

October 7, 2009

MEMO

TO: National Security Working Group

FR: Senator Jon Kyl, Republican Administrative Co-Chair

RE: October 8, 2009 briefing with START negotiating team

Assistant Secretary of State Rose Gottemoeller will brief the NSWG on progress made during the 5th round of START talks since President's Medvedev and Obama met in London last April. On July 6th, the presidents signed a Joint Declaration committing the countries to reduce their strategic warheads to a range of 1500-1675, and their strategic delivery vehicles to a range of 500-1100. The United States apparently provided a draft treaty at the last round of talks, though this was not accompanied by the important verification protocol. The 5th round of talks began on 21 September. Russian Foreign Minister, Sergei Lavrov, said in an article published recently that negotiators were to report to the two presidents at the G-20 Summit on 23 September. It is unclear if the negotiators reported to the presidents, and, if so, what they reported.

Recently, both the House and the Senate included provisions in their respective defense authorization bills tying further strategic arms reductions to modernization of the U.S. nuclear deterrent. Press reports suggest significant disagreement between the Secretaries of Defense and State, who favor nuclear modernization and believe it is important for U.S. security and the security of 31 allies who are defended by our extended deterrent, and the Vice President, who views modernization as inconsistent with U.S. disarmament and non-proliferation objectives.

NSWG Observer status

Given that negotiations have been taking place largely while the Senate has been in session, NSWG members have not been able to attend the negotiation sessions as official observers on the U.S. delegation, as is our official role under the Senate resolution establishing the National Security Working Group and its predecessor, the Senate Arms Control Observer Group. If the NSWG is to continue to serve in its role as a consultative body representing the Senate during arms control negotiations, we will have to, as has been previously done, send staff to track the negotiations and report back to us.

Questions for the negotiators:

The US has tabled a draft START follow-on treaty. Has the Russian side reciprocated? What is the status of the verification protocol that must accompany any new agreement?

What are the principal points of disagreement? How do you plan to address these?

When do you expect to sign a new agreement? Are you still planning on Senate ratification before the treaty expires on 5 December? If not, have you considered a 5 year extension, as permitted by the Treaty?

Are you concerned that as the deadline nears, the Russia side may feel it has greater leverage to push for deep concessions on issues they prize? Wouldn't it make sense to push for the 5 years extension to avoid empowering the Russians with the approaching deadline?

When might the Senate expect to take up ratification of a START Follow-on agreement? How much time does the administration anticipate the Senate will need to adequately review the treaty?

The Senate is on record that it expects to receive, at the time of ratification, a modernization plan (including proposed funding) for our stockpile of aging nuclear weapons, the DoE nuclear weapons infrastructure, and our strategic delivery platforms. Additionally, the Chairman and Ranking Members of the Senate Armed Services and Foreign Relations Committees, as well as the Administrative Co-Chairmen of the NSWG sent a letter to the President endorsing this linkage. **Is it your understanding that the modernization track is keeping pace with the arms control track and that a modernization plan will be submitted by the President at the same time he submits the treaty?**

The Joint Understanding suggests the final treaty will contain “a provision on the impact of ICBMs and SLBMs in a non-nuclear configuration on strategic stability.” **What are the Russians attempting to limit and why? Is it the US position to resist any limitations on conventionally-armed strategic strike systems?** Conventional prompt global strike capabilities would appear to be consistent with the Administration's interest in placing *less reliance on nuclear weapons* for deterrence.

At the last NSWG meeting, you informed us that the Department of Defense conducted analysis supporting the reduction of nuclear forces to the US-proposed level of 1500 warheads and 1100 strategic delivery vehicles – well above the Russian proposed figure of 500 delivery vehicles. Yet in an answer to advance questions for his nomination hearing, Admiral Mullen states: “The proposed range of 500-1100 strategic delivery vehicles and a limit of 1500-1675 warheads will be sufficient to maintain U.S. strategic deterrence.” **Is it now the Department's position that nuclear deterrence and extended deterrence can be accomplished at the lower level of 500 strategic nuclear delivery vehicles? If so, please show us your analysis.**

According to the 2005 treaty compliance report submitted by the State Department, Russia is not in full compliance with the 1991 START agreement. **Will this non-compliance be resolved by the time the follow-on treaty is submitted? Will the Senate receive a current compliance report (as required by statute) by the time the follow-on treaty is submitted? What proposals have you offered to ensure treaty compliance is dealt with more expeditiously if the Senate consents to ratification of the follow-on agreement?** In its response to a August 14 letter signed by several NSWG members, the State Department chose not to respond to questions those Senators asked concerning the compliance issues under the 1991 START agreement.

For several years now, the Russians have been testing a new multiple-warhead version of the Topol-M ballistic missile. Under START, Russia cannot deploy a multiple-warhead version of this missile. It appears, again, based on open-source reporting and statements from Russian

officials, that the Russians are waiting for the follow-on START agreement to deploy this new design. Of course, the U.S. is not deploying new ballistic missiles either now, or after the START follow-on is signed. **Do you believe Russia is “gaming” the clock to decide when to deploy this new missile? How will the new treaty deal with development activities like these that appear to be technically in compliance with the treaty, while manifestly in violation of its spirit?**

Russian leaders have stated publically that the deployment of our planned missile defense system in Poland and the Czech Republic would impede progress on strategic arms reductions. **With the President’s decision to forgo these deployments, have you noticed any change in Russian behavior at the negotiating table? What has this concession gotten us?**

The President’s new approach to missile defense in Europe calls for the deployment of “scores,” perhaps even hundreds, of SM-3 missiles in Europe (including Poland) and on ships deployed in the waters around Europe. It is recognized that these SM-3 missiles will be upgraded by 2020 to the IIB version, capable of intercepting Iranian ICBMs. **Have the Russians raised any concerns about these prospective deployments? What will be the US position if the Russians try to link a START follow-on agreement to limitations on SM-3 deployments in and around Europe?**