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Europe, Eurasia, Energy and the Environment

**Russia and Arms Control: Extending
New START or Starting Over?**

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Mr. Chairman, Ranking Member Kinzinger, members of the subcommittee, thank you for the opportunity to appear today to discuss the importance of arms control agreements with Russia. This hearing is timely, given the imminent demise of the Intermediate Range Nuclear Forces Treaty and the looming expiration of the New START Treaty.

For nearly five decades, dating back to the Nixon Administration, the United States and the Soviet Union, and its successor state the Russian Federation, have engaged in negotiations and concluded agreements to limit the size and scope of our respective strategic nuclear arsenals, which have the potential to destroy the planet many times over. We engaged in such discussions not only when bilateral relations were improving -- such as during the era of détente in the 1970s -- but even during the height of the Cold War in the early to mid-1980s. Forged by both Democratic and Republican presidents, and with bipartisan support from the U.S. Congress, these agreements have led to sizable reductions in the nuclear forces of both countries, enhanced strategic stability, and measurably advanced our security.

Former Secretary of Defense Bob Gates, who could hardly be accused of being naïve about Russia, stated the issue as a binary choice nearly a decade ago in presenting the New START Treaty to the Senate: “the key question [during this period] has always been the same: Is the United States better off with a strategic arms agreement with Russia, or without it?” The answer, he said then, has always been the same: “with an agreement.”¹

That is a question the United States again confronts, as the United States and Russia consider whether to extend the New START Treaty, which expires in 18 months. In practical terms, this would be a simple undertaking: the treaty can be extended for another five years if both parties agree to it. The President can take this step without obtaining the advice and consent of the U.S. Senate.

An extension would bring significant benefits to American security, for the same reasons that the treaty was a good idea in the first place: the transparency and predictability that the treaty provides – which thereby contribute to strategic stability between the world’s two largest nuclear powers. Let me briefly address these elements:

Transparency: the New START Treaty contains several provisions that allow each party to assure itself that the obligations are being met by the other party, and, as important, visibility into the nuclear posture of the other party. These include twice-yearly exchanges of data regarding our respective forces, regular notifications related to a range of activities -- including advance notification of launches -- and intrusive, on-site inspections of the military bases on the territory of the other party where nuclear forces

¹ “The New START Treaty, Hearings before Senate Comm. on Foreign Relations, S. Hrg. 111-738, at 45-46 (2010).

are based. Since the treaty entered into force in 2011, the two parties have exchanged over 18,000 notifications² and conducted over 300 on-site inspections.³ The treaty also provides for regular meetings in a bilateral commission to discuss issues of concern about the operation of the treaty.

These data exchanges, and the ability to verify Russian reporting through 18 annual inspections – which involve American personnel on the ground inside Russian military facilities -- provide invaluable information that our national technical means alone cannot duplicate. General Hyten, the Commander of U.S. Strategic Command, told your Senate colleagues in February that the insight provided by the verification measures is “unbelievably important” to his understanding of Russian force posture.⁴

Consider for a moment a world without such transparency. Over time, in the absence of a treaty, our confidence levels about the size, location and nature of the Russian forces would decrease.⁵ Of necessity, the intelligence resources required to monitor such forces would increase, but they would not yield information equivalent to that which can be obtained through the treaty’s inspection regime.⁶ The increased collection on Russian nuclear forces would inevitably result in reduced focus by the intelligence community on other priorities. You should not take my word for it. I would urge the subcommittee to solicit the opinion of the Director of National Intelligence about what would be lost if the treaty expires, the costs and resources required to monitor Russian nuclear forces in that circumstance, and the tradeoffs required. The National Intelligence Estimate prepared in 2010 in connection with New START would also provide information in this regard.

This transparency even extends to certain information being made public, thereby providing not only the U.S. public but also other countries evidence that the treaty limits are being honored. The most recent data made public by the United States indicate that

² “New START Treaty,” Department of State, <https://www.state.gov/new-start/> (data as of July 11, 2019) (accessed July 16, 2019).

³ “New START Treaty Inspection Activities,” Department of State, <https://www.state.gov/new-start-treaty-inspection-activities/> (data as of June 27, 2019) (accessed July 16, 2019).

⁴ “Hearing to Receive Testimony on U.S. Strategic Command and U.S. Northern Command in Review of the Defense Authorization Request for FY 2020 and the Future Years Defense Program,” Senate Comm. on Armed Services, Feb. 26, 2019, at 56-57 (preliminary transcript), https://www.armed-services.senate.gov/imo/media/doc/19-14_02-26-19.pdf (accessed July 18, 2019).

⁵ A recent State Department report to Congress confirms: “Without the data exchanges and the access through on-site inspections to Russian facilities subject to the Treaty, the overall effect would be a decrease in our knowledge of Russia’s strategic nuclear forces. “Report on the Reasons that Continued Implementation of the New START Treaty is in the National Security Interests of the United States,” at 2 (prepared in response to Section 1237 of the National Defense Act for Fiscal Year 2016), Department of State (Dec. 2018), <https://www.state.gov/report-on-the-reasons-that-continued-implementation-of-the-new-start-treaty-is-in-the-national-security-interests-of-the-united-states/> (accessed July 19, 2019).

⁶ *Supra* note 4, at 83 (Gen. Hyten states that “[T]here is really nothing that can replace the eyes-on/hands-on ability to look at something.”)

both parties are below the limits on deployed launchers and warheads.⁷ According to all publicly available information, the Russian Federation remains in compliance with the Treaty.

Predictability: the New START Treaty limits the number of strategic launchers and warheads that each party can deploy, as well as a combined limit on deployed and non-deployed launchers. The limits, and the way they are structured, provide several advantages:

First, the Commander at U.S. Strategic Command can devise war plans involving the use of strategic nuclear weapons secure in the knowledge about the size and location about Russian nuclear forces. Without the treaty's limits and its verification provisions, the Command would be required to engage in worst-case planning assumptions, which could eventually result in decisions to increase the size of the U.S. deployed forces. Strategic Command would also have to consider whether China would respond to that circumstance by expanding its nuclear forces, although I would note that a modernization of its nuclear missile force and expansion of its stockpile is underway, according to public statements by the U.S. intelligence community.⁸

Second, the Department of Defense (DoD) and the Department of Energy (DOE) can plan and budget for the recapitalization of the nuclear triad and the DOE production facilities with certainty about the requirements for U.S. forces well into the next decade.

The flexibility contained in the New START Treaty is of significance to the DoD, at a time when all three legs of the triad are aging out – and scheduled for replacement -- simultaneously. The treaty limits the total numbers of launchers and deployed warheads, and permits each party to determine for itself the mix of launchers it deploys at any one time, and also provides a combined limit of deployed and non-deployed launchers. This structure will be important as the Department pursues recapitalization programs that will extend into the 2030s. In the event the DoD encounters reliability issues with the current force, or technical issues in the recapitalization program that affect one leg of the triad, DoD can respond by adjusting the other legs of the triad to ensure that we maintain an adequate deterrent.

⁷ “New START Treaty Aggregate Numbers of Strategic Offensive Arms,” Fact Sheet, Bureau of Arms Control, Verification and Compliance, Department of State, July 1, 2019, <https://www.state.gov/new-start-treaty-aggregate-numbers-of-strategic-offensive-arms-10/> (data as of March 1, 2019) (accessed July 15, 2019).

⁸ Director of National Intelligence, “Worldwide Threat Assessment of the U.S. Intelligence Community,” Statement for the Record, Senate Select Comm. on Intelligence, at 9 (January 29, 2019), <https://www.dni.gov/files/ODNI/documents/2019-ATA-SFR---SSCI.pdf> (accessed July 18, 2019); Lieutenant General Robert P. Ashley, Jr., Director, Defense Intelligence Agency, “Russian and Chinese Nuclear Modernization Trends,” Remarks at the Hudson Institute (May 29, 2019), <https://www.dia.mil/News/Speeches-and-Testimonies/Article-View/Article/1859890/russian-and-chinese-nuclear-modernization-trends/> (accessed July 18, 2019).

Third, the upper limits on our respective forces prevent the two sides from engaging in an unproductive and unnecessary arms race in order to seek an advantage against the other country. That not only advances stability but saves resources that the Department of Defense can devote to other priorities. An arms race is not foreordained, but it cannot be ruled out, and at times President Trump has threatened it. The recapitalization of the triad is already expensive enough: during the peak years of the modernization program, costs are projected to double over current expenditures for operating and sustaining the nuclear forces.⁹ Increasing the size of the force would obviously add to the budget burden.

Maintaining these ceilings is especially important given that Russia commenced its nuclear modernization effort over a decade ago, is about 80 percent complete, and will most likely be completed next year, according to a statement made by the Commander of U.S. Strategic Command just a few months ago.¹⁰ Thus, in the absence of caps on strategic systems, Russia would be in a position to deploy a larger and more modern force just as the United States is working to replace systems that are nearing obsolescence.

For these reasons, as well as the transparency benefits that I discussed earlier, the U.S. military has generally been in favor of the New START Treaty, as evidenced by the support of the treaty by the Joint Chiefs of Staff in 2010, and more recently in testimony to the Congress by the Vice Chairman of the Joint Chiefs of Staff and the Commander of U.S. Strategic Command.

To date, the Trump Administration has not committed to extend New START. When questioned in congressional testimony, Administration officials have stated that the matter is under review. The National Security Advisor was more forthcoming about his policy preference in an interview last month, when he said “There’s no decision [on extension], but I think it’s unlikely.” Mr. Bolton added his own critique of New START, calling out its lack of limits on so-called non-strategic nuclear weapons, as well as on the novel weapons being developed by the Russian Federation.¹¹

Administration officials, including the President, now appear focused on moving beyond New START, with an ambitious goal of a trilateral agreement to involve the United States, Russia and China. At the G-20 summit last month, President Trump and Russian President Putin agreed that the two countries “will continue discussion on a 21st century

⁹ Congressional Budget Office, “Approaches for Managing the Costs of U.S. Nuclear Forces, 2017 to 2046, at 1 (Oct. 2017), <https://www.cbo.gov/system/files/115th-congress-2017-2018/reports/53211-nuclearforces.pdf> (accessed July 18, 2019).

¹⁰ David Vergun, “Stratcom Commander: Modernizing Nuclear Triad Critical to Defense,” <https://dod.defense.gov/News/Article/Article/1767844/stratcom-commander-modernizing-nuclear-triad-critical-to-defense/>, Feb. 27, 2019 (accessed July 15, 2019).

¹¹ Bill Gertz, “Bolton: China Continuing Cyberattacks on Government, Private Networks,” *Washington Free Beacon*, June 18, 2019.

model of arms control, which President Trump stated as needing to including China.”¹² What this means is undefined.

The President’s ambition is admirable. The only problem is that there is almost zero chance that a trilateral agreement will be realized in the near term, and almost certainly will not be prior to the expiration of New START in February 2021.

For starters, the architect of this “go big or go home” strategy is National Security Adviser John Bolton, who never saw an arms control agreement that he liked. Under his watch, over the course of two administrations, the United States has withdrawn from the Anti-Ballistic Missile Treaty, the nuclear agreement with Iran, and started the process of withdrawal from the Intermediate-Range Nuclear Forces Treaty. The only arms control treaty he ever endorsed while in government was the 2002 Moscow Treaty with Russia – a treaty that did little to control any armaments, given that its obligations would have lasted for just one day.¹³ So there are reasons for skepticism that this gambit is sincere, at least with regard to Mr. Bolton.

Second, arms control treaties negotiated between the United States and Russia during and after the Cold War often took months or years to negotiate, given the complexity and detail required of an agreement with rigorous inspection regimes. A trilateral agreement involving the U.S., Russia and China would be vastly more complicated, and is highly unlikely to be concluded during the remainder of the President’s term.

Third, China isn’t interested. For years, China – believed to have just a few hundred nuclear weapons¹⁴ compared to thousands of weapons in the arsenals of the U.S. and Russia -- has rebuffed U.S. requests for even general discussions on strategic stability. Given the significant disparity in nuclear forces among the three countries, the idea that Beijing would agree to negotiate a treaty with the U.S. and Russia is fanciful. And while Chinese messaging is sometimes decipherable only by those with long experience on China, in this case Beijing’s line has been clear and consistent, essentially a version of: “let us know when you get down to our levels (of nuclear forces), and we’ll talk.”

¹² Readout of President Trump’s meeting with President Putin, White House pool report, June 28, 2019, https://publicpool.kinja.com/subject-pool-report-18-wh-putin-readout-1835931840?_ga=2.198019622.88652660.1563468874-1712271804.1563468874 (accessed July 18, 2019).

¹³ Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Treaty Doc. 107-8 (2002), <https://www.congress.gov/107/cdoc/tdoc8/CDOC-107tdoc8.pdf> (accessed July 18, 2019). Article I of the Moscow Treaty required each party to “reduce and limit strategic nuclear warheads,” so that by December 31, 2012, the “aggregate number of such warheads does not exceed 1700-2200 for each Party.” Article IV(2) provided that the treaty would expire that same day, unless extended by agreement of the parties. The Moscow Treaty was terminated on February 5, 2011, pursuant to Article XIV(4) of the New START Treaty.

¹⁴ Public estimates by respected research organizations indicate that China has just under 300 nuclear weapons. *E.g.*, Hans M. Kristensen & Matt Korda, “Chinese Nuclear Forces, 2019,” *Bulletin of Atomic Scientists*, Vol. 75:4, at 171-78 (estimating that China has 290 weapons), <https://doi.org/10.1080/00963402.2019.1628511> (accessed July 18, 2019).

Finally, I am skeptical because of the state of the bilateral relationship between the United States and Russia, which is at a low ebb.

In an ideal world, we would pursue a longer agenda with Russia to further advance our arms control objectives. We would seek negotiations on so-called non-strategic nuclear weapons in Europe, where the Russian arsenal significantly exceeds that of the United States. We would also seek further reductions in strategic systems.¹⁵ We would try to preserve the INF Treaty, now almost certain to terminate next week. And we would seek discussions about Russia's novel systems, under development for several years now, which President Putin has periodically boasted about.

Unfortunately, we live in a world where distrust between the United States and Russia is high. We live a world where Russia has violated the INF Treaty, illegally occupied Crimea and intervened in Eastern Ukraine. We live in a world where Russia sought to interfere in the U.S. presidential elections as well as various European elections, and will likely try to interfere in our elections next year. And we live in a world where, as my former boss Secretary of Defense Carter said in a speech in 2015, "Moscow's nuclear saber rattling raises questions about Russia's commitment to strategic stability" and causes us to wonder "whether they continue to respect the profound caution that world leaders in the nuclear age have shown to the brandishing of nuclear weapons."¹⁶

As a supporter of sound arms control agreements, I hope the President's core objective – of seeking mutual restraint of nuclear forces among the leading powers – is sincere. At the same time, we must be realistic about what can be achieved in the current environment.

It is realistic to extend New START – and it must be emphasized that doing so is not inconsistent with the pursuit of a more ambitious agreement. In fact, it seems illogical to pursue more expansive limits on nuclear weapons while contemplating a situation in which there are *no limits* between the two countries that possess the largest nuclear arsenals in the world. Adopting such a position would be a classic case of letting the perfect get in the way of the very good.

The New START Treaty is a very good agreement. It's not perfect; no international treaty is. But it provides important constraints that make the United States safer, predictability for the U.S. military as it recapitalizes our nuclear forces, and a foundation

¹⁵ President Obama proposed to negotiate on both these issues in June 2013. Negotiations never got off the ground, due the Russia's illegal occupation of Crimea in early 2014. Remarks of President Obama at the Brandenburg Gate, Berlin, Germany, June 19, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/06/19/remarks-president-obama-brandenburg-gate-berlin-germany> (accessed July 15, 2019)

¹⁶ Remarks of Secretary of Defense Carter, Berlin, Germany, June 22, 2015. <https://archive.defense.gov/Speeches/Speech.aspx?SpeechID=1953> (accessed July 22, 2019).

for strategic stability between the United States and Russia at a time when there are significant challenges in the bilateral relationship. Assuming that Russia remains in compliance with New START, it would be foolishness of the first order to let the treaty lapse.

Again, thank you for the opportunity to be here today. I look forward to your questions.