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NATIONAL MISSILE DEFENSE ACT OF 1999

FEBRUARY 12, 1999.—Ordered to be printed

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

REPORT

together with

MINORITY VIEWS

[To accompany S. 257]

The Committee on Armed Services, to which was referred the bill (S. 257) having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE BILL

S. 257 would establish that it is the policy of the United States to deploy as soon as is 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. 257 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. S. 257, by itself, would have no budgetary impact.

SCOPE OF THE COMMITTEE REVIEW

The Committee is reporting S. 257 to the Senate for the following reasons:

Value of National Missile Defense

A commitment to the deployment of an NMD system will have two crucial impacts on the security of the United States. First, it

69–010

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, commitment to an NMD system would 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—was originally based on the premise that the United States did not face a sufficient ballistic missile threat to justify commitment to the deployment of an NMD system, and that the United States would be able to clearly discern the emergence of such a threat in sufficient time to deploy a defense. The Committee has repeatedly expressed concern regarding this policy, and has advocated making an immediate commitment to the earliest possible deployment of an NMD system, within the limits of technology and affordability. In this regard, the Committee strongly supported S. 1873 during the 105th Congress, legislation that contained the same policy as set forth in S. 257.

The Committee's concern regarding the "3+3" policy is based in part on the fact that 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 in recent 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 a new class of ballistic missiles known as the Taepo-Dong One and Two. On October 31, 1998, North Korea tested the Taepo-Dong One missile on a flight trajectory that passed over Japan and demonstrated the capability to deliver a small payload to an intercontinental range. Although the Intelligence Community had observed and reported on preparations for this test, it was completely surprised by the sophistication of the Taepo-Dong One missile, especially its use of a solid fuel motor as a third stage. North Korea is also developing a longer-range version known as the Taepo-Dong Two, which will clearly be an intercontinental ballistic missile capable of attacking much of the United States and which could be operational in a few short years.

Iran has also 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.

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 demand for space launch vehicles. This conclusion was strongly reinforced by the Commission to assess the Ballistic Missile Threat to the United States, chaired by former Secretary of Defense Donald Rumsfeld. As the Commission reported: "The threat to the U.S. posed by these emerging capabilities is broader, more mature and evolving more rapidly than has been reported in estimates and reports by the Intelligence Community."

Continuing technological surprise

According to the Rumsfeld Commission report: "The warning times the U.S. can expect of new, threatening ballistic missile deployments are being reduced. Under some plausible scenarios the U.S. might well have little or no warning before operational deployment."

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.

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 was once again 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. It underscores, however, 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.

Recent developments reinforce the need to move beyond "3+3"

As specified above, North Korea's flight test of the Taepo-Dong One missile demonstrates the ability of rogue states to develop ballistic missiles capable of threatening the United States. Such a system could be operational years before the United States could field an NMD system. As the Rumsfeld Commission made clear in its report, such threats could materialize with little if any warning and there are several rogue countries pursuing such capabilities.

To its credit, the Administration has now acknowledged the existence of this threat and has taken significant steps to address it. In particular, the Committee commends Secretary of Defense William Cohen for his decision to increase funding for NMD by $6.6 billion over the Future Years Defense Program. These developments, however, fundamentally change the rationale supporting the "3+3" policy. This policy has been based on a perceived need to gather more information on the ballistic missile threat, NMD program affordability, and technology maturity, before making a deployment decision. The Administration has now indicated that the threat is all but here. It has also budgeted the funds needed to implement a deployment decision, implicitly confirming that the program is affordable. The Administration's only remaining decision criterion for which additional information is needed relates to technology development. Since S. 257 makes clear that a deployment would only proceed once the technology is ready, the Committee sees no apparent reason to further delay a deployment decision.

The Administration has acknowledged that it must amend or withdraw from the Anti-Ballistic Missile (ABM) Treaty of 1972 prior to deployment of an NMD system. Some have asserted that a deployment decision should be delayed while negotiations are undertaken to achieve such Treaty changes. The Committee does not find this argument persuasive. Although the Committee believes that the United States must engage Russia with caution and respect, it does not believe that postponing an NMD deployment decision will facilitate such talks. Indeed, the Committee believes that once a firm commitment to NMD deployment has been announced only then will Russia seriously engage in negotiations to modify the ABM Treaty. The United States must make it clear that its decision to deploy an NMD system is based on threats not envisioned

at the time the ABM Treaty was negotiated, and that such a decision in no way threatens Russian security. The United States, however, must make it equally clear that it will proceed with deployment of an NMD system, whether or not Russia agrees to modify the ABM Treaty. The only way to clearly send such a signal is by a clear change in United States policy. The Committee believes that S. 257 is the best vehicle for accomplishing this change.

Summary

The Committee believes the need for deployment of NMD is clear. The threat exists and continues to grow. The United States has been frequently 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. 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. 257, which clearly indicates a commitment to deploy 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 National Missile Defense Act of 1997 (S. 1873).

In favor: Senators Warner, Thurmond, McCain, Smith, Inhofe, Santorum, Snowe, Roberts, Allard, Hutchinson, Sessions, and Lieberman.

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

Voting present: Senator Landrieu.

Vote: 12–7, with 1 voting "present".

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

On February 2, 1999, the Congressional Budget Office issued a cost estimate for S. 257. According to this estimate "the bill, by itself, would have no budgetary impact." The cover letter and complete cost estimate from the Congressional Budget Office are shown below.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 2, 1999.

Hon. THAD COCHRAN,
U.S. Senate, Washington, DC.

DEAR SENATOR: At the request of your staff, the Congressional Budget Office (CBO) has prepared the enclosed cost estimate for S. 257, the National Missile Defense Act of 1999.

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

Sincerely,

JAMES L. BLUM,
Acting Director.

Enclosure.

S. 257—National Missile Defense Act of 1999

S. 257 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 territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).

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. 257 would compare with costs likely to be incurred under current law would depend on the systems and time frame required by subsequent legislation.

Secton 4 of the Unfunded Mandates Reform Act excludes from the application of that act any legislative provisions that are necessary for national security. That exclusion might apply to the provisions of this bill. In any case, the bill contains no intergovernmental or private-sector mandates.

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. 257.

CHANGES IN EXISTING LAW

S. 257 does not include any changes in existing law.

MINORITY VIEWS

We share the Administration's commitment to providing the American people with effective protection against the emerging long-range missile threat from rogue states. That is why we support the Defense Department's NMD Deployment Readiness Program to develop a limited NMD system to protect the United States against such a developing threat.

We cannot, however, support S. 257, the "National Missile Defense Act of 1999," as it has been reported to the Senate by the Armed Services Committee. We agree with the President's senior national security advisors that this legislation would needlessly make a National Missile Defense (NMD) deployment decision now, before the Defense Department wants to, needs to, or is prepared to make such a decision. This legislation would not advance by one day the development of an NMD system suitable for deployment, but could result in an increased threat to the United States from the proliferation of nuclear weapons.

S. 257 states:

> 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).

This language makes a commitment now to deploy a National Missile Defense (NMD) system without taking into account crucial factors identified by Defense Secretary Cohen when he testified to the Armed Services Committee on February 3, 1999. Secretary Cohen testified that the Administration will make a decision in June 2000 on whether to deploy a limited NMD system after taking into account: the threat we face from ballistic missiles; the operational effectiveness of the NMD system; the affordability of the system; and the impact of deployment on nuclear arms reductions and arms control treaties. S. 257 ignores these factors and reduces the issue to one of what is "technologically possible".

Enactment of S. 257 would undermine the current effort of the Administration to reach a negotiated agreement on any changes to the Anti-Ballistic Missile (ABM) Treaty that may be necessary to accommodate deployment of a limited NMD system. We cannot and will not give Russia or any other nation a veto over our NMD requirements or programs. But making a decision to deploy an NMD system before we attempt to negotiate changes to the ABM Treaty—and before DOD says the nation can responsibly make such a decision—could reduce Russia's willingness to work with us on reducing nuclear weapons under the START process, lead Russia to retain thousands of nuclear warheads it would otherwise eliminate, and dramatically increase the threat of nuclear proliferation.

ADMINISTRATION OPPOSITION

In a letter dated February 3, 1999 (the full text of which is included below), Mr. Samuel Berger, the President's National Security Advisor, indicated that "if S. 257 were presented to the President in its current form, his senior national security advisors would recommend that the bill be vetoed."

Mr. Berger explained the basis for their position in his letter:

> The Administration strongly opposes S. 257 because it suggests that our decision on deploying this system should be based solely on a determination that the system is "technologically possible." This unacceptably narrow definition would ignore other critical factors that the Administration believes must be addressed when it considers the deployment question in 2000, including those that must be evaluated by the President as Commander-in-Chief.
>
> We intend to base the deployment decision on an assessment of the technology (based on an initial series of rigorous flight-tests) and the proposed system's operational effectiveness. In addition, the President and his senior advisors will need to confirm whether the rogue state ballistic missile threat to the United States has developed as quickly as we now expect, as well as the cost to deploy.

Berger went on to say:

> A decision regarding NMD deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START II and III. The ABM Treaty remains a cornerstone of strategic stability, and Presidents Clinton and Yeltsin agree that it is of fundamental significance to achieving the elimination of thousands of strategic nuclear arms under these treaties.

It is important to understand that S. 257 will not accelerate the development of a limited NMD system suitable for deployment by one day. Senior Defense Department officials have stated repeatedly that DOD is already proceeding with the development of the NMD system as fast as is technically possible. Deputy Secretary of Defense John Hamre testified to the Armed Services Committee on October 2, 1998 that the NMD program "is as close as we can get in the Department of Defense to a Manhattan Project. We are pushing this very fast". General Joseph Ralston, the Vice Chairman of the Joint Chiefs of Staff, testified at the same hearing that "I know of no other program in the Department of Defense that has had as many constraints removed in terms of oversight and reviews just so that we can develop and deploy it as quickly as possible." As DOD has made clear on numerous occasions, adding more money will not accelerate the program.

On January 20, Defense Secretary Cohen announced four decisions on the NMD program, while emphasizing that "No deployment decision has been made at this time. That will be made in June of 2000." The four items are as follows:

> (1) For the first time, the Administration is budgeting the funds ($6.6 billion) in the Future Years Defense Program for

possible deployment of a limited NMD system. This funding will permit deployment if the decision is made to deploy. Without this funding, no deployment would be possible. This would bring the total NMD funding for 1999–2005 to $10.5 billion.

(2) Secretary Cohen affirmed that the Administration expects that the threat of ballistic missiles from rogue nations will continue to grow and will pose a threat to the U.S. territory in the near future.

(3) Secretary Cohen announced that the Administration will seek possible changes to the ABM Treaty with Russia in the event that deployment would require modification. He also noted that if we cannot agree on changes to the Treaty, the United States could exercise its right to withdraw from the Treaty if necessary.

(4) The earliest anticipated deployment date for the NMD system was delayed from FY 2003 to FY 2005 because of continuing concerns about the technology of the system and because certain critical tests will not occur until FY 2003.

Secretary Cohen's announcement clearly demonstrates the Administration's commitment to continue moving forward with a limited NMD program. The additional funding would permit deployment if a decision is made to deploy. The threat is clearly developing more quickly than was believed even one year ago. At the same time, the Administration policy—unlike S. 257—provides the flexibility to consider the full range of relevant factors and to pursue planned negotiations on possible ABM Treaty modifications before making a deployment decision.

TECHNOLOGY AND OPERATIONAL EFFECTIVENESS

Even with Secretary Cohen's announcement that the earliest anticipated deployment date is now 2005, the NMD program remains high risk. Numerous technical challenges remain, and the integration of all the component parts into a system that can demonstrate its capability is years away. The first integrated system test using a production interceptor and kill vehicle is not scheduled to take place until 2003. Prior to that time tests will rely on surrogate components for some of the most critical pieces of hardware.

S. 257 would make the deployment commitment now, prior to any demonstration of the capability of the system, and prior to any ability to evaluate whether it is operationally effective and able to meet its system requirements. As the Defense Department and Joint Chiefs of Staff have pointed out, if we were to commit to deploying an NMD system "as soon as technologically possible", we might be committing ourselves to building a system that is not as effective as we would need or desire to counter the evolving threat.

In 1997, General John Shalikashvili, Chairman of the Joint Chiefs of Staff, testified to the Committee that the earliest possible system would not provide optimum capability: "The NMD Deployment Readiness Program optimizes the potential for an effective National Missile Defense system. If the decision is made to deploy an 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 program system."

By committing to deploy now, before the system has been fully tested and before its operational capability has been demonstrated, S. 257 would run the risk of committing to a system that is either inadequate or, worse yet, ineffective.

The normal DOD acquisition process for major weapon systems requires a rigorous review of numerous technical, performance and cost considerations at each major decision point in the development or acquisition process. DOD Regulation 5000.2–R establishes the mandatory procedures for major defense acquisition programs: "Threat projections, system performance, unit production cost estimates, life cycle costs, cost performance tradeoffs, acquisition strategy, affordability constraints, and risk management shall be major considerations at each milestone decision point." S. 257 would mandate a deployment decision while ignoring all of these critical acquisition requirements.

Deputy Defense Secretary Hamre and Vice Chairman of the JCS General Ralston have testified that the Defense Department has already put the NMD program on a very fast track. General Shelton has testified that the program has been compressed from a normal 16-year process by more than half. This speed led an independent review team, chaired by former Air Force Chief of Staff General Welch, to criticize a "rush to failure", citing the need for more testing and more time to evaluate and incorporate test results. Secretary Cohen's announcement that the deployment date is expected no sooner than 2005 is designed to reduce the risk of failure. In mandating deployment "as soon as technologically possible", S. 257 could undermine the Department's efforts to ensure that the NMD system is operationally effective and cost-effective.

ABM TREATY ISSUES

The United States and Russia agree that the ABM Treaty is indispensable for further reductions in nuclear weapons. At the Helsinki Summit on March 21, 1997, Presidents Clinton and Yeltsin issued a joint statement on the ABM Treaty, which began as follows:

> President Clinton and President Yeltsin, expressing their commitment to strengthening strategic stability and international security, emphasizing the importance of further reductions in strategic offensive arms, and recognizing the fundamental significance of the Anti-Ballistic Missile (ABM) Treaty for these objectives as well as the necessity for effective theater missile defense (TMD) systems, consider it their common task to preserve the ABM Treaty, prevent circumvention of it, and enhance its viability.

Defense Secretary Cohen has made it clear that both pursuing a limited NMD program and maintaining the ABM Treaty, are in our national interest and can be accomplished. During his press conference on January 20, 1999, Secretary Cohen stated his view on the ABM Treaty:

> I believe it's in our interest to maintain that. I think we need to modify it to allow for an NMD program that I've

> outlined, but the ABM Treaty, I think, is important to maintain the limitations on offensive missiles. To the extent that there is no ABM Treaty, then certainly Russia or other countries would feel free to develop as many offensive weapons as they wanted, which would set in motion a comparable dynamic to offset that with more missiles here.

Mr. Berger's letter of February 3, 1999, amplifies the Administration's views about the importance of maintaining the ABM Treaty and nuclear arms reductions as a factor in the NMD deployment decision:

> S. 257 suggests that neither the ABM Treaty nor our objectives for START II and START III are factors in an NMD deployment decision. This would clearly be interpreted by Russia as evidence that we are not interested in working towards a cooperative solution, one that is in both our nations' security interests. I cannot think of a worse way to begin a negotiation on the ABM Treaty, nor one that would put at greater risk the hard-won bipartisan gains of START. Our goal would be to achieve success in negotiations on the ABM Treaty while also securing the strategic arms reductions available through START. That means we need to recognize and address the interrelationship between these two tracks.

The Armed Services Committee has previously recognized the importance of a cooperative approach on missile defense and the ABM Treaty. Last year the Committee included a provision in the Strom Thurmond National Defense Authorization Act for FY 1999 that encouraged the U.S. to work in a cooperative manner with Russia on issues of missile defense. The Conference Report Statement of Managers on this bill stated:

> The conferees believe that a cooperative approach to ballistic missile defense could lead to a mutually agreeable evolution of the ABM Treaty, i.e., either modification or replacement by a newer understanding or agreement, that would clear the way for the United States and Russia to deploy national missile defenses each believes necessary for its security. If implemented in a cooperative manner, the conferees do not believe that such steps would undermine the original intent of the ABM Treaty, which was to maintain strategic stability and permit significant nuclear arms reductions.

S. 257 is inconsistent with this understanding of the importance of a cooperative approach towards the ABM Treaty to maintaining strategic stability and permitting large reductions in nuclear weapons. If enacted, S. 257 would make it much more difficult for the Administration to maintain the continuing benefits of the ABM Treaty and the cooperative approach to nuclear arms reductions under the START process.

By making the deployment decision now, S. 257 would preclude the Administration from negotiating possible changes to the ABM Treaty before making an NMD deployment decision in June of

2000. This is one of the key reasons that the President's senior national security advisors are strongly opposed to S. 257 and would recommend a veto of it.

CONCLUSION

S. 257 would needlessly make a premature NMD deployment decision and jeopardize our ongoing effort to work cooperatively with Russia on possible changes to the ABM Treaty, an effort the President and his senior national security advisors believe is critically important. S. 257 would not accelerate the NMD system by a single day, but could increase the proliferation risk from thousands of nuclear weapons that would otherwise be eliminated through the START process. In other words, S. 257 would provide no tangible benefit to the NMD program, but it could reduce our security.

We are all concerned with the need to protect Americans from the threat of ballistic missiles from rogue nations, as we are with the need to protect Americans from other threats. The Defense Department is already proceeding as fast as possible with the development of a limited National Missile Defense system. The Administration is working in a cooperative manner to negotiate possible changes to the ABM Treaty that could preserve the benefits of that treaty, including the verified reduction of thousands of Russian nuclear weapons. Secretary Cohen's plan is the right one and we should stick with it.

CARL LEVIN.
TED KENNEDY.
JEFF BINGAMAN.
ROBERT C. BYRD.
CHUCK ROBB.
MAX CLELAND.
JACK REED.

THE WHITE HOUSE,
Washington, February 3, 1999.

Hon. CARL LEVIN,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: I understand the Senate Armed Services Committee will consider tomorrow S. 257—The National Missile Defense Act of 1999.

I want to underscore that the Administration shares with Congress a commitment to ensuring the American people are provided effective protection against the emerging long-range missile threat from rogue states. That is why we have since 1996 diligently pursued a deployment readiness program to develop a limited National Missile Defense (NMD) system designed to protect against such threats. We have now budgeted $10.5 billion between FY 1999–2005 for this program, including the funds that would be necessary during this period to deploy a limited NMD system.

Secretary Cohen has recently made clear that the Administration will address the deployment decision in June 2000. The Administration strongly opposes S. 257 because it suggests that our decision on deploying this system should be based solely on a determination that the system is "technologically possible." This unac-

ceptably narrow definition would ignore other critical factors that the Administration believes must be addressed when it considers the deployment question in 2000, including those that must be evaluated by the President as Commander-in-Chief.

We intend to base the deployment decision on an assessment of the technology (based on an initial series of rigorous flight-tests) and the proposed system's operational effectiveness. In addition, the President and his senior advisors will need to confirm whether the rogue state ballistic missile threat to the United States has developed as quickly as we now expect, as well as the cost to deploy.

A decision regarding NMD deployment must also be addressed within the context of the ABM Treaty and our objectives for achieving future reductions in strategic offensive arms through START II and III. The ABM Treaty remains a cornerstone of strategic stability, and Presidents Clinton and Yeltsin agree that it is of fundamental significance to achieving the elimination of thousands of strategic nuclear arms under these treaties.

The Administration has made clear to Russia that deployment of a limited NMD that required amendments to the ABM Treaty would not be incompatible with the underlying purpose of the ABM Treaty, i.e., to maintain strategic stability and enable further reductions in strategic nuclear arms. The ABM Treaty has been amended before, and we see no reason why we should not be able to modify it again to permit deployment of an NMD effective against rogue nation missile threats.

We could not and would not give Russia or any other nation a veto over our NMD requirements. It is important to recognize that our sovereign rights are fully protected by the supreme national interests clause that is an integral part of this Treaty. But neither should we issue ultimatums. We are prepared to negotiate any necessary amendments in good faith.

S. 257 suggests that neither the ABM Treaty nor our objectives for START II and START III are factors in an NMD deployment decision. this would clearly be interpreted by Russia as evidence that we are not interested in working towards a cooperative solution, one that is in both our nations' security interests. I cannot think of a worse way to begin a negotiation on the ABM Treaty, nor one that would put at greater risk the hard-won bipartisan gains of START. Our goal would be to achieve success in negotiations on the ABM Treaty while also securing the strategic arms reductions available through START. That means we need to recognize and address the interrelationship between these two tracks.

The Administration hopes the Senate will work to modify S. 257 to reflect the priority that we believe must be attached to the ABM and START objectives I have outlined above. But if S. 257 were presented to the President in its current form, his senior national security advisors would recommend that the bill be vetoed.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President
for National Security Affairs.

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