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The statements submitted to the Congress by the executive branch analyzing the impact of proposed programs on arms control and disarmament policy and negotiations have not accomplished their intended objectives. Findings/Conclusions: The intended objectives of the statements were: to make the executive branch formally and systematically consider the possible effects of proposed programs on arms control; to improve the quantity and quality of information submitted to the Congress on proposed defense programs so it can better deliberate the merits of these programs; and to enhance the role of the Arms Control and Disarmament Agency in the national security policymaking process. Although these objectives are laudable and the idea of having arms control impact statements has merit, the quality of the statements cannot be expected to improve until the executive branch overcomes past difficulties in implementing legislative requirements. Executive branch compliance with the legal requirements has been hampered by interagency disputes over such basic questions as: what programs require arms control impact statements; what information the statements should contain; and the role various agencies are expected to play. Uncertainty over the intended use of these statements by the Congress also appears to have inhibited full disclosure of arms control factors. (Author/SC)

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REPORT TO THE CONGRESS

*BY THE COMPTROLLER GENERAL
OF THE UNITED STATES*



Statements That Analyze Effects Of Proposed Programs On Arms Control Need Improvement

The executive branch has submitted to the Congress two sets of statements analyzing the effects of proposed programs on arms control. Neither was satisfactory. GAO analyzed the process by which these statements were prepared and noted that improvements are needed. The administration is taking actions to improve the quality and usefulness of future arms control impact statements.



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-156900

To the President of the Senate and the
Speaker of the House of Representatives

Section 36 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2576), requires that arms control impact statements be submitted to the Congress in conjunction with requests for authorization and appropriations for nuclear weapons systems and other programs having significant impact on arms control policy and negotiations. This report describes problems the executive branch has experienced in implementing this legislative requirement.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Secretaries of State, Defense, Energy, the Army, the Navy, and the Air Force; the Director, Arms Control and Disarmament Agency; and the Assistant to the President for National Security Affairs.

A handwritten signature in black ink, appearing to read "James A. Stacks".

Comptroller General
of the United States

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

STATEMENTS THAT ANALYZE
EFFECTS OF PROPOSED PROGRAMS
ON ARMS CONTROL NEED
IMPROVEMENT

D I G E S T

The statements that analyze the impact of proposed programs on arms control and disarmament policy and negotiations have not accomplished their intended objectives to

- make the executive branch formally and systematically consider the possible effects of proposed programs on arms control,
- improve the quantity and quality of information submitted to the Congress on proposed defense programs so it can better deliberate the merits of these programs, and
- enhance the role of the Arms Control and Disarmament Agency in the national security policymaking process. (See p. 18.)

These objectives are laudable, and the idea of having arms control impact statements has merit. However, the quality of the statements cannot be expected to improve until the executive branch overcomes past difficulties in implementing legislative requirements. (See p. 26.)

Executive branch compliance with the legal requirements has been hampered by inter-agency disputes over such basic questions as

- what programs require arms control impact statements,
- what information the statements should contain, and
- the role various agencies are expected to play. (See pp. 5, 11, and 14.)

Furthermore, uncertainty over the intended use of the statements by the Congress appears to have inhibited full disclosure of arms control factors. To improve the quality of arms control impact statements, the Congress and the executive branch need to focus on these issues. (See p. 20.)

While the legislation calls on the Arms Control and Disarmament Agency to conduct arms control analyses, it does not specify who should prepare the statements. The law also does not specify the State Department's role in the process, despite its central role in foreign policy matters. Executive branch interpretations of what programs require impact statements have limited the process to analysis of Defense and Energy Research and Development Administration programs, when other agencies, such as the Central Intelligence Agency and the National Aeronautics and Space Administration, could be sponsoring programs that affect arms control. (See pp. 14, 17, and 7.)

Other problems have plagued executive branch compliance with the impact statement requirements. For example, the Arms Control and Disarmament Agency selects programs for analysis but has not succeeded in bringing additional programs into the impact statement process. (See p. 6.)

Terms in the legislation, such as "significant impact," "complete statement," and "negotiations," have caused time-consuming interagency debate and disagreement over what programs should be analyzed and what the statements should contain. Other areas of uncertainty include

--whether the process can be used to examine the arms control impact of certain civilian technologies that could also be used by the military and

--at what stage in the research and development process should programs be considered for analysis. (See pp. 7 and 8.)

The lack of common criteria to be used by all agencies in analyzing programs may have contributed to interagency disagreements over statement content. (See p. 12.)

Has the arms control impact statement process improved the Arms Control and Disarmament Agency's access to information as the Congress intended? The process has not dispelled Defense and Energy Research and Development Administration fears that the information revealed will be used by critics to attack individual programs. The result has been increased formality in communication with the Arms Control and Disarmament Agency at the expense of expeditious day-to-day interagency working relationships. (See pp. 22 and 23.)

Despite executive branch skepticism of the usefulness of the arms control impact statement process, it offers potential both for seeing that arms control issues are considered formally and systematically and for improving the quantity and quality of information reaching the Congress. (See pp. 27 and 28.)

Moreover, the Arms Control and Disarmament Agency can be a leader in the process, without jeopardizing working relationships with other agencies. The State Department, by virtue of its central role in foreign policy matters, can contribute importantly to the impact statement process. (See p. 28.)

Even improved arms control impact statements cannot be considered conclusive evidence that the executive branch considered arms control in its national security policymaking. The arms control impact statement process should complement rather than replace existing mechanisms. (See p. 28.)

Fuller sharing of information, which shows that the executive branch considered arms control aspects of programs in other national security decisionmaking processes, is needed to reassure the Congress that arms control was scrutinized. (See p. 28.)

CONCLUSIONS AND AGENCY COMMENTS

In a draft report sent to the involved executive branch agencies for review and comment, GAO suggested language to amend section 36 of the Arms Control and Disarmament Act to spell out clearly the intended roles and responsibilities of the involved agencies.

GAO further suggested that the Director of the Arms Control and Disarmament Agency develop

- interagency procedures for implementing the arms control impact statement requirements,
- specific guidelines for selecting programs for analysis, and
- specific criteria for analyzing the arms control impact of programs.

The National Security Council, commenting on the report on behalf of the administration (see app. VI), stated:

"We have no major disagreement with the investigative portion of the report, and we generally agree with the GAO assessment that past implementation of Section 36 of the Arms Control and Disarmament Act may have failed to satisfy the intent of Congress."

The Council added that the administration is committed to guaranteeing that the provisions of the Arms Control and Disarmament

Act are fully complied with. The Council believes the administration can do this, without additional legislation, by improving the interagency process.

To provide the administration an opportunity to show that it can achieve the intended objectives of the arms control impact statement legislation, GAO is not making any recommendations to amend the legislation at this time. GAO will closely monitor the impact statement process and will propose amendments to the legislation later, if warranted. (See pp. 28 and 29.)

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ABBREVIATIONS

ACDA	Arms Control and Disarmament Agency
CRS	Congressional Research Service
ERDA	Energy Research and Development Administration
GAO	General Accounting Office

CHAPTER 1

WHY ARE ARMS CONTROL IMPACT STATEMENTS REQUIRED?

During 1974, the Subcommittee on National Security Policy and Scientific Developments, House Committee on Foreign Affairs, subjected the U.S. Arms Control and Disarmament Agency (ACDA) to a comprehensive oversight review. The review included a detailed investigation by the Subcommittee's staff of ACDA's functions and activities as well as extensive hearings exploring a variety of concepts, practices, and changes in legislation to insure widespread executive branch consideration of arms control and disarmament issues in the formulation of U.S. national security and foreign policy.

The Subcommittee said this oversight review came about because the Congress felt that (1) ACDA's effectiveness had diminished, (2) its activities had veered away from some of its original congressional intentions, and (3) it no longer played as strong a role in formulating and executing U.S. arms control policies as it once did.

As a result of the oversight review, amendments to the Arms Control and Disarmament Act were proposed and incorporated in the Foreign Relations Authorization Act of 1975 (Public Law 94-141, adopted Nov. 29, 1975). One new provision--section 26 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2576) (see app. I)--required that "a complete statement analyzing the impact * * * on arms control and disarmament policy and negotiations" accompany requests to the Congress for authorization or appropriations for the following programs:

- Programs of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities, or military vehicles designed or intended primarily for delivery of nuclear weapons.
- Programs of research, development, testing, engineering, construction, deployment or modernization with respect to armaments, implements of war, or military facilities having an estimated total program cost in excess of \$250 million or an estimated annual program cost in excess of \$50 million.

--Any other program involving weapons systems or technology which the National Security Council believes, upon the advice and recommendation of the Director of ACDA, may have significant impact on arms control policy or negotiations.

The new section also required that the Director of ACDA be given "on a continuing basis * * * full and timely access to detailed information" with respect to such programs that require arms control impact statements.

RATIONALE FOR ARMS CONTROL IMPACT STATEMENTS

The underlying assumption of this new requirement was that the arms control implications of military programs, whether positive or negative, should be considered together with the merits of the programs' defense capabilities. Specifically, arms control impact statements were intended to tell how a given program might enhance or detract from attaining the primary objectives of arms control. According to ACDA, these objectives are to reduce the likelihood of armed conflicts, their severity and violence if they should occur, and the economic burden of military programs.

ACDA states that the reduction of armaments is a major objective of U.S. policy, but, by itself, is not an adequate measure of progress toward arms control. Other objectives of U.S. arms control policy are to seek a stable military balance, reduce the possibility of accidents or miscalculations which could lead to war, and decrease the vulnerability of forces. Current or intermittent arms control negotiations which are attempting to deal with these and other arms control issues include the U.S.-Soviet Union strategic arms limitation talks and multilateral discussions of mutual and balanced force reductions in Europe, nonproliferation of nuclear weapons, the banning of chemical and biological weapons, and limitations on conventional arms transfers.

To determine arms control impact, a program is reviewed for both its positive and negative effects on arms control policies and negotiations. Programs which increase stability, make forces less vulnerable, increase deterrence, allow for easy verification, and do not encourage an arms race are examples of positive aspects of arms control. The reverse of these characteristics are generally considered to be negative factors. Since any given program will normally possess

both positive and negative elements, it was expected that these elements would be weighed in the analysis to determine the program's overall contribution to national security.

DISSATISFACTION WITH THE STATEMENTS

Despite these expectations, the first arms control impact statements, submitted to the Congress in August 1976 as part of the fiscal year 1977 authorization/appropriation process, were disappointing to some Members of Congress. The statements were judged to be too few in number, too sparse in content, and too late to be of any use in congressional deliberations over the funding of major defense programs.

- An ACDA official said that of an estimated 70 Defense programs that might legally require statements, only 16 were submitted.
- Most statements were not more than a single paragraph and discussed overwhelmingly the positive aspects of the programs.
- The statements were submitted after the Congress had authorized the Defense budget for fiscal year 1977 and just before the final vote on military appropriations.

Other objections were that the statements lacked analysis, dealt only at the shallowest level with the impact on arms control and disarmament negotiations, and not at all with the impact on policy. Congressional critics complained to the Secretary of Defense and the Administrator of the Energy Research and Development Administration (ERDA) ^{1/} that the statement did not comply with the law, were acceptable, and should be redone.

SCOPE OF REVIEW

Because of congressional dissatisfaction with the initial arms control impact statements, we discussed the process for preparing the statements with executive branch officials to determine (1) what problems had been encountered and (2) whether the legal provisions calling for the statements needed to be clarified or modified. As part of

1/The functions and responsibilities of ERDA were transferred to the newly created Department of Energy on October 1, 1977.

our review we compared executive branch procedures used to prepare the initial annual submissions to those used to prepare the second submissions sent to the Congress on January 18, 1977.

Our review was limited to (1) an examination of the legal requirements for arms control impact statements and the legislative history and (2) executive branch procedures to implement these requirements. During our review, we conferred with officials of ACDA, ERDA, and the Departments of State and Defense, and the staff of the National Security Council.

We did not attempt to critically evaluate the content of the arms control impact statements since the Congressional Research Service (CRS) was analyzing the fiscal year 1978 statements. In April 1977 this analysis was issued together with several sample statements based on criteria CRS felt should be used in assessing the arms control impact of given programs. 1/

1/"Analysis of Arms Control Impact Statements Submitted in Connection with the Fiscal Year 1978 Budget Request," Joint Committee Print, April 1977.

CHAPTER 2

WHAT PROGRAMS REQUIRE ARMS CONTROL

IMPACT STATEMENTS?

Executive branch agencies disagree considerably as to what programs require impact statements. The executive branch, questioning the appropriateness of using dollar threshold criteria to determine if a program requires an arms control impact statement, has not submitted all required statements to the Congress. The discretionary authority to select programs below the dollar thresholds has not brought additional programs into the process. Disagreements have arisen over whether sensitive civilian or dual-purpose technologies should be subjected to the process as well as certain research programs in their early stages.

DOLLAR THRESHOLDS

The dollar thresholds specified in the legislation to determine whether a program requires an arms control impact statement corresponds roughly to Defense Department definitions of major weapons systems. However, strict adherence to these thresholds would bring programs that have little or no arms control impact (such as replenishing conventional ammunition inventories) into the arms control impact statement process. Executive branch officials questioned the need to spend time and analytical resources to prepare statements for such programs that simply do not have significant arms control impact.

Conversely, some programs below the dollar thresholds could have serious arms control consequences. An Arms Control and Disarmament Agency official said that deleterious arms control characteristics of a given weapons system are unrelated to its cost and that development of certain types of inexpensive weapons could have more damaging effects from an arms control standpoint (that is, impact on stability, vulnerability, deterrence, verifiability, and the arms race) than development of some multimillion dollar weapons systems. For example, certain chemical and biological weapons could be developed inexpensively, yet their use would introduce an unacceptable method of warfare.

The dollar threshold criteria could also invite disaggregation of significant programs to evade preparing and submitting arms control impact statements to the Congress and to further reduce the visibility of controversial weapons-related programs. While we noted no deliberate

evasion in this way, we did note that programs were selected for analysis on the basis of line item budgetary data.

Another criticism of dollar threshold criteria is that it forces analysis of each individual program as if it were in a vacuum, ignoring the need to examine individual weapons-related programs in the context of other weapons-related programs and the politics and negotiating tactics of arms control. In reality, the arms control impact of a given system could vary markedly depending on deployment schedules and combinations of other weapons systems. Furthermore, it may be inappropriate to isolate arms control policy considerations of a given program from other foreign policy considerations.

The positive benefits of a program may outweigh its apparent negative features. By isolating arms control considerations, a distorted picture of the value of programs might result. Some critics believe it may be preferable to assess the arms control impact of a group of related programs rather than individual programs. It might also be preferable to assess arms control impact with consideration given to the comparative values of alternative systems to both defense and arms control purposes.

We believe the executive branch should be given some latitude in selecting programs for impact analysis, using the dollar thresholds as general guidelines. However, if the executive branch was given this latitude, the administration should then be required to report the additional criteria it used in selecting programs for analysis.

DISCRETIONARY SELECTIONS

The law gives discretionary authority to the ACDA Director to select programs for arms control impact analysis which do not meet the dollar threshold criteria but which may have significant arms control impact. However, the law only obliges the National Security Council to submit arms control impact statements to the Congress on discretionary selections if it agrees that the programs have a significant impact on arms control and disarmament policy or negotiations.

Thus far, only programs which exceeded one of the dollar thresholds specified in the legislation resulted in impact statements being sent to the Congress. ACDA officials were reluctant to discuss what discretionary selections they proposed to the Director for impact analysis for either year's process. For the first year, we found

that ACDA prepared internal analyses on several programs it believed to have significant arms control impact but which did not result in an arms control impact statement being submitted.

A National Security Council staff member said that, because of time constraints, they decided to limit the number of statements submitted to the Congress in the first year. However, ACDA would not confirm nor deny this as the reason why ACDA's analyses did not result in final impact statements.

We were equally unsuccessful in determining what discretionary selections ACDA made the second year. Our request for a list of possible discretionary selections for the Director's consideration was denied on the grounds that it was an internal working paper prepared solely for the Director of ACDA and his staff to use. We do know, however, that if ACDA made discretionary selections, none has resulted in a final impact statement.

CIVIL PROGRAMS HAVING ARMS CONTROL IMPACT

We also noted some disagreement over whether discretionary authority to select programs for impact analysis extends to nonmilitary technology. The law states that discretionary selections should include

"* * * any other program involving weapons systems or technology which such Government agency or the Director [of ACDA] believes may have a significant impact on arms control and disarmament policy or negotiations."

Defense and the Energy Research and Development Administration believe that the word "weapons" modifies not only "systems" but also "technology" and therefore the law limits discretionary selections to weapons-related technology. ACDA's interpretation, however, is that "weapons" modifies only "systems" and therefore the law does not exempt from the process civilian or dual-purpose technology that might have some arms control impact. Under ACDA's interpretation, ERDA's research into such areas as peaceful nuclear explosions and laser isotope separation could be subjected to the process. Certain programs of the National Aeronautics and Space Administration, the Central Intelligence Agency, and other agencies could also have arms control implications. For example, space satellites are relevant to arms control because of their role in verifying arms

control agreements and their close relationship to military activities.

According to a National Security Council staff member, ACDA expressed an interest in having arms control impact statements prepared for fiscal year 1978 to accompany certain nuclear energy-related research programs that had no direct relationship to weapons. This staff member said that the National Security Council did not call for impact statements on these programs partly because (1) it felt the process should not include civil or dual-purpose technologies, and (2) the specific programs ACDA was concerned about were being dealt with in other forums, including the nonproliferation backstopping committee of the National Security Council.

CONCEPTUAL RESEARCH PROGRAMS

The involved agencies appear uncertain about when in the weapons acquisition process an arms control analysis should be made. Defense and ERDA officials told us that, in their view, most research programs, particularly those in their conceptual stage for which no application had yet been developed, should not be subjected to the arms control impact statement process. ACDA officials believe that the law is flexible enough to permit early analysis of research and development programs. They contend that it is essential to raise arms control concerns as early as possible in the conceptual phase of a program when arms control considerations could shape and direct the program.

Whether the Congress intended for arms control impact analyses to be performed at the conceptual stages is not clear. For example, the House Committee on International Relations report on the proposed legislation specified that programs of a seminal nature which could have far-reaching implications for arms control policy and planning should be subjected to analysis. Yet, another part of the report expressed the Committee's desire to promote an environment conducive to conceptual and exploratory research without encumbering such research with overly exacting analytical requirements.

In our opinion, arbitrarily limiting arms control impact analysis to those programs that have reached a specified stage of development could eliminate some programs having significant arms control impact. Because it is often more difficult to remedy characteristics which are adverse to arms control objectives once they are set, we believe that consideration should be given to the early

stages of development. While we agree that it may not be productive to analyze some research programs in their conceptual stages, we believe programs in their early stages of development should not be arbitrarily eliminated from consideration for impact analysis.

REQUIRED STATEMENTS NOT SUBMITTED

In view of the late November enactment of the arms control impact statement requirements, the executive branch generally concurred that it would be preferable to do thorough impact statements on relatively few cases for fiscal year 1977 rather than to slight many programs requiring statements according to the legislated dollar threshold criteria. A few members of the cognizant congressional committees agreed with the suggested approach, although no attempt was made to reach agreement on the precise number of statements to be submitted or the specific programs to be analyzed.

Ultimately, statements for 16 programs were submitted from a list of at least 70 programs ACDA believed met the statutory requirements. The Congress was not told why these 16 programs were chosen for analysis, nor was any attempt made to list those programs which required statements but which were not submitted because of time constraints. Executive branch officials said, however, that the programs analyzed for fiscal year 1977 were selected to represent a broad range of strategic and tactical missions and each of the military services. (See app. II.)

For fiscal year 1978, the executive branch submitted to the Congress 26 arms control impact statements and a list of 76 other programs that met the statutory requirements but which it described as having no "prima facie" arms control impact. (See apps. II, III, and IV.) Executive branch officials explained that the Congress did not intend the process to be time or resource consuming and that therefore preparation of formal statements describing programs for which there was no arms control impact was inappropriate.

The Congressional Research Service challenged the list of 76 programs which, according to the executive branch, had no arms control impact. The CRS study indicated that impact statements should have been prepared on roughly half of the 76 programs. CRS also identified numerous other programs which it believed warranted impact statements.

We question whether the list of 76 programs with the accompanying description of no arms control impact is sufficient to fulfill the legal requirement for impact statements on these programs even if such determination is accepted as being valid. Moreover, the CRS evaluation also pointed out that the Congress needs to clarify what programs require arms control impact statements.

CHAPTER 3

WHAT SHOULD ARMS CONTROL

IMPACT STATEMENTS CONTAIN?

We reviewed with executive branch officials the criteria used to analyze the arms control impact of defense programs. We concluded that the statements' quality may have been adversely affected by differing agency interpretations of terms in the legislation as well as the lack of common specific criteria for analyzing programs for their arms control impact.

DEFINITIONAL PROBLEMS

Differing interpretations of such terms in the legislation as "complete statement" and "negotiations" appear to have caused time-consuming interagency debate over the content of the arms control impact statements.

The legislation calls for "* * * a complete statement analyzing the impact of [each] program on arms control and disarmament policy and negotiations." What constitutes a complete statement has been central to the interagency debate. During the first year of the process, ACDA officials argued for longer, more comprehensive statements while Defense officials felt short statements were sufficient to comply with legal requirements. In the end, the Defense view appears to have prevailed as evidenced by the actual congressional submissions. One State Department official described the statements as the lowest common denominator.

Disagreements also arose over the meaning of "negotiations." Defense and ERDA argued that negotiations referred only to ongoing, formal international negotiations. ACDA and the National Security Council staff argued that it was necessary to consider what arms control negotiating options a program might open or foreclose in the future, in addition to how those programs might impact on current negotiations. Again, the Defense view apparently prevailed as evidenced by the overview to the January 1977 submissions which points out that the statements identify problems or contributions the programs may pose for, or make to, current arms control agreements and negotiating positions.

To limit the analysis of arms control impact to current negotiations appears questionable. While excessive speculation of possible future arms control negotiations would not be useful, we believe that limiting analysis of programs to their impact on current negotiations is an overly restrictive view of the legislative requirements.

LACK OF COMMON SPECIFIC CRITERIA

The lack of common specific criteria to be used by all agencies in assessing the arms control impact of defense and nuclear weapons programs may have contributed to disagreements over the final form and content of the statements. Executive branch officials advised us that interagency discussions between Defense, ACDA, and ERDA yielded agreement on three major criteria to be followed in assessing the arms control impact of a given system:

- Their effect on international negotiations.
- Their consistency with executive branch policy.
- Their compliance with existing international agreements.

Beyond these broad criteria, each agency was to decide if it wished to apply more specific criteria to its analysis process.

According to ERDA and Defense officials, neither agency chose to promulgate analysis criteria beyond the broad criteria agreed upon. ACDA prepared a detailed set of guideline questions for ACDA analysts to use in assessing the arms control impact. We were told that the agency never formally adopted the guidelines, although individual analysts said they had used them in preparing analyses. The guidelines pointed out that consideration should be given to whether the proposed program would

- be consistent with agreed arms control obligations;
- be consistent with reaching agreement in current negotiations;
- reduce crisis instabilities by enhancing deterrence, improving warning, raising the nuclear threshold, or improving overall command, control, and communications;
- be consistent with force posture requirements;
- reduce technological impact instabilities and uncertainties;
- reduce uncertainty arising from verification of deployment levels or mission identification; and
- reduce the level of potential violence.

In our opinion if the involved agencies had used specific criteria to analyze programs, the analytical characteristics expected of the statements would have improved. Development of such criteria might also have eliminated some of the time-consuming interagency debate over what information the statements should contain.

CHAPTER 4

WHAT ARE THE AGENCIES' ROLES IN THE PROCESS?

Executive branch officials said that the arms control impact statement process is still evolving because of uncertainty over what type of statement the Congress expects. This uncertainty, fueled by congressional dissatisfaction of the first submissions, led to a major change in the statement preparation process the second year. Despite the change, confusion persists over the precise roles of the involved agencies.

FIRST YEAR OF THE PROCESS

Shortly after enactment of the impact statement legislation in November 1975, an interagency steering committee was established to reach an agreement on how to meet the requirements of the law. The committee was chaired by a representative of the National Security Council and included representatives of the Arms Control and Disarmament Agency, Office of Management and Budget, Department of Defense, Central Intelligence Agency, and the Energy Research and Development Administration.

One question to be resolved was whether ACDA or the agencies initiating the programs should prepare the required impact statements. While the legislation calls on ACDA to conduct arms control analyses it does not specifically state who should prepare the statements to be submitted to the Congress with authorization and appropriation requests. Defense and ERDA, the primary agencies submitting defense-related budget requests, should be able to provide comprehensive information on the programs in question. On the other hand, ACDA, as statutory advisor to the President and the Congress on arms control and disarmament, should have the best understanding and knowledge of arms control issues.

The agencies mutually agreed that making ACDA responsible for the statements would place ACDA in an awkward position of having to criticize Defense's and ERDA's program proposals. Creating an adversary role for ACDA vis-a-vis Defense and ERDA in this process might prove counterproductive and undermine ACDA's effectiveness in other arms control activities. The agencies agreed that ACDA's effectiveness depended upon the continued cooperation of other executive branch agencies in sharing information about their programs. ACDA officials, in particular, were not anxious to jeopardize working relations with these agencies by accepting too prominent a role in the impact statement process.

Accordingly, it was agreed that Defense and ERDA would prepare draft impact statements for fiscal year 1977. ACDA would not prepare statements but instead would comment on those prepared by the agencies on the basis of their own internal analyses of the programs as a check on the completeness of the statements. The Department of State, the Office of Management and Budget, and the Central Intelligence Agency would also review the draft statements. Finally, the National Security Council would serve as a mediator in deliberations on what statements would ultimately be sent to the Congress, as well as their form and content.

SECOND YEAR OF THE PROCESS

Dissatisfaction with the original arms control impact statements apparently led to consideration of new procedures for preparing the statements the succeeding year. Agreement could not be reached on new procedural guidelines, and, by November 1976, neither DOD nor ERDA had proposed draft impact statements. Therefore, the National Security Council decided that it would edit ACDA's analyses of the arms control impact of major defense programs which then would be used as the basis for preparing impact statements by an interagency working group. Defense would provide program descriptions to accompany the arms control impact assessments. ERDA would continue to prepare the few impact statements required for nuclear weapons programs. Again, the National Security Council representative would mediate differences of opinion and finalize the statements. Another major change in the process the second year was the addition of an introductory overview statement prepared principally by the State Department with input from other agencies. The overview statement was intended to relate arms control as one element of national security policy to other elements, including military strategy, force posture, and diplomacy.

Despite the agencies' changing roles in the impact statement preparation process, we do not believe the quality or content differed significantly from 1 year to the next. A few more statements were submitted--from 16 to 26--but they were still only a few paragraphs and provided little additional information. In our opinion the only major improvement in the congressional submissions was the addition of the introductory overview statement which helped to place the individual statements in context.

ACDA'S ROLE IN THE PROCESS

The disappointing results of the process thus far may be that the impact statement legislation did not make any

single agency primarily responsible for insuring that the requirements of the law are met.

Apparently, some Members of Congress believe that ACDA should play a larger role in the process. A March 1977 letter from the Senate Foreign Relations Committee to the ACDA Director pointed out that in preparing the legislation it was anticipated that ACDA would play a central role in developing the arms control impact statement program. The Director agreed that ACDA should play a central role in the process and pledged to insure that future statements would comply with the letter and spirit of the law.

So far ACDA has apparently been unable to significantly influence the impact statement process. As discussed in more detail in the preceding chapters, ACDA has experienced problems in convincing other agencies as to what programs require impact statements and what criteria should be used in analyzing programs for their arms control impact.

To gage the quality of the impact statements that might be forthcoming if ACDA were given primary responsibility for preparing the statements, we reviewed 10 of ACDA's arms control impact analyses which had been prepared for ACDA's internal use but which served as the basis for the fiscal year 1978 statements sent to the Congress. Our review showed that although the ACDA analyses were consistently longer and more detailed than the corresponding final impact statements submitted to the Congress, the statements generally appeared to be fair representations of the factors presented in the ACDA internal analyses.

Based on this limited review, we concluded that if ACDA had submitted its 10 internal analyses directly to the Congress instead of the edited versions, the Congress may have received more information on the programs in question but not much more analysis. In only a few cases would additional negative characteristics of the programs from an arms control standpoint have been provided to the Congress. It should be recognized, however, that if ACDA had prepared the analyses for submission to the Congress rather than for internal use by the Director, the content might have been modified.

Although our review of ACDA's internal impact analyses did not lend support to an hypothesis that ACDA-prepared statements would be better than agency-prepared statements, we believe that ACDA can and should play a larger role in the process because:

- ACDA is most experienced in and sensitive to arms control issues.
- ACDA has statutory responsibility for advising the President and the Congress on arms control matters.
- ACDA can more objectively view the programs being analyzed than the agencies initiating these programs.
- Making ACDA primarily responsible for implementing the process might enhance the quality of the statements through increased accountability.

THE STATE DEPARTMENT'S ROLE

Although the impact statement legislation does not specify a role for the State Department in the process, the Department has been involved by virtue of its membership on the National Security Council. So far its role has been limited to commenting on draft impact statements and, for the second year of the process, preparing an overview statement to accompany the individual impact statements.

We believe that it is appropriate that the Department, by virtue of its central role in foreign policy matters, participate in the impact statement process. Because arms control is only one aspect of national security policy, it is important that arms control considerations of individual programs not be viewed in isolation from other aspects of defense and foreign policy. For this reason, we support the Department's continued participation in the arms control impact statement process.

CHAPTER 5

HAS THE PROCESS FULFILLED LEGISLATIVE INTENT?

One standard by which legislatively mandated programs can be measured is whether the program succeeds in accomplishing its intended objectives. Opinions as to how well the arms control impact statement process has worked varied according to individual interpretations of what the law was intended to accomplish. According to the legislative history, congressional intentions in enacting the arms control impact statement legislation were to

- make the executive branch formally and systematically consider the possible effects of proposed programs on arms control.
- improve the quantity and quality of information submitted to the Congress on proposed defense programs, so it can better deliberate the merits of these programs.
- enhance the role of the Arms Control and Disarmament Agency in the national security policymaking process.

This chapter attempts to measure past performance of the executive branch in the arms control impact statement process against congressional expectations of what the process should accomplish. Potential alternatives the Congress might explore to accomplish these objectives are offered after a discussion of executive branch views on the relative burden posed by the impact statement process.

HEIGHTENED CONSCIOUSNESS OF ARMS CONTROL IMPLICATIONS

In enacting the arms control impact statement legislation, the Congress appeared skeptical that the executive branch was fully considering the arms control implications of defense and nuclear weapons programs. Requiring formal statements to be submitted to the Congress was one way that the Congress might be assured that such considerations were made systematically. It was also expected to result in heightened consciousness of the executive branch to the arms control implications of these programs.

Executive branch officials with whom we spoke, including those at ACDA, disagreed with the suggestion that arms control considerations have not been considered fully in past national security policymaking deliberations. They contended that arms control considerations are discussed in many forums at all stages of the policy process and that by the time a decision is made to enter advanced development and procurement, arms control aspects of defense programs have been fully considered. Some of the forums cited were the National Security Council, its committees and working groups, and the Defense Systems Acquisition Review Council.

Despite executive branch claims that the arms control implications of defense programs are considered as an integral part of the policymaking process, some Defense officials said that arms control and national security are entirely separate matters. One official verbalized an attitude we noted in other quarters in stating that "ACDA has their job to do and we have ours."

The Arms Control and Disarmament Act states that "arms control and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole." ACDA officials emphasized their views that arms control measures enhance rather than detract from national security. Yet it appears that in the past arms control considerations may have been made in some cases aside from rather than as an integral part of the national security decisionmaking process. For this reason we believe that although the arms control impact statement process may duplicate efforts that occur elsewhere in the budget cycle, it is nonetheless a valuable tool to insure formal, systematic consideration of arms control implications of defense programs.

INCREASED FLOW OF INFORMATION TO THE CONGRESS

Despite expectations that the process would provide the Congress valuable information to assist in its deliberations on the merits of individual programs, executive branch officials admit that the impact statements thus far submitted have not provided much more information than the Congress is already receiving through other channels. Consequently, they criticized the process as redundant and uninformative.

Protests that the process is "a paper drill" with no real purpose appeared to us to be excuses for the inadequacies of the statements. In our opinion, the Congress, in enacting the legislation, was asking for additional information on the programs rather than the same information they have customarily received. The question must be raised as to why the content of the statements was so sparse that they were of little use to anyone.

One apparent reason is that a certain amount of uneasiness exists over how the information will be used. Defense officials with whom we spoke are clearly concerned that the impact statements will be used by critics to attack Defense Department programs. As a result, these officials feel compelled to disclose as little as possible thereby limiting the damage the statements can do to Defense or ERDA programs.

Defense officials generally feel that the arms control impact statements put Defense at a distinct disadvantage in being able to make a fair, honest case for defense programs. One official said that it was difficult and perhaps unfair to expect program advocates to also provide potential critics with a range of arguments that could be used to criticize the advocated programs. One Defense official put the problem forward more colorfully--"Congress asked us to shoot ourselves in the foot. Now Congress is complaining because we aren't doing it." An ERDA official added that the present system "asks people to stack the deck against themselves."

One ACDA official felt that some individuals were trying to use the arms control impact statement process to discuss subjects more appropriate to the normal defense weapons systems acquisition decisionmaking processes. He felt that discussions of force size and structure, for example, were inappropriate subjects for arms control impact analyses. Defense officials feared that the process might be used to expand the defense and national security decisionmaking community, particularly in the Congress, thereby jeopardizing the national security by increasing the possibility of classified information being publicly leaked.

Despite executive branch objections to the process, we believe that it is entirely proper and reasonable to expect the executive branch to provide the Congress with

information on the arms control impact of its programs. In enacting the impact statement legislation, the Congress was not asking the executive branch to provide only negative information of arms control but instead an evenhanded discussion of how a given program impacts on arms control policy and negotiations. In our opinion, the arms control impact statement process offers the potential for providing the Congress a more balanced picture of the pros and cons of programs than it has previously received from the normal budget process.

ENHANCED ROLE FOR ACDA

The Subcommittee on National Security Policy and Scientific Developments, House Committee on Foreign Relations, 1/ in its September 1974 report stemming from a comprehensive review of ACDA, stated that

"* * * criticism and discontent with ACDA has tended to come from public and congressional proponents of disarmament and opponents or critics of U.S. security and foreign policy. ACDA has been charged--particularly in the last 6 years--with being too 'establishment,' too conventional and unimaginative in thinking, too timid in contesting Government policy and lobbying for its point of view."

One objective of the arms control impact statement legislation was to give ACDA a chance to speak out on arms control issues and thereby enhance its stature in the national security policymaking area.

Thus far ACDA appears to have reluctantly accepted its role. ACDA officials repeatedly emphasized that their effectiveness depends upon the cooperation of other agencies in sharing their information. Accordingly, they are not anxious to jeopardize working relationships by playing

1/Now the Subcommittee on International Security and Scientific Affairs of the House Committee on International Relations.

too forceful a role in the impact statement process. Defense, State, ERDA, and ACDA officials agreed that the impact statement legislation has put ACDA in an awkward position.

Although the Congress has not yet asked the ACDA Director to testify on the arms control impact statements as provided by the legislation, it would be difficult for the Director to testify to positions other than those agreed to by the executive branch. Therefore, if this provision was to provide the Congress with ACDA's independent point of view as to the arms control impact of the programs in question, we are skeptical that this intent will be fulfilled.

ACDA's access to information

A second way of enhancing ACDA's role was to require that the Director of ACDA be granted on a continuing basis full and timely access to detailed information on programs requiring arms control impact statements. Various officials with whom we spoke could not agree on whether ACDA's access to information had improved as a result of this new requirement.

One Defense official said that the new legislation had increased Defense's incentives to provide ACDA information. He explained that by providing ACDA with as complete a picture as possible of how specific programs are intended to meet identified defense needs, Defense can best assure a fair appraisal of the arms control impact of a given program. We were told, however, that public disclosure of information such as quantities of articles to be procured, phasing of procurement, and decisions of the Defense Systems Acquisition Review Council could damage national security. Therefore, Defense officials believe that it is entirely proper to require ACDA to specifically identify the information it wants and to establish a specific "need to know" before it releases certain information.

One ACDA official said that the arms control impact statement process may have actually reduced ACDA's ability to obtain information it needs to support ongoing arms control negotiations. For example, Defense officials used to give ACDA information over the telephone, now these officials want to meet with ACDA staff in person to discuss in detail exactly what ACDA wants and why it wants it. In the past, ACDA would request and be supplied copies of

Defense documents, now ACDA analysts are sometimes only allowed to read requested Defense documents, sometimes not even being allowed to take notes. ACDA officials attributed these recent restrictions to Defense officials' concerns that ACDA might somehow misuse the information in critiquing defense programs as part of the arms control impact statement process.

ACDA may appeal working level decisions to deny ACDA's requests for Defense information; however, one ACDA official told us that ACDA has been reluctant to use this procedure. He explained that the issue of information access to support the arms control impact statement process was not important enough to threaten access to information on more critical issues such as international arms control negotiations.

Clearly, the Congress intended ACDA to be given access to enough information to be able to make fair analyses of the programs' impact. Therefore, it is difficult to understand the view of ACDA officials that the impact statement process is not important enough to press for the information to which it is entitled.

VIEWS OF THE RELATIVE BURDEN OF THE PROCESS

The House Committee on International Relations report on the impact statement legislation noted that although it expected impact statements to be comprehensive, complete and substantive enough for the Congress to exercise independent appraisals, it did not want the process to result in massive and expensive documentation which might lead to the formation of additional bureaucracies or strain existing analytical capabilities.

ACDA officials felt that the arms control impact analysis and statement process had posed some burden on ACDA. One official complained of insufficient staff to adequately represent ACDA on interagency working groups and that the arms control impact statement process further taxed his staff. Another felt that the time spent performing arms control impact analyses detracted substantially from the time available to support ongoing negotiations. The ACDA Director testified at April 1977 hearings before the Subcommittee on International Security and Scientific Affairs that his staff had spent 6,400 staff-hours on the 1978 impact statement process, and that much of this time had been spent defending ACDA interpretations of the legal requirements in interagency discussions.

Defense officials expressed varying views on the relative burden imposed by the process. One official noted that he had spent from 20 to 30 percent of his time over a 6-month period on arms control impact statements and that others within Defense had spent similar time in the process. He attributed much of this time commitment to the fact that the process of drafting arms control impact statements was new, under revision, and that the end product was still not fully accepted by the Congress. He believed that once an acceptable process is achieved which can be followed each year, the time spent preparing the statements should be reduced since many statements would only need to be updated each year. Nevertheless, other Defense officials felt that the time necessary to prepare the statements placed an excessive burden on Defense. ERDA officials agreed with Defense officials.

State Department officials involved in preparing the overview statement to accompany the 1978 impact statements felt that the entire process was burdensome and a tremendous waste of time because the process failed to attain its objectives. It did not provide the Congress with additional information, it did not raise arms control issues that had not been addressed earlier, and it did not enhance the ability of ACDA to function as a member of the national security team.

A National Security Council staff member felt that the process as carried out for fiscal year 1978 was rather burdensome for him since he had prepared all the initial drafts of the arms control impact statements for defense programs from ACDA's analyses. At the same time, he felt the process provided an opportunity to air for one last time arms control issues that might have been omitted in other interagency forums where arms control and national security issues are discussed.

POTENTIAL ALTERNATIVES TO THE ARMS CONTROL IMPACT STATEMENT PROCESS

The present arms control impact statement process is apparently based on two assumptions. The first assumption is that the executive branch was not fully considering the arms control implications of its defense and nuclear weapons programs before undertaking those programs. The second assumption is that (a) the Congress needs to know the arms control implications of U.S. defense and atomic energy programs, and (b) the executive branch has failed to inform the Congress about the implications of these programs in the past.

One approach that might reduce the need to rely exclusively on arms control impact statements would be for the executive branch to make available to the Congress documentation that conclusively demonstrates its consideration of arms control problems in making decisions on U.S. national security, defense, and nuclear energy policy. These include interagency studies such as (1) Presidential Review Memoranda (formerly National Security Study Memoranda) and Presidential Directive Memoranda (formerly National Security Decision Memoranda) produced through the National Security Council, (2) transcripts of the Defense Systems Acquisition Review Council's meetings, and (3) Defense Concept Papers.

The executive branch might not be anxious to make available certain documents which have often been closely held. However, increased communications between the executive branch and the Congress on these matters could be useful to more fully document the claim that arms control issues are fully debated in important interagency forums.

The Congress might also conduct its own independent arms control impact analyses based on data provided by the executive branch. Such data could include weapon system performance characteristics, missions, alternative roles, expected initial operating capabilities, proposed quantities, phasing of deployment, and data on current international negotiations. Staff support to perform this function would need to be considered.

The Congress might also mandate that federally sponsored research projects which exceed certain dollar amounts and which involve technology having potential military applications have a specified percentage of its total value earmarked at the outset to support studies that examine the arms control implications of such developments. The earmarking of funds for this purpose would insure that consideration of arms control impact is made at the earliest possible stage. The difficulty with this alternative would be designating a party to perform the analysis that was knowledgeable of both the intricacies of the technology being developed as well as current arms control policies, issues, and negotiations. Also, the designated analyst would have to be somewhat detached from the research project to offer an independent objective analysis.

CHAPTER 6

CONCLUSIONS AND AGENCY COMMENTS

The arms control impact statement process so far has not accomplished its intended objectives. However, we believe that if certain obstacles are overcome the arms control impact statement process has some potential for assisting the Congress in its deliberations on the funding of major defense and nuclear weapons programs as well as other programs involving sensitive technologies.

Executive branch compliance with the legal requirements has been hampered by interagency disputes over such basic questions as the role various agencies are expected to play in the process, what programs require arms control impact statements, and what information the statements should contain. Furthermore, uncertainty over how the Congress intends to use the statements appears to have inhibited full disclosure of arms control factors. To improve the quality of arms control impact statements, the Congress and the executive branch need to focus on these issues.

The shifting roles of various agencies in the drafting process indicate a clear lack of consensus as to what roles the Congress intended the agencies to play. While the legislation called on ACDA to conduct arms control analyses, it does not specifically state who should prepare the statements to be submitted to the Congress. The law is silent regarding the State Department's role in the process despite its central role in foreign policy matters. Furthermore, executive branch interpretations of what programs require impact statements have limited the process to analysis of Defense and ERDA programs when other agencies such as the Central Intelligence Agency and the National Aeronautics and Space Administration could be sponsoring programs having significant arms control impact.

Other problems have plagued executive branch compliance with the arms control impact statement requirements. For example, strict adherence to dollar threshold criteria for selecting programs for arms control impact analysis would unnecessarily bring programs into the process that simply do not have much to do with arms control and leave other programs out that do. Consequently, the executive branch has not submitted arms control impact statements to the Congress on all programs legally requiring impact statements. Furthermore, ACDA's discretionary authority to select programs for arms control impact analysis has

not succeeded in bringing additional programs into the impact statement process.

Terms in the legislation such as "significant impact," "complete statement," and "negotiations" have caused time-consuming interagency debate and disagreement over what programs should be analyzed and what the statements should contain. Other areas of uncertainty have included (1) whether the process can be used to examine the arms control impact of certain civilian technologies that could have later military application, and (2) at what stage in the research and development process programs should be considered for impact analysis. The lack of common criteria to be used by all agencies in analyzing programs for their arms control impact may have contributed to interagency disagreements over statement content.

We also question whether the arms control impact statement process has significantly improved ACDA's access to information as the Congress intended. While the process has created a set of incentives for Defense and ERDA to see that ACDA is given as complete a picture as possible on programs requiring arms control impact statements, the process has not dispelled fears that the information revealed will be used by critics to attack individual programs. The result has been increased formality in communication with ACDA at the expense of expeditious day-to-day interagency working relationships.

Uncertainty as to how the Congress plans to use the statements and what it expects the process to accomplish may have inhibited full discussion of arms control issues in the impact statements. The content of the statements also appears to have been adversely affected by executive branch views that the process is redundant and no more than a paper drill since

--the Congress already receives much of the information contained in the impact statements as part of the normal budget process and

--the arms control implications of programs have always been made and would continue to be made even without the impact statement process.

Despite executive branch skepticism of the usefulness of the arms control impact statement process, we believe

it offers potential both for insuring that arms control issues are considered in a formal systematic manner and for improving the quantity and quality of information reaching the Congress. Moreover, we believe ACDA can exercise a leadership role in the process without jeopardizing working relationships with the other involved agencies and that the State Department, by virtue of its central role in foreign policy matters, can contribute importantly to the impact statement process.

It should be recognized that even improved arms control impact statements cannot be considered in and of themselves conclusive evidence as to executive branch consideration of arms control aspects in its national security policymaking deliberations. We believe the arms control impact statement process should complement rather than replace existing mechanisms to consider the arms control impact of programs. Fuller sharing of information which demonstrates executive branch consideration of arms control aspects of programs in other national security decisionmaking processes is needed to reassure the Congress that these aspects are being fully scrutinized.

AGENCY COMMENTS

In a draft report sent to the involved executive branch agencies for review and comment, we suggested language to amend section 36 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2576), to spell out more clearly the intended roles and responsibilities of the involved agencies. We further suggested that the Director of ACDA develop (1) interagency procedures for implementing the arms control impact statement requirements, (2) specific guidelines for selecting discretionary programs for analysis, and (3) specific criteria for analyzing the arms control impact of programs.

The National Security Council, commenting on the draft report on behalf of the administration (see app. VI), stated,

"We have no major disagreement with the investigative portion of the report, and we generally agree with the GAO assessment that past implementation of Section 36 of the Arms Control and Disarmament Act may have failed to satisfy the intent of Congress."

In line with our recommendations, the National Security Council advised that the administration is taking the following corrective actions:

- ACDA will assume the bulk of the responsibilities for preparing the fiscal year 1979 arms control impact statements. An improved interagency process will help to resolve ACDA's past reluctance to assume a prominent role in the process.
- A National Security Council working group is developing (1) a set of criteria which will be used for program selection and (2) specific criteria to be applied in analyzing programs for their arms control impact.

The National Security Council further commented that the administration is committed to insuring that the provisions of the Arms Control and Disarmament Act are fully complied with and believes that it can insure compliance with the legal provisions of the act, without additional legislation, through ongoing improvements to the interagency process.

To provide the administration an opportunity to demonstrate that it can achieve the intended objectives of the arms control impact statement legislation, we are not making any recommendations to amend the legislation at this time. However, we will continue to closely monitor the impact statement process and will propose amendments to the legislation at a later date if warranted.

SECTION 36 OF THE ARMS CONTROL

AND DISARMAMENT ACT, AS AMENDED

"ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

"Sec. 36. (a) In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

"(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons.

"(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

"(A) an estimated total program cost in excess of \$250,000,000, or

"(B) an estimated annual program cost in excess of \$50,000,000, or

"(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 35 of this Act, with respect to the nature, scope, and purpose of such proposal.

"(b) (1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program.

"(2) Any request to the Congress for authorization or appropriations for—

"(A) any program described in subsection (a) (1) or (2), or

"(B) any program described in subsection (a) (3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations, shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

"(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

"(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director)."

DATA ON ARMS CONTROL IMPACT STATEMENTS
FISCAL YEARS 1977 AND 1978 BUDGET PROCESSES

<u>DOD Weapon System</u>	<u>Service Branch</u>			<u>Mission</u>		<u>Impact Statement</u>	
	<u>Army</u>	<u>Navy</u>	<u>Air Force</u>	<u>Tactical</u>	<u>Strategic</u>	<u>77</u>	<u>78</u>
B-1 Bomber			X		X	X	X
Air Launched Cruise Missile (ALCM)			X		X	X	X
Mark 12A Reentry Vehicle			X		X	X	
M-X Missile Program			X		X	X	X
Improved Minuteman Guidance			X		X	X	
Maneuverable Reentry Vehicle (MARV)		X	X		X	X	X
Trident Submarine and Missile		X			X	X	X
Submarine Launched Cruise Missile		X			X	X	X
CAPTOR Mine		X		X		X	X
Pershing II Missile Technology	X			X		X	X
XM-753 Nuclear Projectile	X			X		X	X
Minuteman Squadrons			X		X		X
Air Combat Fighter (F-16)			X	X			X
A-10 Aircraft			X	X			X
Close Air Support Weapons System (Laser Maverick)			X	X			X
HARPOON Anti-Ship Missile		X		X			X
Standard Missile		X		X			X
Navy Strike Fighter (F-18)		X		X			X
Ballistic Missile Defense (BMD) Technology	X				X		X
XM 785 Improved 155mm Nuclear Projectile	X			X			X
Non-Nuclear Lance	X			X			X
PATRIOT (SAM-D)	X			X			X
XM-1 Tank	X			X			X
<u>ERDA Warhead/Associated DOD Weapon System</u>							
W-76/Mark 4Trident		X			X	X	X
B-77/B-52 and B-1			X		X	X	X
W-78/Mark 12A Reentry Vehicle			X		X	X	X
W-79/8-inch Projectile	X			X		X	X
W-80/ALCM, SLCM, Short Range Attack Missiles		X	X		X	X	X

UNCLASSIFIED VERSION OF SAMPLE IMPACT STATEMENT
SUBMITTED TO THE CONGRESS JANUARY 18, 1977

Air Launched Cruise Missile (ALCM)

ARMS CONTROL IMPACT INFORMATION

Program Description.—The ALCM is a subsonic, air-to-ground missile planned for deployment with the heavy bomber force. There are two configurations being developed. The basic ALCM configuration is for internal or external carriage and is interchangeable with the Short Range Attack Missile (SRAM) on either the SRAM rotary launcher or SRAM pylon. The second configuration is an adaptation of the basic ALCM and provides an extended range capability. The extended range ALCM is carried externally on the B-52 SRAM pylon. Both configurations are designed to carry a nuclear warhead [deleted] which can be used to attack targets with minimum collateral damage. Simultaneously, ALCMs increase bomber survivability by providing area defense dilution and reduced bomber low level routing. The ALCM advanced development test program has demonstrated missile system feasibility and has verified previous cost and performance estimates. Maximum commonality is being pursued with ALCM and the Navy Tomahawk engine, warhead, and guidance components. Fiscal year 1978 ALCM activity includes full-scale development and test activities leading to an operational capability in 1980. ERDA is providing the warhead in accordance with the joint AEC/DOD agreement of March 1953.

Arms Control Implications.—The ALCM program is consistent with all present U.S. arms control obligations, policies and negotiations. The Interim Agreement, in particular, does not cover bombers or bomber weapons such as ALCMs. Limitations on cruise missiles are, however, under active consideration in the SALT II negotiations and the U.S. has offered some substantial concessions on cruise missiles in the context of limitations on Backfire; however, the two sides have not yet reached agreement on such limitations.

Credible deterrence and continued strategic stability will be enhanced by maintaining an effective strategic bomber force as one element of the strategic TRIAD. ALCMs deployed in B-52s will maintain that bomber's effectiveness against improving Soviet air defenses which are not constrained by any SALT limitations. A mixed bomber force (B-52s with ALCMs and B-1s) is considered to be an effective way of maintaining the capability of the strategic bomber component of our deterrent force, and thus contributes to stability. ALCMs would not increase the total number of separate strategic delivery vehicles nor the number of weapons a bomber could carry; but they would increase the number of credible penetrating targets presented to Soviet air defenses, thus diluting the effectiveness of area air defenses. They would also permit more flexible bomber routing and targeting, further decreasing bomber exposure to defenses. ALCMs could also play an important non-strategic role in maintaining regional stability in the face of growing Soviet theater strike capabilities.

Further, because of the bomber's long time of flight, ALCMs would not add significantly to either side's first-strike potential. The undetected and timely arrival on target of cruise missiles could not be planned with high confidence, compared with ballistic reentry vehicles.

Verification of arms control limitations on ALCMs is a difficult problem. Cruise missile range, for example, is difficult to verify because range can be extended through non-detectable changes in flight profile or payload fuel ratios. Many of these uncertainties, particularly those in range and payload, are common to all cruise missile limits. The Soviet Union already has deployed large numbers of short and intermediate-range ALCMs whose range could be difficult to verify under a SALT agreement.

Cruise missiles represent an area in which current U.S. technological advantages can offset Soviet quantitative improvements. The ALCM development program requested in the current budget will proceed so as to be consistent with any agreement reached in SALT II.

LIST OF 76 PROGRAMS DETERMINED TO HAVE
NO IMPACT PRIMA FACIE ON CURRENT
ARMS CONTROL POLICY AND NEGOTIATIONS
SUBMITTED TO CONGRESS ON JANUARY 18, 1977
TO ACCOMPANY THE ARMS CONTROL IMPACT STATEMENTS

Army programs

Improved Hawk. Continued procurement and improvement of the currently deployed Army Improved Hawk low to medium air defense system to meet authorized inventory objectives.

AH-1H (Cobra Tow). Continued procurement and improvement of the two-place attack helicopter which carries the TOW missile and other conventional weapons. This aircraft is presently deployed.

OH-47 (Ohiosook). Research and development to the currently deployed tandem rotor helicopter which provides air mobility for artillery weapons, engineer equipment, ammunition, fuel, food, troops, general cargo, medical evacuation, and recovery of downed aircraft.

UTTAS (UH Tac Trans Sup). Continued development and procurement of transport helicopter designed to lift an infantry squad in tactical assaults and related combat support missions.

Chapparral. Continued procurement and improvement of an IR-cooling missile which provides fair weather, low altitude air defense for Army and Air Force units.

Vulcan. Research and development to improve the effectiveness of the 80mm, 6 barrel Gatling gun, designed to engage targets at speeds to 450 knots with an air defense and ground support role.

Copperhead (CLOP). Continued development and procurement of a 155mm cannon launched guided projectile designed to attack both stationary and hard point targets, such as tanks, with a high probability of achieving first round kills.

Hellfire. Continued research and development of a helicopter point-fire antitank weapon; the first missile designed specifically for helicopter use.

Roland. Continued technology transfer and initial procurement of an all-weather highly mobile, air-transportable, short-range air defense system to provide defense in the battle area against high performance, low flying aircraft; will replace the Chapparral.

Stinger. Continued development and procurement of a manportable, shoulder fired, infrared bombing air defense weapon to replace the Bodeye.

Advanced Attack Helicopter (AAH). Continued research and development of a highly mobile and responsive aerial antitank weapons system capable of fighting and surviving in a mid-intensity conflict.

High Energy Laser (HEL) Components. Continued research and development to investigate the feasibility of using the laser as a weapon (laser output used directly to heat, and thereby damage or destroy, targets) in a variety of roles.

Dragon. Continued procurement of a lightweight, manportable antitank missile weapon for the infantry platoon.

Tow. Continued procurement of a heavy antitank missile weapon for maneuver battalions; also fired from attack helicopters.

M113A1 APC. Continued procurement and improvement of the basic full-tracked armored squad carrier for infantry and combat engineers; also used as a TOW and reconnaissance vehicle.

M106A1 How. Continued procurement and improvement of a long tube extended range version of the Standard M109 self-propelled 155mm howitzer. Fires both conventional and nuclear rounds.

M110A2 How. Continued procurement and improvement of an improved self-propelled 8-inch howitzer. Fires conventional and nuclear rounds.

Mechanized Infantry Combat Vehicle (MICV). Continued development and initial procurement of an armored, tracked infantry combat vehicle providing a capability to fight-on-the-move and battlefield mobility.

M60 Series Tank. Continued procurement improvement and modification of the current U.S. main battle tank; a 105mm tank with a four-man crew.

M198. Testing and initial procurement of a towed 155mm howitzer, air transportable by CH47C helicopter to replace the M114A1 towed howitzer; provides increased range and improved reliability and maintainability.

M88A1 Recovery Vehicle. Continued procurement of a full tracked, armored, tank recovery vehicle; performs hoisting, winching, and towing needed to repair tanks and armored vehicles.

Conventional Ammunition. Various Army programs concerned with the procurement of standard conventional ammunition including small arms, artillery, and tank ammunition for replenishment and inventory buildup.

Track and Wheeled Vehicles. Continued development or procurement of track and wheeled vehicles designed for command and control, weapons and personnel carrier, logistic or engineer functions.

AH-1 (Cobra) (MOD). Continued application of a series of modifications to the AH-1 attack helicopters to add the TOW missile system, larger engine, transmission and drive train components and other improvements.

UH-1 (MOD). Continued modification of the UH-1 transport helicopter to improve product reliability, maintainability, and safety.

EH-1H (MOD). Modification of EH-1 electronic helicopter to provide radio communication intercept and jamming capabilities.

AN/TSQ-78. Continued development and procurement of an automated air defense command and control system that provides target detection, threat evaluation, and weapons assignment.

Improved TOW Vehicle. Continued development and procurement of a protected TOW system for the present M113A TOW carrier.

Low Altitude, Forward Area Air Defense System (LOFAADS). Development of a rapid fire, medium caliber, radar controlled air defense gun; to be mounted on a truck chassis with armor protection sufficient to enable full operation on an armor battlefield; to replace Vulcan.

TACSATCOM. Continued procurement of a family of manpack and mobile Tactical Satellite Communications (TACSATCOM) terminals to significantly improve the quality, range, and reliability of tactical communications.

AN/VRC-12. Continued procurement of the basic family of FM radios, used by Army tactical forces.

KY-57. Continued procurement of the manpack/vehicular configuration of the Vinson Combat Net Radio Security Equipment, it secures VHF/UHF, AM/FM radios, and tactics' wirelines. It can be powered from a battery or a vehicular power supply.

Tacfire. Continued procurement and improvement of an on-line tactical computer system for Army field artillery units Tacfire increased artillery fire support, response, accuracy, and effectiveness.

Radar Set, Mortar Loc (TPQ-36); Radar Set, Arty Loc (TPQ-37). Continued development and procurement of two target locating radars which comprise the Firefinder program. They will acquire incoming mortar and artillery projectiles and provide precise location of enemy weapons for immediate counterfire.

Navy Programs

SSN-688. A high speed single screw, nuclear powered attack submarine. The FY 1978 request is for continued procurement of these ships under an ongoing authorized program.

AD. Procurement of a destroyer tender designed to provide necessary material and shops for the calibration, test, and overhaul of equipment and the accomplishment of repairs and intermediate level maintenance for surface combatants operating from advanced sites.

AO-177. Procurement of a fleet oiler designed to operate as a unit of an under way replenishment group to effect rapid delivery of petroleum products to naval forces operating at sea.

T-ATT-166. Procurement of a fleet tug designed to salvage and take in tow ships of the fleet which are battle damaged or non-operational.

AIM-7E/F. Continued procurement of a conventionally armed radar guided (SPARROW III) missile used in air-to-air and ship-to-air weapons systems now in the inventory.

AIM-54A (Phoenix). Continued procurement of a conventionally armed air-to-air guided missile carried aboard the F-14 aircraft in order to replenish training ammunition expended and to outfit new squadrons.

MK-48 Torpedo. Continued procurement of a presently deployed conventionally armed acoustic homing torpedo employed by submarines against submarine and surface ship targets.

MK-15 CIWS (Phalanx). Procurement of a close-in, small caliber weapons system designed as a fast reaction, terminal defense against anti-ship missiles. It consists of a search/track radar, digitalized fire control system and 20mm gun.

EA-6B (Prowler). Continued procurement of a four place derivation of the current A-6 jet aircraft equipped to conduct electronic warfare from land or carrier bases.

A-7E (Corsair II). Continued procurement of a single place currently deployed carrier based jet attack aircraft employed in the close tactical support and interdiction roles.

F-14A (Tomcat). Continued procurement of the current two place, carrier based air superiority/fleet air defense fighter capable of air-to-air combat and air-to-surface attack missions.

CH-53E (Super Stallion). Procurement of the current shipboard compatible heavy lift, multi-purpose helicopter configured for both Navy and Marine Corps missions to improve lift capability.

P-3C (Orion). Procurement of additional numbers of this land based, four engine turboprop ASW patrol plane equipped to detect and destroy enemy submarines.

E-26 (Hawkeye). Continued procurement of carrier based, twin engine turboprop airborne early warning aircraft which provides warning of approaching enemy units and vectors interceptors into attack position.

AV-8B. RDT&E funding to develop an improved vectored thrust V/STOL aircraft.

LAMPS MK III. Modernization of the current Light Airborne Multi-purpose System, a computer integrated ship/helicopter sensor/weapon system designed to extend the offensive capabilities of surface combatants beyond the range of ship sensors by use of helicopter platforms with data link.

AGM-68 HARM. RDT&E funding to develop a high speed air-to-surface anti-radiation missile armed with a conventional warhead. This weapon is designed to destroy/suppress enemy air defense radars.

Surface Effect Ship (SES). RDT&E funding for a multi-thousand ton ship which will be designed and constructed using a rigid sidewall air cushion concept and will be capable of open ocean operations at speeds over 80 knots.

CSGN. Procurement of a new class nuclear powered cruiser designed to carry the AEGIS Weapon System and which will be capable of both independent offensive operations and operations in support of other forces in high threat areas.

DDG-47. Procurement of a new class of gas turbine powered guided missile destroyer designed to carry the Aegis Weapon System and which will be capable of operating in support of strike, ASW and amphibious forces.

FFG-7. Continued procurement of a new class gas turbine powered guided missile frigate capable of supplementing planned and existing escorts in the protection of replenishment groups, amphibious forces and convoys.

CGN-9. Modernization of the cruiser U.S.S. *Long Beach*.

Advanced ASW Torpedo. RDT&E funding to upgrade to MK46 torpedo and to develop a lightweight torpedo for surface and air ASW platforms.

Test Bed Development and Demonstration. RDT&E funding to develop and test high energy laser components/subsystems to validate laser weapon concept in the ASMD role.

Air Force Programs

Advanced Ballistic Reentry Systems (ABRES). A continuing DOD advanced development program on reentry system technology to improve the efficiency of existing or future ICBM's and SLBM's.

Advanced Tanker-Cargo Aircraft (ATCA). A program to modify off-the-shelf wide-bodied aircraft which will provide a long range air refueling capability and exploit the aircraft's inherent cargo carrying potential.

F-3A, Airborne Warning and Central System (AWACS). Provides for a world-wide deployable and totally mobile, flexible all altitude overland and overwater radar surveillance, command, control, and communications systems using electronics installed in a modified Boeing 707-326B aircraft.

E-4, Advanced Airborne Command Post (AABNOP). A modified Boeing 747 aircraft specifically equipped with advanced command, control, and communications equipment to serve as the National Emergency Airborne Command Post for the National Command Authorities and as the Strategic Air Command Airborne Command Post.

F/TF15A Fighter Aircraft. Continuation of the current procurement and deployment programs of the F-15 non-nuclear capable advanced tactical fighter aircraft and further RDT&E efforts to complete developmental avionics test equipment and flight test support anticipated follow-on items.

Satellite Data System. A multi-purpose, polar coverage communications satellite which will provide secure and reliable communications over the north polar regions in support of the Air Force Satellite Communication System for command and control communications of strategic forces.

Defense Support Program. Satellite system which supports the Worldwide Military Command and Control Network.

Defense Satellite Communications System (DSCS). Satellite Communications system which supports national security communications requirements for the Worldwide Military Command and Control network and crisis management.

Advanced Drone/Remotely Piloted Vehicle (RPV). Advanced development of systems and subsystems for Air Force reconnaissance and electronic warfare drones and RPV's including initiation of a prototype development of a cost effective, multi-mission drone/RPV.

Tactical Air Intercept Missiles. Provides for continued development and acquisition of AIM-91 Sidewinder, and AIM-7F Sparrow conventionally armed tactical air-to-air missiles.

Tactical Air-to-Ground Missiles. Provides for anti-radiation conventionally armed air-to-ground missiles (i.e., AIM 45A/Shrike and AGM-88) which detect and destroy or suppress enemy radars, primarily surface-to-air (SAM) radar guidance sites.

AGM-89, Short Range Attack Missile (SRAM). A presently deployed strategic, stand-off, air-to-surface missile launched from a B-52 C/H, FB-111 or B-1 aircraft for purposes of attacking and destroying soft and medium hard military and urban-industrial targets defended by sophisticated defenses.

Modification of In-Service Aircraft. Provides for modification of in-service aircraft, training devices and support equipment necessary for safety, extension of service life, and to incorporate operational improvements after an aircraft has entered service. Aircraft modifications include the L-52 (electronics, avionics, command and control), F/RF-4 (electronics avionics), F-111 (electronics, airframe/engine), EF-111 (electronics), C-5A (structural), C-141 (cargo stretch and aerial refueling), and C-185 (electronics, structure).

Aircraft Spares and Repair Parts. Provides funds for centrally procured and managed, investment type spare components and repair parts for aircraft being procured, aircraft in inventory, the USAF modification program, and related aircraft support equipment.

Aircraft Support Equipment and Facilities. Provides for items of aerospace ground support equipment which are required to service and test aircraft and their components; for production component improvement; for industrial machinery, equipment and facilities required in the manufacture of items.

Modification of In-Service Missiles. Provides for updating, modification of missile systems and drones, direct ground support equipment, missile training equipment, and components of this equipment in order to improve reliability, enhance performance and increase maintainability.

Precision Location Strike System (PLSS). Continuing engineering development of electronic equipment designed to locate and strike enemy tactical surface emitters and non-radiating targets.

Space Shuttle. Assure utility to DOD of the NASA developed Space Transportation System, and the acquisition and operation of general purpose shuttle launch and landing facilities.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

July 20, 1977

Mr. J. K. Fasick
Director
U.S. General Accounting Office
Washington, D. C. 20548

Dear Mr. Fasick:

We are in receipt of your July 1, 1977, request for comments on the GAO draft report, Improvements Needed in the Arms Control Impact Statement Process. Although you have requested individual comments from five separate Executive Branch agencies -- my staff, the Departments of State and Defense, ERDA and ACDA -- I would prefer to provide you a single Administration position on your draft report to ensure that there is no confusion as to the Executive Branch position,

Accordingly, the Administration will provide you a single coordinated set of comments by approximately August 1, 1977.

Sincerely,



Christine Dodson
Staff Secretary

cc: The Secretary of State
The Secretary of Defense
The Director, Arms Control and
Disarmament Agency
The Administrator, Energy Research
and Development Administration

MEMORANDUM

NATIONAL SECURITY COUNCIL

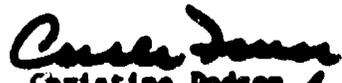
August 24, 1977

MEMORANDUM FOR:

MR. J. K. FASICK
Director, U.S. General Accounting Office
Washington, D.C. 20548

SUBJECT: Response to GAO Report "Improvements Needed in
the Arms Control Impact Statement Process

I am forwarding herewith the Administration's response to the GAO report
"Improvements Needed in the Arms Control Impact Statement Process."


Christine Dodson
Staff Secretary

Response to GAO Report "Improvements Needed
in the Arms Control Impact Statement Process"

General

The draft GAO report on Arms Control Impact Statements (ACIS) has outlined a number of concerns dealing with the submission of impact statements to the Congress, the content of those statements, and the role of the various agencies in the ACIS development process. We have no major disagreement with the investigative portion of the report, and we generally agree with the GAO assessment that past implementation of Section 36 of the Arms Control and Disarmament Act may have failed to satisfy the intent of Congress. However, we do not believe that additional legislation is necessary at this time to improve the quality and usefulness of future ACIS submitted to Congress.

This Administration is committed to insuring: that the provisions of the Arms Control and Disarmament Act are fully complied with; that the Executive Branch considers the arms control aspects of weapons systems in developing its defense program; and that Congress is provided timely and pertinent information concerning programs whose impact on arms control negotiations need to be considered prior to weapon system production and deployment. We believe, however, that these three objectives can be achieved without additional legislation, through ongoing improvements to the interagency ACIS development process, under the aegis of the National Security Council (NSC).

These improvements are discussed briefly, below, in the context of the three general issues identified in the GAO Report: (1) the roles of the various agencies; (2) program selection; and (3) ACIS content.

Roles of the Various Agencies

One of the objectives of the Arms Control and Disarmament Act was to enhance the role of the Arms Control and Disarmament Agency (ACDA) in the national security policymaking process. The GAO report alleges that Executive Branch agencies -- including ACDA -- have been confused about their various roles and responsibilities in the ACIS development process, and that specific legislation is needed to define explicitly agency roles and responsibilities. The NSC has asked ACDA -- and ACDA has agreed -- to accept the responsibility for preparing the initial drafts of ACIS for FY 1979. However, to ensure that ACIS reflect an Administration -- vice a single agency -- position, the development

oā comprehensive ACIS requires coordinated action by a number of other agencies in the Executive Branch in addition to ACDA. We believe that the improved NSC interagency process will result in Administration-backed ACIS which will prove satisfactory to the Congress. The improved NSC interagency process will also help to resolve another issue outlined in the GAO report -- specifically, ACDA's past reluctance to assume a prominent role in ACIS development for fear of jeopardizing working relationships with other agencies. We are concerned that GAO's proposed amendments to the legislation would generate the opposite effect by making ACDA more directly responsive to Congress, thereby diminishing ACDA's effectiveness as a participant in the deliberative process within the Executive Branch. Given the Executive Branch's recognition of ACDA's enhanced role in ACIS development, we do not believe that legislation formalizing this fact is necessary or desirable.

We agree that the Department of State, by virtue of its central role in foreign policy matters, should continue to participate in the preparation and review of ACIS. However, we do not believe that legislation should be enacted which would assign a specific role to the Department since such a role can easily be accommodated within the NSC interagency process.

Program Selection

The GAO report has identified a number of issues related to the process by which programs requiring an ACIS are selected. The Executive Branch is aware of these issues, and is attempting to resolve them, again through the improved NSC interagency process.

There has been considerable disagreement in the past within the Executive Branch on which programs require impact statements. It is clear that strict adherence to the dollar thresholds specified in the existing legislation to determine whether a program requires an impact statement is not an appropriate criterion, since such adherence brings programs into the process that have little or no arms control impact. But we would not recommend changing the law at this time to attack this one point.

The selection of programs for arms control impact analysis for FY 1979 will be accomplished via the NSC interagency process. An NSC Interagency Working Group is presently developing a set of criteria which will be used for program selection; the criteria will be based on the law, consideration of the Congressional Research Service (CRS) recommendations, and will incorporate additional thoughts we have had to improve the ACIS process.

ACIS Content

The lack of common specific criteria for analyzing the arms control impact of programs has caused much of the Congressional disillusionment

with past ACIS. In order to preclude this in the future, the NSC Interagency Working Group is currently addressing the matter of statement content and is developing specific criteria to be applied in analyzing programs for their arms control impact. The views provided by various members of Congress and the model impact statements prepared by the CRS have been reviewed in formulating the criteria being developed by the interagency group. We believe, therefore, that it is unnecessary to mandate such criteria through legislative amendment.

We are also giving consideration to the arms control impact of current or proposed systems on existing as well as potential arms control negotiations. While we feel that excessive speculation regarding possible future arms control negotiations would not be useful, we also recognize the necessity to analyze the possible impact of systems on those future negotiations which may be reasonably anticipated.

Conclusion

The Administration is determined to insure that the ACIS development process supports the substantive evaluation of the arms control impact of defense programs. The Arms Control and Disarmament Agency will have the bulk of the responsibilities for preparing ACIS which, based on interagency review, should provide the Executive and Legislative Branches with the information necessary to make defense-related programming decisions in the arms control context. We do not believe that Section 36 should be amended until the new Administration has had an opportunity to demonstrate that it can satisfy the letter and spirit of the existing Arms Control and Disarmament Act.