

Statement of Ambassador Donald A. Mahley
Acting Deputy Assistant Secretary for Threat Reductions, Export Controls and
Negotiations
Bureau of International Security and Nonproliferation
United States Department of State

Prepared for
House Committee on Oversight and Government Reform
Subcommittee on National Security and Foreign Affairs

**Hearing on “Weaponizing Space: Is Current U.S. Policy Protecting Our
National Security?”**
May 23, 2007

Mr. Chairman, over the past year, Administration officials have briefed U.S. National Space Policy to Members and staff of both the House of Representatives and the Senate. Prior to its public release on October 6, the Administration briefed eight House and Senate committees on the President’s National Space Policy. Since space is such a vital interest to our Nation, we welcome every opportunity to discuss this topic with the Congress, including at this hearing today. Per your Committee’s request, my remarks will encompass three topics:

- The Administration’s National Space Policy;
- China’s January 11 anti-satellite test; and
- The Administration’s position on space arms control.

THE PRESIDENT'S NATIONAL SPACE POLICY

In June 2002, the President directed the National Security Council to lead an interagency review of U.S. Government space policies. The review resulted in separate policy documents for the commercial remote sensing, space exploration, space transportation, and positioning, navigation and timing sectors. Once approved by the President, the review then focused on the overarching national space policy. The resulting directive -- signed by the President on August 31, 2006, and released to the public on October 6, 2006 -- supersedes the space policy directive signed by President Clinton nearly a decade earlier.

There is great continuity between the President's capstone National Space Policy and the space policy signed by President Clinton. This continuity reflects the Administration's reaffirmation of basic principles articulated a half-century ago by President Eisenhower at the dawn of the Space Age. Foremost among these principles is our Nation's commitment to the free exploration and use of outer space by all nations for peaceful purposes and for the benefit of all humanity.

Another critical continuity across Presidential administrations has been the recognition of the importance of space and the necessity to protect our space assets. For example, the Clinton Administration's policy stated that "the United States will develop, operate, and maintain space control capabilities to ensure freedom of action in space, and, if directed, deny such freedom of action to adversaries. The capabilities

may also be enhanced by diplomatic, legal, or military measures to preclude an adversary's hostile use of space systems and services." This necessity is enduring.

It is universally acknowledged that defense and intelligence related activities in pursuit of a country's national interests fall within the scope of, and are consistent with, the 1967 Outer Space Treaty's provisions mentioning the peaceful uses of space. At the same time, the United States must maintain its right of self-defense, as permitted under the United Nations Charter, to deter and defeat attacks on its space assets and to defend against the hostile use of space by another nation or terrorist group.

CHINA'S ANTISATELLITE TEST

On January 11, 2007, the People's Republic of China conducted a test of an anti-satellite (ASAT) weapon system that destroyed an old Chinese weather satellite in orbit. Despite China's claim that the ASAT test was a peaceful scientific experiment and was not directed at any specific state, the test has to date generated over 1,600 pieces of trackable debris that will present an increased risk to both human spaceflight and satellites for the next 100 years.

This successful test demonstrates China's capability -- should it choose -- to eventually deploy an ASAT system that could threaten satellites and crewed spacecraft of the U.S. and other nations. Furthermore, it is important to note that

China is pursuing a range of high-end, asymmetric military capabilities, including counterspace operations. It is also our assessment that China's interest in counterspace capabilities is not limited simply to a direct-ascent ASAT interceptor.

The Administration has sought to keep the Congress fully informed of these developments. In the wake of the ASAT test, senior civilian and military officials provided classified briefings to Members of the Strategic Forces Subcommittees of both the House and Senate Armed Services Committees, the House Foreign Affairs Committee, the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, and the Defense Subcommittee of the House Appropriations Committee. Administration officials have also provided briefings on the test to a number of congressional staff.

The United States has repeatedly requested an explanation from China regarding its test. In addition to diplomatic channels, U.S. officials have requested that China provide an explanation through a range of technical and military channels. To date, the United States has not received a satisfactory response to our questions concerning China's motivations for the test, the nature of their pre-test analysis on possible debris, and China's plans for additional testing.

SPACE ARMS CONTROL

A number of countries, most notably China and Russia, also have pushed for international discussion of a treaty on the Prevention of an Arms Race in Outer Space (PAROS). The current Sino-Russian treaty proposal would only ban the testing and use of a ground-based ASAT weapon; it would not prohibit its research, development or deployment. It is our position that such a PAROS treaty would not improve the existing legal regime, which has fostered the peaceful exploration and use of space for 40 years.

An important continuity in space policy across the Carter, Reagan, George H.W. Bush, Clinton, and the George W. Bush administrations is recognition of the impossibility of formulating a space arms control agreement that would serve U.S. national security interests. In the late 1970s, the Carter Administration engaged in ASAT arms control negotiations with the then-Soviet Union. The ASAT negotiations failed for a number of reasons, including:

- The impossibility of effectively verifying compliance;
- The difficulties in defining what constitutes an ASAT; and
- The risk of “breakout” (e.g., covertly developing and/or deploying prohibited or constrained capabilities to gain a unilateral military advantage) from the agreement.

With regard to the definitional problem, negotiations were stymied by questions of what capabilities should be limited. Negotiators could not agree on whether “space weapons” included co-orbital interceptors, direct-ascent interceptors and various types of laser and other directed energy weapons. Finally, as negotiations progressed, the Carter Administration additionally recognized that ostensibly non-threatening satellites already in orbit could destroy another nation’s satellites if they were deliberately maneuvered into a direct conjunction and collision.

Years later, the Clinton Administration declined to support negotiations in the Conference on Disarmament on a “Prevention of an Arms Race in Outer Space” (PAROS) agreement. In making its decision, the Clinton Administration concluded that the existing outer space legal regime was sufficient and that there was no “arms race” in space to prevent.

This position is shared by the Bush Administration, which has also stated that it will oppose the development of new, legally-binding arms control regimes or other types of restrictions that:

- Seek to prohibit or limit U.S. access to, or use of, space; or
- Impair the rights of the United States to conduct research, development, testing and operations in space.