

AMENDMENT TO H.R. 3326, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS

At the end of the bill (before the short title), insert the following:

1 TITLE X—ADDITIONAL GENERAL PROVISIONS

2 SEC. 1001. (a) FINDINGS.—The Congress finds
3 that—

4 (1) Iran and North Korea have continuously
5 threatened the security of Israel, Europe, and the
6 United States and its allies by repeatedly displaying
7 political defiance to international peace agreements
8 and proving their steadfast commitment to the ad-
9 vancement of their intercontinental ballistic missile
10 technology and nuclear armament programs;

11 (2) ever since Ayatollah Khomeini proclaimed
12 the establishment of the Islamic Republic of Iran on
13 April 1, 1979, Iran has repeatedly acted in defiance
14 of international peace agreements and has remained
15 committed to the advancement of its intercontinental
16 ballistic missile technology and nuclear armament
17 programs;

18 (3) in October 1983, Iranian Prime Minister
19 Musavi and Iranian Defense Minister Salimi trav-

1 eled to Pyongyang, North Korea, reportedly to dis-
2 cuss North Korea's Hwasong 5 Prototype—a Scud
3 Model A missile—with a range of about 300 kilo-
4 meters and capable of carrying a 1,000 kilogram
5 warhead;

6 (4) in 1988, Iran reportedly performed its first
7 ballistic missile launch by test-firing a Shahab-I—a
8 single stage, liquid fueled, short range ballistic mis-
9 sile with a range of about 300 kilometers and a pay-
10 load of 985 kilograms—developed with the assist-
11 ance of North Korea in 1987;

12 (5) on July 21, 1998, Iran carried out the first
13 flight test—and has conducted at least six more
14 tests since—of its Shahab-3—a medium-range, liq-
15 uid-propellant, road-mobile ballistic missile with an
16 expected range of 1,300 to 2,500 kilometers and a
17 payload of 700 kg—which, though unsuccessful,
18 would have the capability of carrying a warhead
19 loaded with high explosives, chemical agents, or sub-
20 munitions to strike Israel, Turkey, the Indian sub-
21 continent, and United States forces stationed in
22 Iraq, Afghanistan, and the Persian Gulf;

23 (6) on January 5, 2003, Rear Admiral Ali
24 Shamkhani Former Defense Minister—in speaking
25 on Iranian missile capabilities—announced that Iran

1 would be “the first Islamic country to penetrate the
2 stratosphere with its own satellite and launch sys-
3 tem”;

4 (7) in July 2003 and August 2004, Iran suc-
5 cessfully tested updated versions of the Shahab-3;

6 (8) on May 6, 2004, the U.S. House of Rep-
7 resentatives passed House Concurrent Resolution
8 398, in a 376-3 vote, which called for the United
9 States Government “to use all appropriate means to
10 deter, dissuade, and prevent Iran from acquiring nu-
11 clear weapons”;

12 (9) on September 19, 2004, Iran, with Aya-
13 tollah Ali Khamenei as witness, tested yet another
14 updated version of the Shahab-3 missile—now capa-
15 ble of carrying a one ton nuclear warhead and trav-
16 eling 2,000 kilometers;

17 (10) on October 20, 2004, Iranian Defense
18 Minister Ali Shamkhani announced that Iran had
19 tested another upgraded version of its Shahab-3 bal-
20 listic missile;

21 (11) on November 9, 2004, Iranian Defense
22 Minister Ali Shamkhani announced that Iran is ca-
23 pable of mass producing its Shahab-3 ballistic mis-
24 sile by stating, “[we] are presently able to mass-

1 produce the Shahab-3, just like we do with the
2 Paykan,” referring to Iran’s national automobile;

3 (12) on September 22, 2005, Iran showed off
4 its range of ballistic missiles in a military parade,
5 with rockets draped with banners stating “Israel
6 must be wiped off the map” and “[we] will crush
7 America under our feet”, an event that caused mili-
8 tary observers of the European Union to walk out in
9 protest;

10 (13) on November 27, 2007, Iranian Defense
11 Minister Mostafa Mohammad Najjar announced that
12 Iran had developed a new ballistic missile called the
13 Ashoura, with a range of 2,000 kilometers and capa-
14 ble of targeting Israel, United States entities in the
15 Persian Gulf, and parts of eastern and southern Eu-
16 rope;

17 (14) on July 9, 2008, Iran televised the test-
18 fire of 9 missiles—reportedly including a Shahab-3
19 and shorter-range missiles such as the Zelzal and
20 Fateh 110—just one day after the United States
21 and the Czech Republic signed an accord allowing
22 the Pentagon to deploy parts of its antiballistic mis-
23 sile system in Europe;

24 (15) on November 12, 2008, Iran test-fired the
25 surface-to-surface Sajjil missile—a new solid-fuel,

1 two-stage missile capable of launching at quicker
2 speeds and striking up to 2,000 kilometers, much
3 like the Shahab-3;

4 (16) on February 3, 2009, Iran launched a
5 Safir-2 rocket for the claimed purpose of launching
6 Iran's first domestically-built satellite "Omid" into
7 orbit, while the Pentagon's press secretary Geoff
8 Morrell warned that "obviously there are dual-use
9 capabilities in the technology here which could be
10 applied toward the development of a long-range bal-
11 listic missile. and that is a cause of concern to us,
12 and I think to certainly everybody in the region—
13 Israel and their Arab neighbors—as well as to our
14 allies in Europe”;

15 (17) on May 20, 2009, Iran tested a Sajjil-2
16 missile, using what President Mahmoud
17 Ahmadinejad claims to be “advanced technology”,
18 that had “landed exactly” on its intended target;

19 (18) the Missile Defense agency of the United
20 States Department of Defense reported in the fiscal
21 year 2009 budget overview that Iran “has the larg-
22 est force of ballistic missiles in the Middle East”—
23 including several hundred short- and medium-range
24 ballistic missiles;

1 (19) the Missile Defense Agency also reported
2 in the Fiscal Year 2009 Budget Overview that Iran
3 “continues its efforts to develop and acquire ballistic
4 missiles capable of striking Israel and central Eu-
5 rope, and with continued foreign assistance, could
6 have an intercontinental ballistic missile capable of
7 reaching the U.S. homeland before 2015”;

8 (20) predominantly since the early 1990s,
9 North Korea has repeatedly acted in defiance of
10 international peace agreements and has remained
11 committed to the advancement of its intercontinental
12 ballistic missile technology and nuclear armament
13 programs;

14 (21) on October 21, 1994, North Korea and the
15 United States signed the Agreed Framework be-
16 tween the two countries, in which North Korea
17 pledged to freeze and eventually dismantle its nu-
18 clear weapons program in exchange for international
19 aid to build two power-producing nuclear reactors;

20 (22) on August 31, 1998, North Korea
21 launched a Taepodong-I missile—a medium-range,
22 liquid and solid propellant, single warhead ballistic
23 missile capable of traveling 2,000 kilometers—that
24 flew over Japan, proving that it can hit anywhere in
25 Japan;

1 (23) on September 13, 1999, North Korea
2 pledged to freeze long-range missile tests in ex-
3 change for President Bill Clinton easing economic
4 sanctions against North Korea on September 17,
5 1999;

6 (24) in July 2001, the U.S. State Department
7 reported that North Korea would continue devel-
8 oping its long-range missiles, and an official in the
9 Bush administration stated that North Korea had
10 conducted an engine test of the Taepodong-I missile;

11 (25) on October 19, 2002, Assistant Secretary
12 of State James Kelly announced that the North Ko-
13 rean First Vice Foreign Minister Kang Suk Ju ad-
14 mitted that Pyongyang had a clandestine uranium-
15 enrichment program, and stated that this program
16 violates North Korea's commitments to international
17 agreements, including the Agreed Framework, the
18 Treaty on the Non-Proliferation of Nuclear Weapons
19 (NPT), Pyongyang's safeguards agreement with the
20 International Atomic Energy Agency (IAEA), and
21 the Joint North-South Declaration on the
22 Denuclearization of the Korean Peninsula;

23 (26) on January 10, 2003, North Korea an-
24 nounced its withdrawal from the NPT, which was
25 intended to limit the spread of nuclear weapons—re-

1 sulting in the 6-party talks—including the People’s
2 Republic of China, the Republic of Korea (South
3 Korea), the Democratic People’s Republic of Korea
4 (North Korea), the United States, the Russian Fed-
5 eration, and Japan—to discuss and attempt to re-
6 solve the North Korean nuclear weapons program;

7 (27) in June 2003, North Korea admitted to
8 having nuclear weapons and had “just about com-
9 pleted” reprocessing 8,000 spent fuel rods, which
10 would allow it to build more;

11 (28) on July 4, 2006, North Korea test-
12 launched six missiles, including a Taepodong-II mis-
13 sile—an intercontinental-range, road mobile, liquid
14 propellant ballistic missile estimated to be capable of
15 carrying a 500-kilogram payload about 9,000 kilo-
16 meters and capable of reaching both Alaska and Ha-
17 waii, and perhaps even as far as the western coast
18 of the United States—that crashed into the Sea of
19 Japan after 42 seconds in flight;

20 (29) on October 9, 2006, North Korea com-
21 pleted its first underground nuclear test, resulting in
22 the passage by the United Nations Security Council
23 of Resolution 1718, banning North Korea from “any
24 further nuclear test or launch of a ballistic missile”;

1 (30) on April 5, 2009, North Korea launched a
2 3-stage Taepodong-II, claiming that the use of the
3 intercontinental ballistic missile technology was for
4 the purpose of launching a satellite, while the United
5 Nations Security Council statement—issued by the
6 President of the Security Council—said that the
7 missile test violated Security Resolution 1718 of Oc-
8 tober 2006, which banned “any further nuclear test
9 or launch of a ballistic missile”;

10 (31) an Iranian delegation reportedly attended
11 the April 5, 2009, launch of the 3-stage Taepodong-
12 II by North Korea, and many experts believe that
13 the North Korean objective behind this launch was
14 to bring Iran into a joint development project for the
15 Taepodong-II;

16 (32) on April 13, 2009, in response to the April
17 5, 2009, launch of the Taepodong-II missile, the
18 United Nations Security Council adopted a declara-
19 tion condemning North Korea for launching a long-
20 range rocket, demanding that North Korea make no
21 more missile launches;

22 (33) on April 13-14, 2009, in response to the
23 United Nations Security Council’s criticism of the
24 April 5, 2009, launch of the Taepodong-II, North
25 Korea announced that it was withdrawing from the

1 6-party nuclear talks and claimed that it “will never
2 again take part in such talks”, “will take steps to
3 restore disabled nuclear facilities”, and will “revive
4 nuclear facilities and reprocess used nuclear fuel
5 rods”;

6 (34) on April 18, 2009, North Korea declared
7 that any sanctions or pressure on North Korea fol-
8 lowing the April 5, 2009, missile launch would be
9 considered a “declaration of war”;

10 (35) on April 25, 2009, in a Foreign Ministry
11 statement, Pyongyang declared that it had begun
12 the process of separating plutonium to enhance its
13 “nuclear deterrence”;

14 (36) on May 25, 2009, North Korea test-fired
15 three short-range missiles off of its east coast;

16 (37) on May 25, 2009, North Korea conducted
17 its second underground nuclear test;

18 (38) on May 26, 2009, North Korea fired two
19 additional short-range missiles off its east coast;

20 (39) on June 12, 2009, the United Nations Se-
21 curity Council unanimously passed Resolution 1874
22 condemning North Korea’s nuclear test on May 25,
23 2009, demanding that North Korea “not conduct
24 any further nuclear test or any launch using ballistic
25 missile technology”, “suspend all activities related to

1 its ballistic missile programme”, and immediately
2 comply with all obligations under relevant Security
3 Council resolutions, particularly Resolution 1718,
4 which also banned “any further nuclear test or
5 launch of a ballistic missile” by North Korea as a
6 response to its first nuclear test in 2006;

7 (40) on June 18, 2009, a Japanese newspaper
8 reported that North Korea would launch a long-range
9 Taepodong-II missile at Hawaii from the
10 Dongchang-ni site on or close to July 4, 2009;

11 (41) as a result of these reports, Secretary of
12 Defense Robert Gates ordered the deployment of
13 Terminal High Altitude Area Defense (THAAD)
14 missiles to Hawaii and the sea-based floating SBX
15 missile-defense radar in the oceans around Hawaii;

16 (42) the Missile Defense Agency of the U.S.
17 Department of Defense reported in the Fiscal Year
18 2009 Budget Overview that North Korea “has hun-
19 dreds of deployable short- and medium-range bal-
20 listic missiles and is developing a new intermediate-
21 range ballistic missile and a new short-range, solid-
22 propellant ballistic missile”;

23 (43) the Missile Defense Agency also reported
24 in the Fiscal Year 2009 Budget Overview that
25 North Korea, “given ongoing development efforts,

1 could also demonstrate its intercontinental ballistic
2 missile capabilities before 2015”;

3 (44) in the midst of these advancing interconti-
4 nental ballistic missile threats, the President’s budg-
5 et cuts \$8,800,000,000 from the Department of De-
6 fense, constituting 76 percent of all budget cuts for
7 2010;

8 (45) among these defense cuts, the President’s
9 budget proposes a \$1,200,000,000 reduction to the
10 missile defense agency—a net reduction from the
11 Fiscal Year 2009 budget for that Agency—just
12 short of the initial \$1,400,000,000 reduction request
13 as announced by the Obama Administration on April
14 6, 2009;

15 (46) on June 16, 2009, the Committee on
16 Armed Services of the House of Representatives
17 voted 36-26 against a Republican-offered amend-
18 ment to restore the \$1,200,000,000 cut from the
19 Missile Defense Agency in the National Defense Au-
20 thorization Act for Fiscal Year 2010;

21 (47) on June 25, 2009, the House of Rep-
22 resentatives voted 171-244 against a Republican-of-
23 fered amendment to restore the \$1,200,000,000 cut
24 from the Missile Defense Agency in the National De-
25 fense Authorization Act for Fiscal Year 2010;

1 (48) over the last 20 years, the United States
2 and Israel have shared a unique cooperative effort in
3 the research and development of ballistic missile sys-
4 tems, and any cut to United States missile defense
5 programs adversely impacts Israel's missile defense
6 systems and consequently their defense from advanc-
7 ing threats from Iran;

8 (49) as part of these cuts, the budget reduces—
9 by 89 percent—funding for the European missile de-
10 fense site, which would provide a shield from the
11 threat of intercontinental ballistic missiles launched
12 from Iran targeting Europe and the United States;

13 (50) as part of these cuts, the budget termi-
14 nates the Multiple Kill Vehicle program which uses
15 multiple kinetic energy-based warheads—launched
16 from a single booster—to intercept and destroy mul-
17 tiple incoming ballistic missiles during their mid-
18 course phase;

19 (51) as part of these cuts, the budget reduces—
20 by more than 50 percent—funding for the Airborne
21 Laser program, which locates, tracks, and destroys
22 enemy missiles over the adversary's territory during
23 their initial boost phase, largely confining the poten-
24 tially hazardous aftermath of intercepting a ballistic
25 missile to the adversary's territory instead of near or

1 above Israel, Europe, the United States, and its al-
2 lies—including threats such as the release of post-
3 intercept shrapnel, the detonation of warheads, or
4 the release of deadly chemicals; and

5 (52) as part of these cuts, the budget reduces—
6 by 35 percent—funding for the Ground-Based Mid-
7 course Defense program and halts the construction
8 of 14 Ground-Based Midcourse Defense (GMD)
9 interceptors scheduled to be built at Fort Greely,
10 Alaska, and Vandenberg Air Force Base in Cali-
11 fornia, which detect, track, and destroy
12 intermediate- and long-range ballistic missiles en-
13 route to the United States during the midcourse
14 phase.

15 (b) STATEMENT OF CONGRESS.—The United States
16 Congress recognizes the rapidly advancing interconti-
17 nental ballistic missile threats from Iran and North Korea
18 and the need to support the right of Israel, Europe, and
19 the United States and its allies to an effective missile de-
20 fense system by restoring full support to the development,
21 testing, and fielding of intercontinental ballistic missile
22 technology for which funding has been cut in the Presi-
23 dent's budget and the National Defense Authorization Act
24 for Fiscal Year 2010.

