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Statement of

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Subcommittee on National Security and Foreign Affairs

On

"Weaponizing Space: Is Current U.S. Policy Protecting Our National Security"

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Chairman Tierney, Congressman Shays, Members of the Subcommittee, it is my distinct honor to appear before the Subcommittee today with Ambassador Mahley as the Director of the National Security Space Office to discuss the National Space Policy and the policy implications of China's counter space developments to include its January 11, 2007, anti-satellite test. Our appearance here today is an affirmation of the continued efforts to assure space capabilities vital to U.S. national interest and underscores the importance of continued unity of effort in implementing the national space policy.

Every President since President Dwight D. Eisenhower has promulgated space policy. Although the policies have been evolutionary and reflect the increasing maturity and cumulative experience of the nation's activities in space, the key tenets have remained remarkably consistent. One such tenet is the compelling need for a strong national security space sector and the inherent right of self-defense to protect U.S. national interests in space. The current National Space Policy, issued by President Bush in August 2006, is the product of the first post 9-11 assessment of American space policy and reflects changes in opportunities, challenges, and threats facing the United States and its space capabilities. It continues to provide the vision and direction for the conduct of U.S. space activities and is based on a longstanding U.S. commitment to peaceful uses of outer space that allow defense and intelligence-related activities in support of national security.

The evolution of space technology coupled with continued integration of space capabilities into our defense forces has revolutionized defense operations by enhancing the effectiveness of smaller combat forces while concurrently reducing the potential for collateral effects on non-belligerents. Space capabilities enable unmatched battlefield awareness, advanced warning and characterization of missile attacks, precise application of force, synchronization of our combat forces, and essential command and control functions. Space capabilities also underpin many essential elements of the nation's infrastructure and enable diplomatic, informational, military, and economic elements of national power. Space capabilities are integral to U.S. economic, homeland, and national security. The new policy, acknowledging the strategic importance of space to the United States, goes beyond previous policies by identifying space capabilities as a top national priority and vital to U.S. national interests.

The new space policy, consistent with previous national space policies, reaffirms longstanding policy principles, namely: U.S. commitment to the use of outer space by all nations for peaceful purposes; international cooperation; and continued adherence to existing international agreements regarding the use of outer space. These principles also reaffirm that the United States rejects claims of sovereignty by any nation over outer space and any limitations on the fundamental right of the United States to use or acquire data from space, and that the United States retains the right of free passage through and operations in space without interference. Consistent with these principles, the United States views purposeful

interference with its space systems as an infringement on its rights and will take actions necessary to preserve its rights, capabilities, and freedom of action in space including denying, if necessary, adversaries the use of space capabilities hostile to U.S. national interests.

The National Space Policy provides the necessary framework for the United States to enable international cooperation, diplomacy, and required space control capabilities to protect its interests in space. The Secretary of Defense is charged with developing capabilities, plans, and options to ensure freedom of action in space, and if directed, to deny such freedom of action to adversaries. In implementing the National Policy, the Department of Defense balances the need for improved space situational awareness and protection of critical space assets with ensuring we retain the ability to deny an adversary access to space capabilities that can be used for purposes hostile to the U.S. national interests. Should diplomatic efforts fail, the current preferred approach to protect our terrestrial forces from space threats is through the use of temporary and reversible effects. The Department of Defense's goal for space and space-related activities is to continue to provide space capabilities that will ensure the United States has the space power necessary to achieve its national security objectives.

Consistent with its longstanding space policy principles, the U.S. respects and complies with international agreements on the use of space and believes the existing body of international treaties and agreements provide a sufficient legal regime for space. China's counter space developments do not represent a so-

called "arms race in outer space," and arms control is not a viable solution to the challenges posed by potential adversaries seeking to counter the U.S. advantage in space. Inherent complexities in defining what constitutes a "space weapon" and determining effective mechanisms to verify compliance are fundamental barriers to meaningful arms control measures in this area. Without a definition of a space weapon or viable verification measures, arms control negotiations result in loopholes and meaningless limitations that would exclude practical and important uses of space systems and endanger our national security.

The existing international legal framework for outer space, based primarily on the 40-year old Outer Space Treaty, continues to foster an environment that resulted in the expansion of peaceful uses of outer space around the world. Under the current legal regime and national space policy, the United States continues to be a leader in promoting the peaceful and responsible use of outer space through international cooperation, provision of space flight safety data via the space-track.org web site, providing space flight collision avoidance support for both manned and unmanned space missions, and establishing international space debris mitigation guidelines. The United States will continue to be the model for responsible behavior in space and will continue to encourage others to adopt similar behaviors and comply with the current legal regime.

Space is a critical enabler for U.S. forces and the global economy, and potential adversaries have and will continue to seek capabilities to counter this advantage. Chinese counter space initiatives reflect the acknowledgement of the

importance of space capabilities to U.S. national power. China's testing of a direct-ascent anti-satellite system and the on-orbit destruction of a satellite resulting in thousands of pieces of long-lived orbital debris, is not responsible behavior for a space-faring nation. This action is not consistent with: China's stated position on preventing an arms race in outer space; its strong desire for a treaty banning space weapons; and the constructive relationship outlined by President Bush and President Hu, including in the area of civil space cooperation. The contradictions between the China's statements and its actions raise legitimate questions about the credibility of their declaratory policies, statements, and security commitments.

It should be noted that the United States has not conducted a test of a kinetic energy anti-satellite capability since 1985. The world in 1985 was very different than it is today, however. The United States and the Soviet Union were competing in space and other areas, and few countries had space systems. In 2007, however, many other countries are dependent on space systems for research, exploration, business, and national security. In 1985, international space cooperation was the exception, but in 2007 it is the norm. China's anti-satellite test runs directly counter to these trends.

Additionally, China is pursuing a broad-based, comprehensive transformation of its military forces to include space, counter space and information operations, including a modern intelligence surveillance and reconnaissance architecture with advanced space-enabled command and control

and targeting capabilities. China is also developing a wide range of anti-access and area denial capabilities including the direct ascent anti-satellite, radio frequency jammers, lasers, supporting space surveillance, and information warfare capabilities. The lack of transparency into China's defense expenditure, force structure, and overall intentions is most troubling as it could lead to miscalculation of intent and crisis instability.

The rapid maturation of counter space threats, including China's anti-satellite capabilities, will require a broad range of options, from diplomatic to military, to protect our interests in space. In 1985, only a handful of nations were operating in space and, fortunately, many were allies of the United States. Today, however, many nations are becoming space-faring nations. Each such nation by becoming a space faring nation should also adhere to the international outer space legal regime and ensure it is ready to conduct safe space flight operations. The United States has long urged the international community to focus on gaining universal adherence to the current treaty regime. A fielded direct ascent anti-satellite capability will pose a significant threat to low-earth orbiting satellites and could have strategic implications in a regional conflict.

Potential adversaries must understand that an attack on a U.S. satellite will be considered a hostile act. The National Space Policy conveys a clear message on the vital importance of space and our inherent right to protect our interests in space, and enables a broad range of options, from diplomatic to military, to counter these challenges. The response to threats to our space capabilities must

include: (1) encouragement for all nations to adhere to the principles outlined in current treaties and international agreements for the peaceful use of space; (2) continued modernization of our space situational awareness capabilities to ensure ample warning for the protection of space assets; (3) architectural solutions, including Operationally Responsive Space concepts, to ensure that space capabilities are available when needed; (4) capabilities to deny, if necessary, adversaries the use of space in order to protect our capabilities, ensure our terrestrial forces and keep the U.S. homeland safe.

In conclusion, the strategic significance of space activities to the security and defense of the nation, as well as its economic well being, will continue to increase for the foreseeable future. The United States will continue to lead the world in the peaceful pursuit of the advantages that outer space can bring to the international community. The U.S. Government and Department of Defense policies thus recognize that access to and use of space are central to preserving peace and protecting U.S. national security as well as civil and commercial interests for ourselves, our allies, and the international community at large. The National Space Policy is based on long standing principles and provides the framework for the United States to protect its interests in space through continued international cooperation, diplomacy, and space control capabilities to ensure continued U.S. freedom of action in space.