HEARING TO CONTINUE TO RECEIVE TESTIMONY ON THE NEW START

THURSDAY, JULY 29, 2010

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC.

The committee met, pursuant to notice, at 9:36 a.m. in room SD–G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Reed, Udall, Hagan, Bingaman, McCain, Inhofe, Sessions, Chambliss, and Thune.

Committee staff members present: Richard D. DeBobes, staff director; and Leah C. Brewer, nominations and hearings clerk.

Majority staff members present: Madelyn R. Creedon, counsel; and Richard W. Fieldhouse, professional staff member.

Minority staff members present: Christian D. Brose, professional staff member; Daniel A. Lerner, professional staff member; and David M. Morriss, minority counsel.

Staff assistants present: Paul J. Hubbard, Hannah I. Lloyd, and Brian F. Sebold.

Committee members' assistants present: Christopher Griffin, assistant to Senator Lieberman; Carolyn Chuhta, assistant to Senator Reed; Nick Ikeda, assistant to Senator Akaka; Roger Pena, assistant to Senator Hagan; Jonathan Epstein, assistant to Senator Bingaman; Anthony Lazarski, assistant to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde Taylor IV, assistant to Senator Chambliss; and Jason Van Beek, assistant to Senator Thune.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

Today, we are continuing the Armed Services Committee hearings on the New START Treaty. Our witnesses this morning are Rose Gottemoeller, Assistant Secretary of State for Verification, Compliance, and Implementation, and the lead negotiator on the New START Treaty, and Dr. Edward Warner, the Secretary of Defense's representative to the New START Treaty talks.

We will also, as I mentioned at our hearing on Tuesday, be having a classified briefing on the strategic force structure options today at 3 p.m.

Ms. Gottemoeller, it is a pleasure to have you back before the committee. Several times over the course of the negotiations on the New START Treaty, you provided the committee and other Sen-

ators with detailed progress reports on the negotiations. Those were very helpful. We thank you for doing those.

And Dr. Warner, it is good to see you again as well. I note that you often accompanied Ms. Gottemoeller when she gave us those progress reports, and we are grateful to both of you for your service in this very demanding work that you were engaged in and are engaged in.

The committee has now heard from witnesses discussing the scope of the treaty, how it will be implemented, with representatives from the executive branch including Secretary of State Clinton; Secretary of Defense Gates; Secretary of Energy Chu; Admiral Mullen, Chairman of the Joint Chiefs. We have also heard from a panel of independent analysts who shared their views and opinions on the New START Treaty.

As a result of these discussions, I think there are a number of areas of interest or concern that have been identified, and among them are the following—whether the treaty has any negative effect on missile defense programs, the adequacy of telemetry and verification, adequacy of onsite inspections, which would make it more likely that we could get Russia to begin negotiations on tactical nuclear weapons.

Ratification or rejection of the treaty. What would be more helpful in terms of getting Russia, again, to do something that I guess many administrations have supported, which is an agreement on tactical nuclear weapons.

Another issue which has been raised is the question of possible cheating. And in that question, the subquestions, what is the ability to detect possible cheating, its effect if it occurs, and what remedies are there if it takes place? Those are issues which we have explored with other witnesses, but these witnesses may have some thoughts on that.

Also, the adequacy of modernization of the nuclear complex and the force structure, which, again, are issues which have been raised, and perhaps these witnesses are not the right witnesses for those issues, but we have raised those with a number of our other panelists.

So, Ms. Gottemoeller and Dr. Warner, we look forward to a good discussion, and I turn this over to Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you, Mr. Chairman.

I thank our witnesses for their service and for joining us today.

We have with us today, as the chairman said, the leaders of our negotiating team for the New START Treaty. We thank them for the many hours they spent in negotiating this treaty with the Russian government.

Thus far, this committee has received testimony from many administration officials and, most recently, from a panel of outside experts. Nonetheless, some serious questions still remain about this treaty, specifically on the New START Treaty's methods of verification, its potential constraints on our ballistic missile defense, and the accompanying plan for modernization of both the nuclear stockpile and our nuclear delivery vehicles.

I believe that before this committee will be in a position to provide its views, a number of significant issues require clarification from the administration. Aside from the hundreds of questions for the record that remain unanswered, we have yet to receive critical documents necessary for this committee and the full Senate to make an informed judgment of this treaty.

Today is an important opportunity to discuss these concerns directly with the men and women who negotiated this treaty with Russian officials. It is an opportunity to try to learn why the administration chose to limit this treaty only to strategic nuclear arms reductions, despite the fact that Russia's tactical nuclear weapons outnumber the U.S. arsenal by a factor of 10 to 1 and despite the fact that there was no binding requirement to limit the negotiations to strategic weapons after the administration chose not to renew the original START Treaty.

Did we receive any benefits from the Russians in return for this U.S. concession, or any assurances that Russia will commit to reduce its tactical nuclear arms in future?

This hearing is also an opportunity to try to learn why our negotiators agreed to a significantly weaker verification regime than that of the original START Treaty it is to replace. So weak, in fact, that the potential for cheating is significant, though the State Department has tried to downplay this fact, stating in a recent report that Russian cheating would have little effect on the assured second-strike capabilities of U.S. strategic forces. If that is true, it seems to call into question the utility of the treaty itself and the ability to make serious nuclear arms reductions.

Finally, this hearing is a chance to hear our negotiators' explanation for New START's puzzling and troubling references to missile defense. We originally were told that there would be no references to missile defense in the treaty and no linkage drawn between offensive and defensive weapons. Then we were told there would be such a reference, but only in the preamble, which, of course, is not legally binding.

However, in the final treaty text—not just in the preamble, but Article V of the treaty itself—there is a clear, legally binding limitation on our missile defense options. While this limitation may not be a meaningful one, it is a limitation.

So we must ask why did the administration agree to this language after saying they would do no such thing? Why hand the Russian Government the opportunity they so desire to draw unfounded linkages between offensive and defensive weapons, as Russian Foreign Minister Sergey Lavrov has done, saying the—and I quote him "linkage to missile defense is clearly spelled out in the accord and is legally binding."

We look forward to gaining greater clarity on all of these questions, and others, directly from our negotiators. Still, many of us feel strongly that Congress should be able to complement discussions like this today with our own review of the facts. That is why we are insisting on an opportunity to review the negotiating record for ourselves, specifically, those parts dealing with the ambiguous references to missile defense and the contradictory unilateral statements issued by the United States and Russia on the meaning and legal force of that language.

As I have noted before, this request is not unprecedented. The Senate has previously sought and received access to the negotiating history for arms control treaties between the United States and the Soviet Union, such as the 1972 Anti-Ballistic Missile Treaty and the 1987 Intermediate-Range Nuclear Forces Treaty. This information and the further insights we hope to gain today is critical as the Senate moves to consider and vote on the ratification of this treaty.

I thank each of the witnesses again for your service and for appearing here today.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Ms. Gottemoeller? Secretary Gottemoeller?

STATEMENT OF HON. ROSE E. GOTTEMOELLER, ASSISTANT SECRETARY, BUREAU OF VERIFICATION, COMPLIANCE, AND IMPLEMENTATION, DEPARTMENT OF STATE

Ms. GOTTEMOELLER. Thank you very much, Chairman Levin, Senator McCain, and members of this committee.

I am honored to be here today to provide you my perspective as the chief negotiator of the New START Treaty. I am also pleased to be joined by my colleague Dr. Ted Warner, who served on the delegation as Secretary Gates's representative and as one of my deputies. We share a strong belief that the New START Treaty will make our country more secure, and we urge the Senate to provide its advice and consent to ratification.

At the conclusion of my remarks, I will be pleased to respond to your questions. Many questions already are on the table, thanks to the opening remarks, Mr. Chairman and Mr. McCain. But with your permission, I would like to present an abbreviated version of my remarks this morning and submit my full statement for the record.

Chairman LEVIN. It will be made part of the record.

Ms. GOTTEMOELLER. Thank you, sir.

Chairman LEVIN. Thank you.

Ms. GOTTEMOELLER. A little over a year ago, the administration set out to negotiate the New START Treaty, with the goal of replacing the expiring START Treaty with a new agreement for each party to reduce and limit its strategic offensive arms. I want to underscore that the focus of these negotiations from the beginning to the end was on strategic offensive arms.

The New START Treaty will enhance U.S. national security by stabilizing the strategic balance between the U.S. and the Russian Federation at lower levels of nuclear forces. The New START Treaty preserves the United States' right to determine our own force structure, giving us the flexibility to deploy and maintain our strategic nuclear forces in a way that best serves U.S. national security interests.

As long as nuclear weapons exist, the United States will maintain a safe, secure, and effective arsenal to deter any adversary and protect our allies. To those who may have concerns regarding alleged backroom deals during the treaty negotiations, let me state unequivocally today on the record before this committee, as I have stated before the Senate Foreign Relations Committee, that there

were no—and I repeat—no secret deals made in connection with the New START Treaty, not on missile defense nor on any other issue.

Regarding the recently released 2010 Compliance Report, I want to point out that Russia was in compliance with START's central limits during the treaty's life span. Moreover, the majority of compliance issues raised under START were satisfactorily resolved. Most reflected differing interpretations on how to implement START's complex inspection and verification regime.

Let me speak briefly about verification of the treaty. Verification and the State Department's recent verifiability assessment addressed the large questions related to whether the United States could detect, in a timely manner, if Russia was preparing to move beyond the limits of the treaty or was cheating in a significant way on the treaty well before such an attempt became a threat to U.S. national security.

In addition, the verification regime should and will enable the United States to detect other activities inconsistent with the treaty that, while they may not present an immediate risk to U.S. national security, could, if they went undetected, lead to a situation in which the U.S. national security would be at risk.

Last week, General Chilton testified before this committee that he agreed with this assessment, stating that the "New START Treaty retains sufficient flexibility in managing our deterrent forces to hedge against technical or geopolitical surprise." Dr. Miller, who also testified last week, agreed, adding that, under New START, the United States is "postured well to first deter cheating, but then to minimize the significance should it occur."

These assessments are based on the ability under the New START Treaty of the United States to retain a diverse triad of strategic forces and, in particular, the fact that the survivability and response capabilities of strategic submarines and heavy bombers would be unaffected even by large-scale cheating.

But I want to emphasize as a comment at this moment that in the Nuclear Posture Review and in our nuclear policy overall, the maintenance of a diverse triad, a diverse and resilient triad is important. And we really emphasize the necessity of both prompt capabilities as well as second-strike or response capabilities.

The obligations and prohibitions of the New START Treaty are different from those in START, reflecting lessons learned from 15 years of implementing the START Treaty. The differences also reflect the spirit of the Moscow Treaty by permitting each party the flexibility to determine for itself the configuration of its strategic forces at reduced levels of delivery vehicles and deployed warheads as established in this treaty.

Like START, the New START Treaty contains extensive verification provisions that promote strategic stability by ensuring transparency and predictability—I want to reemphasize the word "predictability"—regarding U.S. and Russian strategic forces and confidence that the Russian Federation does not exceed the treaty's limits throughout its 10-year term.

During the negotiation of the New START Treaty, negotiators on both sides drew on the lessons learned from START implementation. Both sides benefited from having experienced START Treaty

inspectors and also the operators of our strategic weapons systems serving on their respective delegations.

We learned much during the 15 years in which the START Treaty verification regime was implemented, and the United States and Russia sought to take advantage of that knowledge in formulating the verification regime for the new treaty, seeking to maintain elements which proved useful, to include new measures where necessary, improve on measures that had been an unnecessary drag on our strategic force operations, and eliminating those that were not essential for verifying the obligations of the New START Treaty.

Mr. Chairman, as Secretary Clinton stated in her testimony to the Senate Foreign Relations Committee and in a similar statement made to this committee, "The choice before us is between this treaty and no treaty governing our nuclear security relationship with Russia, between this treaty and no agreed verification mechanism on Russia's strategic nuclear forces."

Mr. Chairman, in sum, I believe that the New START Treaty is in the National security interests of the United States, is the right treaty for today and the coming years, and will restore the transparency and predictability that START provided while it was in force. The combination of improved U.S. understanding of Russian strategic forces resulting from the implementation of the START Treaty over the past 15 years, U.S. National Technical Means of verification, the New START Treaty's verification provisions, and a favorable posture deterring cheating or breakout, results in a New START Treaty that is effectively verifiable.

Thank you, and I will be happy to respond to your questions.

[The prepared statement of Ms. Gottemoeller follows:]

Chairman LEVIN. Thank you, Secretary Gottemoeller.

Dr. Warner?

STATEMENT OF EDWARD L. WARNER III, PH.D., SECRETARY OF DEFENSE REPRESENTATIVE TO POST-START NEGOTIATIONS, DEPARTMENT OF DEFENSE

Dr. WARNER. Thank you, Mr. Chairman.

Chairman LEVIN. Is your mike on there?

Dr. WARNER. Thank you, Mr. Chairman, Senator McCain, other members of the committee.

It, too, is an honor for me and a privilege to have an opportunity to speak with you today about the New START Treaty.

I served as a representative of the Secretary of Defense on the treaty negotiating team and was involved in the effort from the beginning, in April of 2009, through the signing of the treaty almost a year later. The leadership of the Department of Defense stands firmly behind the treaty. It will strengthen strategic stability, enable the United States to modernize its triad of strategic delivery vehicles, and protect our flexibility to deploy effective missile defenses and conventional prompt global strike capabilities.

I would like today to focus my remarks on the national defense-related aspects of the treaty and on the inspections framework for the treaty, which I was responsible for negotiating on the U.S. side. Regarding the National defense aspects of the treaty, I would like to make four points.

First, the United States sought to conclude a treaty that would limit U.S. and Russian strategic offensive arms while preserving strategic stability in a manner that provides predictability and transparency and is supported by an effective verification system.

While pursuing stabilizing reductions in strategic or offensive forces, we protected our ability to field a flexible, effective strategic triad and enabled modernization of our strategic delivery systems and the nuclear weapons and the nuclear weapons complex that supports them. We agreed to ceilings on strategic warheads that were lower than those in the Moscow Treaty, but sufficient to meet the needs of the Nation as established by the Nuclear Posture Review.

Second, the administration plans to maintain all three legs of the triad and to field strategic nuclear forces within the central limits of the treaty that will include up to 420 deployed Minuteman III ICBMs with a single warhead; 240 deployed Trident II D–5 SLBMs on the 12 operational, a total of 14 *Ohio*-class submarine; and up to 60 deployed B–2A and B–52H heavy bombers equipped for nuclear armaments.

Over the next decade, the Department of Defense plans to invest over $100 billion in sustaining and modernizing our strategic nuclear delivery systems, and the Department of Energy plans to invest $80 billion in sustaining and modernizing the nuclear weapons stockpile and the nuclear weapons complex.

Third, we protected our ability to develop and deploy the most effective missile defenses possible. Under the treaty, the United States is free to pursue its current and planned ballistic missile defense programs, as well as any other courses of action we might choose to pursue.

The one limitation within the treaty on missile defense is the ban on conversion of ICBM or SLBM launchers for the use as missile defense interceptor launchers, or vice versa. As previously discussed by Dr. Miller when he appeared before you last week, such a conversion does not make sense on a strategic or cost grounds.

And fourth, we protected the U.S. ability to develop and deploy conventional prompt global strike systems, agreeing to a so-called "permit and count" regime whereby conventionally armed ICBMs or SLBMs would be permitted but counted against the strategic delivery vehicle and strategic warhead ceilings.

Turning to issues of verification, achieving an effective verification framework was another key U.S. and Department of Defense objective in the negotiations. As the U.S. chairman of the Inspections Working Group during the negotiation of the treaty, I met more than 90 times with my Russian counterpart to hammer out an effective tailored inspections framework for the treaty. In this effort, I was aided by a cadre of veteran START inspectors who brought many years of combined experience to the negotiating table.

We crafted an inspections framework that continues the appropriate verification and transparency functions provided for under START, while streamlining the overall process and reducing unnecessary burdens. The treaty provides that each party may conduct up to 18 short-notice, onsite inspections each year.

These inspections are divided into two groups. Type One inspections will be conducted at the operating bases for ICBMs, SLBMs, and nuclear-capable heavy bombers and will include inspections of both deployed and nondeployed systems. Type Two inspections are focused on nondeployed strategic systems, as well as formerly declared facilities, and confirming the results of the elimination or conversion of strategic offensive systems. These inspections will be conducted at places such as storage sites, test ranges, formerly declared facilities, and conversion or elimination facilities.

Each side is allowed to conduct up to 10 Type One inspections and up to 8 Type Two inspections annually. Type One inspections combine many of the aspects associated with two different types of inspections—the reentry vehicle onsite inspection and the data update inspection—that were conducted separately under START, thus requiring fewer inspections annually at operating bases while achieving many of the results of the previous START inspection regime with a smaller number of annual inspections. That means less disruption to our operating forces on an annual basis.

These inspection activities contribute to the verification of the treaty's provisions by confirming that the declared data is accurate, that weapon systems have been converted or eliminated, and that formerly declared facilities are not used for purposes inconsistent with the treaty.

Inspections will also help deter cheating. Since the 18 short-notice, onsite inspections each year will be conducted at sites selected by the inspecting party, each side knows that the other will have a significant capability to uncover any discrepancies between what is reported and what is actually happening.

If the United States encounters ambiguities or evidence of what appears to be cheating, we will immediately raise these matters in the Bilateral Consultative Commission, the body set up to oversee implementation of the New START Treaty. Or, if necessary, we will raise them at higher political levels, seeking prompt resolution.

The use of unique identifiers on each ICBM, SLBM, and heavy bomber, timely notifications each time a treaty- accountable system changes status, the regularly updated comprehensive database that provides information on all treaty-accountable systems and facilities, and the use of National Technical Means of verification will all complement inspections in providing for a robust treaty verification regime.

In summary, the New START Treaty will promote stability, transparency, and predictability in the U.S.-Russian strategic relationship and is effectively verifiable. It will allow us to field a strong triad of strategic delivery systems and, if desired, to deploy conventional prompt global strike capabilities.

It will not affect our ability to improve our missile defenses qualitatively and quantitatively to defend the homeland against limited missile attacks and to protect our deployed forces, allies, and partners from growing regional missile threats.

Thank you for the opportunity to discuss this matter with you today, and I very much look forward to your questions.

[The prepared statement of Dr. Warner follows:]

Chairman LEVIN. Thank you, Dr. Warner.

Let us have a 7-minute first round, if that is all right? Let me start with you, Secretary Gottemoeller. Some critics have asserted that the START I Treaty should have been extended in lieu of a new treaty. Did the Bush administration desire to extend the START I Treaty before it expired, or did they prefer to begin negotiations on a new treaty?

Ms. GOTTEMOELLER. Sir, it is my understanding that the Bush administration, President Bush and then-President Putin agreed at the Sochi summit in April of 2008 that they would proceed with negotiating a new legally binding treaty. And it was my understanding that we had already informed, mutually informed each other that we would not be extending the START Treaty before the end of 2008.

Chairman LEVIN. Thank you.

The Department of State recently completed and provided to Congress a report on treaty compliance since 2005. Now, the unclassified version of the report says that with respect to Russia and the START I Treaty, that "notwithstanding the overall success of START implementation, a number of longstanding compliance issues remained unresolved when the treaty expired on December 5, 2009."

Now, was it the State Department's determination that Russia or the Soviet Union—I guess Russia at that point was not in compliance, or is it the statement of the Department of State that the issues were just unresolved?

Ms. GOTTEMOELLER. Sir, that is a very important question. In fact, the view of the Department of State and its report in the compliance report is that all the signatories to the START Treaty, including not only Russia, but also Ukraine, Kazakhstan, and Belarus, in addition to the United States, were in compliance with the central limits of the START Treaty. The START Treaty was well implemented, and its implementation was a success is our view.

Compliance issues did arise in the implementation of the START Treaty over its 15-year history. It was a very complicated treaty, 700 pages in length. And so, for that reason, there were differences in interpretation at times, questions that needed to be resolved. And that is why we used the Joint Compliance and Inspection Commission to resolve very many compliance issues.

At the time START went out of force, not all of those questions had a chance to be resolved. It is my understanding that most of them were minor technical issues.

Chairman LEVIN. Then is it more accurate to say that the issues were unresolved or that there was noncompliance? Had we determined noncompliance, or did we—this report——

Ms. GOTTEMOELLER. No, sir. The issues were simply not resolved.

Chairman LEVIN. All right. And on the Biological Weapons Convention, is it the conclusion that Russia is not in compliance with obligations, or as the unclassified State Department compliance report indicates, is it a matter that "remains unclear?"

Ms. GOTTEMOELLER. Sir, it is a matter that remains unclear. And I will note that the compliance report, when it focuses on the period since the demise of the Soviet Union, takes note of the fact that with regard to both the BWC and the CWC, the Chemical

Weapons Convention, the Russian Federation has been working very closely with the international bodies that are responsible for those conventions, and its activities at this time appear to be in compliance with those obligations.

The concerns that have arisen are related to the past. They are related to the Soviet period. President Yeltsin made some statements in 1992 about the Russian compliance or, rather, the existence of a Russian offensive BW program. There was a statement made at the time that some information would be provided about that program. That information has never been received. And so, it is a question about past activities, dating from the Soviet era that is of concern with regard to the BWC.

Chairman LEVIN. Were the Defense Department and the intelligence community and the Department of Energy fully involved in treaty negotiations, and did they concur in the outcome?

Ms. GOTTEMOELLER. Absolutely, sir. From beginning to end, this was a thorough-going interagency process. We had an excellent interagency team in Geneva working on the negotiations, and the backstopping team, back here in Washington, was entirely interagency in its character. I will say also that we received enormous support from agency principals, as well as from the President himself.

Chairman LEVIN. And do they concur in the outcome and support the treaty?

Ms. GOTTEMOELLER. Yes. Absolutely, sir.

Chairman LEVIN. Does the intelligence community assess that Russia is likely to comply with its obligations under the New START Treaty?

Ms. GOTTEMOELLER. Yes, sir.

Chairman LEVIN. On this issue of silo conversion, there has been a number of comments about the fact that there is in Article V, Paragraph 3 of the treaty a prohibition on the conversion of ICBM silos and SLBM launchers to be launchers of missile defense interceptors, and vice versa. And you made reference to that in your opening statement as well.

You also indicated in your opening statement that from our perspective it makes no sense or—no sense on a strategic basis, but also on cost grounds for that conversion to take place. Could I ask you also is it also if conversion were allowed, would that also introduce an element of ambiguity as to whether or not a silo was a silo for offensive or defensive purposes and that that ambiguity, at least as I see it, would be something which would not contribute to security and stability?

Ms. GOTTEMOELLER. Mr. Chairman, I am sure Dr. Warner might like to comment on this.

Chairman LEVIN. Let me ask Dr. Warner then about that.

Dr. WARNER. Yes, sir. Your final point, I think there is—there would be a real strategic stability concern about intermixing ballistic missile defense interceptors and ICBM and active ICBM silos. The issue there isn't so much just a distinguishability. It is that were there a crisis, were there a missile defense interceptor fired against a, for instance, North Korean or Iranian ICBM fired at the United States, it would come out of this ICBM field and could be misinterpreted by Russia as a launch of an ICBM.

Therefore, it would introduce—it is a consideration about the co-location of defense interceptors and offensive missiles, a potentially destabilizing event that I think is one of the factors that argues against moving in that direction.

Chairman LEVIN. So then, just to conclude, the reference in the treaty itself to missile defense is limited to that one reference, and it is a reference that we agreed to?

Dr. WARNER. Well, the two references under the treaty—

Chairman LEVIN. No, I said in the treaty itself. Not the preamble. I will come to that in a minute.

Dr. WARNER. Okay. The preamble is also part of the treaty.

Chairman LEVIN. Okay.

Dr. WARNER. But in the articles of the treaty, the only references to missile defense are Article V, Paragraph 3, which is the provision we just talked about.

Chairman LEVIN. And we thought that was in our interest?

Dr. WARNER. We clearly thought that was in our interest.

Chairman LEVIN. And there is reference in the preamble, which, as you point out, is part of the treaty?

Dr. WARNER. There is reference in the preamble to the interrelationship between offense and defense.

Chairman LEVIN. And a similar relationship reference was made, as I remember, in START I. Is that correct? In the preamble. In terms of ABM, there was a reference to the ABM Treaty and the——

Ms. GOTTEMOELLER. The reference was to the ABM Treaty in the preamble to START I, but the relationship is very much the same between START I and its unilateral statements and the New START Treaty and its unilateral statements.

Mr. Chairman, may I just comment for one second on—

Chairman LEVIN. Could you make it brief because my time is up?

Ms. GOTTEMOELLER.—Paragraph 5, Article III, and that is that it also, in our view, is very much—the focus on it is a conversion issue because the Russians were very concerned during START about this conversion. They considered it actually a compliance problem on our side.

And so, we wanted to ensure that the missile defense interceptors at Vandenberg Air Force Base that had been converted from silo launchers of ICBMs, that they were absolutely grandfathered under this treaty and that no further compliance questions would arise in the New START Treaty.

Chairman LEVIN. Thank you.

Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman.

Thank the witnesses. Madam Secretary, the media says that there are reports that the U.S. negotiators actually told the Russians that the United States had no intention of putting strategic missile defenses in Europe. And in your opening statement, you said that was not correct. Is that true?

Ms. GOTTEMOELLER. Sir, we were very, very strict in our Geneva negotiations to keep separate the matter of strategic defensive forces and strategic offensive forces. So we simply did not discuss this matter of missile defenses in Europe.

Senator MCCAIN. So the answer is no?

Ms. GOTTEMOELLER. No.

Senator MCCAIN. And so, then is it agreeable to you that this committee and the Senate have the ability to carefully review the negotiating record so that the record can be set straight?

Ms. GOTTEMOELLER. Sir, you know, as far as the negotiating record is concerned that there have been some very rare instances in which the negotiating—parts of the negotiating record have been reviewed from time to time. The point you raised about the ABM Treaty earlier was actually several years after the ABM Treaty was ratified and entered into force.

Some questions were raised concerning the interpretation of the ABM Treaty. And at that time, the Senate, in some limited circumstances, was allowed to look at some of those documents, but it was not part of the ratification process for the ABM Treaty. As far as we can find out, there were no documents shared at the time that the START Treaty was ratified.

Now, in the case of the INF Treaty and following on the reinterpretation debate over the ABM Treaty, there were some very limited opportunities presented to review documents. At the time, the Senate Foreign Relations Committee commented in its report out on the INF Treaty about this extraordinarily rare circumstance and also was very firm in underscoring that this should not be a precedent for further treaties coming before the Senate on account of the chilling effect that it would have on U.S. diplomacy. And as the chief negotiator of this treaty, I do agree with that point of view.

Senator MCCAIN. So you would object to this committee and members of the Senate from reviewing the full review of the negotiating record.

Now there was an unclassified version of the State Department treaty compliance report that Senator Levin just asked you about, and the unclassified report says that compliance issues from the last START Treaty remained unresolved. It also concludes the U.S. Government does not believe Russia is in compliance with the Chemical Weapons Convention because it has not declared all its stockpiles nor agree it destroyed those it acknowledged, despite a 1997 plan to do so, and that Russia may not be in compliance with the international convention banning biological weapons.

You just told Senator Levin that that was all post—previous to the fall of the Soviet Union issues. It certainly can't be, as far as the 1997 plan to do so. There is nowhere in the unclassified version that says that all of this took place before the fall of the Soviet Union. In fact, it said they remain unresolved and they remain not in compliance with the 1997 plan to do so.

So it seems to me what you just told Senator Levin is at variance with the State—one of you has obviously different interpretation of the facts.

Ms. GOTTEMOELLER. Thank you very much, sir, for bringing up that point. It is a very good one to remind us all of. The Russian Federation has been working hard to destroy its CW stocks and——

Senator MCCAIN. I would just ask are you—believe that they are still not in compliance, along with this report or not?

Ms. GOTTEMOELLER. I think, if I may, sir? I think that they have been working very hard to destroy their stock——

Senator MCCAIN. My time is very limited. I would like to have an answer. Do you believe that they are in compliance or not in compliance and unresolved, as the State Department report says?

Ms. GOTTEMOELLER. I am convinced that they are working to resolve compliance, any compliance concerns by trying to reduce their stocks, as required by the convention.

Senator MCCAIN. They are working, in the year 2010, on complying with treaties that were concluded many, many years ago.

Did the Russians tell you, in the course of the negotiations, that they were going to have a signing statement that basically said that any qualitative or quantitative buildup in the missile defense system capabilities of the United States of America would affect the viability and the Russian commitment to the treaty?

Ms. GOTTEMOELLER. Yes, sir. They told us that.

Senator MCCAIN. They told you that?

Ms. GOTTEMOELLER. Mm-hmm.

Senator MCCAIN. And what did you say?

Ms. GOTTEMOELLER. Well, this was a unilateral statement of Russian policy, not legally binding on us in any way. We essentially told them that if they were to make a unilateral statement of that kind, we would make our own unilateral statement, stating our own policy views on this question.

Senator MCCAIN. Does cheating matter?

Ms. GOTTEMOELLER. Absolutely, sir.

Senator MCCAIN. Do you agree that any Russian cheating under the treaty would have little effect, if any, on the assured second-strike capabilities of the U.S. strategic forces?

Ms. GOTTEMOELLER. Sir, if the Russians intended to cheat so as to undermine this treaty, it would be an enormously serious matter for the United States of America. It would be taken up in diplomatic channels and, if serious enough, at the highest political level. So it is—cheating is a very serious matter.

Senator MCCAIN. In his statement before the Senate Foreign Relations Committee, Henry Kissinger said, "As strategic arsenals are reduced, the distinction between tactical and strategic nuclear weapons is bound to erode. The large Russian stockpile of tactical nuclear weapons, unmatched by a comparable American deployment, could threaten the ability to undertake extended deterrence. This challenge is particularly urgent, given the possible extension of guarantees in response to Iran's nuclear weapons program and other programs that may flow from it."

Do you agree with Dr. Kissinger's assessment?

Ms. GOTTEMOELLER. Yes, sir. I think that it is extremely important to bear in mind that we must also focus on nonstrategic or tactical nuclear weapons.

Senator MCCAIN. Well, in summary, I think most observers agree that the verification requirements of this treaty are less stringent than START I. We now have a report from the State Department that the compliance issues from the last START Treaty remain unresolved and that the Chemical Weapons Convention has not been adhered to, and they may not be in compliance with international convention banning biological weapons.

So it obviously is a matter of concern to us that the verification procedures for this treaty are less stringent than the ones for the

last, which they clearly are not, despite your statements about all of it happening before the fall of the Soviet Union—that is not my interpretation of this report—is a matter of significant concern to this committee.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator McCain.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

Dr. Warner, then Secretary Gottemoeller, we have had 15 years of experience with the START I Treaty. From that experience, what lessons did we apply in developing the verification regime?

Dr. WARNER. Senator, we used that experience in many ways in developing the regime. One, we screened what kinds of inspections we needed to carry out, and we identified what things we need, how those inspections needed to be carried out, and they informed the manner in which we wrote the protocol and the inspection activities annex.

So, for instance, as I talked of these Type One inspections at operating bases. Under START, we had two different types of inspections coming to operating bases that made them doubly vulnerable, and they were—each installation was, for instance, vulnerable up to two times under both types of inspections.

This time we combined those inspections at operating bases. This is a good example. And therefore, they will be somewhat longer when they come, and they will look at both the deployed and nondeployed elements, including the warhead inspection, the reentry vehicle inspection at an ICBM or SLBM base. But they will at most come twice a year to any one installation.

Senator REED. And when you say installation, these are United States installations?

Dr. WARNER. Yes. And the same rule applies to both. But it means when you come to an ICBM base, SLBM base, or heavy bomber base, you have the opportunity to do multiple elements, what were separated in START. This has been important on the numbers game, if you will, in comparing the two.

Under START, you were allowed to do up to 28 annual inspections of three different types. Under the New START, we will be able to do 18. But within those 18, there is this double-duty business at the operating bases. So the effective number is more like 23 or 24. Then, on top of that, the number of installations to be inspected under START was 70. The number of inspections subject to—number of installations subject to inspection under New START is 35.

So we have numbers that are in the 20s in an effective comparison, but half the number of installations. So that really means this argument that we have a much weaker inspection regime I think is very questionable.

Senator REED. Let me follow up with two questions. One is that not only the lessons learned, but also the individuals who were participating in this negotiation were veterans of 15 years of experience of looking at Soviet and Russian systems and, frankly, being on the other end of having the Russians look at our systems. And it is their experience that was significant in your input?

Dr. WARNER. It was absolutely indispensible.

Senator REED. The other aspect here, too, is that some of our concerns are actually protecting our installations and our systems from unwanted intrusion. So I think the impression often is that this is simply the interests of the Russians of obscuring what they are doing. It is both sides of the street have the similar interest. Is that correct?

Dr. WARNER. We both have the interest in, on one hand, allowing people to inspect and verify the relevant data, the critical data on numbers of systems, numbers of reentry vehicles mounted, et cetera. On the other hand, we have every interest, as they do, in protecting our National security secrets, if you will.

Senator REED. And that interest is held by everyone, but I would think particularly by the uniformed officers in the Air Force and the other strategic systems, who would like to have some of their operations not transparent?

Dr. WARNER. We were in very close consultation. Number one, we had representation on the team of people from the services, from the Joint Staff, as well as other parts of the interagency. We were in close contact. Any of the key issues that we were negotiating and going toward agreement had to be, in fact, vetted through the so-called backstopping process.

We were very cautious. We had to strike that balance, enough visibility to have good verification, but also protecting U.S. national security.

Senator REED. Secretary Gottemoeller, any comments?

Ms. GOTTEMOELLER. Yes, sir. I did want to underscore that a very important consideration was disruption to the operational tempo of the strategic forces, and it was a consideration for the negotiators I think on both sides of the table because we had found in the 15-year implementation of START that quite oftentimes facilities would get closed down by repeated inspection activities. And so, OPS TEMPO for the strategic forces was an important consideration.

Senator REED. Let me pose a question again to both of you that arises consistently, and that is if the failure to ratify this New START would create a situation in which there are no essential limits that are enforceable. And that is somewhat rhetorical. You can correct me.

And also it would tend to, I think, set back any further effective negotiations with the Russians on any other major weapons systems. Is that a fair judgment, or alternatively, how would you describe the situation if the treaty is not ratified? Secretary Gottemoeller?

Ms. GOTTEMOELLER. Yes, Senator. The Moscow Treaty does remain in force at this time, with its limits on 1,700 to 2,200 warheads. A very interesting artifact of the Moscow Treaty, however, is that it is in the course of being implemented, but there are no sub limits or kind of scheduled limitations and reductions that have to take place.

So those limitations, reductions must be achieved by the time the treaty goes out of force in 2012, midnight, the last day of December 2012. So it will be in—those limitations will be in force essentially on a momentary basis.

So we are in the process of moving in that direction. I believe both countries will actually achieve those reductions without much trouble.

Senator REED. Can I ask one question about the Moscow Treaty? And that is there is speculation that the limits could be reached, but moments after the bell tolls at midnight, they could, in fact, restore, and we could restore launchers or warheads to exceed the limits. Is that—

Ms. GOTTEMOELLER. Well, as a legal matter, that would be possible. But in realistic terms, not possible because, of course, these are big, complicated systems. It takes time to deploy them.

There are two other points I would like to make about the situation we are in at the moment, and the first one is, of course, that we no longer have the predictability of a verification and inspection regime related to the START Treaty. The Moscow Treaty was basically built on the foundation of the START Treaty.

And the important line in the Moscow Treaty was provision said that the Moscow Treaty stated that the START Treaty remains in force according to its terms, which meant that START would continue, its verification regime would continue, and it would underpin the Moscow Treaty.

Now, with START out of force, there are simply no verification measures, and our predictability regarding the Russian strategic forces and, ultimately, our confidence level in what is going on there will go down.

Senator REED. Thank you very much.

My time has expired. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Reed.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman.

Let me just—I am probably not going to take all my time, but I have been concerned about the process, and I am not blaming anyone. And certainly, it is not a partisan concern that I have. I look at how significant this is, and this is our 30th hearing—I am sorry, 17th hearing and the 30th witnesses. Some have appeared more than one time.

And I appreciate this, Mr. Chairman. The hearing that we had 2 days ago, we had two witnesses that were opposed to the treaty. That is 2 witnesses out of 30 witnesses in this period of time were opposed to it. And I am kind of reminiscent of what we went through at that time—it was the Bush administration's fault, in my eyes—in the Law of the Sea Treaty.

I didn't like it—I sat through these hearings. I am on both the Senate Armed Services Committee and the Senate Foreign Relations Committee. And they had all the hearings, and everyone thought this was the greatest thing in the world. The Democrats and the Republicans agreed. And I remember it passed out in 2007 of the Foreign Relations Committee. The vote was—I think it was 17–4. And so, it was pretty near unanimous.

And yet, they had gone through the same thing. They hadn't had any of the witnesses opposed to it. And at that time, I was also the ranking member or, actually, the chairman—we were a majority at that time—of the Environment and Public Works Committee, which had jurisdiction over that issue, as well as this committee.

So we had hearings. We had hearings here, and we had hearings in that committee. And we had a lot of people come in to shed new light on it. This went all the way back, this treaty, to the Reagan days, as this one does, too. And so, so many people came forth that we ended up just completely reversing that thing.

Just my only concern is to have both sides heard, and those who are opposed to it, we have a lot of very smart people that have been opposed to it. And the concerns that I have haven't really been addressed that much. You folks are doing a great job, and I think this is probably the most informed from the administration that I have heard.

But still there are a lot of things that need to be discussed on this thing. Senator McCain talked about the quote, his concern with the missile defense connection here with Sergey Lavrov. There is another quote by him that I want to quote, and that is that "The treaty"—this is on April 8th. You all are very familiar with this quote.

"The treaty can operate and be viable only if the United States of America refrains from its development of its missile defense capabilities quantitatively and qualitatively."

I was very much disturbed back when we shut down our intensions in both Poland and the Czech Republic, and I think when our own intelligence shows us the capability that Iran is going to have by perhaps as early as 2015, I am concerned about what we are going to have in place at that time to take care of some of the problems to defend this Nation and my 20 kids and grandkids. So I have been very much concerned about that, and so I do have a lot of questions.

What I would like to do, instead of getting response to questions now, is in addition to the questions that Senator McCain had in his opening statement and in his questions, I would like to add other questions in the areas of modernization, such as is $100 billion a sufficient investment in our nuclear delivery systems over the next decade? What assurances can you provide that the administration is committed to modernizing the above programs? Why aren't they addressing this in the 1251 report? What is our triad going to look like in another—in the future?

Under verification, is the verification of the treaty adequate to give us the same understanding of the new Russian systems as we have of current Russian systems, thanks to START I? How important is it that we get telemetry of the new Russian missile tests in order to understand the capabilities of the systems?

The administration says on one hand that the treaty is verifiable, but on the other hand, it says that cheating is irrelevant. You have talked a little bit about that. Do you agree cheating is irrelevant? And you have already answered that question. If it doesn't matter if Russia cheats, then why do we need the treaty?

Other issues, in missile defense, we have talked a little bit about that. But I would like to know when will the United States be able to deploy an SM–3 IIB, if that is under the new PAA system, as well as when will we be able to support the Phase 1 in terms of the radar, the early warning radar system? Where will it be deployed? When will it be deployed? Which are the candidate countries?

In areas of tactical weapons, that is one thing we really haven't heard anything why. You know, I am not as smart as you guys and the other people who are involved in this thing. So I don't understand why in the world we weren't concerned and addressed the tactical weapon thing in the original treaty.

So what I am going to do, Mr. Chairman, is ask that all these questions in the list that we are providing be answered. But the only one I would like to have you address right now is the tactical weapons.

Being outnumbered or outflanked by 10 to 1—I mean, it is very disturbing to me. And this would be something that would more directly affect or enhance the capability of, in my opinion, of a terrorist. So maybe you just use the remainder of my time talking a little bit about tactical weapons, if you would, please?

Ms. GOTTEMOELLER. Yes, Senator Inhofe, with pleasure.

Actually, with regard to tactical nuclear weapons, it was very clear from the outset, and as the Obama administration was coming into office, the Strategic Posture Commission, other eminent commissions were looking at this question. And indeed, the agreement was among a number of eminent experts and the incoming administration that we must tackle the problem of tactical nuclear weapons.

The conclusion was, first, we needed to replace the START Treaty. The START Treaty was going out of force in December 2009, and we needed to move with dispatch to negotiate a follow-on treaty to START that would provide the transition from START to the next stage of arms reductions. But there was always a very, very clear commitment to going after tactical nuclear weapons, nonstrategic nuclear weapons.

President Obama in April, when he signed the New START Treaty, said very clearly we are now ready to move on to nonstrategic, as well as nondeployed nuclear weapons in the next stage of reductions. And I am pleased that in the context of these negotiations, President Medvedev as well has agreed that we must continue with further negotiations in the future and further reductions. So we have the opportunity to work with our Russian colleagues on this.

There is one important factor that affected the decisionmaking in this regard, and that is that the NATO countries, our NATO allies in this year are involved in a review of their strategic concept. As they review their strategic concept, they are tackling the very important issue of what to do about nonstrategic nuclear weapons, TAC nukes inside the NATO alliance. And we really felt it was very important that we not in any way—in any way undermine that important process of the NATO strategic review, which, of course, we take part in as a member of the NATO alliance.

So, in many ways, we did not want to rush ahead of NATO and NATO decisions in our own plans for negotiating further reductions.

Senator INHOFE. Well, Madam Secretary, I appreciate that.

My time has expired. But for the record, I would like to have you go into a little more depth as to why then the tactical weapons weren't a part of this. I understand what you are saying, but I think we need to elaborate on that.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

The administration does have a significant number of questions, which we have asked. The answers are not yet due. It is a large number. But we will, of course, expect that the answers will be filed by the time they are due. And if not, if you could make sure that you come to us, let us know that you can't meet a deadline and seek an understanding relative to that.

Ms. GOTTEMOELLER. Thank you, Mr. Chairman. It is our expectation we will answer them in the time accorded to us.

Chairman LEVIN. All right. And then, Senator Inhofe may have additional questions, which he referred to, and any of those questions we would give you a reasonable time to answer, if they are in addition to the ones already submitted. And that would be true for all the members of the committee that if there are additional questions for the record, we will get them to you.

Ms. GOTTEMOELLER. Certainly, sir.

Chairman LEVIN. Senator Chambliss.

Senator CHAMBLISS. Thanks, Mr. Chairman.

And let me thank both of the witnesses, both for not just being here today, but for the work you did on this. It is easy to look back from our standpoint and be critical. But having been in your shoes and negotiated over the years in law practice, I understand how difficult your job was.

The way I understand this, though, I am puzzled by the numbers. We knew, obviously, during the course of the negotiation that the number of Russian weapons were in decline. They have been in decline over several years, and actually, the maximum number allowed under the treaty is not even present in the Russian inventory now. And we obviously knew that. So the Russians have an opportunity to build up their inventory while we are required to go down with our inventory.

That part of the negotiation bothers me, to some extent. But the numbers part of it, or the fuzzy numbers part of it that bothers me even more is the Russians could line up 15 long-range bombers on a runway and load them up with 6 bombs each that would contain nuclear warheads, and that would be 90 bombs that would be in those 15 long-range bombers. But yet, under the rules of this treaty, that only counts as 15 bombs or 15 warheads.

Why would we agree to something like that? Why wouldn't it be a one-for-one deal on both sides with respect to those kinds of counting?

Ms. GOTTEMOELLER. Senator Chambliss, those are excellent questions. First of all, neither the Russian Federation nor the United States has for many years, on a day-in, day-out basis, loaded nuclear weapons on their bombers. They are, of course, retained as part of our nuclear arsenal if needed. But on a day-in, day-out basis, they are not on so-called "strip alert," ready to fly out.

There are many reasons for that, but the primary one is that we are not in the kind of crisis era of the Cold War. And so, there is a view that, in fact, the bombers can be in that role. And in our case, we are really placing an emphasis more and more on conventional missions for our long-range bombers.

So I think in our own armed forces, in our Air Force, there is a very firm view that we did not want to have to over count our

bombers if we have more bombers than the Russian Federation does. I am going to allow my colleague to speak to this in a moment. But if we had to count more bombs on the bombers, that would really up the numbers in the central limits for warheads inside the treaty as far as we are concerned. So we would end up paying a price for it.

So that was one of the critical issues. We wanted to find a counting rule for the bombers that would continue to express that they have a nuclear mission, but that on a day-in, day-out basis, they really don't carry nuclear bombs.

We do have some security in this regard because we have a right during onsite inspections to go and check and look inside the bombers. We even have a right to take radiation detection equipment and check out what is inside the bombers. If we find that the Russians are starting to put nuclear bombs back on their bombers, we are going to find out about it.

Senator CHAMBLISS. Dr. Warner, any comment? And let me just preface before your comments that I appreciate, Secretary Gottemoeller, your comments. But the fact is that we know that we have loaded nuclear weapons on our bombers. It happened 2 years ago. It may have been by accident, but it does happen.

And second, the Russians have a long-range plan for the production of additional bombers that I know, Dr. Warner, you are very well aware of, and we have no similar plan. So that is one reason this particularly concerns me.

Excuse me, Dr. Warner, go ahead.

Dr. WARNER. No problem, sir.

To summarize or to spin off of the point that was made by Secretary Gottemoeller, if we counted by the rule of what is operationally deployed, what is on, then the number would have been zero. We elected to use a representational number of 1, which, as you say, does not actually adequately express the real capability of the bombers on both sides. Having said that, because these bombers are not on alert, that was a better solution than zero.

The other point that has been made is that bombers are slow fliers relative to ballistic missiles, and in the arcane analysis of strategic stability, of the threat that one can pose to one another, bombers are less destabilizing. They do not have the promise of delivering a first strike within minutes, within tens of minutes, which is the possibility of both the ballistic missile characteristics of the ICBMs and SLBMs.

Under the START Treaty, bombers were also under counted. They were under counted in a somewhat different way. It depended whether they had air-launched cruise missiles or bombs, but there has been a tradition of counting them in this manner.

So I agree with you that the 1,550 doesn't really represent the total capability of either side by a few hundred weapons. But in our view, it represented an effective practice for doing this that is similar to the de facto arrangements that are present in the Moscow Treaty, and it is very similar to what was done under START.

Senator CHAMBLISS. There is reference in the treaty with regard to mobile launchers. But there is no reference to rail launchers. But yet, we have seen reports in the press and reports coming out

of Russia that rail-launched mechanisms are under consideration by the Russians.

Was there a reason that rail mobile launchers were not included?

Ms. GOTTEMOELLER. Yes, sir. The very direct reason is that, at the present time, neither the United States nor the Russian Federation deploys rail mobile ICBMs. I will underscore that should the Russians begin to develop and deploy rail mobile ICBMs, they would be captured by the central limits of this treaty. They would be captured by the definition of launchers.

And in that case, we would go to the Russians in the Bilateral Consultative Commission and say, all right, you are deploying a new system. We have to work out the special inspection and verification measures that will be required for this new system. There may be some other changes that would have to be made, but all of those measures that would relate to a newly deployed rail mobile missile we would be able to work out.

Dr. WARNER. The definition of an ICBM launcher really says anything that can hold or launch an ICBM will count as a launcher. So the fact that we didn't specify rail or road, anything that meets that definition would be counted and captured as a launcher. And the definition of an ICBM, in terms of the distance of the type of missile, we will also capture.

So while there were rail mobile launchers in the Soviet period, and they lasted until about 2005, there are none today. There may be talk of future ones. We will see. But we gave a definition of the ICBM launcher and ICBM that would absolutely capture them. They would count. Arrangements for the specific questions of new bases that might be involved would be undertaken in the normal way if either side adds systems to its strategic arsenal.

Senator CHAMBLISS. Very quickly, if this treaty is ratified, and 2 years from today, President Obama decides he wants to nullify the treaty, can he simply write a letter to President Medvedev, or whoever it may be, and say we are no longer going to comply with the treaty?

Ms. GOTTEMOELLER. If that were the case, sir, the President would make a determination that the treaty is no longer in our National security interests, and the procedures would be followed.

To be quite honest with you, I don't know exactly what the procedures would be. But this is only to say that as in other arms control treaties back through time and a large number of national security treaties in general, there is a withdrawal clause that if the U.S. President and the United States decides that a treaty is no longer in our interest, in our National security interest, there is an opportunity to withdraw.

Senator CHAMBLISS. Thank you very much.

Chairman LEVIN. Thank you, Senator Chambliss.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

And Secretary Gottemoeller and Dr. Warner, thank you for being with us today. I want to get at the rationale behind the New START limit of 700 delivery vehicles. And I want to preface that by saying that a year ago, we had General Cartwright, who is the Vice Chair of the Joint Chiefs of Staff and a former head of Strategic Command, before our committee. And he testified in front of

this committee that he would be "very concerned about endangering the triad if the number of strategic delivery vehicles dropped below the 800 number."

And yet, the New START Treaty limits the number of delivery vehicles to 700. And so, I guess I would be interested in knowing, if you could, sort of walk me through what occurred during the negotiations on this particular issue of delivery vehicles. What will the negotiating transcript reflect with regard to the discussion of delivery vehicles?

Because at the outset, we were talking about a range of 500 to 1,100, and how do we end up at the 700 number?

Ms. GOTTEMOELLER. Senator, I am going to let my colleague speak to this question mostly, but I did want to make an introductory remark, which is that, quite rightly, you point to the joint understanding of July 8, 2009, that President Obama and President Medvedev signed in Moscow. The Russians proposed 500. We had proposed 1,100.

This was the Russian attempt to constrain our delivery vehicles and constrain our ability to upload. They were trying to drive our numbers down very low for delivery vehicles, and the negotiation that ensued, I think, really represented a very solid move away.

And I will tell you, quite honestly, as the negotiator, I was surprised that the Russians didn't try harder to go after upload capability on the U.S. side. As a matter of fact, that was one of the early goals that they stated very, very clearly, their expert community. So it was a surprise to me. But we ended up, I think, in a very good place.

Ted?

Dr. WARNER. Let me directly address the issue of the 800 to 700. As the negotiations unfolded in the summer and into the early fall, one of the key issues was the definition of a deployed versus a nondeployed system. The fact that we then adopted a definition that a deployed missile is only when the missile is located in its launcher—in the SSBN tube, in the SLBM tube, in the strategic submarine, or in the silo launcher, or on a mobile ICBM launcher—why did that make a difference?

Over the next decade, we are going to have two of our strategic submarines in this lengthy midlife overhaul, which is coming at sort of the middle of their 40-plus years of service in order to restore their nuclear power plant and do other work. When they are in this overhaul for well over nearly 2 years, they do not have missiles associated with them. Therefore, those submarines do not count. Under START, they used to count even in this shape. Under this new treaty, they do not count when there are no missiles in the launchers.

A second issue that we worked out with the Russians was the ability to reduce the number of launch tubes on a given submarine. Today, the Trident has 24 launch tubes. We have plans, as indicated in the 1251 report, to take out 4 of those tubes, to disable them for use in launching strategic missiles.

Therefore, we can still have the same number of submarines at sea. We can spread the number of warheads we want to carry per boat among the other 20 missiles, but we have 4 less launchers on each.

When you combine that ability to not count the 2 that are in extended overhaul and you are able to take 4 tubes out of 14 submarines, that alone adds up to 96 less tubes. Those 96 less as deployed systems were not being taken into consideration by General Cartwright when he was citing the 800 number.

In addition, we have the opportunity to take missiles out of the—take the Minuteman missiles out of their launchers, to maintain the launcher in a caretaker status, if we choose to, and to maintain the missile and, if circumstances make it necessary, to put them back in. So there is flexibility in the ICBM force as well on this deployed and nondeployed.

Finally, we also show in our 1251 report that we intend to convert to conventional-only capability some share of the B–52Hs, which has not yet been determined. It is part of that mathematics of coming to the 700.

Now there is a third limit we haven't mentioned. There is the limit of 1,550 warheads, 700 deployed strategic delivery vehicles—not really launchers, but delivery vehicles. And finally, there is the 800 limit, which means that it is the deployed and nondeployed ICBM and SLBM launchers and bombers.

That provides a constraint on how many nondeployed systems you can have, but the things I just indicated—the individual elimination or conversion of tubes on submarines, the two submarines in deep overhaul, even with the test assets and so forth, we have the flexibility to live with the 700 deployed systems and nevertheless meet our needs and be able to have a strong, resilient triad.

Senator THUNE. Without making the distinction between deployed and nondeployed, did you have, going into the negotiations, though, a bottom-line, sort of redline number of deployed delivery vehicles? And was 800 that number?

Dr. WARNER. Under the Nuclear Posture Review, there had been a number of studies done, beginning in the mid spring, as the Nuclear Posture Review got underway, which were looking at the requirements to meet the National guidance and many other requirements. And they helped inform our negotiating position.

There was never a set number that it would be—to my knowledge, there was never an individual number, "no lower than." But I think once we came to understand the flexibility provided in the deployed and nondeployed, then we could take the very concrete rules of the game, if you will, do the analysis and see, could we sustain a triad? Could we sustain a triad with enough warheads spread amongst it that it would meet our requirements not only against Russia, but against all other things that we wish to use our central strategic deterrent force for?

So there was a steady, in a sense, a rolling responsive analysis done as the different rules became available. And ultimately, it was agreed by the Joint Chiefs, by the Secretary, and within the interagency all the way to the President, that under these conditions, this would meet the requirements.

Senator THUNE. Were you and the administration prepared to go below 700?

Dr. WARNER. I can't speak to that. It is above my pay grade. I mean, we went to 700, and that is where we ended up.

Senator THUNE. My understanding is the Russians aren't going to have to cut their number of delivery vehicles because they are already well below 700. And since they don't have to make cuts in the number of delivery vehicles, what concessions did we obtain from the Russians in exchange for us reducing our delivery vehicles below that number?

Ms. GOTTEMOELLER. Sir, from the outset, it was clear that the Russians were suffering a mass obsolescence of their older ICBMs, the SS–18s and the SS–19s. So we went into the negotiations knowing that this was what the circumstance was. We needed to have what we needed out of the negotiations, which, as Ted has gone through very well, was 700 deployed delivery vehicles and 800 deployed and nondeployed launchers. That is great flexibility for maintaining our strategic nuclear triad.

As far as the Russians are concerned, they are going to be required to stay under the central limits of this treaty, particularly with regard to the 1,550 warheads. That central limit will be very important, I think, in maintaining an equal balance and strategic stability between the two sides.

If I may mention also the deployed and nondeployed launcher limit will affect them because they have a lot of decrepit launch systems, submarines and so forth, that they are going to have to put some money into destroying. So it is, I think, important to underscore that the Russians will have to do some eliminations under this treaty as well.

Senator THUNE. The 1251 report explains that the U.S. nuclear force structure under the treaty could comprise of 420 ICBMs, 240 submarine-launched ballistic missiles, and 60 bombers. Now the deployments at the maximum level of all three legs of the triad under that explanation add up to 720 delivery vehicles.

So it is mathematically impossible for the U.S. to make such a deployment and be in compliance with the treaty's limit of 700 deployed strategic nuclear delivery vehicles. So, clearly, there would have to be some additional reduction decisions made. And there is also, since it covers prompt global strike, that platform, my assumption is there is going to have to be—there are going to be decisions made down the road.

And I guess my question would be which of the three legs of the triad do you envision we would have to reduce in order to accommodate getting from—because if we are talking about 720 and the number of the hard limit is 700, you have got some ground we would have to give up there, as well as counting prompt global strike under the number. So how would you see us accommodating?

Ms. GOTTEMOELLER. Senator, this also is a question for my colleague from the Pentagon, but I did want to make one point. And that is that this treaty has a 7-year reduction period, 10-year life of the treaty overall. But in order to implement these reductions, we have a 7-year period. So we don't have to hit 700 any time soon.

Dr. WARNER. The deliberations were among the Chiefs with the commander of Strategic Command, General Chilton, and ultimately in discussions with the Secretary and the Deputy Secretary. The baseline planning structure that was laid out in 1251 is the one that you cited.

It does have an addition problem in the sense that it has a couple of "up tos," the up to 420 in the ICBM launchers for the single RV Minuteman, the up to 60 heavy bombers, and the 240 launchers on the submarines. It was just thought that at this time with the 7-year reduction—those are very close. I mean, the main center of gravity of how to get there is really established within those numbers. The swing area is between 20 on the ICBMS and that of the bombers.

The decision was made at this time not to need to make that commitment yet because of the 7 years. It will be examined over time. It provided us with flexibility. But I want to emphasize that the lion's share of what is going to be in that strategic force is provided in that baseline.

Senator THUNE. But you would—what I heard you just say, however, is that you would see that reduction being dealt with between ICBMs and bombers?

Dr. WARNER. At this point, with this set of decision- makers, that is certainly where they were.

Senator THUNE. I see my time has expired. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Thune.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

I appreciate the opportunity to be with you, and I remain of the view that we have been too anxious to obtain this treaty, which is not the most important thing we need to be doing at this time to deal with the proliferation of nuclear weapons. We have got serious problems in a lot of different areas that need rigorous attention.

I just noticed in today's Washington Times a report that two intelligence officials and other U.S. officials with access to intelligence reports said information compiled over the past 7 months showed agents from several foreign governments, including Brazil, Burma, Iran, Nigeria, North Korea, Sudan, and Syria, pursued members of the Abdul Khan network that distributed nuclear weapons.

Now the essence of that story, as far as I am concerned, is that a lot of countries are still seeking nuclear weapons, and this is the kind of proliferation that is dangerous. And I worry about it. I don't feel like we have—I don't feel like the Russian strategic weapons level is that important since they probably are going to reduce their strategic weapons anyway, and we achieve nothing with regard to the tactical weapons that they have and in which they have a 10-to-1 advantage. So I am just raising questions about this, and I am concerned about it.

With regard to missile defense, I am uneasy about that. The protestations from the administration notwithstanding, in response to a question for the record from Senator Wicker to Secretary Clinton from the May 18th hearing in Foreign Relations, Secretary Clinton seemed to deviate from a prior administration statement on the planned deployment of Phase 4 of the phased adaptive approach to missile defense in Europe.

In her response, Secretary Clinton referred to that deployment as being possible, not the program of record plan that had been presented to Congress and is specified in the Ballistic Missile Defense

Review of 2010. The statement, in effect, says including the possible deployment of SM–3 Block IIB under Phase 4 to defend the ICBM threat from the Middle East.

So do we have a firm commitment from this administration to move forward to actually deploy SM–3 Block IIB in Europe to defend against possible missile threats from the Middle East, or is it now a possible activity sometime in the distant future?

Ms. GOTTEMOELLER. Senator, I think the emphasis in that response was on the adaptive nature, the so-called phased adaptive approach. And it has been the policy of the administration to keep a close eye on the actual threats that are emerging and to adapt the deployments according to the threats as they are emerging against our friends and allies in Europe. And so, I believe that that was the intent of that question and no other.

Ted, do you wish to add anything on this?

Dr. WARNER. I would have to look for the exact wording. I have not been in the middle of that phased adaptive. It does have the four phases. The fourth phase is associated with the Standard Missile-3 Block IIB. On this question of whether it is an ironclad commitment that they go at this time or that is what the phase looks like is going to depend on how things evolve. I would have to check the Nuclear Posture Review, sir.

Senator SESSIONS. Let me tell you what concerns me. We have deployed a missile system in Alaska and several in California that could defend us potentially against most of the world and particularly the Pacific, North Korea-type launch, a limited launch against the United States.

And the plans were to take that three-stage missile, develop it into a two-stage missile and be able to deploy it in 2015, 2016 in Central Europe that could provide an additional protection against missile launches from Iran and perhaps a rogue launch from Russia. Well, this has been abandoned.

What the technology has proven, it is simpler to have a two-stage than a three-stage, and out of the blue, it has come forward that there is going to be a plan to develop a new SM–3 Block IIB that could be deployed in Europe, that could be effective against an Iranian missile launch that would come over Europe to get to the United States. It is very good place throughout that region to deploy it. And it is not even on the drawing board. It is 2020, after the time experts—intelligence experts tell us it could be deployed.

So not having fallen off the turnip truck last week, I am of the view that this signals a decision not to deploy what was virtually ready to begin to be deployed, to put it off in the future, and I am not at all surprised that Secretary Clinton would say it is possibly now to be deployed and no longer our plan to deploy it.

So why shouldn't we conclude in Congress that as part of your negotiations with Russia, who have consistently objected to the deployment of these kind of missiles, why shouldn't we conclude that you have, indeed, conceded important, an important commitment of the United States to deploy a system in Europe? Why shouldn't we conclude that?

Ms. GOTTEMOELLER. Senator Sessions, you will have to forgive me. I am not an expert on the details of our missile defense plans and programs, as I was really focused on these START negotia-

tions. So we will certainly get answers for you for the questions that you raise.

I did want to emphasize, though, the statement of policy that the United States made. It is our unilateral statement made on April 7, 2010.

And it says, "The United States missile defense systems are not intended to affect the strategic balance with Russia. The United States missile defense systems would be employed to defend the United States against limited missile launches and to defend its deployed forces, allies, and partners against regional threats. The United States intends to continue improving and deploying its missile defense systems in order to defend itself against limited attack and as part of our collaborative approach to strengthening stability in key regions."

So as far as our negotiations were concerned, we were very, very clear with the Russian Federation that that is our policy, and that is not only for the Russian Federation, but for other audiences, that is a statement of our policy.

Senator SESSIONS. But the Russians have made clear that they don't accept any qualitative or quantitative improvements in our missile defense system, and they have the right to withdraw from the treaty for really any reason they choose. But they have made clear they will not accept that. And it appears to me we will be in a situation, if we actually go forward with a system in Europe, that the Russians will threaten to get out of the treaty because we do not have an agreement on this with the Russians.

I mean, the Russians are saying no, and we are saying we don't give up right to go forward. They have a right to get out of the treaty, and I think it is going to be very much a threatening situation that they will suggest that this treaty, they will move out of the treaty if we have even a limited system.

And which really is bizarre since it has no threat to Russia and the massive number of weapon systems they have. A limited system that could protect us from a rogue state or an accidental launch is not a threat to Russian strategic nuclear weapons. So—

Dr. WARNER. Senator, if I could?

Senator SESSIONS. Yes.

Dr. WARNER. Because I want to build exactly on the point you made. In the Russian unilateral statement, they do make the statement about they are unhappy with potential qualitative or quantitative increase in our missile defenses.

Senator SESSIONS. And they have been objecting for years over that.

Dr. WARNER. And that is what Secretary Gates said. They have not been an enthusiast for our missile defense for many years. But they go on, in the last sentence, they say, "Consequently, the extraordinary events referred to in Article XIV of the treaty," this is the potential withdrawal, "also include a buildup in the missile defense capabilities of the United States of America such that it would give rise to a threat to the strategic nuclear force potential of the Russian Federation." That will not be the case of the phased adaptive system.

Senator SESSIONS. It wouldn't be the case with the two-stage system we were talking about putting in Europe either.

Dr. WARNER. I understand. I understand.

Senator SESSIONS. And they objected to that.

Dr. WARNER. I am saying they can object all they want, but the only point they made here about potential withdrawal is if we build missile defenses that threaten the strategic nuclear potential. That is not the case. You made the case yourself very clearly and very correctly, sir. That is the small, the 30 or so interceptors we currently have for the defense of the homeland and the system that we are building in Europe, if we go ahead with all four phases.

And I think the possibility here is largely does the Iranian threat emerge? If the Iranian threat emerges, I believe we are committed to move forward all the way through Phase 4. So the only possibility issue is were we to succeed in getting the Iranians not to pose an intercontinental nuclear threat to us.

But in any case, I think you have made the point very clearly, sir, that the Russians are concerned about something undercutting their strategic nuclear forces. Our missile defense activities will not do that. Neither our system in Alaska, our system in California, nor the phased adaptive system in Europe will pose it. General O'Reilly has talked with the Russians and briefed the Russians to make clear to them the nature of our future capability through all four phases will meet our needs vis-a-vis Iran, will not threaten Russian strategic nuclear forces.

Senator SESSIONS. Well, I hope that is true. I will just say that we went from a situation in which we were able to deploy a system in 2016, when the intelligence agencies tell us we need it, to a plan—a fourth phase of a plan that possibly could result in the deployment of a system in 2020.

So forgive me if it makes me uneasy. It appears to me this is the way you kill a program. You put it off indefinitely into the future and take it off reality and put it in unreality in the vapors somewhere in the future, and that is my concern.

I thank all of you for your hard work. I know this is not an easy thing. I don't criticize you for working on this and trying to bring us a treaty that we can support. But I am uneasy about it.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Sessions.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman.

And I thank the witnesses for testifying, too, and also for your hard work on this very, very important issue.

Ratifying the New START provides the U.S. with an opportunity to negotiate with Russia on tactical nuclear weapons, as well as enhance U.S.-Russian military and diplomatic ties. We will not obtain cooperation with Russia on tactical nuclear weapons without ratifying the New START.

And during yesterday's hearing, subject matter experts not tied to the administration indicated that tactical nuclear weapons are valuable to the Russian military doctrine. The witnesses also indicated that Russian tactical nuclear weapons are also strategic threats. Additionally, Russia uses its numerical advantage in tactical nuclear weapons to forcefully coerce its neighbors to adopting policies that favor Russian interests.

My question is if the Senate ratifies New START, what type of Russian cooperation do you believe we can expect to receive regarding limitations on tactical nuclear weapons and preventing proliferation?

Ms. GOTTEMOELLER. Thank you, Senator.

The preamble to the treaty makes note of our aspiration once we have completed the process of negotiating New START and ratifying it, bringing it into force, that we will move on to further stages of negotiations. And President Medvedev has made statements about this in his speech in Helsinki, and he also agreed with President Obama last April a year ago—that is, in 2009—when they were in London together, that there would be further stages of negotiations following completion of the New START Treaty.

So we are currently thinking ahead and planning. And as President Obama stated very clearly in Prague just this last year—I am sorry, just this last April, when we signed the treaty, he stated very clearly that we will move on in the next stage of negotiations to tackle tactical nuclear weapons and also nondeployed nuclear weapons.

So these are very clearly our tasks laid out ahead, and I want to get on with it.

Dr. WARNER. The only thing I would add, it will be a tough negotiation. People have talked about the reality of the symmetry in numbers between these two and the relative dependence. That doesn't mean—I don't think there will be any zero answer on tactical nuclear weapons. In other words, the Russians will want to sustain a tactical nuclear.

But I do believe there is an opportunity to negotiate reductions and limitations in this area, and the only road to getting on that path at this point is to ratify and enter into force with this treaty. And that will give us, I think, an impetus to begin that what will be a difficult negotiation.

Senator HAGAN. Thank you.

It is important to discuss nuclear arms control with the Russians within the context of the evolving U.S.-Russian relations and geopolitical realities. New START ensures a degree of predictability in the bilateral relationship that can be used as an important mechanism to facilitate cooperation on our mutual interest, regional interest. And as you know, New START does not prevent the U.S. or Russia from developing new strategic nuclear weapons capabilities.

Yesterday, our committee received testimony from a variety of experts, once again not tied to administration. And witnesses emphasized the Russians placed enormous significance in maintaining strategic nuclear parity with us. The witnesses anticipated that the Russians would likely build more strategic nuclear capabilities. If anyone fears that Russia is poised to launch a buildup of nuclear weapons, would it not be wiser to restrain them with this particular treaty?

Ms. GOTTEMOELLER. Ma'am, it is absolutely the case that both countries have the opportunity to modernize under this treaty. That is the very first paragraph of Article V. We both have the opportunity to modernize. So I think that is important.

But the other key point about this treaty, and you mentioned the word yourself, "predictability." You mentioned predictability in U.S.-Russian relations overall, but within our strategic nuclear relationship, the predictability that is provided by this treaty helps us to understand not only what decisions the Russians are making about modernization, where they are heading, what kinds of programs they are developing and beginning to deploy, but also helps us to understand what is going on with the day- to-day operations of their forces.

That is what is so very important about the verification and inspection regime. So I do agree that predictability, it is inherent in this treaty if it is ratified and enters into force.

Dr. WARNER. I might just add one point. I have been a student of, first, Soviet and then Russian military affairs for too many years to count. I think we still have a hangover of the impression we had about the Russian military and the Russian strategic nuclear forces of the late 1990s. At that time, given the great difficulties that Russia was encountering, it was really true that this obsolescence of the old systems, the bloc obsolescence was just marching at them. The forces were coming down.

The Russia of 2010, while it was affected by the global financial problem, is still quite different. They have the options to invest and even to even have larger forces were they to choose to do so.

So I think it is very important—it is a fact that because of the different composition of our forces—we are deMIRVing our ICBMs, taking off the multiple warheads. They continue to have multiple warheads in silos and also a new system that has just become operational for the first time, a multiple warhead mobile system.

Because of the difference in structure, they have a smaller number of delivery vehicles than we do. But they are really in the position—and I think the intelligence community has commented on this. They are in the position that if they wished to go to higher levels, something they really couldn't contemplate, I think, a decade ago, they can contemplate now.

So even though they are below the limits right now, it is useful to ensure they stay no higher than those limits that are mutually agreeable that both sides can ensure their security with.

Senator HAGAN. Thank you.

Ratifying New START will underscore our commitment and emphasis toward nonproliferation, and ratifying the treaty will assist us in garnering international consensus regarding nuclear weapons proliferation challenges from rogue states, such as Iran and North Korea. It will also send a positive message in achieving consensus with other countries on nuclear issues.

Will ratifying New START assist the U.S. in encouraging the non-nuclear states to sign and abide by the Non-Proliferation Treaty?

Ms. GOTTEMOELLER. Ma'am, already with the negotiation and signature of New START, we have been seeing some beneficial effects in this regard. As you may recall, back in May, after the treaty was signed in April, we were working very hard to achieve a sixth resolution in the U.N. Security Council in order to send a strong message to Iran that their behavior with regard to their nuclear program is unacceptable to the international community.

I understand that the diplomacy with regard to achieving that resolution was very much strongly conducted by the United States of America, and the cooperation we were able to achieve with the Russian Federation, with China, with other members of the U.N. Security Council, the influence of our having just signed the START Treaty was very evident.

So I think there has already been a beneficial effect. I believe if we ratify this treaty and it is brought into force that the momentum of that process will ensure other successes in our fight against the proliferation of nuclear weapons and other weapons of mass destruction.

Senator HAGAN. Dr. Warner?

Dr. WARNER. The other incident that happened was the review conference on the Non-Proliferation Treaty. We have a responsibility within that treaty, we, the super powers, the Russians and the United States—I guess the old term, "the super powers." We had a commitment to make progress in reducing our nuclear capabilities, our nuclear forces, as we also ask others to forego having nuclear weapons.

Now that doesn't guarantee anything, but I think we did get a result in that review conference held at the United Nations in May. I think we got a very favorable resonance there as well from having recently, just a month before, having signed this treaty.

Senator HAGAN. Do you hear any discussions with these countries as we debate this treaty?

Ms. GOTTEMOELLER. Yes. And I just wanted to mention that two other major conventions have been discussed this morning, and that is the review conference for—the Chemical Weapons Convention and the Biological Weapons Convention. And both of those major conventions will have review conferences over the next 2, 3 years.

And I think the kind of leadership we have been able to show by negotiating signing and, we hope, ratifying and bringing into force the New START Treaty will, I think, really boost our opportunities for success, for making really positive progress on some of the problems that the compliance report of the Department of State has raised.

The Russian Federation has, indeed, had difficulties achieving all of the necessary reductions in its chemical weapons stockpile. I must say, Senator, that the United States is having difficulties as well. So we have to work together on ensuring that the reductions, proper reductions are taken according to the Chemical Weapons Convention.

But it is the kind of cooperative environment that was created by the START negotiations that will help us not only in our work with Russia, but with other countries under these major regimes. So I really do think that it provides us the momentum we need for leadership across this arena in both arms control and in nonproliferation.

Senator HAGAN. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Hagan.

On the Chemical Weapons Convention compliance issue, you said sort of parenthetically that we weren't able to comply with its re-

quirements either. As a matter of fact, we had to seek and obtain an extension of the deadline from 2007 to 2012. Is that correct?

Ms. GOTTEMOELLER. Yes, sir.

Chairman LEVIN. That was a one-time extension?

Ms. GOTTEMOELLER. Yes.

Chairman LEVIN. And if we can't make the destruction requirements by 2012, then what? Then we won't be in compliance, but there is no provision for an extension. So then what?

Ms. GOTTEMOELLER. Well, sir, we hope to and plan to work very closely again with the OPCW, the implementing body of the Chemical Weapons Convention, and with the other countries who are concerned with this matter, including the Russian Federation, to come to some accommodation.

Chairman LEVIN. Now the reference, I believe, was made by Senator Thune to a statement of General Cartwright relative to the minimum number of delivery vehicles that he would be comfortable with. I understand, I believe here that Mr. Elliott, who is Admiral Mullen's representative to the talks, is with us here this morning. And I don't want to ask him to comment on it here because my colleagues aren't here for that purpose, and it wouldn't be fair for me to do that, I don't think.

But it is appropriate for me to say that there will be a question for the record for General Cartwright about that comment. And so, we would appreciate, Mr. Elliott, your identifying that in the answer to a question for the record, what that comment was and whether there is a change in his position or exactly what his position is relative to it. Because it was a comment that was made, apparently.

Now, on the statement as to whether or not the State Department has concluded that the Russians are not in compliance or whether or not there remain questions or uncertainty or lack of clarity about Russian compliance with the Chemical Weapons Convention, I am going to ask you, Secretary Gottemoeller, also for the record to go into that issue into a little more detail.

Senator McCain made reference to a language here that I can't find, but I assume it is in this report that the finding that the Russians are not in compliance. That is different from uncertainty about compliance or lack of clarity about compliance. But somewhere in there, those words "not in compliance" appear that were quoted by Senator McCain. Can you comment for the record on that finding and what the significance is of that relative to our consideration of the New START Treaty?

Ms. GOTTEMOELLER. Yes, sir. I would be glad to do so. I welcome the opportunity to look closely at the language myself. I don't know it by heart.

Chairman LEVIN. Okay. On the tactical nuclear weapons, they were not covered by START I. Is that correct?

Ms. GOTTEMOELLER. That is correct, sir.

Chairman LEVIN. And I think it is in everybody's interest that those negotiations begin and that we try to reach an agreement on tactical nuclear weapons with the Russians. And I think many Presidents have said the same thing, and I think this President has said the same thing. But they have not yet been included in a treaty, and my question is would rejection of the New START

Treaty make it more or less likely that we would begin discussions with the Russians on limitations of tactical nuclear weapons?

Ms. GOTTEMOELLER. Sir, I have testified before the Senate Foreign Relations Committee that I believe it would be unlikely that we could begin negotiations on tactical nuclear weapons if we are not to ratify and bring this treaty into force.

Chairman LEVIN. Would it be less likely?

Ms. GOTTEMOELLER. Unlikely.

Chairman LEVIN. Well, does that mean less likely than would be the case—

Ms. GOTTEMOELLER. It is also less likely.

Chairman LEVIN. Now, on the Votkinsk missile facility, apparently there is not going to be a continuation of inspections at Votkinsk. Is that accurate, Dr. Warner?

Dr. WARNER. At Votkinsk, we had the permanent what was called perimeter and portal monitoring system. This was the final production plant for the mobile missiles that they were producing. For all 15 years of the START Treaty, we had the right and we did have people there at Votkinsk 24/7/365, and they had an opportunity to man the key rail line going in and out of this final assembly plant and to verify the entrance—the exit from that final assembly plant of mobile ICBMs.

The Russians had a reciprocal right to do a plant in Utah that would produce the Peacekeeper because the Peacekeeper by the time of the signing of the treaty was identified as a potentially mobile missile. In the end, the Russians never implemented their right on the Peacekeeper at that plant in Utah, though they had implemented their right to do an INF missile production plant throughout the life of the INF Treaty.

Chairman LEVIN. Therefore?

Dr. WARNER. That provision—no, no, I am sorry. That provision—

Chairman LEVIN. Back to Votkinsk, if you would?

Dr. WARNER. Well, on Votkinsk, the provision to have that portal monitoring is not part of this treaty.

Chairman LEVIN. Why not?

Dr. WARNER. Instead, we have the opportunity to have a notification 48 hours in advance of the exit of any solid-fueled ICBM or SLBM from a production facility, including Votkinsk, and that same provision applies to the United States for any solid-fueled ICBM or SLBM. And that will provide us the information that a new system is entering the inventory. There will also be a notification when that missile goes to its first place, its first destination—to a test area, to a storage facility, to an operating base.

Chairman LEVIN. And from the point of view of the Defense Department, that is an adequate or more than adequate protection for whatever potential breakout or potential manufacture that the Russians may pursue?

Dr. WARNER. We believe that that, in combination with the notifications, the unique identifiers—the unique identifiers now are applied to all missiles, ICBMs, SLBMs, as well as to heavy bombers. In the context of all the other components, notifications, and so forth, we believe that is adequate to have effective verification.

Ms. GOTTEMOELLER. Mr. Chairman, may I just add one word on this point?

Chairman LEVIN. Yes, please.

Ms. GOTTEMOELLER. I think it is important to note that the decision to depart the Votkinsk permanent presence continuous monitoring site as START goes out or went out of force on December 4, 2009, that decision was made in 2008. And the agreement for an orderly departure from Votkinsk was completed before the end of 2008.

Chairman LEVIN. So that was determined before the new administration took over?

Ms. GOTTEMOELLER. Correct.

Chairman LEVIN. I just have one more——

Ms. GOTTEMOELLER. That doesn't mean that we didn't try to push back against it, but the Russian Federation——

Chairman LEVIN. That was not part of the negotiations. That was a previously decided—

Ms. GOTTEMOELLER. Well, sir, we did try to—how shall I put it? We did try to work the issue with the Russians, nevertheless. But they believed that they had an agreement already on this matter.

Chairman LEVIN. I see. I will just ask one more question if you are ready to go.

The question has been raised about the European missile defense. My question here is does this treaty limit the phased adaptive approach or a European missile defense in any way?

Ms. GOTTEMOELLER. Absolutely not, sir.

Chairman LEVIN. I mean, I know there are differences over whether or not that switch of systems to the phased adaptive system was the right one. NATO has approved it, and I think it is clearly a much stronger defensive system for us, but whether or not people agree to that or not, it seems that is a separate issue from this treaty. That is not—that shift is not prohibited by the treaty. It is not covered by the treaty. It is not limited by the treaty.

And I think that that is being pulled in here is not a matter which is really relevant to our consideration of the treaty. It is a relevant question, and people can argue it. But I don't see how it is relevant to the consideration of this treaty.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman.

Welcome, Secretary Gottemoeller and Dr. Warner. I apologize that I wasn't able to get here at the outset of the hearing because I am very interested in the subject. I just had a meeting I couldn't skip out of.

Let me first thank you for the extraordinary effort that you both made in achieving the treaty. I think this may be the seventh hearing the Armed Services Committee has held on it, and what is clear, I think, am sure clear to you is in any treaty, a treaty is a compromise. You have goals, but you are negotiating with another party. So you can't always achieve everything you want, presumably, unless there is a real imbalance in the parties negotiating.

And that is true here, too. And I think we have got to try to, as we go forward, though members of the committee—I, myself, have some questions—balance out what we gain from the treaty, what the world gains, but what we gain particularly and what, if any,

risks are being taken. And I just have a couple of questions in that regard. I don't want to hold you a lot longer.

This first is based on staff report about an exchange you had with Senator Sessions before I was here. So if I am mistaken, it is totally my staff's fault.

[Laughter.]

Senator LIEBERMAN. Senators never make mistakes. Mistakes are only made by staff.

Chairman LEVIN. Hear, hear.

Senator LIEBERMAN. But I understand that you had a discussion with Senator Sessions with regard to the phased adaptive approach for missile defense that the Obama administration has adopted, and though I think there may have been some unease at the beginning when it was first adopted, I think, generally speaking, around here there is support for that approach now.

I believe what I have heard is that you left the impression that the completion of the four stages of the phased adaptive approach, including the deployment of the SM–3 Block IIB was contingent on the development of Iranian ballistic missile capacity. I think that the administration has been clear, from the moment the President first announced the phased adaptive approach, that deploying all four stages is not in any sense contingent or optional, but mandatory and a necessity, as it were.

That is certainly how I viewed it. And of course, this committee has had testimony from the previous head of the Defense Intelligence Agency that as early as 2015, with outside help, presumably from somebody like North Korea or somebody else, that Iran could have intercontinental ballistic missile capacity that could reach the United States.

So I don't know if you want to clarify this one for the record or you want to say anything more at this point. But if, in fact, your testimony is that the completion of the phased adaptive approach, including SM–3 Block IIB, is conditional, that is different than I understood before.

Dr. WARNER. I was the party who wandered into that assertion, Senator. I probably would have been safer staying with the first assertion, saying I need to get back and check on the specific wording.

I mean, make no mistake, my responsibilities in my current position and over these last few months, this last year or so, have not included being in the middle of this issue.

Senator LIEBERMAN. Okay.

Dr. WARNER. The issue was the use of the word "possible deployment" of the force. We will check into the specific wording and get back to you. But the phased adaptive, it was my personal understanding, is linked to—I mean, it was focused on regional threats because those are the threats that are coming first, and that is why Phases 1 and 2 were of that character. Phase 3 was to cope with threats that were deeper into Europe, and Phase 4 would finally address those that would go very deep into Europe and all the way to the United States.

I made, perhaps erroneously, the statement that I believe the only adaptive part of this if that threat fails to materialize, then I said that might be the possible reason why we would not move

to Phase 4. You say you understand we are sort of committed to all the way to Phase 4. Let me simply check on that.

Senator LIEBERMAN. Okay.

Dr. WARNER. That was the root of this set of judgments or assessments.

Senator LIEBERMAN. Good. I appreciate that. And so, if you will let us know for the record, that would be helpful.

As you know, I think there are two general categories of concern that people have. Most people I talk to, members in the Senate, would like to get to a point to vote to advise and consent to the New START Treaty. I certainly would.

The two categories of concern are about the modernization program for our nuclear weapons stockpile since the number of deployed warheads will go down, and we have had a lot of testimony that was on that, and I think a lot of work is going on on that. The second set of concerns is about verification, and some of this is based on classified NIE on this question, some of it just on open testimony. So, obviously, I will ask about that.

And this really goes to—actually, we were in a classified briefing, and we started to ask this question to some of the folks from the intelligence community, and they said, no, that is not our responsibility. You should talk to the people who negotiated the treaty. So there are certain reductions in our verification capacities under the proposed New START Treaty from what they were under START.

And perhaps if you could, Secretary Gottemoeller, I would ask you to begin just to respond to those and indicate what the process was by which they were agreed on and why you think that they don't represent unacceptable risk for the U.S.?

Ms. GOTTEMOELLER. Senator Lieberman, the verification regime in the New START Treaty is different from that in the START Treaty. It does respond very much to the central limits and obligations in this treaty. So there are differences among the various verification measures.

But I would argue that in some cases we actually improved and adjusted verification measures. For example, in one case, we found that our inspectors, when they were flying into the point of entry to begin an onsite inspection, they weren't having enough time to recover from their travel, and it was becoming a safety concern. So we made some changes, extended some time periods so that they could get a night's rest.

Those kinds of changes we made, and I want to make this point very clearly, on the basis of the 15 years of implementing the START Treaty. So we had experienced inspectors come along on our delegations, and we had experienced operators of the strategic nuclear forces who knew the nuclear weapons systems inside and out. And in some cases, they said, you know, we are wasting time on inspections with this, that, or the other procedure. We need to focus in on what is really important.

And they really, really worked hard to make sure that we were making the New START Treaty verification regime more efficient and effective, as well as helping to address what had become a problem under the START Treaty. That is that some of the inspection measures became drags on the operational tempo of our strategic forces.

So we were looking for ways—and this was clearly laid out as an instruction in our July joint understanding that President Obama and President Medvedev signed. There was a clear instruction in there, look for ways to make all these measures more efficient and effective and less expensive to implement.

So the result, I think, is an excellent one and really does serve the needs of this treaty. That is response to the need to monitor and verify its central obligations.

Senator LIEBERMAN. Mr. Chairman, my time is up. With your permission, I would ask one more question.

Chairman LEVIN. Please.

Senator LIEBERMAN. Thanks. I have had particularly concern about the reduction and what is required under the treaty of telemetry exchanges because of the extra information they give us to verify the capacity of the ballistic missiles. And incidentally, I gather that we were both obliged to exchange telemetry information on all of our tests for missiles under START, and as far as we know, the Russians complied with that quite completely.

This is now limited in the New START Treaty to five telemetry exchanges, to exchange telemetry information for five missile tests at the choice of the country testing. And in testimony before our committee last week—I believe it was last week—General Chilton said that the treaty does provide for less transparency than we would prefer into Russian missile programs.

And there is a difference here, I understand, that the telemetry is not really necessary to verify compliance with the New START Treaty, but we are losing in the reduction of the number of telemetry exchanges transparency into the Russian missile programs. I wanted you to talk, Secretary, if you would, about why we accepted that reduction.

Ms. GOTTEMOELLER. Sir, it points to the comment I made a moment ago. That is for the verification of this treaty, telemetry is not required. In particular, we took a new approach to counting under this treaty, to more precisely count the number of reentry vehicles on ICBMs and SLBMs.

I think this helps us quite a bit, by the way, because we don't end up over counting the D–5, which the use of attribution rules under START meant that we were continuing to count the D–5 up at 8 reentry vehicles per missile where we had started to download it over time, 5, 6, whatever number of reentry vehicles on each missile. So we ended up with a situation where the D–5 under START was being over counted, so to say.

So, in this treaty, we went to a different approach to counting. As a result, we did not need to determine attribution for each missile. To determine an attribution rule, we would check to see how many reentry vehicles were being released from each missile type during tests, and then we would determine the attribution rule. If it was tested with 10, we would count it with 10 under START.

So we have got, I think, a better, more precise counting rule under this treaty. But as a result of that, the need to have telemetry to actually verify the measures of the treaty went away.

I have to say that I wanted to make two comments about this. First of all, it is not strictly true to say that under START we had to exchange telemetry on all missile tests because we had the op-

portunity to request an exception, to say we don't want to exchange telemetry for this particular test. Forgive me, I don't remember off the top of my head, but it was five or seven, some number like that. We could get that amount to give you a more precise view of that.

So we always had the right to request not to exchange telemetry under START. And in this new treaty, we looked at what the concepts of this new treaty were in terms of our overall relationships with the Russians, and we said we need to develop further transparency.

By the way, this is an approach that the previous administration took with regard to the Moscow Treaty, always that we would have transparency, additional transparency developing. In this treaty, the Russians came in and proposed an actual treaty article, Article VIII, that speaks to the need to develop additional voluntary transparency measures on top of the verification regime. And so, the telemetry measures under this new treaty are very much in that spirit.

My personal view is, given the experience we had in the negotiations that the Russians became more enthusiastic about this exchange over the course of the negotiations, I think that it will turn out to be quite beneficial in transparency terms, give us important insights into the Russian missile force developments over the life of the treaty. But, of course, that means we will have to bring the treaty into force.

Senator LIEBERMAN. Yes, so I take it the Russians asked for a reduction in the number of exchanges of telemetry information on missile tests?

Ms. GOTTEMOELLER. We actually went into this treaty negotiation pretty much with a proposal as to how to proceed, and then we worked out, over the course of time, what the overall numbers would be. So it is up to five, as you noted, up to five launches of ICBMs or SLBMs.

Senator LIEBERMAN. Okay. And I take it from the end of your last answer, you are saying that you think that there is an opportunity to negotiate with the Russians post New START Treaty the kinds of exchanges of telemetry and other information regarding ICBMs that we are discussing now?

Ms. GOTTEMOELLER. The telemetry provisions in the treaty call for actually an annual review.

Senator LIEBERMAN. Yes.

Ms. GOTTEMOELLER. So we would get together and have an opportunity every year to review where we are, how it is working. Is it going well, not going so well? What can we do to improve it? And so, again, that is another reason why I look very positively on the telemetry exchange under this treaty.

I think we could make it responsive over the life of the treaty, the 10-year life of the treaty to our needs. And of course, the Russians will be trying to do the same thing, but I look upon it as very beneficial from that perspective and potentially very positive transparency regime.

Senator LIEBERMAN. Thanks. I have taken more than enough time. I thank you for your patience, Mr. Chairman.

I thank the two witnesses.

Chairman LEVIN. Not at all. And I also have a few more questions. First, I want to comment on what Senator Lieberman said relative to the Phase—I think it is Phase 4 of the so-called phased adaptive approach. I agree with him as to his comment that it is our understanding part of the plan to proceed to that. It is not stated to be conditional on anything. And so, I think he is correct.

And I am glad that, Dr. Warner, you will check on that and correct the record if you need to or give a statement for the record because that is my understanding is the same as Senator Lieberman.

Second, Secretary, I asked you before to give us for the record where Russian compliance, questions about Russian reliance remain unresolved or unclear or where we have concluded that they are in a state of noncompliance. And if you could give us kind of a chart, it may not be able to be total because I think there are so many requirements for compliance, but you could give us types of compliance requirements where we believe that there is lack of clarity as to whether they are in compliance, lack of resolution, which I think is a different issue—apparently, a State Department report uses those terms in a different way—and also where we have reached a judgment that Russians have not complied.

Okay, those are three categories. There may be more categories. If so, give us a fourth or a fifth category. But we have got to clarify that issue because of the report.

On the telemetry issue, and I am glad Senator Lieberman raised that issue, as I understand, the telemetry point is that we no longer use telemetry to verify this treaty to begin with. But that the extent we get telemetry and exchange it, it could be useful in terms of providing additional transparency into the Russian program.

Ms. GOTTEMOELLER. Yes, sir.

Chairman LEVIN. Is that kind of a summation of it?

Ms. GOTTEMOELLER. Yes.

Chairman LEVIN. Okay. And there are other ways of providing transparency as well, but this is a plus, but not necessary for compliance determinations?

Ms. GOTTEMOELLER. Yes, sir. That is correct.

Chairman LEVIN. Okay. Do you have anything more?

Senator LIEBERMAN. No.

Chairman LEVIN. Okay. We thank you both, and it is very useful to have these hearings. There will be additional questions, I am sure, for the record. Please give us answers promptly.

Yes, thank you.

There is a letter I have been requested to put into the record from—a letter in support of the treaty signed by former commanders of the Strategic Command. It is signed by I believe one, two, three, four, five, six, seven former commanders of the Strategic Command, and that will be made part of the record.

[The information referred to follows:]

[COMMITTEE INSERT]

Chairman LEVIN. And we will stand adjourned with our thanks.

Ms. GOTTEMOELLER. Thank you, sir.

[Whereupon, at 11:49 a.m., the committee adjourned.]