

# CRS Report for Congress

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## National Missile Defense: Status of the Debate

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### Summary

In recent years, the debate over National Missile Defense (NMD) has focused on how best, and how quickly, to develop and deploy a system to protect the United States against a limited ballistic missile threat — either an accidental or unauthorized launch from Russia or China or a deliberate attack from a rogue state. The Clinton Administration is pursuing what it calls a "3 plus 3" strategy — the goal is to develop NMD technology over the three years through 2000 sufficiently to allow a system to be deployed three years later, by 2003, if a decision is made to do so. If a decision to deploy is deferred, development would continue. Many missile defense advocates in Congress, however, want to set a date for deploying a nationwide defense. Key issues in the debate include how quickly rogue nations might acquire long-range missiles, whether advances in technology warrant deferring a decision to deploy, whether an initial deployment should be followed by a more extensive system, cost, and the implications of a deployment decision for the Anti-Ballistic Missile (ABM) Treaty and for negotiating further limits on strategic offensive weapons. Faced with the prospect of a Presidential veto, Congress has not set a deployment date in annual defense authorization or appropriations bills. Instead, Congress has considered freestanding bills to establish NMD policy — recently the Senate took up the American Missile Protection Act of 1998, S. 1873, but a cloture vote failed on May 13.

**National Missile Defense and Theater Missile Defense.** Ballistic Missile Defense (BMD) programs may be divided into two broad categories. National Missile Defense (NMD) is intended to protect U.S. territory from attacks by long-range, "strategic" missiles. Theater Missile Defense (TMD) systems are designed to protect U.S. military forces deployed abroad, allied military forces, and allied nations from attacks by short- to intermediate-range missiles. This report reviews the status of debate over NMD systems. For a discussion of congressional action on funding for TMD as well as NMD programs, see CRS Report 98-205, *Appropriations for FY1999: Defense*, by Stephen Daggett.

**How the National Missile Defense Debate Has Evolved.** Debate over missile defense policy has gone through several stages since President Reagan established the Strategic Defense Initiative (SDI) in 1983. In the early years of the SDI program, debate focused on the feasibility and cost of a system designed to provide essentially complete protection of the United States against an all-out missile attack by the Soviet Union. At the end of the 1980s, Senator Nunn and others proposed deploying a smaller-scale system designed to defend against an accidental or unauthorized missile launch from the Soviet Union. The Bush Administration proposed initial deployment of a limited system, to be followed by a larger-scale deployment as technology evolved. With the end of the Cold War, the debate has focused increasingly on how best and how quickly to develop and deploy a National Missile Defense system designed to protect the United States against attacks by rogue nations, such as North Korea, Iraq, Iran, or Libya. Such a system would also offer protection against accidental or unauthorized missile launches of limited size from Russia or China.

**Administration Policy.** The Clinton Administration describes its strategy for protecting the nation against weapons of mass destruction as consisting of three lines of defense: (1) **prevention** of threats through arms control and nonproliferation treaties, disarmament assistance to the former Soviet Union, multilateral export controls, and the framework agreement on North Korea; (2) **deterrence** by maintaining the strength of U.S. armed forces; and (3) **missile defense** to provide protection against some means of delivery if prevention and deterrence fail. Administration officials do not believe, however, that potential threats warrant immediate deployment of a nationwide missile defense. No rogue state, they say, is likely to acquire missiles that would threaten the continental United States within the next fifteen years, and attacks from Russia or China are deemed unlikely.

Because officials believe the most likely threats to be some years off, the Administration is pursuing what it calls a "3 plus 3" strategy for developing national missile defense. Under this strategy, the goal is to develop NMD technology over the three years through 2000 (originally 1999) sufficiently to allow a system to be deployed three years later, by 2003, if a decision is made to do so. If a decision to deploy is deferred, development would continue. Under this strategy, a system could be operational within three years of a decision to go ahead.

A key premise of the policy is that early deployment would freeze technology at a relatively low level, so it is better to delay deployment while developing more advanced systems. Two other aspects of Administration policy are notable: (1) The Administration does not plan to pursue deployment of a larger scale system once a limited defense is in place. Although research into potential "follow-on" technologies continues, the only national missile defense currently contemplated is to protect against small-scale attacks. (2) Because only a limited defense is planned, the Administration believes that an adequate system can be deployed while preserving the Anti-Ballistic Missile (ABM) Treaty of 1972.

**Recent Congressional Action.** A major issue in the Republican-controlled 104<sup>th</sup> and 105<sup>th</sup> Congresses has been whether to set a date for deploying a nationwide defense. In 1995, as part of the FY1996 defense authorization bill (H.R. 1530), Congress included a subtitle, called "The Missile Defense Act of 1995," that required the Secretary of

Defense to "develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003." President Clinton vetoed the bill, in part because of objections to this requirement. Later, in February 1996, Congress approved a revised version of the bill (S. 1124) that removed the deployment date, though other parts of the Missile Defense Act were retained, including provisions that set dates for deploying TMD systems. The President signed this version of the bill into law.

In 1996, rather than risk another veto battle on the defense authorization bill, the congressional leadership decided to pursue freestanding legislation on missile defense policy. S. 1635 in the Senate, sponsored by Sen. Dole, and H.R. 3144 in the House, sponsored by Rep. Livingston, were identical measures, entitled the "Defend America Act of 1996," that would have required deployment of a nationwide defense by 2003, to be followed by later deployment of a more effective, layered defense including space-based elements. Both bills were reported out of committee, but only the Senate bill was debated on the floor, where a cloture motion failed on June 4, 1996. Cost was a major issue in debate over these bills (see below for a discussion of the cost issue).

In 1997, the congressional leadership again pursued freestanding legislation to set a deployment date, and the issue was addressed indirectly in action on the FY1998 defense authorization bill. S. 7, "The National Missile Defense Act of 1997," sponsored by Sen. Lott, required deployment by 2003 of a defense against only a "limited" missile attack and did not mandate a follow-on layered system. These changes would substantially reduce costs, though CBO declined to provide a new estimate on the grounds that critical information is classified. The Senate Armed Services Committee reported the bill on April 30, but no floor action occurred. The FY1998 defense authorization act (P.L. 105-85) required (1) that the NMD program be structured to support a test in 1999 of a system that could be deployed in 2003 and (2) that the Secretary of Defense report on year by year funding necessary to deploy a system by then.

In 1998, the Senate has again addressed the issue in freestanding legislation. On April 24, the Senate Armed Services Committee reported S. 1873, "The American Missile Protection Act of 1998," a bill that was originally sponsored by Sen. Cochran. The bill is scheduled for floor debate the week of May 11. S. 1873 simply states that "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)." CBO estimates that the bill in itself will have no budgetary impact, though future implementing legislation would have a cost. S. 1873 was brought up on the Senate floor on May 13, but a cloture vote narrowly failed. Neither H.R. 3616, the House-passed version of the FY1999 defense authorization bill, nor S. 2057, the version now being considered in the Senate, establish a date for deploying a nationwide defense.

**Assessing the Threat.** Perhaps the most contentious issue in the debate over a deployment date concerns estimates of likely threats. In assessing threats, officials rely on a National Intelligence Estimate (NIE), originally prepared in 1993 and revised in 1995, that reviewed potential long-range ballistic missile proliferation. Though the NIE remains classified, its key findings have been discussed in several open congressional hearings. The central finding is that no country other than the declared nuclear powers will develop or otherwise acquire ballistic missiles capable of reaching the contiguous

forty-eight states within the next fifteen years. Other conclusions are that the likelihood of an accidental or unauthorized missile launch is very low during periods of stability, though it might increase in times of civil unrest or political crisis; that North Korea's Taepo Dong II missile may be made capable of reaching Alaska and the western-most Hawaiian Islands; that no country now possessing intercontinental missiles is likely to sell them, though technical assistance may be provided; that missile flight tests could be detected and that other, earlier evidence of efforts to acquire missiles could probably be detected years before missiles could be operational; and that continued close monitoring is essential.

Critics of the NIE charged that it was a "politicized" estimate, that it understated the likelihood that whole missiles could be acquired by a rogue state, that it essentially dismissed threats to Alaska and Hawaii, and that it did not adequately review cruise missile threats. The FY1997 Defense Authorization Act required the CIA to appoint a panel to review the NIE. The panel, headed by former Director of Central Intelligence Robert Gates, concluded that the NIE was not politicized, but it criticized the NIE (1) for a "superficial" analysis of the potential for an unauthorized missile attack from the former Soviet Union and (2) for "dismissing" cruise missile threats. On the whole, however, the panel found the NIE's conclusions about ballistic missile threats from rogue states to be persuasive. The General Accounting Office also reviewed the NIE and came to similar conclusions. Threat assessment, however, remains contentious. The Senate report on S. 1873 (S.Rept. 105-175) cites several reasons for uncertainty about the pace at which potential foes could develop long-range missiles.

**Will Early Deployment Freeze Technology?** A key Administration argument is that an early deployment date will freeze technology at a lower, less effective level than would be achieved if deployment were deferred until the threat warrants it. DoD will have to begin procuring the equipment and preparing the missile and radar sites and command and control structures well before the projected deployment date. Given sufficient funds, DoD could continue developing new system components, and it could replace the initial systems when better ones are developed. But DoD has had difficulty finding enough funds even for its current, limited program. General Lyles, the Director of the Ballistic Missile Defense Organization, said that even though additional funding has been added to the program, there are very high risks that the system will not work or will not be ready to deploy within six years. Critics of the Administration plan respond that technology is always evolving and that any system can and should be upgraded over time. They also argue that technology will never be made ready for deployment until a deployment date is established.

**Follow-On Systems and How to Defend All 50 States.** A major part of the missile defense debate concerns whether to deploy a follow-on system and, if so, how extensive it should be. Under the Administration plan, an initial system would consist of, perhaps, 20 ground-based interceptors at Grand Forks, North Dakota, which would later be expanded to 100 interceptors. The initial system would be able to defend against only a very limited strike — a commonly discussed scenario is four single-warhead missiles launched by a rogue state. The 100 interceptor system would be designed to cope with a larger threat — perhaps 20 or 30 incoming warheads. An unauthorized attack, however, might involve substantially larger numbers — a renegade Russian submarine,

for example, could launch 200 warheads.<sup>1</sup> To cope with a threat of that magnitude might require 400 ground-based interceptor missiles deployed at several sites and/or a substantial number of space-based interceptors. Any system based at a single site in Grand Forks might not be able to protect all 50 states — Alaska and Hawaii, especially, might not be covered, and coastal areas of the continental United States might remain vulnerable to some sea-launched attacks.

The Defend America Act of 1996 called for a follow-on system to include space-based elements and to be able to offer a highly effective defense against an unauthorized attack. This led CBO to assume a large and expensive system in its cost estimate. The 1997 congressional leadership proposal, S. 7, required defense against a "limited" threat — presumably fewer than 200 warheads — and did not specify a follow-on deployment with space-based components. The current Senate proposal, S. 1873, does not address the size of either initial or follow-on systems, but calls for a system able to defend the "territory of the United States."

**Cost.** Cost may be the most critical issue in the debate over how sophisticated a missile defense to deploy and on what schedule. Since President Reagan introduced the Strategic Defense Initiative, the United States has spent over \$40 billion on missile defense research and development. Projected costs of procuring and operating a system have varied greatly, depending in part on the size of the system being considered and in part on the source of the estimates. In 1992, the Congressional Budget Office (CBO) estimated a cost of \$85 billion to acquire, but not to operate, the system then being proposed by the Bush Administration, which called for an initial defense against a limited strike, to be followed by a system with multiple land-based sites and with continuing R&D on space-based interceptors. At about the same time, the Strategic Defense Initiative Organization reportedly produced a draft report that projected a cost of \$43 billion to deploy a defense with space-based interceptors and/or lasers. These estimates may reflect potential costs of relatively large systems.

More recently, cost estimates have focused on systems ranging from the limited defense being sought by the Clinton Administration to the more extensive defense implied by the Defend America Act of 1996. In May, 1996, CBO estimated that it would cost \$31 to \$60 billion through the year 2010 to acquire a "highly effective," multilayered system required by the Defend America Act. Later, CBO estimated that an additional \$2-4 billion per year would be required to operate and maintain the system, largely because of the need to replace satellites and to deploy space-based interceptors. The National Security Council estimated it would cost at least \$23 billion to deploy a two-site, ground-based system under the congressional proposal.

Estimated costs of the Administration plan are much lower. In mid-1996, Deputy Secretary of Defense John White reported that the United States could deploy a system capable of defending against a limited rogue nation or accidental missile strike, but not an unauthorized attack, for about \$10 billion. Such a system would begin with 20 interceptors and grow to 100. The Army said in mid-1996 it could deploy an NMD

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<sup>1</sup>For a good overview of the extent of different threats and the size of a defense system needed to respond, see K. Scott McMahon, "Star Wars Comes Down to Earth," *Jane's International Defense Review*, August 1997, p. 25f.

system in four years for \$3.2 billion, and the Air Force said it could do so in five years for \$2.3 billion. CBO issued a new estimate that five different limited NMD systems could be deployed by 2003 at costs ranging from \$4 billion to \$13 billion. These limited systems would cost from \$500 million to \$1 billion per year to operate and maintain. Since S. 1873 does not specify how large a threat to defend against, its ultimate cost implications are unclear.

**Implications for the ABM Treaty and Offensive Arms Reduction.** A final key issue in the debate over National Missile Defense is the status of the ABM Treaty. The ABM Treaty, as agreed to in 1972 and amended in 1974, allows deployment of up to 100 ground-based interceptor missiles at a single site. It prohibits deployment or testing of land-mobile, sea-, air-, or space-based components of a defense against long-range missiles. (Note, however, that the limits on ABM "components," do not apply to "adjuncts," such as missile tracking satellites that would not guide an interceptor.) Administration officials say it is too early to determine whether an effective NMD system might require amendments to the ABM Treaty to allow, for example, deployment at more than one site or use of a space-based component. They say, however, that preserving the ABM Treaty is important to U.S. security and that changes, if necessary, should be negotiated once the architecture of a system is determined.

Major premises of Administration policy are (1) that a defense adequate to protect against likely threats can be deployed within ABM Treaty constraints or with negotiable modifications; (2) changes to the Treaty, if necessary, will be easier to negotiate when the United States can point to the specific threats that require deployment and when the system architecture has been defined precisely; and (3) if the ABM Treaty is abandoned, it will probably be impossible to negotiate further reductions in strategic offensive arms, since Russia — and, perhaps, in the future, other nuclear powers — will be unwilling to limit its deterrent force in the face of even limited U.S. defenses.

For their part, many missile defense advocates in Congress believe that the ABM Treaty is obsolete, especially with the end of the Cold War. They argue that the United States should try to negotiate a transition to a "defense dominant" strategic balance in which offensive arms reductions, together with the deployment of missile defenses, will end the threat of nuclear conflict between the major powers. If the ABM Treaty is to be preserved, others say, the Administration should begin now to discuss the need to adjust the Treaty to allow a limited defense to be deployed. The failure to pursue discussions, they complain, reflects the Administration's lack of commitment to its professed plan to design a system that could be deployed by 2003.