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SENATE

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AMERICAN MISSILE PROTECTION ACT OF 1998

APRIL 24, 1998.—Ordered to be printed

Mr. THURMOND, from the Committee on Armed Services,
submitted the following

REPORT

together with

ADDITIONAL AND MINORITY VIEWS

[To accompany S. 1873]

[Includes cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to which was referred the bill (S. 1873) having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 1873 would establish that it is the policy of the United States to deploy as soon as technologically possible an effective National Missile Defense (NMD) system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

S. 1873 does not mandate specific architectural elements of the NMD system, specific deployment dates, or changes to any arms control agreements. It allows the Defense Department complete flexibility in designing the NMD system, and, according to the Congressional Budget Office, “the bill, by itself, would have no budgetary impact.”

SCOPE OF THE COMMITTEE REVIEW

The Committee is reporting S. 1873 to the Senate for the following reasons:

Value of national missile defense

A commitment to deploying NMD will have two crucial impacts on the security of the United States. First, it will signal to nations that aspire to possess ballistic missiles with which to coerce or attack the United States that pursuit of such capabilities is a waste of both time and resources. In this sense, it will have a deterrent effect on proliferation. Second, if some aspiring states are not deterred, a commitment to deploy an NMD system will ensure that American citizens and their property are protected from limited ballistic missile attack.

Need for a national missile defense

Current administration policy on NMD—embodied in the so-called “3+3” “Deployment Readiness” program—assumes that the United States will be able to clearly discern the emergence of a ballistic missile threat to the United States in sufficient time to deploy a defense. The Committee’s review found that this policy bases the security of the United States against ballistic missile attack on three faulty premises: (1) that no threat currently exists or is emerging; (2) that when a threat does emerge, it will be clearly discernable; and (3) that when the threat emerges or is emerging, the United States will have sufficient time to put a defense in place to deal with it. S. 1873 would rectify this insufficient policy by basing the security of the United States against the extant and emerging threat of ballistic missile attack on a firmer foundation, committing to deployment of NMD as soon as the technology is ready.

As the findings in S. 1873 clearly document, a threat of ballistic missile attack on the United States already exists. Although unlikely, the threat of unauthorized or accidental launches from Russia or China is real, and may be heightened as the armed forces of former Soviet Union undergo their transition to a post-Cold War posture.

But there is also an imminent threat that stems from the growing, widely acknowledged proliferation problem. The President has for four consecutive years declared the proliferation of weapons of mass destruction and their delivery systems to be a national emergency. The seriousness of this problem has been articulated on numerous occasions by other senior administration officials and by Congress.

Evidence of this growing threat abounds. The range of ballistic missiles possessed by proliferant states has been steadily increasing, sometimes in sudden leaps. North Korea, for example, first purchased 300 kilometer (short-range) Scud-B missiles in the 1980s, then developed the 500 kilometer Scud-C, is now deploying the 1000 kilometer No-Dong, and is developing both a 2000 kilometer medium-range ballistic missile and a 6000 kilometer intercontinental ballistic missile. Most recently, Iran has made dramatic and sudden progress in its Shahab-3 and Shahab-4 medium range ballistic missiles, and Pakistan recently tested a missile with a range of 1500 kilometers, five times greater than its next most capable missile.

The proliferation of technology, expertise and hardware with which to build a long-range ballistic missile is accelerating rapidly, spurred by advances in information technology and growing de-

mand for space launch vehicles, which is essentially a ballistic missile without warheads. A stark reminder of this surfaced on April 4, 1998, when the New York Times reported that the Justice Department has launched a criminal investigation into two American companies whose technical assistance, intended to troubleshoot a failed satellite launch rocket, instead may have helped China solve critical guidance problems with its intercontinental ballistic missiles. According to a Pentagon assessment, because of this assistance “U.S. national security has been harmed.”

Continuing technological surprise

The Intelligence Community has been repeatedly surprised by advances in ballistic missile technology achieved by less developed countries, calling into question its ability to anticipate precisely when the United States will be threatened by long-range ballistic missiles. In 1997, the Director of Central Intelligence (DCI) testified that Iran could have a medium-range missile by 2007. One year later the DCI told the Senate, “since I testified, Iran’s success in getting technology and materials from Russian companies, combined with recent indigenous Iranian advances, means that it could have a medium-range missile much sooner than I assessed last year.” A Department of State official testified in September, 1997 that Iran could develop this missile in “maybe one to one-and-a-half years, and it may be shorter than that,” meaning as much as nine years sooner than had been predicted only a year earlier by the DCI.

Experience has shown that variables like the amount of outside assistance provided to rogue nations—factors which can significantly speed the acquisition of ballistic missiles—cannot be predicted reliably. On April 6, 1998, for example, Pakistan launched a ballistic missile capable of reaching a range of 1500 kilometers. In November 1998, the Defense Department published “Proliferation: Threat and Response,” its analysis of the world’s weapons of mass destruction and delivery systems. That publication contained no mention of any effort by Pakistan to develop such a capability, crediting Pakistan with, at best, a 300 km. short-range ballistic missile. Yet less than six months later, Pakistan successfully launched a missile with five times the range of its previous most capable weapon. Pakistan claims its achievements were indigenous, the government of India charges China with providing assistance, and United States government officials suggest North Korea may have provided the technology for the *Ghauri* missile. Whatever the source of technological aid, one thing is clear: the United States has once again been surprised by the ballistic missile achievements of another state.

There are numerous other examples of our intelligence community’s uneven record in anticipating ballistic missile developments in other countries. This does not suggest incompetence or a lack of diligence on the part of the Intelligence Community, which is staffed by competent and dedicated people. But it underscores that evidence of technological developments is often difficult to obtain, and that even when such evidence is available, it is oftentimes difficult to discern just what it means until after the fact. Indeed, the DCI told the Senate in 1997 that “gaps and uncertainties preclude

a good projection of exactly when ‘rest of the world’ countries will deploy ICBMs.”

Given this track record, the Committee believes the security of American lives and property cannot be based on a hope that the United States will see the next major advance in ballistic missiles long before it is available to coerce or harm our nation. There may be other ballistic missiles in development now that seem as far off today as the Shahab-3 seemed to the DCI only a year ago.

Deployment preparedness is questionable under current policy

Despite United States experience with the technical challenges presented by missile defense, the administration’s policy of not committing to NMD deployment is based on the assertion that the United States can continue to tinker indefinitely with NMD technology, and at any time after 2000 deploy a system within three short years. The Committee believes this assertion is faulty for at least two reasons.

First, “technology development” does not necessarily lead to deployment readiness. The purpose of a United States acquisition program is, according to DOD regulation 5000.2, to “provide the needed capability to the warfighter in the shortest practical time.” This means that alternative technological approaches must be narrowed, and critical design trade-offs made so that the system can advance toward deployment. The absence of an end-point—a deployment goal—eliminates the driving force that moves a system towards readiness for the field.

Second, the U.S. experience has shown that missile defenses are well within the realm of technical possibility but still technically challenging. The administration’s assertion that it will be able to spring from technology development to a deployed capability in three years does not accord with experience.

It is an inefficient aberration of DOD policy and practice to manage a Major Defense Acquisition program so that it goes into a circling pattern at some point in its development while awaiting the Intelligence Community’s detailed characterization of some future threat. The United States is developing and deploying the F-22, for example, because a new air superiority fighter will be necessary in the middle of the next decade. Development of this aircraft is not being put on hold while the United States awaits information on the thrust-to-weight ratio or low observability of a new enemy fighter that might appear at some time in the future. The United States does not take this approach with any other Major Defense Acquisition Program other than NMD.

Testifying on NMD, the Under Secretary of Defense for Acquisition and Technology told the House Military Procurement and Military Research and Development Subcommittees in February, 1998, “There will be a system deployed. There is absolutely no question the nation will have to have missile defense in the future. The question is when.” Given the inevitability of the need for NMD, acknowledged by the administration, the Committee believes the NMD program must be put on a more rational acquisition path, which includes a commitment to deploy as soon as the technology is ready.

Summary

The Committee believes the need for deployment of NMD is clear. The threat exists and continues to grow. The United States has been regularly surprised at the pace and character of its progress. The ability of the United States to clearly discern those threats well in advance of their arrival is limited. And confidence in our ability to respond rapidly to these threats must be tempered by realistic assessments of the technical challenges and the ability of the technical community to deal with them. S. 1873, by committing to deployment of NMD, will ensure the United States is prepared to meet that threat.

COMMITTEE ACTION

In accordance with the Legislative Reorganization Act of 1946, as amended by the Legislative Reorganization Act of 1970, there is set forth below the committee vote to report the American Missile Protection Act of 1998 (S. 1873).

In favor: Senators Thurmond, Warner, McCain, Coats, Smith, Kempthorne, Inhofe, Santorum, Snowe and Roberts.

Opposed: Senators Levin, Kennedy, Bingaman, Glenn, Byrd, Robb and Cleland.

Not Voting: Senator Lieberman.

Vote: 10–7.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

On April 15, 1998, the Congressional Budget Office issued a cost estimate for S. 1873. According to this estimate “the bill, by itself, would have no budgetary impact.” The complete cost estimate and cover letter from the Congressional Budget Office are shown below.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 22, 1998.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has prepared the enclosed cost estimate for S. 1873, the American Missile Protection Act of 1998.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Raymond Hall.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

S. 1873—American Missile Protection Act of 1998

S. 1873 would state that it is U.S. policy to deploy as soon as technologically possible an effective national missile defense system capable of defending the United States against limited ballistic missile attack.

CBO estimates that the bill, by itself, would have no budgetary impact. Because it would not affect direct spending or receipts, pay-as-you-go procedures would not apply. Any budgetary impact would

stem from separate implementing legislation or from annual authorization and appropriation bills. How the costs of implementing the policy enunciated in S. 1873 would compare with costs likely to be incurred under current law would depend on the systems and time frame required by subsequent legislation.

Section 4 of the Unfunded Mandates Reform Act of 1995 excludes from the application of that act any legislative provisions that are necessary for the national security. CBO has determined that all provisions of this bill fit within that exclusion.

The CBO staff contact for this estimate is Raymond Hall. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires that a report on the regulatory impact of a bill be included in the report on the bill. The committee finds that there is no regulatory impact in the cost of S. 1873.

CHANGES IN EXISTING LAW

S. 1873 does not include any changes in existing law.

ADDITIONAL VIEWS OF SENATOR SMITH

The Strategic Forces Subcommittee, which I chair, has looked closely at the challenges of creating a workable and adequate schedule for national missile defense, as well as at the threats which impel these programs. I strongly believe that the threat is here today and growing. This legislation calls for placing national missile defense on the same footing as any other defense system: an executable program based on sound technology in response to a real threat. It should be adopted.

During the Armed Services Committee's deliberations regarding S. 1873 it was asserted that this legislation would commit the United States to deploying a National Missile Defense (NMD) system without considering issues related to cost, technology, the threat of arms control. These views were also expressed, to varying degrees, in letters to the committee from the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the General Counsel of the Department of Defense. A careful reading of S. 1873 reveals these assertions to be without basis.

Establishing a policy to deploy an NMD system as soon as technologically possible in no way means that a rigorous acquisition program should not be followed. Quite the opposite is true: it specifically implies that such a program would be implemented. Every DOD acquisition program must pass a series of technical reviews, undergo strict cost and operational effectiveness assessments and be able to complete rigorous testing at every stage of the program. S. 1873 would in no way alter this for NMD. In this sense, S. 1873 would require the NMD system to become a more "normal" acquisition program than is currently the case with the Clinton Administration's "3+3" program, which the Director of BMDO has characterized as an "extremely high risk" approach.

Regarding the ABM Treaty, nothing in S. 1873 requires or encourages the United States to abrogate or violate the ABM Treaty. However, the bill would make clear that discussions between Russia and the United States must commence relatively soon so that the sides can develop a cooperative path for amending or otherwise altering the existing ABM Treaty to allow for deployment of a limited NMD system. Such discussions are necessary since it now appears that no NMD system capable of defending all 50 states can be deployed within the current ABM Treaty restrictions. The "3+3" program, on the other hand, allows the parties to defer commencement of such discussions until such time as the threat requiring deployment of an NMD system is imminent. In all likelihood, as a result of this situation, the United States would be faced with a choice of abrogating the treaty or not deploying an NMD system at all. This would create forced and unstable conditions for ABM negotiations, a situation detrimental to both U.S. and Russian interests.

If the administration is concerned about cost and technical risk, it should welcome S. 1873. Under "3+3" the United States might have to deploy an NMD system four years from now, even though such a program would be virtually impossible to implement. Indeed, if "3+3" were a real program, this is precisely what DOD would have to do, since a new threat to the United States before the year 2003 has already been forecast as possible by the Intelligence Community. Such a program would truly be what the Welch report called a "rush to failure." The policy envisioned in S. 1873, on the other hand, would allow DOD to develop a program characterized by adequate testing and risk reduction. The time-frame associated with such a program would certainly be adequate to address concerns regarding the ABM Treaty.

As the Senate considers the red herring arguments concerning cost, technology, the threat and the ABM Treaty, it is important to bear in mind that S. 1873 would establish an overarching policy, not a detailed implementation plan. That would appropriately be left to the Department of Defense. This was recognized by the Congressional Budget Office when it concluded that "the bill, by itself, would have no budgetary impact." As CBO correctly noted, costs would be determined by subsequent legislation. Since most of this legislation would be annual authorization and appropriation bills, the administration would play a key role in determining the cost and schedule of the systems being developed.

In the end, the only legitimate argument against S. 1873 is one based on outright opposition to ever deploying an NMD system. If this is the true basis for opposition to this bill it should be publicly stated and not cloaked in misleading rhetoric related to issues not even addressed by the legislation.

BOB SMITH.

ADDITIONAL VIEWS FROM SENATOR COATS

I fully support the essential policy position of S. 1873; namely, that we must deploy an effective National Missile Defense as soon as technologically feasible. However, I am concerned that the program may suffer from the high-risk development approach that already has led to significant delays in operational capability in the theater high-altitude air defense (THAAD) and Navy Theater Wide (NTW) systems.

According to the Welch Panel's Report on Reducing Risk in Ballistic Missile Defense Flight Test Programs, the failures have had little to do with technology. Rather, the panel cites an approach to general planning and execution that is "inconsistent with the complexity of the task." The panel goes on to state that the additional risk inherent to a concurrent development approach has "produced little discernible benefit and has actually delayed operational capability."

Such delays—and the increased expense that they necessarily entail—would be an issue of concern at any time, but are especially worrisome in this era of fixed defense budgets.

I believe it's time to get things back on track. Missile defense is a difficult, complex endeavor, and we need to pursue far more rigorous test and development regimes as a consequence.

DAN COATS.

MINORITY VIEWS OF SENATORS LEVIN, KENNEDY,
BINGAMAN, GLENN, BYRD, ROBB, AND CLELAND

We cannot support S. 1873, the “American Missile Protection Act of 1998,” as it has been reported to the Senate by the Armed Services Committee. In our view, and in the view of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, this legislation would undermine the carefully designed National Missile Defense (NMD) development and acquisition program currently in place by making a deployment decision now, before development is completed, without permitting consideration of all the critical factors that should inform a deployment decision. The result, in the worst case, could be to cause an increase in ballistic missile threats to the United States and a decrease in our security.

The key provision of the bill is the statement of policy in Section 3:

It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized or deliberate).

We share Secretary of Defense Cohen’s commitment to ensuring the American people receive protection from missile threats to the United States when they need it. That is why we support the current National Missile Defense Deployment Readiness Program, which is also known as the “3 plus 3” program. Under this program the Defense Department is developing the technology for the NMD system for three years so that it will be in a position to make a deployment determination in fiscal year 2000. If there is a threat that warrants deployment, if the system is cost-effective, and if deployment would not jeopardize arms reduction agreements, the system could be deployed in three years, or as early as fiscal year 2003. If these conditions do not warrant deployment, the technology would continue to be developed to improve the capability of the system that could be deployed if and when deployment is warranted.

Last year the Congress endorsed the 3 plus 3 NMD program in the National Defense Authorization Act for Fiscal Year 1998 by requiring the Secretary of Defense to structure the NMD program in order to meet the 3 plus 3 goals, and to provide Congress with his plan for doing so.

S. 1873 is inconsistent with the 3 plus 3 NMD program in a number of very significant ways: it ignores the issue of the likelihood and extent of ballistic missile threats to the United States; it ignores the issue of affordability and cost-effectiveness; and it ignores the impact on current and future arms reduction agreements. These points are made in letters provided to the Committee by De-

fense Secretary William Cohen, Chairman of the Joint Chiefs of Staff General Henry Shelton, and Defense Department General Counsel Judith Miller, which are included at the end of these views.

The threat

One of the critical factors affecting any decision to deploy a national missile defense system should be an assessment of the threat to be countered by such a system. If there is not a threat sufficient to warrant deployment of an NMD system, the United States can continue to develop the NMD technology so that the capability of the system continues to improve. This is the current DOD plan, which we believe makes sense.

By committing to deploy an NMD system solely on the basis of whether it is "technologically possible", S. 1873 ignores the issue of whether there is any threat that warrants deployment. In his letter to the Committee, dated April 21, 1998, Secretary Cohen noted that S. 1873 "would alter the '3 plus 3' strategy so as to eliminate taking into account the nature of the threat when making a deployment decision. This could lead to the deployment of an inferior system less capable of defending the American people if and when a threat emerges. Because of this, I am compelled to oppose the adoption of the bill."

There are two concerns about the missile threat to the United States: the emergence of a rogue nation missile threat to the United States, and the possibility of an unauthorized or accidental missile launch from Russia or China, the only two nations other than Great Britain and France with intercontinental ballistic missiles (ICBMs) that can reach the United States today.

As Secretary Cohen noted earlier this year in his Annual Report to the President and the Congress, the threat of an ICBM reaching the United States from a country other than Russia or China in the next 15 years is currently very low:

The Intelligence Community has concluded that the only rogue nation missile development which could conceivably have the range to strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands, but the likelihood of its being operational by 2005 is very low. With this exception, no country, other than the declared nuclear powers, will develop or otherwise acquire a ballistic missile in the next 15 years that could threaten the United States, although outside assistance is a wild card that could shorten time lines to deployment.

Some have questioned the ability of the Intelligence Community to accurately assess the emergence of a ballistic missile threat to the United States. These questions, however, are generally based on examples of short- or medium-range theater ballistic missile developments which do not pose a direct threat to the United States, rather than on long-range ICBMs.

It is important to understand the distinction between theater ballistic missiles and ICBMs. The examples of unanticipated missile developments cited by the majority in this report are theater-

range systems that cannot be converted into ICBMs. The United States has a vigorous and robust program of theater missile defenses—which we support—that are designed to counter the growing theater missile threat that exists today. ICBMs have considerably more indicators of development than these short- or medium-range systems, take considerably longer to develop and test, and are more easily tracked by the Intelligence Community.

Our senior military leaders have a high degree of confidence that our Intelligence Community will be able to provide sufficient warning of an ICBM threat to the United States to allow us to deploy effective defenses. In General Shelton's letter of April 21, 1998, he states:

I disagree with the bill's contention that the United States ability to anticipate future ballistic missile threats is questionable. It is possible, of course, that there could be surprises, particularly were a rogue state to receive outside assistance. However, given the substantial intelligence resources being devoted to this issue, I am confident that we will have the 3 years' warning upon which our strategy is based.

Similarly, General Howell Estes, the Commander in Chief of the North American Aerospace Defense Command and United States Space Command who would have operational command of any NMD system, testified to the Committee last year:

Let me reemphasize that the Administration 3 plus 3 program will enable us to deploy an NMD system in time to field a missile defense system before the threat places our citizens at risk.

The United States Intelligence Community also believes the risk of an accidental or unauthorized launch by a declared nuclear power is highly unlikely. George Tenet, the Director of Central Intelligence, testified in open session last year that the Intelligence Community assessment is that it is a "remote" risk because of considerable precautions or procedures taken by Russia and China.

General Eugene Habiger, Commander-in-Chief of United States Strategic Command, reinforced this view when he testified to the Committee this year on the Russian command and control measures, which he has witnessed first-hand, to prevent an accidental or unauthorized launch of an ICBM against the United States. He has publicly stated that Russia has some mechanisms and procedures more stringent than our own for nuclear command and control. General Habiger, who has had a unique opportunity to visit Russian strategic nuclear weapon bases—including an ICBM base, a strategic submarine base, a bomber base, a nuclear command and control center, and a nuclear weapon storage site—has stated publicly that he does not worry about accidental or unauthorized launches from Russia.

Affordability and cost-effectiveness

S. 1873 also completely ignores the question of cost-effectiveness and affordability. In effect, it decides now to deploy a system, regardless of the cost and regardless of whether the system is cost-

effective. This is the first instance we know of where Congress would legislatively mandate the deployment of a military weapon system before it is developed and before we know what it will eventually cost and whether it is cost-effective.

Any decision to deploy a national missile defense system should include an understanding of the system's cost and its cost-effectiveness. It would be very unwise to commit to deployment and then discover that the cost was unaffordable. Likewise, if there is no threat warranting deployment, deploying the first technology possible may require considerable additional expense to deploy a more capable system later if the threat requires it. As Secretary Cohen pointed out in his letter to the Committee, a premature decision to deploy an NMD system "could lead to the deployment of an inferior system less capable of defending the American people if and when a threat emerges."

General John Shalikashvili, former Chairman of the Joint Chiefs of Staff, made the same point when he testified before the Committee last year that the current 3 plus 3 NMD program is structured to deploy the most capable and cost-effective system if and when we need it:

The NMD Deployment Readiness Program optimizes the potential for an effective National Missile Defense System. If the decision is made to deploy a NMD system in the near term, then the system fielded would provide a very limited capability. If deploying a system in the near term can be avoided, DOD can continue to enhance the technology base and the commensurate capability of the NMD system that could be fielded on a later deployment schedule. The objective here is to be in a position to be three years away from deployment, so America can respond to the emergence of a threat. This approach fields the most cost-effective capability that is available at the time the threat emerges.

A premature decision to deploy an NMD system would also have serious consequences for funding higher priority military programs. In her letter to the Committee, DOD General Counsel Judith Miller concludes: "Commitment to deploy now, in the absence of a threat, would divert vital defense funds from more pressing military needs and would result in premature commitment to a technological option that may be outdated when the threat emerges."

Arms control impact

Finally, S. 1873 ignores the impact of deciding to deploy a national missile defense system on arms control reductions, and thus ignores the possibility that deployment might stop the reduction of hundreds of ICBMs and SLBMs with thousands of warheads that would otherwise not be able to threaten us. Before making any deployment decision, we should understand the impact of deployment on arms reductions.

If we deploy an NMD system that violates the Anti-Ballistic Missile (ABM) Treaty, Russia is likely to withdraw from START I and not ratify START II. In May, 1996, General Shalikashvili wrote to the Committee, "I am concerned that failure of either START ini-

tiative will result in Russian retention of hundreds or even thousands more nuclear weapons, thereby increasing both the costs and risks we may face.”

In its December, 1997 report, the Congressionally-mandated National Defense Panel concluded that “Defensive systems will be more effective if they are coupled to arms control agreements that limit offensive capabilities.” Before we decide to deploy an NMD system, we should understand the security implications of deployment. We certainly do not want to deploy a system that decreases our security.

General Shelton’s letter of April 21 concludes with a crucial point about elements of the current hedge strategy embodied in the 3 plus 3 program that would be ignored and undermined by S. 1873: “Finally, the bill does not consider affordability or *the impact a deployment would have on arms control agreements and nuclear arms reductions*. Both points are addressed in the NMD Deployment Readiness Program and should be included in any bill on NMD. [emphasis added]”

Conclusion

S. 1873 would commit the United States to deploy a national missile defense system before we know what the nature of the threat will be at the time of deployment; before we know the cost of such a system and the impact that funding this system would have on other high priority military programs; and before we know whether the decision to deploy such a system would jeopardize current and future nuclear arms reductions.

We share the view of the Secretary of Defense and the Chairman of the Joint Chiefs of Staff that the decision to deploy a national missile defense system before it is even developed is a decision we do not need to, and should not, make at this time, particularly without considering the threat, the cost and the impact on nuclear arms reductions.

For these reasons, we cannot support S. 1873, and we urge the Senate to reject this legislation. As the senior civilian and military leadership of the Defense Department have clearly and repeatedly stated, the current 3 plus 3 National Missile Defense program is a prudent course to address the problem of emerging ballistic threats to the United States.

CARL LEVIN.
TED KENNEDY.
JEFF BINGAMAN.
JOHN GLENN.
ROBERT C. BYRD.
CHUCK ROBB.
MAX CLELAND.

THE SECRETARY OF DEFENSE,
Washington, DC, April 21, 1998.

Hon. STROM THURMOND,
*Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing in response to your request for the views of the Department of Defense on S. 1873, the American Missile Protection Act of 1998.

The Department of Defense is committed to ensuring that we properly protect the American people and America's national security interests. This requires that we have a carefully balanced defense program that ensures that we are able to meet threats to our people and vital interest wherever and whenever they arise. A key element of our defense program is our National Missile Defense (NMD) program, which as you know was restructured under Secretary Perry and with the support of Congress as a "3+3" deployment readiness program. Under this approach, by 2000 the United States is to be in a position to make a deployment decision if warranted by the threat, and if a decision to deploy were made at that time the initial NMD system would be deployed by 2003. If in 2000 the threat assessment does not warrant a deployment decision, improvements in NMD system component technology will continue, while an ability is maintained to deploy a system within three years of a decision.

The Quadrennial Defense Review reaffirmed this approach, although it also determined that the "3+3" program was inadequately funded to meet its objectives. Accordingly, I directed that an additional \$2.3 billion be programmed for NMD over the Future Years Defense Plan. It must be emphasized, though, that even with this additional funding, NMD remains a high risk program because the compressed schedule necessitates a high degree of concurrency.

I share with Congress a commitment to ensuring the American people receive protection from missile threats how and when they need it. S. 1873, however, would alter the "3+3" strategy so as to eliminate taking into account the nature of the threat when making a deployment decision. This could lead to the deployment of an inferior system less capable of defending the American people if and when a threat emerges. Because of this, I am compelled to oppose the adoption of the bill.

Please be assured, however, that I will continue to work closely with the Senate and House of Representatives to ensure that our NMD program and all of our defense programs are designed and carried out in a manner that provides the best possible defense of our people and interests.

Sincerely,

BILL COHEN,
Secretary of Defense.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF,
Washington, DC, April 21, 1998.

Hon. CARL M. LEVIN,
Ranking Minority Member, Committee on Armed Services, Washington, DC.

DEAR SENATOR LEVIN: Thank you for the opportunity to comment on the American Missile Protection Act of 1998 (S. 1873). I agree that the proliferation of weapons of mass destruction (WMD) and their delivery systems poses a major threat to our forces, allies, and other friendly nations. U.S. missile systems play a critical role in our strategy to deter these threats, and the current National Missile Defense (NMD) Deployment Readiness Program (3+3) is structured to provide a defense against them when required.

The bill and the NMD program are consistent on many points; however, the following differences make it difficult to support enactment. First and most fundamental are the conditions necessary for deployment. The bill would establish a policy to deploy as soon as technology allows. The NMD program, on the other hand, requires an emerging ballistic missile threat as well as the achievement of a technological capability for an effective defense before deployment of missile defenses.

Second, the bill asserts that the United States has no policy to deploy an NMD system. In fact, the NMD effort is currently a robust research and development program that provides the flexibility to deploy an initial capability within 3 years of a deployment decision. This prudent hedge ensures that the United States will be capable of meeting of need for missile defenses with the latest technology when a threat emerges.

Third, I disagree with the bill's contention that the U.S. ability to anticipate future ballistic missile threats is questionable. It is possible, of course, that there could be surprises, particularly were a rogue state to receive outside assistance. However, given the substantial intelligence resources being devoted to this issue, I am confident that we will have the 3 years' warning on which our strategy is based.

Fourth, the bill uses the phrase "system capable of defending the territory of the United States." The NMD program calls for defense of only the 50 states. Expanding performance coverage to include all U.S. territories would have considerable cost, design, and location implications.

Finally, the bill does not consider affordability or the impact a deployment would have on arms control agreements and nuclear arms reductions. Both points are addressed in the NMD Deployment Readiness Program and should be included in any bill on NMD.

Please be assured that I remain committed to those programs that discourage hostile nations from the proliferation of WMD and the missiles that deliver them. In that regard, I am confident that our current NMD program provides a comprehensive policy to counter future ballistic missile threats with the best technology when deployment is determined necessary.

Sincerely,

HENRY H. SHELTON,
Chairman of the Joint Chiefs of Staff.

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, April 20, 1998.

Hon. STROM THURMOND,
*Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Defense on S. 1873, 105th Congress, a bill, "To state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack."

The Department of Defense and the Administration object to the American Missile Protection Act of 1998. In response, the Department of Defense would note that the Administration's National Missile Defense Deployment Readiness Program is correct, prudent, and positions the United States to deploy a defense when a threat emerges.

S. 1873 would seek to make it United States policy "to deploy as soon as technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)."

The Administration's National Missile Defense program is premised on the view that not only must the technology be developed to allow for an effective defense, but that deployment should be based on an emerging rogue ballistic missile threat to the United States. To do otherwise is to waste scarce Defense resources and to forego deploying the most effective defense when the threat actually emerges.

The Intelligence Community has concluded that a long-range ballistic missile threat to the United States from a rogue nation, other than perhaps North Korea, is unlikely to emerge before 2010 but could be accelerated if those nations acquired this capability from beyond their borders. The Intelligence Community concluded that the only rogue nation missile in development that could strike the United States is the North Korean Taepo Dong 2, which could strike portions of Alaska or the far-western Hawaiian Islands. However, as Secretary Cohen stated in his 1998 Annual Report to the President and the Congress, the likelihood of the Taepo Dong 2 being operational by 2005 is very low. The Administration is not complacent about this assessment. The National Missile Defense program is designed to account for the uncertainty about when and where threats may emerge by developing a National Missile Defense capability that can be deployed well ahead of this estimate. The Administration agrees that the United States must work to defend all 50 states against potential limited missile threats from rogue nations. The National Missile Defense Deployment Readiness Program will position the United States to deploy an initial capability as early as 2003. But, the Administration opposes S. 1873 because it would commit the United States to deploy a National Missile Defense system in the absence of an emerging rogue state ballistic missile threat. The crucial difference is in timing of a deployment decision. Commitment to deployment now, in the absence of a threat, would divert vital defense funds from more pressing mili-

tary needs and would result in premature commitment to a technological option that may be outdated when the threat emerges.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

JUDITH A. MILLER.

