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Oversight of Ballistic Missile Defense: Threats, Realities, Tradeoffs

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Mr. Chairman, I appreciate the opportunity to testify today on the ballistic missile defense program. Today, according to a statement by President Bush before the National Defense University last October, there are 27 states that possess ballistic missiles. That compares to just nine in 1972. Thus, by any measure, the United States now finds itself in a multi-polar missile world. The key policy question facing the United States, now that it finds itself in this circumstance, is how it will respond. It basically faces two alternatives. On the one hand, the United States can mulilateralize the Cold War policy of vulnerability established in the bi-polar world of the Cold War, which was called mutually assured destruction (MAD). Alternatively, the United States can adopt a policy to defend its people, territory, allies and forward-deployed forces against missile attack to the best of its ability. I call this alternative a "damage-limitation strategy." Analysis at The Heritage Foundation reveals that multilateralizing MAD would be profoundly destabilizing and that the damage-limitation strategy is the preferred option for maintaining peace and stability in a multi-polar world.

First, however, let me highlight some of the worldwide developments in the field of ballistic missiles that have led the United States to this multi-polar outcome. According to the Missile Defense Agency, the nations that have active ballistic missile inventories, in addition to the established missile powers of China and Russia, include potentially hostile states like Iran and North Korea.

Again, according to the Missile Defense Agency, North Korea has four classes of missiles in its active inventory, two longer-range missiles that may be available and an additional two under development. North Korea's capabilities were highlighted by its July 4 and 5, 2006 salvo test launch. North Korea also conducted a nuclear test explosion on October 9, 2006.

Iran has three classes of ballistic missiles in its active inventory. It has four additional classes under development. One of these is a space launch vehicle that possesses similar characteristics to a long-range missile. The Iranian government launched this rocket on February 5th, with uncertain results. While the November 2007 National Intelligence Estimate (NIE) states that Iran abandoned its indigenous nuclear weapons development program in 2003, it also states, "We cannot rule out that Iran has acquired from abroad...a nuclear weapon or enough fissile material for a weapon." Personally, I find it illogical that Iran is making large-scale investments in ballistic missiles with the intention of arming them solely with conventional warheads.

Less talked about, but that should still be of keen interest to the United States, are the allied or friendly states that are on the Missile Defense Agency's list. These include Egypt, India, Israel, Pakistan, South Korea and Turkey. How the United States should go about reducing the likelihood that these allied or friendly states will use their missile arsenals in a way that will draw it into a conflict has not been widely discussed. This issue will become much more pressing as these states pursue nuclear weapons, in as much as three of them, India, Israel and Pakistan, are at least presumed to be *de facto* nuclear weapons states.

Now let me turn to the United States's ballistic missile defense program. Congress and the American people need to understand that while the United States has made progress in putting missile defense systems in the field in recent years, in most respects the U.S. remains vulnerable to this threat. This is no time for the U.S. to slow the pace of developing and deploying effective defenses against ballistic missiles. Indeed, the Bush Administration and Congress need to accelerate the effort by focusing on developing and deploying the systems that offer the greatest capability.

A detailed proposal for proceeding with the most effective systems was issued by the Independent Working Group on missile defense in June 2006. The report specifically refers to space-based and sea-based defenses as the most effective components of the layered missile defense system design advocated by the Bush Administration. While the sea-based systems have continued to make progress in recent years, the effort to develop and deploy space-based interceptors has languished. Therefore, the Congress should take the following steps, which are consistent with the recommendations of the Independent Working Group report:

- **Support** ongoing programs to develop and field ballistic missile defenses through defense authorization and appropriations legislation by resisting attempts to put procedural roadblocks in the path to progress;
- **Maintain** robust funding for the missile defense program;
- **Support** the construction of a "space test bed" for missile defense;
- **Set aside** charges that the testing and fielding of missile defense systems will cross a threshold by "weaponizing" space;
- **Support** the deployment of sea-based defenses to protect U.S. coastal areas against short-range ballistic missiles launched from ships;
- **Oppose** efforts to deny the military the option of putting developmental missile defense systems on operational alert; and
- **Shift** responsibility for sea-based missile defense systems from the Missile Defense Agency to the Navy.

Toward Defending America: Progress But Still Vulnerable

The Bush Administration has made significant progress toward fielding an effective defense against ballistic missiles. The greatest advances have come in the policy area. President George W. Bush kicked off the effort to change the Clinton Administration's negative policies toward missile defense with a speech on May 1, 2001, to the faculty and students of the National Defense University. In this speech, the President signaled his intention to put missile defense at the heart of the effort to transform the military and position it to meet the security needs of the 21st century.

President Bush followed up this speech by changing missile defense policy with a dramatic announcement on December 13, 2001, that the U.S. was withdrawing from the

1972 Anti-Ballistic Missile (ABM) Treaty with the former Soviet Union. The ABM Treaty blocked the development, testing, and deployment of effective defenses against ballistic missiles.

On January 9, 2002, the Department of Defense (DOD) announced the findings of the Nuclear Posture Review, a new strategic policy that made defenses a part of a new strategic triad. Under this policy, defenses were paired with offensive conventional and nuclear strike capabilities and a robust technology and industrial base to meet U.S. strategic needs.

Finally, on May 20, 2003, the White House released a description of a presidential directive signed earlier by President Bush related to his policy for developing and deploying a layered missile defense system as soon as possible to defend the people and territory of the United States, U.S. troops deployed abroad, and U.S. allies and friends. When fielded, this layered defense will be able to intercept ballistic missiles in the boost (ascent), midcourse, and terminal phases of flight.

The Bush Administration has also made significant advances in increasing funding levels for missile defense research, development, and deployment. In fiscal year (FY) 2001, which was the last Clinton Administration budget, funding for the Ballistic Missile Defense Organization was $4.8 billion. This level of funding was achieved only because of aggressive congressional support for ballistic missile defense in the face of a reluctant Clinton Administration. In FY 2002, funding for what is now the Missile Defense Agency was increased to $7.8 billion. The projected expenditure level for FY 2009 is $9.3 billion. Somewhat more than $1 billion in additional funding for missile defense will be provided to other elements of the Department of Defense, outside the Missile Defense Agency.

On the other hand, the American people still remain quite vulnerable to ballistic missile attack because missile defense programs have lagged behind advances in policy, funding, and—regrettably—the missile threat. To some extent, this is unavoidable. A policy for deploying effective missile defenses must precede actually fielding the defenses, and the necessary funding must be in place to move the programs forward. However, the American people remain vulnerable because the Bush Administration and Congress have compromised on the most effective technological options.

The most important of these regrettable compromises regards the failure to revive the technologies necessary to complete the development and ultimately to deploy the Brilliant Pebbles space-based interceptor, pioneered by the Reagan and George H. W. Bush Administrations. Congress weakened this rapidly advancing concept in 1991, and President Bill Clinton killed it in 1993. The current Bush Administration's failure to revive these technologies was noted early on by Ambassador Henry Cooper, former Director of the Strategic Defense Initiative Organization, in a 2001 letter to Lt. General Ronald Kadish, then Missile Defense Agency Director. The Brilliant Pebbles option remains dormant today.

The sea-based systems for countering ballistic missiles have fared better than the space-based programs. The system is based on giving the Aegis weapons system for air defense deployed on Navy cruisers and destroyers a capability to track and intercept ballistic missiles. The interceptors consist of late-model and new-model Standard Missiles. The system has also demonstrated a space protection capability by destroying an errant National Reconnaissance Office (NRO) satellite last month.

Despite the progress with sea-based missile defense systems, they are not as advanced as they could be. An accelerated approach to fielding sea-based ballistic missile defenses was described by Ambassador Cooper and Admiral J. D. Williams in an opinion piece in *Inside Missile Defense* on September 6, 2000. This approach advocated building on the existing Aegis infrastructure by increasing the interceptor missile's velocity to achieve a boost-phase intercept capability. It would also require changing the operational procedures that the Navy is permitted to use to perform missile defense intercepts. The Bush Administration, however, has taken several steps that have slowed progress on the sea-based option.

First, it canceled the Navy Area Program in 2001. This program consisted largely of the same technology that was successfully demonstrated in the 2006 Navy test of the terminal Standard Missile-2 Block IV. This decision deprived the Navy of a basic building block for evolving more capable sea-based missile defenses.

Second, the Missile Defense Agency initially sought to replace the Standard Missile family of interceptors with a variation of the Kinetic Energy Interceptor (KEI), which is too large to fit in the existing vertical launch system. While the Missile Defense Agency ultimately abandoned the KEI option for near-term sea-based deployment, precious time was lost.

Finally, the Bush Administration continues to insist on applying a firing protocol developed during the Clinton Administration that requires Navy ship commanders to wait until the target missile's rocket motors have burned out before launching the interceptor. This requirement effectively prohibits the sea-based defense from achieving a boost-phase or ascent-phase intercept capability.

Seven Steps for Fielding Effective Missile Defenses

Obtaining a missile defense capability for the U.S. that matches the rhetorical support from the Bush Administration and Congress, particularly given the strengthened position of missile defense opponents in Congress, requires achieving certain programmatic goals. At the outset of the Bush Administration, support for missile defense required changing prevailing national security and arms control policies.

The Administration, with support from Congress, has achieved these important goals. The government is firmly committed to developing and deployed a layered, global

missile defense system, and the U.S. is no longer bound by the ABM Treaty. Now the Bush Administration and Congress need to take seven specific steps.

Step #1: Avoid legislative proposals that would weaken the missile defense program.

Further progress on developing and deploying a truly effective missile defense system starts with a procedural step: setting aside legislative measures that would weaken the missile defense program. This effort should be directed at FY 2009 defense authorization and defense appropriation bills. The cooperative strategy should start with identifying actions--whether of commission or of omission--that would clearly undermine the federal government's ability to provide the protection against missile attack that the American people are demanding and lead to specific measures for countering these actions.

Step #2: Support adequate funding for the missile defense program.

The missile defense program cannot provide an adequate defense unless it is properly funded. In general terms, this means maintaining the missile defense budget at no less than what is in the Bush Administration's fiscal year 2009 request—roughly $10 billion per year. In fact, Congress should seek incremental increases in the Navy's sea-based program and in space-based defenses.

Step #3: Propose in Congress an effective program for putting missile defense interceptors in space.

The Bush Administration's missile defense budget proposes $10 million in FY 2009 in initial funding to establish a space test bed. This is a request that Congress unwisely denied for the current fiscal year. Funding for this program is envisioned to reach $123 million in FY 2013. The funding proposal is categorized as one of several "capability development" programs that are designed to address future requirements.

Even though the Bush Administration's proposal to begin work on establishing a space test bed is very limited and in keeping with a slow, incremental approach, it is certain to face opposition in Congress again this year. If Congress intends to have an energetic debate over developing and deploying the most effective missile defense system available—namely space-based interceptors—it ought to debate a truly substantive program. Participants in the Independent Working Group believe that such a substantive program would provide $100 million in FY 2009, $500 million in FY 2010, and $1 billion in FY 2011 to create the space test bed. This approach should yield a capable development test bed in three to four years. The effort should be put in the hands of a small, competent management team and should focus on reviving the demonstrated technologies in the Brilliant Pebbles program. A constellation of space-based missile defense interceptors would provide missile defense to both the U.S. and its friends and allies.

Step #4: Rebut the charge that U.S. development and deployment of space-based missile defense interceptors would constitute an unprecedented step to weaponize space.

Arms control advocates are currently focused on preventing the "weaponization of space." They base their proposals on the assertion that space is not already weaponized, which is valid only if properly defining the term "space weapons" is

irrelevant to the exercise of controlling them.

The fact is that space was weaponized when the first ballistic missile was deployed, because ballistic missiles travel through space on their way to their targets. The threat that these weapons pose to U.S. security and the U.S. population is undeniable. The superior effectiveness of space-based interceptors in countering ballistic missiles is based on the fact that ballistic missiles transit space. As a result, space-based interceptors are ideally located to intercept ballistic missiles in the boost phase. Congress needs to reject the charge that space-based ballistic missile defense interceptors would constitute an unprecedented move by the U.S. to weaponize space.

An undefined ban on space weapons could be interpreted as requiring the U.S. to withdraw all satellites that are elements of broader U.S. strike weapons systems, all ballistic missiles and rockets capable of delivering a payload to low-earth orbit or higher, all nuclear weapons that can be mated to such ballistic missiles or rockets, a wide range of electronic jamming capabilities, kinetic kill vehicles capable of space flight, and strike systems capable of destroying satellite ground stations, just to name a few. The missile defense program would be crippled because most missile defense systems have some inherent anti-satellite capability, as was demonstrated by the recent operation involving the errant NRO satellite. An undefined ban on space weapons would effectively drive the U.S. military back to the mid-20th century.

Step #5: Field a system to protect U.S. coastal areas from sea-launched shorter-range missiles.

In the near term, lesser missile powers, maybe including terrorist groups, could attack U.S. territory by launching a short-range Scud missile from a container ship off the U.S. coast. Congress should express its concern about this threat and direct the Navy to take steps to counter it.

The best near-term capability for the Navy to counter this short-range missile threat was identified in the report of the Independent Working Group and successfully demonstrated by the Navy in 2006. The Navy conducted a test of the existing Standard Missile-2 Block IV as a terminal defense against a short-range missile near Hawaii.

Building on this successful test, Congress could direct the Navy to deploy the existing Standard Missile-2 Block IV interceptors on Aegis-equipped ships to provide a terminal defense against ballistic missiles. Further, it should direct the Navy to develop upgrades to this system so that it can perform boost-phase intercepts. Finally, Congress should provide the necessary funding to the Navy to conduct these development and deployment activities.

Step #6: Move funding and management authority for sea-based missile defense systems from the Missile Defense Agency to the Navy.

It has long been the expectation that mature missile defense systems developed under the management of the Missile Defense Agency would be transferred to the services to manage remaining development and procurement activities. In fact, press reports indicate that Under Secretary of Defense for Acquisition, Technology, and Logistics Kenneth J. Krieg approved a plan in September 2006 to transfer several ground-based ballistic missile defense systems from the Missile Defense Agency to the Army.

On a similar basis, Congress should direct the Defense Department to approve the transfer of these programs to the Navy. The sea-based systems developed by the Missile Defense Agency have matured to the point that such a transfer is warranted, as pointed out and recommended in the Independent Working Group's report. There is no reason to wait any longer. Congress should direct that this transfer give both management authority and the necessary funds to the Navy, but also make it clear to the Navy that it may use the funds only for this purpose.

Step #7: Counter attempts to prohibit the Defense Department from putting developmental missile defense systems on operational alert.

The Department of Defense is using a spiral development process to advance missile defense technology and systems. This means that it is putting developmental systems in the field to improve them incrementally. The spiral development process is not only appropriate for the missile defense program, but also essential because the missile defense "architecture" is a system of systems that must be built first in order to test it. This characteristic also gives developmental missile defense systems an inherent, although limited, operational capability.

The option to put the developmental missile defense on operational alert on at least an interim basis is now at hand. There may be the temptation, however, to use expedient procedural arguments to prevent the use of developmental missile defense systems to defend the American people against attack. They could include adding a provision in defense authorization or appropriations legislation that would deny the military the option of using the missile defense system until all system components have passed a full slate of operational tests.

Such a proposal will be advertised as just "fly before you buy" common sense. In reality, it will constitute an advertisement of American vulnerability to attack. If a country like North Korea is thinking about launching a missile at the U.S., it makes little sense for Congress to announce that the country can take a free shot at the U.S. because the U.S. will not use its limited missile defense capability.

Adopting such a prohibition would also set the predicate for an effort to prohibit the procurement of additional missile defense components until current ones have passed the same slate of operational tests. This will grind the overall missile defense program to a halt because the nature of the system is that it must be built in order to be tested.

Conclusion

Mr. Chairman former Secretary of State Henry Kissinger observed in his memoirs that the opponents of strategic defense fashioned a policy during the Cold War that, "[f]or the first time a major country saw an advantage in enhancing its own vulnerability." In the current era, in which there are clear trends in the direction of both missile and nuclear proliferation, the default position for United States security strategy is to take the policy of vulnerability to the next level by enhancing America's vulnerability to any number of powers that obtain nuclear weapons and the ballistic missiles to deliver them, not just its vulnerability to a single superpower rival. Multilateralizing this policy of vulnerability would be profoundly destabilizing and would encourage further missile and nuclear proliferation.