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U.S. Representative

***John Spratt***

South Carolina # 5th District

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News Release

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July 13, 2001, For Immediate Release

Contact: Chuck Fant, 202-225-5501

## **Democratic Reaction to Bush Administration Plans to Break Ground on Missile Defense Site in Alaska**

*The following letter to Secretary Rumsfeld was signed by Rep. John Spratt, Ranking Member of the Budget Committee and a senior member of the Armed Services Committee; Rep. Ike Skelton, Ranking Member of the Armed Services Committee; and Rep. Norm Dicks, a senior member of the Appropriations Committee who sits on the defense subcommittee.*

July 13, 2001

The Honorable Donald Rumsfeld  
Secretary of Defense

Dear Secretary Rumsfeld:

We write in reaction to press reports that the Department of Defense intends to begin construction of facilities at Fort Greeley, Alaska, which will include five silos housing anti-ballistic missile interceptors. According to reports, the interceptors may be used for testing and may also be part of an operational system. Construction is to begin as early as next month.

We have supported development of ground-based, mid-course interceptors, and if the interceptors are proven through testing to work we can support deployment, though we strongly believe it should be treaty-compliant. We are senior members of the two defense committees in the House, but knew nothing of your plans at Fort Greeley until we read reports in the press. We are concerned to see you moving so precipitously without consulting Congress and our allies. The work at Fort Greeley may seem a modest step, but it can be viewed as the first move towards withdrawal from the ABM Treaty, which is a major decision. Whatever measures you take, we urge you to take a more deliberative approach to decisions that could have consequences for years to come.

We have more specific questions about the legality of beginning construction next month.

First, initial construction activities will require fiscal year 2001 budget authority or prior year funding. Section 2353 of Title X prohibits the use of research and development funding for

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“new construction,” and five silos are clearly “new construction.” We are not aware of any military construction funding expressly enacted for the purpose of constructing five new test silos at Fort Greeley. We believe it would be a violation of Section 2801 of Title X to use military construction funds for this purpose, and it would clearly breach a longstanding tradition of only building those military construction projects that Congress has specifically approved. Please cite for us the budget authority you intend to use to fund this construction.

Second, since we knew nothing of this project, we would like to know if an environmental impact statement (EIS) has been prepared in accordance with the National Environmental Protection Act, 42 U.S.C. Sections 4321, 4331-4335, 4341-4347. If so, has a record of decision been issued for this particular proposal to base five missile interceptors at Fort Greeley, from which they can be launched for test purposes? Construction of a site to test and launch anti-ballistic missile interceptors would seem to call for an environmental impact statement under the regulations implementing NEPA (32 CFR Part 188). If an EIS has been completed, we would like to have a copy of the pertinent parts that relate to this facility. If an EIS has not been completed, we would like to know how the Department of Defense can move forward without one.

Third, we question how this work can be contracted so quickly. If work is to begin in early August, a contract will have to be let immediately. Will this contract be competitively bid, and if not, what legal authority do you rely upon to justify a sole-source contract?

We raise these concerns as constructive critics. If ground-based, mid-course interceptors are proven to work and can overcome counter-measures, we are ready to help you pass a plan for eventual deployment. But if at all possible, we want to see deployment of missile defenses made by mutual amendment to the ABM Treaty. We do not believe that it will strengthen our security to pull out of the ABM Treaty and rush unproven defenses to deployment, particularly if the Russians react by not retiring more multiple-warhead missiles and by ending programs like Cooperative Threat Reduction. Senator Nunn stated our position well in the *Washington Post* several weeks ago when he said: “We addressed the Cold War’s threats by confrontation with Moscow, but today there can be no realistic plan to defend America against nuclear, chemical, and biological weapons that does not depend on cooperation with Moscow.”

We would appreciate your answers to the questions and concerns that we have raised, and we would welcome your consultation.

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