

**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. FRANKS OF ARIZONA**

Page 57, line 18, strike section 224 and insert the following new section 224:

1 **SEC. 224. POLICY ON BALLISTIC MISSILE DEFENSE SYSTEM**
2 **TO PROTECT THE UNITED STATES HOME-**
3 **LAND, ALLIES, AND FORWARD DEPLOYED**
4 **FORCES.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) North Korea's nuclear program and its
8 long, medium, and short-range ballistic missiles rep-
9 resent a near-term and increasing threat to the
10 United States, our forward-deployed troops and al-
11 lies.

12 (2) North Korea, in violation of United Nations
13 Security Council Resolutions 1695 and 1718,
14 launched a Taepodong-2 rocket on April 5, 2009,
15 demonstrated a multi-stage, long-range ballistic mis-
16 sile. This flight demonstrated a more complete per-
17 formance than Pyongyang's July 2006 Taepodong-2
18 launch.

1 (3) According to reports, the Taepodong-2 long-
2 range ballistic missile could currently threaten the
3 west coast of the United States and, according to es-
4 timates by the United States intelligence community,
5 when fully developed could threaten the entire conti-
6 nental United States.

7 (4) North Korea has deployed the Musudan in-
8 termediate range ballistic missile which can threaten
9 Okinawa and Guam, 200 Nodong missiles which can
10 reach Japan, and 600 Scud missiles which threaten
11 South Korea.

12 (5) North Korea is a missile proliferator and
13 has shared ballistic missile technology with other
14 weapons proliferating nations such as Iran. It also
15 aided Syria with its nuclear program.

16 (6) North Korea walked away from the Six-
17 Party talks and ordered United States and Inter-
18 national Atomic Energy Agency inspectors out of the
19 country in April 2009.

20 (7) On April 29, 2009, Pyongyang threatened
21 to conduct a nuclear test and launch an interconti-
22 nental ballistic missile unless the United Nations Se-
23 curity Council apologize and withdraw all resolu-
24 tions.

1 (8) Following through on its provocative threat,
2 North Korea conducted a nuclear test on May 25,
3 2009 in violation of United Nations Security Council
4 Resolution 1718.

5 (9) North Korea test-fired six shorter-range
6 missiles off the country's east coast following its nu-
7 clear test on May 25, 2009.

8 (10) On May 25, 2009, President Obama stat-
9 ed, "North Korea's nuclear ballistic missile pro-
10 grams pose a great threat to the peace and security
11 of the world and I strongly condemn their reckless
12 action. . . The record is clear: North Korea has pre-
13 viously committed to abandoning its nuclear pro-
14 gram. Instead of following through on that commit-
15 ment it has chosen to ignore that commitment.
16 These actions have also flown in the face of United
17 Nations resolutions."

18 (11) North Korea's nuclear test and missile
19 launches demonstrate present international diplo-
20 matic efforts are not sufficient to deter North Korea
21 from developing, deploying, and launching missiles
22 or developing nuclear technology. There has been no
23 progress toward engagement or complete and
24 verifiable denuclearization of the Korean Peninsula.

1 (12) The pace and scope of North Korea's ac-
2 tions demonstrate that it is intent on achieving a
3 viable nuclear weapons capability, long-range inter-
4 continental ballistic missile delivery capability, and
5 recognition as a nuclear weapons state.

6 (13) In response to the unanimous passage of
7 United Nations Security Council Resolution 1874 on
8 June 12, 2009, North Korea responded that it
9 would not abandon its nuclear programs and vowed
10 to start enriching uranium and weaponize all its plu-
11 tonium.

12 (14) Media reports indicate North Korea is
13 warning of a nuclear war. In addition, it may be pre-
14 paring for launch an intercontinental ballistic missile
15 with the range to reach the United States. Further
16 reports, citing U.S. defense officials, indicate U.S.
17 satellite photos show long-range ballistic missile ac-
18 tivity at two launch sites in North Korea.

19 (15) On February 3, 2009, the Government of
20 Iran successfully launched its first satellite into
21 orbit—an act in direct violation of United Nations
22 Security Council Resolution 1737.

23 (16) General Maples, Director of the Defense
24 Intelligence Agency, recently said, "Iran's February
25 3, 2009, launch of the Safir space launch vehicle

1 shows progress in mastering technology needed to
2 produce ICBMs.”

3 (17) On April 5, 2009, President Barack
4 Obama said, “So let me be clear: Iran’s nuclear and
5 ballistic missile activity poses a real threat, not just
6 to the United States, but to Iran’s neighbors and
7 our allies.”

8 (18) On May 19, 2009, the Government of Iran
9 test-fired a new two-stage, medium-range, solid fuel,
10 surface-to-surface missile, which can reach Europe,
11 Israel, and United States forces deployed in the Per-
12 sian Gulf Region.

13 (19) According to the April 2009 Defense Intel-
14 ligence Agency report, “Foreign Ballistic Missile Ca-
15 pabilities”, “[t]he threat posed by ballistic missile
16 delivery systems is likely to continue increasing while
17 growing more complex over the next decade. Current
18 trends indicate that adversary ballistic missile sys-
19 tem, with advanced liquid- or solid-propellant pro-
20 pulsion systems, are becoming more flexible, mobile,
21 survivable, reliable and accurate while also pre-
22 senting longer ranges.”

23 (20) According to the April 2009 Defense Intel-
24 ligence Agency report, “Foreign Ballistic Missile Ca-
25 pabilities”, “Prelaunch survivability is also likely to

1 increase as potential adversaries strengthen their de-
2 nial and deception measures and increasingly base
3 their missiles on mobile sea- and land-based plat-
4 forms. Adversary nations are increasingly adopting
5 technical and operational countermeasures to defeat
6 missiles defenses. For example, China, Iran and
7 North Korea exercise near simultaneous salvo firings
8 from multiple locations to defeat these defenses.”

9 (21) General Kevin Chilton, Commander of the
10 United States Strategic Command testified on
11 March 19, 2009, “I think the approach for missile
12 defense has been a layered defense, as you’ve de-
13 scribed, that looks at opportunities to engage in the
14 boost phase, in the mid-course, and then terminal.”

15 (22) General B.B. Bell, Commander, U.S.
16 Forces-Korea testified in July 2007, “Here in
17 Korea, we have but minutes to detect, acquire, en-
18 gage and destroy inbound theater ballistic missiles in
19 the SCUD and No-Dong class. We estimate that
20 north Korea has around eight hundred of these mis-
21 siles in their operational territory. Today, they are
22 capable of carrying conventional and chemical muni-
23 tions. Intercepting these missiles during their boost
24 phase while over north Korean territory would be a
25 huge combat multiplier for me. Therefore, I enthu-

1 siastically support the pursuit of the unique combat
2 capability provided by the ABL in attacking missiles
3 in their boost phase.”

4 (b) POLICY.—It shall be the policy of the United
5 States to continue development and fielding of a com-
6 prehensive, layered missile defense system to protect the
7 homeland of the United States, our forward-deployed
8 forces, and allies against the near-term and increasing
9 short, medium, and long-range ballistic missile threats
10 posed by rogue nations such as North Korea. These mis-
11 sile defenses shall consist of national and theater missile
12 defenses; but neither should come at the expense of the
13 other. It shall also be the policy of the United States to
14 continue developing systems designed to intercept missiles
15 in the boost phase of flight in order to defend against de-
16 veloping sophisticated threats.

17 (c) ELEMENTS IN DISCHARGE OF THE POLICY.—The
18 discharge of the policy stated in subsection (b) shall in-
19 clude the following:

20 (1) Continued testing, fielding, sustainment,
21 and modernization of the ground-based midcourse
22 defense system, specifically—

23 (A) not less than 44 ground-based inter-
24 ceptors at Fort Greely, Alaska and Vandenberg
25 Air Force Base, California;

- 1 (B) completion of missile field number two
2 at Fort Greely, Alaska;
- 3 (C) aging and surveillance;
- 4 (D) capability enhancement;
- 5 (E) modernization and obsolescence;
- 6 (F) operationally realistic testing; and
- 7 (G) viable production capability.
- 8 (2) Continued development and testing of the
9 Airborne Laser Program
- 10 (3) Continued technology maturation and dem-
11 onstration of the technologies associated with the Ki-
12 netic Energy Interceptor
- 13 (4) Continue technology maturation and dem-
14 onstration of the technologies associated with the
15 Multiple Kill Vehicle
- 16 (5) Continued support for on-orbit experimen-
17 tation of the Space Tracking and Surveillance Sys-
18 tem demonstration satellites, and concept develop-
19 ment and technology maturation for a follow-on ca-
20 pability.

At the end of subtitle C of title II (page 67, after
line 5), insert the following new section:

21 **SEC. 227. AVAILABILITY OF FUNDS FOR MISSILE DEFENSE.**

22 (a) **FUNDING.**—The amount otherwise provided by
23 section 201(4) for research, development, test, and evalua-

1 tion, Defense-wide, is hereby increased by
2 \$1,200,000,000, for the Missile Defense Agency, of
3 which—

4 (1) \$600,000,000 is to be available for the
5 ground-based midcourse defense system;

6 (2) \$237,000,000 is to be available to the Air-
7 borne Laser Program;

8 (3) \$177,100,000 is to be available to the Mul-
9 tiple Kill Vehicle;

10 (4) \$165,900,000 is to be available for the Ki-
11 netic Energy Interceptor; and

12 (5) \$20,000,000 is to be available for the Space
13 Tracking and Surveillance System.

14 (b) OFFSETTING REDUCTION.—The amount other-
15 wise provided by section 3102 for defense environmental
16 cleanup is hereby reduced by \$1,200,000,000, to be de-
17 rived from sites that are projected to meet regulatory mile-
18 stones ahead of schedule or are at greatest risk of being
19 unable to execute Public Law 111-5 and fiscal year 2010
20 funding as planned in fiscal year 2010.

