBIRS baseline to include an SMTS IOC by fiscal year 2003 to support national and theater missile defenses. The conferees understand that the Air Force has defined this IOC as consisting of 12–18 satellites. The conferees urge the Air Force to make every effort to achieve an 18 satellite IOC by fiscal year 2003.

In accelerating the SMTS program, it is not the conferees' intent to reduce the priority and importance of the SBIRS High components. The conferees endorse the schedule that the Air Force has established for the SBIRS High components. The SBIRS program should feature complementary and mutually supportive elements that do not include excessive technical and functional redundancy.

Although SMTS can, over time, become a multi-functional sensor system capable of fulfilling missions such as technical intelligence and battlespace characterization, the conferees direct the Air Force to ensure that the SMTS Flight Demonstration System (FDS) and Block I system be designed primarily to satisfy the missile defense mission. Missions not related to theater and/or national ballistic missile defense should not be allowed to add significant cost, weight or delay to the SMTS FDS or Block I system. This scaled-down approach will ameliorate the technical challenges associated with an accelerated schedule while contributing to overall affordability.

# SPACE-BASED INFRARED SYSTEM (SBIR) (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96)* |
|---|---|
| **Statutory Language**<br>**Page 37-38** | **Report Language**<br>**Page 715-717**<br><br>To support this schedule and missile defense focus, the conferees direct the Secretary of Defense to commence SMTS pre-engineering and manufacturing development (EMD) activities in fiscal year 1996 and to ensure that the FDS and Block I satellites are equipped with long-wave infrared sensors. The conferees endorse the design characteristics specified in the Senate report (S. Rept. 104–112) regarding the objective SMTS system. The conferees have authorized sufficient funds in fiscal year 1996 to commence these activities and to prepare the way for a fiscal year 1998 FDS launch.<br>Over time, as the Air Force gains operational experience with the High and Low Block I systems, it is likely that SMTS will be able to assume a much larger share of the SBIRS requirements burden. In the meantime, the conferees urge the Secretary of Defense to initiate technical and cost trade studies among the SBIRS space systems and include any preliminary findings and recommendations in the SBIRS baseline report.<br>The budget request for SBIRS included $130.7 million for demonstration/validation (Dem/Val), $152.2 million for EMD, and $19.9 million for procurement. Of the funds requested for Dem/Val, $114.8 million was for SMTS. The conferees agree on the following authorizations:<br>(1) $265.7 million in PE 63441F for SBIRS Dem/Val, of which $249.8 million is for SMTS; and<br>(2) $162.2 million in PE 64441F for SBIRS EMD, of which $9.4 million is for the Miniature Sensor Technology Integration (MSTI) program.<br>The conferees are aware of a recent proposal to increase competition and reduce risk in the SMTS program through a low-cost flight experiment. The conferees direct the Air Force and BMDO to carefully assess the merits of this concept and to include their joint findings and recommendations in the SBIRS baseline report. * * * |

# SPACED-BASED INFRARED SYSTEM (SBIR) (CONT))

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>**None** | **Report Language**<br>**Page 718**<br><br>the conferees authorize the use of up to $40.0 million of the funds authorized for SMTS in fiscal year 1996 to begin a low-cost flight experiment.<br>The conferees congratulate the Air Force and BMDO for reaching agreement on the acquisition management relationship for execution of the SMTS program. In light of the Memorandum of Agreement between the Air Force Acquisition Executive and the Director of BMDO, the Senate recedes on its language dealing with management oversight of the SMTS program. As with all aspects of the SMTS program, however, the conferees will continue to monitor management oversight with great interest. If the present management structure does not fulfill the expectations of the conferees, or lead to implementation of the guidance provided above, the conferees will reconsider transferring SMTS back to BMDO. |

# SPACE-BASED INFRARED SYSTEM (SBIR)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>**None**<br><br>**Report Language**<br>**Page 158-159**<br><br>SPACE BASED INFRARED ARCHITECTURE (SBIR)<br><br>The Department requested $130,744,000 for Space Based Infrared Architecture. The Committee recommends $230,744,000, an increase of $100,000,000 only for the Space and Missile Tracking System (SMTS). | **Bill Language**<br>**None**<br><br>**Report Language**<br>**Page 175**<br><br>- *Space-based infrared architecture [SBIR] Dem/Val.*—The Committee adds $135,000,000 to the budget request to accelerate development of the space and missile tracking system [SMTS], formerly known as brilliant eyes. The additional funds provided for the SMTS program shall be used only to accelerate the existing SMTS program under the auspices of the recent competitively awarded contract. The Committee is aware of the possibility of additional, low cost flight experiments for risk reduction purposes in the SMTS program, and the Committee urges the Defense Department to proceed and accomplish all appropriate tests and evaluations during fiscal year 1996. |

# SPACE-BASED INFRARED SYSTEM (SBIR) (Cont)

| Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| Statutory Language<br>None | Report Language<br>Page 112<br><br>SPACE BASED INFRARED ARCHITECTURE—DEM/VAL<br><br>The conferees agree to provide $265,744,000 for the demonstration/validation stage of the space based infrared architecture program, an increase of $135,000,000 to the budget request. The conferees have agreed to provide the additional $135,000,000 to accelerate development of the space missile tracking system (SMTS), formerly known as Brilliant Eyes. The additional funds provided for the program shall be used only for efforts identified jointly by both the Ballistic Missile Defense Organization and the Air Force to accelerate the deployment of SMTS. |

# HIGH ENERGY LASER TEST FACILITY (HELSTF)

# HIGH ENERGY LASER TEST FACILITY (HELSTF)

| House FY96 DoD Authorization Bill<br>H.R. 1530; H. Rept. 104-131 (6/1/95) | Senate FY96 DoD Authorization Bill<br>S. 1026; Sen. Rept. 104-112 (7/12/95) |
|---|---|
| **Bill Language**<br>None | **Bill Language**<br>None |
| **Report Language**<br>Page 137 | **Report Language**<br>Page 136 |
| *Free electron laser*<br>The committee directs that the Advanced Research Projects Agency evaluate continuous wave, superconducting radio frequency free electron laser (FEL) technology for defense utility and potential for dual use program funding. The Director, Advanced Research Projects Agency shall report his findings and recommendations to the congressional defense committees no later than March 1, 1996. | **High Energy Laser Systems Test Facility**<br>**The committee continues to support the operation of the High Energy Laser Systems Test Facility (HELSTF) as the central test facility to support the nation's high energy laser development. The committee is disappointed with the $3.0 million request for HELSTF, which would be insufficient to carry out the current Army plan to terminate the Mid-Infrared Advanced Chemical Laser (MIRACL), but continue the operation of the rest of the facility. That plan would require $19.6 million in fiscal year 1996 according to Army documents. The committee does not agree with the plan to terminate MIRACL, particularly when constraints on testing the laser against objects in space will not be imposed in fiscal year 1996, and the full potential of the facility can be realized for the first time. The committee therefore has added $21.8 million to the request for this facility.** |

# HIGH ENERGY LASER TEST FACILITY (HELSTF) (CONT)

| Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) | Conference Report on FY96 DOD Authorization S. 1124; H.Rept. 104-450 (1/22/96) |
|---|---|
| **Statutory Language**<br>None | **Report Language**<br>None |

# HIGH ENERGY LASER TEST FACILITY (HELSTF)

| House FY96 DoD Appropriation Bill<br>H.R. 2126; H. Rept. 104-208 (7/27/95) | Senate FY96 DoD Appropriation Bill<br>S. 1087; Sen. Rept. 104-124 (7/28/95) |
|---|---|
| **Bill Language**<br>None<br><br>**Report Language**<br>Page 141<br><br>DOD HIGH ENERGY LASER TEST FACILITY<br><br>The Army requested $3,000,000 for the High Energy Laser Test Facility (HELSTF). The Committee recommends $24,808,000, an increase of $21,808,000 only for the operation of the Sea Lite Beam Director and the development, planning and execution of a laser technology demonstration program. The Committee directs that none of these funds may be used for any other purpose without prior approval from the Congress. | **Bill Language**<br>None<br><br>**Report Language**<br>None |

# HIGH ENERGY LASER TEST FACILITY (HELSTF) (Cont)

| Conference Report on FY 96 DoD Appropriations H.R. 2126; H. Rept. 104-344 (11/15/95) | Conference Report on FY96 DoD Appropriations H.R 2126; H. Rept. 104-344 (11/15/95) |
|---|---|
| **Statutory Language**<br>**None** | **Report Language**<br>**None** |