

HEARING TO RECEIVE INDEPENDENT ANALYSES OF THE NEW START

TUESDAY, JULY 27, 2010

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

The committee met, pursuant to notice, at 9:34 a.m. in room SD-G50, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Reed, Hagan, Goodwin, McCain, Inhofe, Sessions, Chambliss, Thune, Brown, and Collins.

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: Jennifer R. Knowles, Christine G. Lang, and Hannah I. Lloyd.

Committee members' assistants present: Carolyn A. Chuhta, assistant to Senator Reed; Roger Pena, assistant to Senator Hagan; Anthony J. Lazarski and Rob Soofer, assistants to Senator Inhofe; Lenwood Landrum and Sandra Luff, assistants to Senator Sessions; Clyde A. Taylor IV, assistant to Senator Chambliss; Jason Van Beek, assistant to Senator Thune; Scott Clendaniel, assistant to Senator Brown; and Ryan Kaldahl, assistant to Senator Collins.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Good morning, everybody.

Over the course of the last month or so, the Armed Services Committee has held three hearings and one briefing on various aspects of the New START Treaty, including how it will be implemented by the U.S. military, how it will be monitored and verified, and how the nuclear weapons complex will be utilized to maintain a smaller stockpile. We will have what will probably be our final hearing this Thursday, with assistant Secretary of State Rose Gottmuller, the chief negotiator of the New START Treaty, and Dr. Edward Warner, the Secretary of Defense's representative to the Treaty talks.

The previous hearings, as well as the hearing this Thursday, have all been held with various representatives of the executive branch, to better understand the new Treaty, and how the Treaty

will be implemented—tasks which the executive branch will be carrying out.

Today we welcome a panel of nongovernmental witnesses. Look forward to hearing their independent views on the New START Treaty. While none of our witnesses this morning are currently serving in the executive branch, each of them has extensive previous experience, either with or in the executive branch. They represent different views of the Treaty. We welcome that, and we welcome each of our distinguished witnesses this morning.

Dr. John Foster has had a long and distinguished career and science and industry. He helped establish the Lawrence Livermore National Laboratory in 1952, and was director of the laboratory from 1961 to 1965. From 1965 to 1973, he was the Director of Defense Research in Engineering at the Defense Department. He retired as Vice President of Science and Technology at TRW in 1988, and served on TRW's board of directors until 1994. Dr. Foster has served on a variety of Defense Department advisory boards and was the chairman of the Defense Science Board from 1990 to 1993. He was a member of the Strategic Posture Commission and is currently a member of the advisory board for the Defense Advanced Research Projects Agency, DARPA.

Frank Miller retired in 2005 with over 30 years of government experience, including 22 of those years at the Department of Defense. He served on the National Security Council staff as a special assistant to the President and senior director for defense policy and arms control under President George W. Bush. Mr. Miller was also the Principal Deputy Assistant Secretary for Strategy in Threat Reduction, twice served as Acting—assistant Secretary of Defense for International Security Policy, and worked on both the START I and START II Treaties. Mr. Miller serves on the advisory group for the United States Strategic Command, and is senior associate at the Center for Strategic and International Studies.

Ambassador Steven Pifer spent 26 years with the Department of State and has extensive experience in Russia and the states of the former Soviet Union. He is a former Ambassador to Ukraine, served as the Special Assistant to the President and senior director for Russia, Ukraine, and Eurasia on the National Security Council staff, under President Clinton, was a Special Assistant to Ambassador Paul Nitze, and worked on the Intermediate-Range Missile Treaty negotiations. Ambassador Pifer is currently a senior Fellow and Director of the Arms Control Initiative at the Brookings Institution.

Dr. Keith Payne is head of the Graduate Department of Defense in Strategic Studies at Missouri State University, Washington Campus, and President and CEO of the National Institute of Public Policy. From 2002 to 2003, he served as the Deputy Assistant Secretary of Defense for Forces Policy. Dr. Payne has served on a number of advisory boards, and is currently a member of the policy panel of the advisory group for the United States Strategic Command, and was also a member of the Strategic Posture Commission. He has written extensively on defense and foreign policy issues, including proliferation, arms control, and missile defense.

Before we begin, I'd like to welcome Senator Carte Goodwin. He is the newest member of the committee. It's a pleasure to have you

here, to continue a long tradition—a three-decades-old tradition of representing the people of the State of West Virginia on the Armed Services Committee.

Senator Byrd sat, right here, for many, many decades. And we miss him, but we welcome you and welcome you very warmly. You will find that this committee strives to approach these issues on a bipartisan basis, and I know that you're going to fit right in with that spirit. Welcome.

Senator McCain.

STATEMENT OF SENATOR JOHN MCCAIN

Senator MCCAIN. Thank you, Mr. Chairman.

I also welcome our new colleague from the State of West Virginia. And I want to thank our distinguished witnesses for their service to our Nation, and joining us today.

To date, our hearings on the New START Treaty have exclusively heard the views of administration officials. Today's hearing will feature the views of independent expert witnesses who can provide a different perspective on the New START Treaty, and the National security implications of this agreement and its supporting documents.

Many of us have concerns about the Treaty's methods of verification, its constraints on ballistic missile defense, and the accompanying plan for modernization of both the nuclear stockpile and our nuclear delivery vehicles. This hearing offers a chance to consider these concerns in a different light.

Last year, the Perry-Schlesinger Strategic Posture Commission alerted Congress to the dire need for modernizing the nuclear weapons complex. At that time, the Commission stated that while the National Nuclear Security Administration has a reasonable plan, they lack the necessary funding to implement it properly. The administration's 10-year modernization plan that accompanied the New START Treaty, also referred to as the 1251 Report, was expected to address these funding concerns. However, many are questioning whether the President's plan is adequate to meet our full recapitalization and modernization needs.

I was particularly concerned by the testimony this committee received from the director of the Los Alamos National Laboratory regarding his, quote, "fear that there's already a gap emerging between expectations and fiscal realities," unquote, and his concern that, quote, "much of the administration's planned funding increase for weapons activities do not come to fruition until the second half of the 10-year period." I'll be interested in hearing from our witnesses today if they feel the administration's 10-year plan for modernization commits the necessary resources in the appropriate timeframe to reconstitute the weapons complex.

Another significant concern raised in the Strategic Posture Review involved the ability to attract and retain a new generation of scientists and engineers to sustain the safety, security, and reliability of the nuclear weapons stockpile. During the committee's hearings on the Nuclear Posture Review, and more recently, during our hearing with the lab directors, concerns were raised about the administration's decisions to discourage the replacement of warheads as an option for life-extension programs.

Dr. Foster, you, along with nine other former lab directors, sent a letter to the Secretary of Defense and the Secretary of Energy stating that you believe this more limited approach to life extension programs constitutes a, quote, "higher bar that will stifle the creative and imaginative thinking that typifies the excellent history of progress and development at the National laboratories." I look forward to hearing more about whether curtailing the replacement of warheads could result in an impending brain drain from our nuclear complex, while harming the prospects for recruiting new talent and the ability to design, manufacture, field, and evaluate nuclear weapons in our overall deterrence posture.

Many of us also remain concerned about the New START Treaty's references to missile defense. While some have argued that the Treaty will not constrain us from developing and deploying effective missile defenses, facts are stubborn things. In the Treaty text, not just the preamble, but article 5 of the Treaty itself, includes a clear, legally binding limitation on our missile defense options. While this limitation may not be a meaningful one, it is a limitation. And such limitations could fuel Russia's clear desire to establish unfounded linkages between offensive and defensive weapons, while diverting attention away from negotiating reductions to the large Russian stockpile of tactical nuclear weapons.

The significant imbalance in tactical nuclear weapons has a far greater strategic destabilizing impact than defensive systems, like missile defense. Though the administration apparently relented to Russian pressures to acknowledge an interrelationship between strategic offensive and defensive weapons, it ignored the far more significant interrelationship—that between strategic and nonstrategic offensive weapons. Russia has a 10-to-1 advantage over the United States in tactical nuclear weapons.

And Dr. Payne, you have stated publicly that quote, "The great locus of concern about Russian nuclear weapons lies in its large arsenal of tactical nuclear weapons." I look forward to hearing more about the significant and destabilizing danger that this imbalance in tactical weapons could pose, and what steps the United States must take, in the near future, to address this threat.

Our consideration of the New START Treaty is a serious responsibility, and I thank all of you for joining us today to help add to our understanding of it.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator McCain.

Senator Nunn, who's the former chairman of this committee, and well known to all of us who had the opportunity to serve with him, has submitted a statement, and we will make that part of the record.

[The information referred to follows:]

[COMMITTEE INSERT]

Chairman LEVIN. And we will call on our witnesses. I think we will call on you in alphabetical order. I don't have any more logical way to do it. So we will start with Dr. Foster, then Dr.—then Mr. Miller, Dr. Payne, Ambassador Pifer.

Dr. FOSTER.

Your—put your mic on, if you would.

**STATEMENT OF DR. JOHN S. FOSTER, JR., INDEPENDENT
CONSULTANT**

Dr. FOSTER. Chairman Levin, Senator McCain, distinguished members of the Senate—closer?

Chairman LEVIN. Yes.

Dr. FOSTER. Closer?

Chairman LEVIN. Yes.

Dr. FOSTER. Okay.

Chairman LEVIN. Great.

Dr. FOSTER. Well, thank you, Mr. Chairman. I appreciate the invitation to appear before the committee to discuss New START.

Since you have been provided a copy of my prepared testimony, with your—Mr. Chairman, I propose to take just 4 or 5 minutes to highlight my views and suggestions.

Chairman LEVIN. That would be fine. And all the statements will be made part of the record, in full.

Dr. FOSTER. President Obama has reenergized U.S. policy to work toward a nuclear-free world. And recognizing that the achievement of that situation will likely take many decades, the President has required the maintenance of our nuclear deterrent for the foreseeable future. If we are able to accomplish that, it will be a most welcome turning point from the general course that we have been on for the last two decades.

The administration has made its case to support ratification of New START, and numerous concerns have been raised. They range from failure of the Soviet Union and Russia to comply with past treaties, to concerns about ICBMs on trains, ships, and aircraft, the omission of tactical nuclear weapons, linkage of strategic offense and defensive systems, provisions for verification, et cetera. To reach a judgment on ratification of New START requires that the Senate examine the pros and cons of each concern. And that's the purpose of these hearings.

Of those concerns, I single out just one: verification. I find it to be inadequate for the next 10 years, in part, because New START's provisions are significantly less demanding than START I, and if the Russian economy supports the programs they plan to deploy for their new triad, we will not have in place the monitoring capability that may be necessary.

For example, we no longer have the monitoring station at the Volkinsk plant that was assembling the degree—the missiles, and that we don't have the degree of missile telemetry that was permitted under START I. And then there's the reduction in site visits. These limitations could become serious over the next 10 years.

I realize there are now fewer facilities. The 24-hour notice on a new missile to emerge from the plant, and we can count warheads on deployed missiles, and so on. But, there are no limitations on new missile characteristics, and more telemetry would be very important if, for example, we need to defend our ICBMs.

Next, the limitations on deployed delivery vehicles to 700 and warheads to 1550. Secretary Gates and General Chilton have testified that nuclear deterrence can still be maintained, subject to Russian compliance and no requirements for force increases. But, things could change a lot over the next 10 years. So, I urge that we not only maintain the current strategic force and its infrastruc-

ture, but complete current studies of possible future systems and initiate hedge programs so that we can be in a position to produce a modern triad, as the service lives of current systems run out.

The committee has heard from the three laboratory directors regarding the recent decline in Congressional support for NNSA's nuclear warhead programs and supporting infrastructure, particularly in the last 5 years. Stockpile surveillance is behind schedule, laboratory experiments, tests, and personnel have been reduced. Important new facilities planned for Los Alamos and Oak Ridge in Tennessee—and there is concern that the costs of the multibillion-dollar facilities could increase substantially over the estimates submitted in the fiscal '11 through '15 budgets. Should that occur, it could again force reductions in warhead surveillance, delays in life extension programs, reduction in lab experiments and personnel.

To reduce the likelihood of that happening, I have suggested that the nuclear weapons council consider initiating a thorough scrub of the necessary capabilities and construction costs to ensure that safety, security, programmatic risks and costs are effectively managed.

Certification: Congress has directed that each year the laboratory directors, Commander STRATCOM, and the Secretaries of Defense and Energy submit letters to the President certifying as to the safety and reliability of the nuclear deterrent in the absence of nuclear testing. However, in the past few years, the directors have expressed increasing concern in their ability to certify the stockpile, in part, because the reduced funding of the Stockpile Stewardship Program has reduced the information needed to perform that certification.

I have urged the laboratory directors to assess the minimum conditions under which they would have the knowledge necessary to consider certifiability of the stockpile.

Safeguards: Congress, in approving and ratifying past agreements and treaties have established safeguards which helped us to meet our commitments. In considering New START, I urge the Senate to again specify safeguards which provide for an annual, independent assessment of DOD's nuclear delivery programs, NNSA's warhead programs, and the sufficiently—sufficiency of both supporting infrastructures.

Mr. Chairman, thank you very much.

[The prepared statement of Dr. Foster follows:]

Chairman LEVIN. Thank you very much, Dr. Foster.

Mr. Miller.

STATEMENT OF FRANK C. MILLER, INDEPENDENT CONSULTANT

Mr. MILLER. Mr. Chairman, Senator McCain, members of the committee, it's an honor to appear before you, with my colleagues, this morning.

Since experience has taught me that the principal value of a panel such as this is our responses to your questions and our interaction with each other, my opening remarks will be quite brief.

Let me say, at the outset, that I support this Treaty.

It is, as Harold Brown once said of another treaty, "modest but useful." Based on my long involvement in U.S. nuclear deterrence

policy and target planning, I am confident that the United States can safely provide for our National security, and that of our allies, at the launcher and warhead limits that the Treaty prescribes.

The Treaty reopens channels of communication and means of inspection and verification which were closed when the START Treaty expired in December of last year. Transparency increases predictability. Predictability enhances stability.

The Treaty by itself, however, will not provide increased strategic stability. It is vitally important, in this regard, that the administration and the Congress support a modernized and effective U.S. nuclear deterrent. This means that adequate funding must be provided, where necessary and appropriate, to modernize both delivery systems and warheads, including the DOE nuclear weapons complex, which the committee has discussed in previous hearings.

The Treaty permits modernization by both sides. Each side is equally advantaged or disadvantaged. But we, the United States, will only be disadvantaged by what we, ourselves, choose not to do with respect to modernization. The strategic triad which underwrites our National security is aging. It is the product of the Reagan administration's recapitalization of the Kennedy administration's Strategic Modernization Program. The United States must begin promptly to begin work on proceeding with the replacement for the Ohio-class submarine. And the administration needs to provide Congress a more concrete plan which sets forth its plans for the sustainment of the Minuteman force and for the bomber force.

We also must pay attention to the defense industrial base which supports our strategic deterrent, especially the solid rocket motor production facilities. It is also my view that additional funds need to be provided to enhance both the technical and the human side of that part of our intelligence community which will monitor Russia's compliance with this Treaty.

Finally, let me say that I believe this New START Treaty is the last nuclear arms treaty which can safely ignore Russia's short-range nuclear systems. While properly not a subject for this treaty, which stands on its own merits, I believe the administration must begin to press the Russian government to reduce, significantly, its vastly oversized arsenal of short-range nuclear weapons. I believe, and have written elsewhere, that I do not think this needs to await the opening of a new round of negotiations on strategic arms cuts, whenever that might occur. I believe the United States needs to turn international attention to the bloated and grossly unnecessary size of the Russian short-range nuclear arsenal.

The administration and the international community should press the Russian government to provide transparency into the size and composition of its short-range nuclear stockpile, and should call for major near-term reductions in it.

Mr. Chairman, Senator McCain, this concludes my opening remarks, and I look forward to the committee's questions.

[The prepared statement of Mr. Miller follows:]

Chairman LEVIN. Thank you very much, Mr. Miller.

Dr. PAYNE.

**STATEMENT OF DR. KEITH B. PAYNE, PROFESSOR AND HEAD,
GRADUATE DEPARTMENT OF DEFENSE AND STRATEGIC
STUDIES, MISSOURI STATE UNIVERSITY (WASHINGTON CAM-
PUS)**

Dr. PAYNE. Thank you Chairman Levin, Senator McCain, distinguished members, it's an honor to appear before the committee to discuss New START this morning.

I would like to begin by observing that—thank you—I'd like to begin by observing that reductions in the number and diversity of U.S. forces can matter greatly, because the credibility of our forces to deter enemies and assure allies is dependent on their flexibility to provide a spectrum of deterrent options and their resilience to adjust in a timely way to changes in the threat environment.

The need for flexibility and multiple strategic options is particularly important today because the contemporary threat environment can shift rapidly and surprisingly. The 2009 report by the bipartisan Strategic Posture Commission emphasizes this U.S. requirement. Understanding the requirement for flexibility and resilience, I believe, is the necessary starting point for any review of New START. Our force numbers may move lower, but we must be careful to advance the flexibility and resilience that helps make them credible.

The material question regarding verification, and New START in general, is whether the Treaty is compatible with the quantity, diversity, flexibility, and resilience essential for the credibility of our forces. New START raises some concerns in this regard. For example, a recent Obama administration report on verification apparently emphasizes that any Russian cheating, and I quote, “would have little effect on the assured second-strike capabilities of U.S. strategic forces,” close quote. This claim suggests that an assured devastating second-strike capability is adequate for U.S. strategic forces, and, therefore, any Russian cheating would have no serious effect on our ability to deter or assure.

Yet, every Republican and Democratic administration since the 1960s has concluded that an assured-destruction second-strike capability alone is inadequate—is an inadequate measure for our forces, because it includes little or none of the flexibility and resilience so important for credible deterrence and assurance.

Under New START, would the combination of U.S. force reductions and Russian deployments, with or without Russian cheating, threaten the necessary flexibility and resilience of our forces? The Treaty would limit U.S. strategic flexibility and resilience, to some extent, because it requires sizable reductions in the number of U.S. strategic nuclear launchers and limits some types of strategic conventional forces for Prompt Global Strike.

Senior U.S. military leaders have noted, in open testimony, that new START would indeed allow sufficient U.S. strategic force flexibility. This important conclusion reportedly follows from analyses that included these three key assumptions: one, that U.S. planning guidance for strategic forces would remain the same; two, that there would be no requests for an increase in forces; and three, that Russia would be compliant with New START. If one or all of these starting optimistic assumptions do not hold, as is plausible, would the Treaty allow sufficient U.S. flexibility and resilience to

adjust, as necessary, for credible deterrence? This is a fundamental question regarding the Treaty.

The traditional U.S. triad of bombers, ICBMs, and sea-based missiles, now buttressed by missile defense and the potential for new conventional Prompt Global Strike, can help provide the flexibility and resilience to adjust to a multitude of different threats and circumstances. At this point, however, there is no apparent administration commitment to advance conventional Prompt Global Strike deployment, to replacing the aging ICBM and bomber legs of our triad, or to a new air-launched cruise missile. That fosters concern that force reductions may come at the expense of the longstanding requirements for force diversity and flexibility, and take refuge in old assured-destruction thinking.

If our numbers are to decline further, we must take care to ensure sufficient flexibility and resilience, whether through traditional means or innovations, and for conditions that are less optimistic than those assumed in administration analysis. How much confidence can we have that the administration will take the necessary strategic modernization steps, given the clear statement that its highest nuclear priority now is nonproliferation and movement towards a nuclear-free world, its commitment to further negotiated reductions, and its presumption against any new nuclear warheads? A solid U.S. commitment to bomber and cruise missile modernization, Minuteman III replacement or life extension with enhanced survivability measures, and missile defenses of all ranges could help provide this confidence.

Concern about New START's reductions of U.S. force flexibility and resilience, however modest or significant, also might be eased if the Treaty's ceilings on Russian forces actually would reduce the threats we might face. But, according to numerous Russian open sources, New START's ceilings are of little real consequence for Russia. Russia's aged cold war strategic launchers already have been reduced below New START's ceilings, and will decline further with—without the Treaty. The Treaty has common ceilings, but appears to require unilateral U.S. reductions.

In addition, New START's loopholes would allow Russia to deploy far beyond the Treaty's strategic nuclear warhead ceiling within the terms of the treaty, if Russia finds the financial resources to do so. This may be significant over time, because Russia's highest defense procurement priority is the modernization of its strategic nuclear forces.

The troubling irony is that aging forces, and Russia's production and financial problems are now causing reductions in Russia's force numbers without New START, and the Treaty would not prevent Russia from deploying future forces well beyond New START's specified ceilings.

In sum, flexibility and resilience are key contributors to the credibility of our forces. The most important New START question is whether U.S. forces will retain sufficient flexibility and resilience to be credible in conditions that are less optimistic than those assumed by the administration in its analysis. An important consideration in this regard is that the Treaty ceilings appear not to require real Russian launcher reductions in the near term, and its

loopholes would allow the renewal of Russian strategic capabilities over time.

There are some steps that might help to mitigate the potential risks posed by New START. They involve U.S. commitments, demonstrated by policy direction and robust program budget for advanced conventional Prompt Global Strike, missile defense, and innovative replacements for our aging triad.

Thank you.

[The prepared statement of Dr. Payne follows:]

Chairman LEVIN. Thank you very much, Dr. Payne.
Ambassador T4Pifer.

STATEMENT OF AMBASSADOR STEVEN PIFER, SENIOR FELLOW, FOREIGN POLICY CENTER ON THE UNITED STATES AND EUROPE, AND DIRECTOR, ARMS CONTROL INITIATIVE, THE BROOKINGS INSTITUTION

Ambassador PIFER. Thank you. Mr. Chairman, Senator McCain, distinguished members of the committee, thank you for the opportunity to appear today to discuss the New Strategic Arms Reductions Treaty, or New START.

With your permission, I'll submit a written statement for the record, but I would like to summarize the five ways that I believe the New START Treaty will strengthen U.S. national security.

First, New START will limit the number of Russian strategic nuclear warheads that could target the United States. While political relations between Washington and Moscow have changed dramatically since the cold war, reducing and limiting the strategic nuclear potential on the Russian side nevertheless will make the United States safer and more secure.

Some question the need for treaty-based limits, given that the Russian strategic missile force has been shrinking. Moscow, thus far, has made a policy choice to allow that shrinkage, but it should not be assumed that Russia would continue to reduce its nuclear forces in the absence of New START. The Russians could decide to build more strategic missiles and deploy an arsenal well in excess of the New START warhead ceiling of 1550.

Second, New START's verification measures will provide significant information regarding Russian strategic systems that we will not have without the Treaty. Due to the expiration of the START I Treaty in December of last year, there's currently no system of onsite inspections of data exchanges to augment our understanding of Russia's strategic nuclear forces. Absent the new Treaty's extensive verification provisions, the United States will steadily lose clarity on the status of Russia's strategic nuclear arsenal. New START's data exchange, for example, would require that the Russian's provide the number of warheads on each deployed intercontinental ballistic missile and submarine-launched ballistic missile. Its inspection regime will allow U.S. inspectors to choose individual missiles and check the number of warheads. U.S. national technical means of verification cannot, on their own, provide this kind of information.

Third, U.S. strategic nuclear forces, under New START, will provide a strong deterrent to protect the United States and extend deterrence to our allies. The planned triad will be survivable, robust,

and agile. And here I would associate myself with remarks by both Mr. Miller and Dr. Foster on the importance of the executive branch and Congress working together to ensure that we have a modern nuclear weapons complex, and the appropriate steps to modernize our strategic forces.

Fourth, New START will strengthen the U.S. hand in pressing to constrain the proliferation of nuclear weapons. This will not affect the cases of North Korea or Iran. But U.S. implementation of New START could help raise the proliferation bar, including by strengthening our ability to secure the help of third countries in pressing future nuclear aspirants not to proceed.

Fifth, New START contributes to improved U.S.-Russian relations. The Obama administration is finding, like the administrations of President Reagan, President George H. W. Bush, and President Clinton before it, that progress on arms control has a positive impact on the broader relationship. For example, Moscow does not see eye to eye with us on the issue of Iran. But, Russian adoption of a tougher stance towards Tehran, over the past 10 months, coincided with progress in, and conclusion of, New START. Certainly, difficult issues remain between Washington and Moscow, but the relationship is, by any measure, better than it was 2 years ago.

A number of concerns have been raised about New START, such as the possible impact on missile defense, the bomber-weapon-counting rule, and the verification regime. I believe these concerns lack a substantive basis, or have good responses. The Treaty does not, for example, affect in a meaningful way our ability to deploy missile defenses to protect the United States and our allies. I address these points in detail in my prepared statement.

All this does not mean that the Treaty is ideal. It would have been preferable to have a bomber-weapon-counting rule that reflected less of a discount, and to retain the START I telemetry provisions. But, an agreement necessarily reflects compromises that take account of the position of the other side. These points do not outweigh the compelling arguments in favor of New START.

A failure to ratify the Treaty, moreover, would have substantial costs for the United States. Lack of New START's verification regime would deny us valuable insights into Russian strategic forces and unpredictability would grow. The U.S. effort to curb nuclear proliferation would suffer, and a failure to ratify would deal a major blow to U.S.-Russia relations, resulting in less cooperation from Moscow on problems such as Iran.

Mr. Chairman, Senator McCain, members of the committee, I believe that a substantive assessment of the New START Treaty demonstrates that the Treaty is in the U.S. National interest. It merits the Senate providing consent to ratification.

Thank you for your attention, and I look forward to answering your questions.

[The prepared statement of Ambassador Pifer follows:]

Chairman LEVIN. Thank you very much, Ambassador.

Let's try eight minutes, for our first round.

The Treaty, in its preamble, recognizes that there is a interrelationship between strategic offensive arms and strategic defensive arms, and there's also a interrelationship that will become

more important as strategic nuclear arms are reduced. That's not in the text, but it's in the preamble.

First of all, I guess, Dr. Payne, do you agree there are such interrelationships?

Dr. PAYNE. Yes, sir.

Chairman LEVIN. And, why?

Dr. PAYNE. There are a number of interrelationships between offense and defense. For example, it seems to me that defenses actually facilitate the reduction of offensive forces, because it eases the potential verification problems. In other cases, the deployment of defense might encourage offensive force production by a state that wants to overcome that defense. So, there are a number of potential linkages between offense and defense, and it seems to me that preamble acknowledges that.

Chairman LEVIN. The Congressional Commission on the Strategic Posture of the United States on which, I think, both you, Dr. Payne, Dr. Foster, served, where Bill Perry and James Schlesinger were the chair and the vice chair, recognized the relationship between the strategic offensive and defensive forces. It also said the following: "For more than a decade, the development of U.S. ballistic missile defenses has been guided by the principles of protecting against limited strikes, while, two, taking into account the legitimate concerns of Russia and China about strategic stability." And this Commission said that, "these remain sound guiding principles that defense is sufficient to sow doubts in Moscow or Beijing about the viability of their deterrence could lead them to take actions that increase the threats to the United States and its allies and friends."

And then, one of the recommendations of the Commission was that while the missile threats posed by potential regional aggressors are countered, the United States should ensure that its actions do not lead Russia or China to take actions that increase the threat to the United States and its allies and friends. Could you expand on that a bit, Dr. Payne?

Dr. PAYNE. I think what the commission was getting at was, you know, fairly clear in the words. The basic point is that U.S. missile defense, at this point, is intended to provide active protection against limited threats, such as those posed by rogue states, but that there, at least at this point, is not an intention to deploy missile defenses that might, for example, bring into question Russia's strategic capability.

Chairman LEVIN. You've raised article 5's paragraph 3 of the Treaty, which prohibits converting ICBM or SLBM launchers to be launchers of missile defense interceptors and vice versa. I believe this is the only provision in the Treaty that has a constraint related to missile defense options. But, it prohibits something the United States does not want to do—it does not plan to do—does not make economic sense, and which, if it were not prohibited, could cause a dangerous and destabilizing calculation—miscalculation.

There's been a—not enough discussion of that last point, which is that this provision will avoid confusion and miscalculation. Both sides would be bound by the provision; it's not binding just on us. It prohibits, as I said, silo conversions that would be risky and, in other ways, unneeded and not planned. But, if either side—and

this is what I want to ask you about—if either side could use silos for either nuclear missiles or missile defense interceptors, the other side would not know, with certainty, what is in a silo and whether a nuclear missile is being launched from a missile defense silo or vice versa.

So, let me start, I think, maybe with you, Ambassador Pifer. Would you agree that it is in our interest to avoid that confusion and miscalculation?

Ambassador PIFER. I agree that there is a—would be a risk that if you put a missile defense interceptor in a silo in an ICBM field, if you had to launch that interceptor, the Russians would see the launch and, you know, might not understand that it was an interceptor, as opposed to an ICBM. And particularly, if that interceptor was heading in the direction, for example, of intercepting an Iranian missile, where it might be heading towards Russia, that could cause additional concerns about miscalculation.

Chairman LEVIN. And would you agree that while this is technically, I think, a limitation, it is a limitation that is binding on both sides, and is a desirable limitation? Do you agree with that?

Ambassador PIFER. Sir, based on the testimony by General Riley, when he said it would cost him about \$20 million per silo to convert an ICBM silo, as opposed to building a new silo, it seems to me that, yes, this is a constraint on missile defense. But, a constraint that prevents us from doing something that we would not do in case is probably a restraint that we could live with.

Chairman LEVIN. Okay. Mr. Miller, let me ask you a question. You said that tactical nuclear weapons are properly not part of this Treaty. I think all of you commented on the disproportionate number of tactical nuclear weapons in the Russian inventory, compared to ours. But, why, then, is it properly not part of this Treaty?

Mr. MILLER. Senator Levin, I believe that this Treaty is properly focused on the strategic forces of both sides. The forces that—the long-range forces that essentially could threaten each other. The tactical forces are clearly a political and a military threat to our allies. But, we have failed, for decades, to get our hands around that threat. My view is that has to be handled in a separate treaty with—between NATO and Russia, a view subscribed to by former Secretary General of NATO, Lord George Robertson and Dr. Corey Shockey. I believe that has to be dealt with, but in a different fora.

Chairman LEVIN. Ambassador, there's a number of critics who have pointed to a Russian unilateral statement on missile defense as an indication that Russia would withdraw from the Treaty, if the U.S. pursues additional missile defenses. And they've also suggested that the threat, or implied threat, might dissuade the United States from pursuing missile defenses, for fear of Russian withdrawal. However, is it not true that in the START I Treaty, there was a similar unilateral statement by the then-Soviet government that the START Treaty would only be effective and viable as long as the ABM Treaty remained in force? And is it not also true that the United States eventually withdrew from the ABM Treaty, but that the Russian government did not withdraw from the START Treaty? So, would you, I guess, to put the third question all in one, would you agree that the Russian unilateral statement

is not part of the Treaty, is not binding on either side, it does not prevent the United States from pursuing future missile defenses?

Ambassador PIFER. Senator, I would agree with that. The Russians did make a similar statement, in the context of the 1991 START I Treaty, and did not withdraw from START I, even when the United States, in 2002, withdrew from the ABM Treaty.

I would also note that the day after the Russians made their unilateral statement, President Medvedev made a comment on this. And he said that the Russians would not withdraw because of any American missile defense deployments. He said it would be missile defense deployments that would threaten the Russian strategic nuclear deterrent. Frankly, I do not find that an unremarkable statement—or, I don't find that a remarkable statement. I would assume that, if, in 7 years from now, the Russians had a missile defense capability that threatened our deterrent, we also would want the right to withdraw from the Treaty. But, this is a unilateral statement. It is not legally binding.

Chairman LEVIN. Okay. Thank you all.

Senator McCain.

Senator MCCAIN. How does a defensive missile system threaten deterrence, Ambassador Pifer? Yet—you obviously have a exact opposite view of what missile defense does. Missile defense doesn't harm anybody's deterrence, it harms the ability of countries to—for first strike. I mean, you just made an Orwellian statement that, somehow, missile defense harms people's first-strike deterrent. I—it's amazing to me. Do you want to clarify your response you just gave to Senator Levin?

Ambassador PIFER. Yes, Senator. I think when you look at the question of missile defense, I think you look at it in the context—or, I look at it in the context of strategic stability. And I think the Russian concern here is that a combination of an American first strike, which I do not think it is all likely, but an American first strike, and then the surviving Russian forces having to deal with an American missile defense, would call into question the ability of their nuclear deterrent. I think that's a fairly straightforward concern.

The Russians, when they look at the phased-adapted approach that we've adopted for the standard SM-3 missile, I don't believe are concerned about the first three phases. But, when you look at what the Russians say, they say they are concerned about phase four, at the point where the standard missile might begin to have the capabilities against an intercontinental ballistic missile system.

Senator MCCAIN. Well, I say, with great respect, you've just outlined what's wrong with the left's view of missile defense. I view missile defense as a way of inhibiting a first-strike motivation by the part of the Russians or anybody else, because it would prevent them from achieving their objective. And somehow, to view missile defense as a destabilizing factor, to me, frankly, is just—I guess, I hate to use the word Orwellian, but it's in contravention to everything that Ronald Reagan stood for, everything that we have believed in. Defensive systems would inhibit and make uncertain the threat of a first strike against the United States of America, which is, of course, our greatest concern.

Dr. Payne, what do you have to say about this view that, somehow, development of missile defense systems is destabilizing?

Dr. PAYNE. Senator, I believe, on balance, that missile defense is much more likely to be stabilizing of the strategic relationship. As you pointed out, I think it's absolutely correct that missile defense can help ensure that no first-strike capabilities are going to be a theory that any military planner is going to find useful. So, missile defense, by degrading the potential for a first strike being successful, should help stabilize the strategic relationship.

Senator MCCAIN. And if—the whole purpose of a first strike is to destroy the enemy, because you know what's going to happen in response. So, the more likely that is to succeed, the more unlikely it is for the—our adversaries to try it. So, therefore, it seems to me, a robust missile defense system would be, as we have found out from Russian behavior in the past, has obviously been a deterrence for doing so.

This is really, I guess, one of the fundamental differences we have in this Treaty, because—and we'll get to it in a minute—where the State Department says, quote, “any Russian cheating under the Treaty would have little effect, if any, on the assured second-strike capabilities of U.S. strategic forces.” Dr. Foster, do you have a view on this fundamental argument here?

Dr. FOSTER. Senator McCain, it seems to me that missile defense provides for survivability of our offensive deterrent. So, it provides for survivability of a retaliatory strike, just as preparing the heavy bombers to depart, if there is an emergency, so that they will be a surviving second-strike capability.

Senator MCCAIN. Dr. Payne, does cheating matter? And do you agree that any Russian cheating would have little, if any, effect?

Dr. PAYNE. Senator, it—the standard that one uses to determine whether cheating would have any effect or not, seems to be—me to be the most important question. If you care about the flexibility and resilience of U.S. strategic forces, so that they can provide a credible deterrent, then, it seems to me, one has to worry about whether potential cheating can do that. And I don't know whether Russian cheating under this Treaty could threaten the flexibility and resilience of U.S. forces. That's a calculation that I can't make. But, it is certainly a standard that we should—a question that we should address—not just whether cheating would threaten an assured second-strike capability—that's not the standard of adequacy for U.S. forces—it's whether cheating might threaten the resilience and flexibility of our retaliatory options.

Senator MCCAIN. And if you—I guess it also brings into question the whole—whether there should be a treaty or not, if cheating doesn't matter. If cheating doesn't matter, then, I guess, what's the point of a treaty, Dr. Foster?

Dr. FOSTER. Senator McCain, I don't understand why we go to the trouble of negotiating with a potential adversary with the understanding that the adversary is going to cheat.

Senator MCCAIN. Well—and I'd just like—again, get—raise this issue of the statements—the conflicting signing statements. And Ambassador Pifer pointed out that President Medvedev made a statement. There have been other Russian leaders have made statements exactly to the contrary. It seems to me that that issue

should be resolved, in its entirety, before we should move forward with ratification. If the Russian—I didn't hear President Medvedev repudiate the signing statement. He didn't tell anybody of his negotiators to remove that signing statement. And his foreign minister and other leading Russian officials have made the opposite statement, leaving a period of great ambiguity. And, with great respect, that signing statement, and relating it to START I and the ABM Treaty, I'm not sure is a parallel that is really operative.

Dr. Payne?

Dr. PAYNE. My concern, Senator, is in particular with the potential history, as we might understand it, of Russian cheating. If we were engaged with a country that didn't have such a history, perhaps the concern about verification could be lowered. But, I'm reminded, for example, of the former assistant Secretary of State who worked verification issues. She said that the level of Russian cheating has been intentional and widespread. And she worked on the verification issues from 2005 to 2009, and she said, "in that history, you will find continued intentional Russian cheating."

So, in a sense, the level of verification that is the standard of adequacy depends on the party you're engaged with and, also, the standard of excellence that you subscribe to. And in our engagement with Russia, it seems to be that we need to recognize that we are engaged with a party that has a history of, according to these U.S. officials who've looked at this issue, intentional cheating.

Senator MCCAIN. I thank Mr. Chairman. I thank the witnesses.

Senator MCCAIN. Thank you, Senator McCain.

Senator Goodwin.

Senator GOODWIN. Thank you, Mr. Chairman. I also would like to thank you and Senator McCain for your kind words of welcome and introduction. It certainly means a great deal to me to be here today, and I want to thank you for your time. It is an immense honor to represent the people of West Virginia in the Senate, and to have a chance to play a role serving on this esteemed committee where Senator Byrd dedicated so much of his time and energy. I know Senator Byrd had immense respect for this body, for this committee, and for his colleagues. And I just wanted to take a moment to thank you all.

Chairman LEVIN. Thank you.

Senator GOODWIN. With that in mind, obviously I take very seriously the responsibility of considering this Treaty, and want to thank the members of today's panel for their time. And I look forward to ongoing comprehensive debate on this very extremely important matter in the days and weeks to come.

First question, I would direct to Mr. Miller. Talk a little bit about the provisions in the Treaty, setting forth the signatory's ability to, in fact, objectively measure and verify compliance and be able to track cheating, as we've discussed.

Mr. MILLER. Senator, I believe that the Treaty provides a series of onsite inspections and rules which, in combination—and I stress that—in combination with our own intelligence capabilities, allows us to have an adequate basis of determining whether or not the Russians are abiding by the rules in this Treaty—not some other Treaty, but in this Treaty.

Cheating by the Russian government, in this respect, would clearly represent a very significant political decision, and would be of great moment internationally. But I think, also, that the ability of the United States to be flexible and resilient as my colleague Dr. Payne has talked about, depends on this body and on the Senate and on the House, because the flexibility and resilience is resident in our forces, in our intelligence capabilities, not whether the Russian cheat or not.

If we continue to fund our intelligence capabilities and do the Treaty's monitoring steps, which we are permitted under the Treaty, we'll increase our knowledge about what the Russians are doing. And if we adequately fund our forces, we will continue to have the flexibility and resilience which I believe we have today, which will provide a secure basis, should the Russians cheat or not—and should they cheat, we have the capability to upload warheads on our Minuteman and trident forces. And if we cannot cause them to stop their cheating, we should get out of the Treaty. But, that's quite down the road.

Senator GOODWIN. Let me follow up on your last point. If you could, talk a little bit about the flexibility embodied in the Treaty that would permit us to withdraw or, in any event, act in our own national security interest, if conditions would arise that would render provisions of the Treaty in conflict with those interests.

Mr. MILLER. All treaties have a supreme national interest clause which allows country to withdraw, should its supreme national interest be threatened by the—its continued participation in the treaty. And this is a standard in arms control, as other treaties.

Senator GOODWIN. Thank you.

Ambassador, you referred earlier to how the failure to ratify this treaty could perhaps inhibit U.S. efforts to curb proliferation around the globe. Talk a little bit more about that for me.

Ambassador PIFER. Yes, Senator. As I said, I don't think it would apply in the case of North Korea and Iran, but I'm thinking about the next state that wants to go down the nuclear path. And it seems to me that if the United States and Russia, which, between the two of them, control 95 percent of the world's nuclear weapons, are not working towards reduction, it is going to greatly undermine our diplomatic credibility in pressing other countries not to go down the nuclear route, but, more importantly, in enlisting the help of third countries to press those countries to avoid that. So, it's a matter of, are we setting the sort of nonproliferation example that will be useful to motivate pressure against countries that might choose to follow the examples of Iran and North Korea? And I think if the United States now backs away from this Treaty and says, "We are not prepared to consider these sorts of reductions," our credibility on that question will be substantially undercut.

Senator GOODWIN. Dr. Foster, do you agree with that?

Dr. FOSTER. Yes. Sorry. Senator, yes, I agree. What—one has to look at both sides of this. It seems to me that, on the one hand, Russia has suffered economic decline. And their future growth in the nuclear weapons business will be paced, in part, by their economic recovery. On the other hand, looking at the U.S. side, whether or not we can maintain a nuclear deterrent depends on our com-

mitment and our willingness to support that commitment. It seems to me, they're the two major uncertainties that drive the future.

Senator GOODWIN. All right. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Goodwin.

Senator Inhofe.

Senator INHOFE. Yeah. Thank you, Mr. Chairman. And thank you for having this hearing.

We—I observed, a long time ago, that—when we were talking about the Law of the Sea Treaty, that we—this is not a partisan statement, because that particular Treaty—President Bush was the one pushing it hardest at the last—I remember so well someone coming in and—from the Bush administration, and I asked a simple question, that they're going to give up jurisdiction over 70 percent of the surface, “Does that include the air above the surface?” And they didn't have an answer for it.

And I think that we get into these treaties and everyone's for them. In the case of the Law of the Sea Treaty, that passed the Foreign Relations Committee 17 to 4. If it hadn't been for the fact that we just demanded to have hearings in this committee, as well as the Environment and Public Works Committee, that thing probably would have sailed through. And its—of course, as you know, it hasn't yet.

Now, even when Thursday's behind us, we will have had some—I can't remember the exact number of the hearings—but, some 30 witnesses. Of the 30 witnesses, the only 2 that have been opposed to this treaty are Dr. Payne and Dr. Foster, who are here at this one. So, it's kind of 28 to 2, and I don't—I think that's a little bit uneven. But, nonetheless, I did make the request that you have some of the distinguished witnesses that were opposed to the Treaty here, and I appreciate the fact that you did.

Now, Dr. Payne, let me ask you a question. I'm looking at this kind of simplistically. We are—Russia already—is already down below the number of launchers that would be required under this Treaty, as well as the warheads. Now, there is an article in the Washington Times, and I would just read one paragraph out of it. They're talking about Yuri Savenko the first deputy chairman of the Duma Defense Committee. He said, “Whether the Americans want it or not, they, after adopting the New START Treaty, will give us a breathing space that we can use to reform and modernize the country's nuclear missile potential. So, if the”—he goes on to say—“So, if the Russian nuclear arsenal is getting smaller, anyway, but its leaders believe locking us into a reduction gives them time to improve it, why would the White House make the New START centerpiece of the arms control strategy?” In other words, they're already—what we're requiring them to do, they're already doing. And that, really, is kind of unilaterally what we would have to do. Am I missing something here?

Dr. PAYNE. No, Senator Inhofe, I think you've put your finger on an important point. And that is, one of the ironies of the New START Treaty is, it appears not to require real reductions on the part of the Russians, or, I should say, reductions that they aren't already making. And the—at the same time, it would not prohibit a renewal of Russian capabilities well beyond the ceilings. As I said in my opening remarks, because there are a number of loopholes

in the Treaty that would allow either party to go well beyond the numbers that are present in the limitations in the ceilings, in other words, 1550 warheads, for example—very easy to go well beyond those—that ceiling if the Russian Federation has the financial and the production wherewithal to do that.

So, in short, the irony of the Treaty is, it doesn't require real Russian reductions in the near term. And in the far term, it's not going to prohibit Russian renewal of its strategic capabilities, if Russia decides to do that.

Senator INHOFE. Yeah, and that's essentially what the article said, and it seems very obvious to me.

On verification, Ambassador Pifer, you had talked about how you felt it was—had very strong verification. On the other hand, Dr. Foster, your first statement that you made was that you questioned the verification capabilities. Now, when I look at it just numerically, the New START has only—tell me if I'm wrong on this—18 inspections a year, or that would be 180 over a 10-year period, but during the START I, we conducted on the order of 600 inspections during the 15 years of START I. Tell me, in terms—is there not a relationship between the number of inspections and the verification credentials of a Treaty? I'll start with you, and then ask Dr. Foster to respond.

Ambassador PIFER. Thank you, Senator. First, a couple of points on the START I verification regime. The 600 inspections, of course, included baseline inspections that were allowed when you went in and you took a look at each site to establish your initial database which, since we've had 15 years of inspections continuing under START I, are not needed in the new Treaty.

In terms of numbers of inspection, on an annual basis, START I allowed the sides to conduct 28 inspections per year, whereas New START allows 18 per year. There are two points, though, I think that you need to factor in when considering that. First of all, in the case of START I, where you had 28 inspections a year, that was conducted against 70 sites. For New START, it will be 18 inspections a year, conducted against 35 sites. So, the universe is reduced by half.

Senator INHOFE. Okay.

Ambassador PIFER. The—

Senator INHOFE. I don't want to use too much time here—real quickly.

The second point, very quickly, is, for some of your type 1 inspections—10 of the 18 inspections in New START are type 1—you actually do two things that you used to—used to require two separate inspections, under START I. So, 18 is actually, maybe, more like 23, 24, in terms of START I.

Senator INHOFE. All right. Dr. Foster, do you agree with that?

Dr. FOSTER. Senator, yes I agree that there are fewer places to look, now that there's no longer a Soviet Union, but we just have Russia to be concerned with. So, that's the first point.

The other one has to do, however, with the fact that when you do inspections, you somehow have to have the concern that you may not find what you're looking for. Recall the situation we faced in Iraq. We knew that—from the last time we were there—that were—that there were activities associated with nuclear weapons.

When we went back the second time, with 1,000 or so folks looking, we didn't find any evidence. Where did it go? Look, it is so easy, in a large nation, to hide this stuff. It seems to me that we really should look skeptically at the matter of verification.

Senator INHOFE. Yeah, I appreciate that. The—I think I was probably more upset than most people were when they—the administration took down the ground-based site in Poland, with what our intelligence tells us the threat is out there. And so, we've talked a lot about—during this hearing—the missile defense requirement. I can only say that, in the—I think it was Serge Lavrov who made the statement, "The Treaty can operate and be viable only if the United States of America refrains from developing its missile defense capabilities quantitatively and qualitatively." To me, that's such a specific statement. Is—Dr. Payne, do you—is there any doubt in your mind, in terms of their wanting to use this to preclude us from pursuing improving our missile defense system?

Dr. PAYNE. No, Senator. There's no doubt in my mind that that's what they would like to do. The question will be, How vulnerable will we be to that kind of pressure? I think, for example, back to the ABM Treaty, where the ABM Treaty's restrictions on strategic missile defense caused us have a less robust theater missile defense capability than we otherwise would have had, for fear of violating the restrictions on strategic missile defense. So, we can look in the past, where there was no restriction on theater missile defense in the ABM Treaty, but we indeed made our theater defenses less capable than they otherwise could be, because we wanted to be very careful not to violate the spirit or the letter of the Treaty. My concern is that the Lavrov statement and the other Russian statements that lay this out could have the same effect on U.S. decisionmaking.

Senator INHOFE. Okay. My time has expired, but I'd like just to ask, just for a real quick answer on, Why would not the tactical weapons be a part of this Treaty? Dr. Payne, it would seem to me that that is something that should have had a lot of significance in this negotiation.

Dr. PAYNE. I think the real answer to that question, sir, is, they could not be part of this Treaty because the Russians did not want to engage in negotiations on their tactical nuclear weapons. I think they'll be very wary about ever engaging in serious negotiations on their tactical nuclear weapons.

Senator INHOFE. Since they have a 10-to-1 quantitative advantage.

Dr. PAYNE. And because they are so valuable in the Russian military doctrine.

Senator INHOFE. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Reed.

Senator REED. Thank you, Mr. Chairman.

Mr. Miller, at this point, what are the legal enforceable verification restrictions against the Russians?

Mr. MILLER. The legally enforceable verification restrictions, Senator, are that the Russians will tell us—inform us—how many warheads a particular missile is loaded with. If we—

Senator REED. At this point. We're at today.

Mr. MILLER. At this point, none.

Senator REED. None?

Mr. MILLER. None.

Senator REED. So, we have no verification technique in—

Mr. MILLER. No, sir.

Senator REED. No. And what are the limits on Russian offensive and defensive missile systems, at this point?

Mr. MILLER. At this point, the Treaty of Moscow applies, so that the Russians would be in—What is it? Twelve years? So, it'd be about 2014—the Russians have to have between 1700 and 2200 strategic nuclear warheads under one set of counting rules. A different set of counting rules applies to the new Treaty. And, essentially, the warhead numbers will be about the same. But, that's—at a point in time, 12 years from 2002, when the Treaty was signed, the Russians have to be at 17- to 2200, full stop. For a brief moment in time. There are no limits on—

Senator REED. And—

Mr. MILLER.—defensive systems.

Senator REED. And this—I would assume—the Treaty that we're talking about would impose a verification regime, which has lapsed, and also would more effectively and more immediately reduce limits on the Russian missile systems. Is that correct?

Mr. MILLER. Yes, sir.

Senator REED. And that's one reason, I presume, that you support the—

Mr. MILLER. Yes, sir, it is. It is the verification. It is the fact that the Russians may not be building up their systems now, but this will set a cap in the future, and it will particularly set a cap on their ballistic missile systems, which has always been a cause of concern to U.S. national security planners.

Senator REED. I—why would the Russians enter into a treaty with a verification regime, since they're—none exists today, if their intention is to cheat?

Mr. MILLER. That's a more difficult question, Senator. I think that the Russians intend, at this point, to comply with the Treaty. Future Russian governments may play around the edges. There is a long history of the Russians doing that. That's why President Reagan's phrase “trust but verify.” And we will be verifying.

Senator REED. Thank you. With respect to the issue of the relationship between defensive systems and offensive systems, if the Russians, today, were able to deploy effective national missile defense system, what would that do to the number of—your recommendation—with respect to the number of warheads that we should have, offensively? Would it go up, or would it remain the same?

Mr. MILLER. If the Russians were, today, able to deploy an effective defense of Mother Russia, our warhead requirements to maintain a deterrent would rise astronomically, as would our investment on penetration-aid technologies, and on a huge modernization of the bomber force.

Senator REED. Would that likely prompt a response by the Russians?

Mr. MILLER. Yes, sir. I mean, that—you would be back into the nuclear arms race of the 50s, 60s, and 70s.

Senator REED. Isn't that the definition of nuclear instability?

Mr. MILLER. Yes, sir.

Senator REED. Dr. Payne, do you agree?

Dr. PAYNE. There are multiple definitions of stability. That's what's called "arms race stability." There's also "deterrent stability." In my comments earlier, where I indicated that I don't believe that missile defense is destabilizing, I was referring to deterrent stability, which is what I thought the nature of the question was.

Senator REED. No, I think you were referring to the United States deploying a missile system. But, if the Russians deployed a missile system, would you recommend that we maintain our current number of warheads?

Dr. PAYNE. If the Russians were to deploy missile defense, it would depend on the capabilities of those systems, as to whether the United States would respond with more ICBMs or more SLBMs or more bombers, it may well make a lot of sense to avoid the ballistic missile threat if the Russian missile defense system is very effective, and move more towards bombers.

Senator REED. Or that the—or increase bombers—require new bombers with nuclear capabilities, correct? I mean, I'm not talking about one specific system, I'm talking about, you would recommend that we're able to effectively deliver many more warheads than we have today.

Dr. PAYNE. No, not necessarily, sir. It may well be that if the Russians have an effective missile defense system, one, there wouldn't be any point in deploying more ballistic missiles, because their system would be effective, so we could decide: we want to maintain deterrence based on retaliatory threats and move into greater emphasis on bombers, or we might decide we want to essentially mimic what the Russians are doing, in this case, have effective defenses of our own. And both sides would decide to have a relationship based on effective defenses.

Senator REED. Well, so, another way to look at this, if we deploy a very effective national missile defense, the Russians might decide—a missile defense—to use, one, bomber forces or increased bomber forces which effectively could negate our defense. Is that your point?

Dr. PAYNE. They could do that, sure.

Senator REED. Sure. Which means that there is no—in many respects, it's a very difficult to achieve, by defense alone, a stable nuclear posture. Is that—would you agree with that?

Dr. PAYNE. No, I wouldn't, sir.

Senator REED. Okay. So, I'm just a little bit confused. You posit that we can—with a effective missile defense, we can stabilize the system, but the Russians will always have a counter to our missile defense, either through conventional hypersonic weapons, for example, or through increased bombers. Is that correct?

Dr. PAYNE. Not necessarily so, sir. For example, Senator McCain said earlier that missile defense could help reduce the vulnerability of retaliatory forces. It's not clear to me, at all, that the Russians—I mean, if we get back into that world, which I hope we don't—it's not clear to me at all that the Russians could have a response to missile defense for our retaliatory forces that would be effective.

So, the issues aren't black and white. They're not clear cut. There are all kinds of nuances and permutations. The bottom line is, if we choose to maintain our relationship with Russia based on a retaliatory nuclear deterrent, obviously if they try and defend against that, we'll want to maintain the nuclear retaliatory deterrent. Perhaps it will be with bombers, rather than ICBMs, if they had an effective missile defense.

On the other hand, if both sides were able to deploy effective defenses, we could move towards what President Reagan was looking for in the past, and that is a relationship that is not based on mutual retaliatory threats, but on defensive capabilities on each side.

Senator REED. A purely defensive position.

Admiral—excuse me, Ambassador Pifer, what's your view on these issues?

Ambassador PIFER. I think—there was a very broad look at missile defense back in the 1980s, and I think that we found the capabilities to provide that kind of defense that would protect the United States against a large-scale Soviet or Russian missile attack was beyond the technological capabilities and beyond the budget realities. So, every administration, actually, since President Reagan has talked more about a more focused missile defense system, looking at threats such as North Korea and Iran.

I guess I would disagree with Dr. Payne on the question of crisis stability. It does seem to me that if one side has a missile defense system, in a crisis, that will necessarily affect the other side's calculations as to whether or not to strike first or not.

For an example—and I think this is an extremely low probability event today, happily—but, if you had a situation where there was an American missile defense that might blunt some of the Russian ballistic missile attack, the Russians have to calculate, Are they smarter to go first and launch first, against the United States, or run the risk of absorbing an American first strike? And then they have to launch the retaliatory forces, which would be significantly degraded, against an American missile defense. So, I do worry that missile defenses, in some configurations, in terms of the U.S.-Russia relationship, can be destabilizing in a crisis.

Senator REED. Dr. Foster, I have—my time is expired—but, quickly, if you could.

Dr. FOSTER. Yes, Senator Reed. Let me just make a point that is relevant to the points that have been made before. First, what counts here is the offensive capabilities—it—the numbers and the effectiveness of penetrating capabilities. Second, the defenses—the effectiveness of the defenses, whether they are very large or small, compared with the offense. Currently, the U.S. has a large offense. The Russians have a small defense. The rogue nations have a small offense, and we can have a rather advanced, and as large as we want, defense. So, it depends a little on asymmetries on both sides.

Senator REED. Thank you very much, Dr. Foster.

Thank you, gentlemen.

Chairman LEVIN. Thank you, Senator Reed.

Senator SESSIONS.

Senator SESSIONS. Thank you, Mr. Chairman. I appreciate the fine discussion and good panel.

This Treaty has been promoted as central to our nuclear policy and to our National security. And—but, I'm uneasy about it. My concerns are several fundamental concerns, a number of them. First, the administration has been far too anxious, in my view, to sign and get this Treaty done. There are political benefits—and I don't mean domestic political, perhaps that's a part of it—but, I mean the view that somehow, politically, this—signing this Treaty is going to make the world more willing to eliminate nuclear weapons and put us on that path. I don't think that's sound policy. But, it's been part of the anxiousness, I think, that has been affecting these negotiations, and has made our negotiating position weaker than otherwise would have been the case, and less beneficial to our security, in my opinion.

I think the negotiations were further weakened by the clearly stated goal of this administration of moving toward a nuclear-free world, which is unrealistic. More than that, it's dangerous and got to be confusing to our allies and, in some ways, destabilizing. And could even, in my view, cause other nations to see an opportunity to become a nuclear world power, and cause proliferation, rather than restraining nuclear weapons, around the world.

And, second, Russia, to my view, is not the most important threat to America right now. It has the largest threat, of course, by far. But, I worry, at this point—and I think our security is most directly affected by Iran and North Korea, and we're doing very little about that. I think more of our focus should be on that, and other nations, too, that may have nuclear weapons that do not have the history of stability that the Russians and, prior to them, Soviets have shown in dealing with nuclear weapons. I think it could have the perverse effect of encouraging other nations to pursue the dream of being a nuclear peer competitor to the United States, rather than the other ones.

Finally, on modernization, I'm not confident about the plans on modernization. And I'll ask some questions about that. I do believe there are limitations on missile defense. And, as Mr. Pifer noted, the phased adaptive approach eventually will result in phase IV, the SM-3 Block 2B, and they're going to object to that. Are they going to walk out of the Treaty as a result of that? We've already foregone the two-stage missile defense system we had planned for Central Europe. I guess it's some sort of good faith sweetener to these negotiations. I see no other good reason for it. Now, we've put this process off for another 5 years, before we get this SM-3 system up and developed. It's not even—wasn't even on the drawing board a few months ago. And I'd say, it makes me nervous about what kind of commitment we have to missile defense.

And the Russians are still irritable that we walked out of the ABM Treaty for very sound reasons. And I don't think they'd hesitate to walk out of this Treaty if they felt that we were going to proceed with even a limited missile defense system. And I do agree—I think, Ambassador Pifer—Pifer, that we've never—at least in recent years—decade or two—we've not advanced the idea of a comprehensive missile defense system, but a limited one that could protect us from, perhaps, an accidental launch, or a rogue nation attack.

And I do believe that we should have already begun very serious negotiations over tactical nuclear weapons which were not part of this Treaty, because the Russians refused to talk about it, and we acquiesced.

So, I think this administration—I have to say—this is my concern—has a progressive, leftist aversion to national missile defense and to nuclear weapons. That's—they don't like it, emotionally and otherwise. And that vision, I think, is affecting policy. And it causes me to be uneasy.

One of the things we are dealing with is delivery systems. Dr. Miller, press reports indicate that the administration will invest 100 billion over the next 10 years—decade—in nuclear delivery systems. About 30 billion of this will go toward the development of a new strategic submarine—so, 30 of the 100. Of the remaining 70, U.S. Strategic Command estimates the cost of just maintaining the current nuclear forces is approximately 56 billion. So, that would leave, if their estimates are not low, with just 14 for the triad—or, what would follow on from that, the next-generation bomber, the follow-on ICBM, follow-on nuclear air-launched cruise missile, perhaps, or Prompt Global Strike capability, conventional matter. Do you think that, if these facts are accurate, the 14 billion would be sufficient to move us toward a modernization—modernized delivery system?

Mr. MILLER. Senator Sessions, I can't do the math off the top of my head. But, I will say the following: I would like the administration to provide some concrete plans that we could judge whether or not the modernization that they intend is, in fact, adequate. I think that we basically need to see that for the Minuteman force. We need to understand what they intend to do with the bomber force and the air-launch cruise missile. And while there's—I appreciate there's planning, underway by the Navy, for the follow-on to the Ohio-class submarine. To the best of my knowledge, there is not a full program up here in front of the Congress to proceed ahead with that. I don't think they've gone through milestone A yet. So, I would like to see more progress by the administration in defining what they are going to do to modernize our strategic forces, which we're going to have to do whether we have New START in place or not. I'd also like to see progress, sir, on Prompt Global Strike, in some manner from—I would like to see something deployed sooner, rather than later. R&D is terrific, but it doesn't provide an operational capability in the field. I'd like to see a program there.

Senator SESSIONS. Well, it was a very painful thing to me, when we devoted the—debated the Prompt Global Strike, and—President Bush proposed that—and it was not—Congress did not fund it. And I do believe it was a mistake. I think it could really help our security and not cause the problems some suggested. But, we ask, as part of the last defense bill, I supported and, I think, Senator Kyl, section 1251 which call on the Defense Department to set forth a 10-year plan on modernization of the triad and delivery systems. But, that's not—we've gotten nothing back on anything other, I guess, than the submarine advancement. So, you would agree that we have to be serious about what we're going to do, make decisions,

and then examine the budget to make sure there's sufficient funds to fund that?

Mr. MILLER. Yes, sir.

Senator SESSIONS. My time is up, Mr. Chairman. Thank you.

Chairman LEVIN. Thank you, Senator Sessions.

Senator Hagan.

Senator HAGAN. Thank you, Mr. Chairman. And thank you for holding this hearing. And I want to thank all of you for your testimony today.

The relations between Russia and the U.S. have evolved beyond what they were during the cold war. And within this strategic context, and in the face of our aging nuclear stockpile, strategic arms reduction, I believe, is in the best interest of both nations.

Ambassador Pifer, are there any specific provisions within the New START Treaty that you feel make the United States less secure than we would be in the absence of this Treaty?

Ambassador PIFER. Senator, there are certain points in the Treaty that, in an ideal Treaty, you know, would be different. For example, I would prefer not to have seen such a discount on the bomber-weapon counting rule. It would have been preferable to have START I verification measures with regards to telemetry, so that we had full access to telemetry. But, a negotiation is a negotiation, and, sometimes, you don't get everything that you want. And although there may be things that I would like to see in the Treaty, those points do not outweigh what, I think, is the overall compelling interest that the United States has in ratification and entry into force of New START.

Senator HAGAN. Some of the critics of the New START have based their reservations on the fact that the Treaty does not limit the tactical nuclear weapons. I know we've talked about that this morning. However, the Obama administration has made it clear that negotiating with the Russians on tactical nuclear weapons requires ratification of this Treaty. Mr. Miller, I was wondering, as someone that's played a significant role in previous strategic arms reduction negotiations, how important is it, in ratifying New START, to facilitating discussion on tactical nuclear weapons?

Mr. MILLER. Senator, I think they really—they are really—the connection is that if we don't ratify New START, we're back to the drawing boards on some sort of approach to strategic arms, and the tacticals are still going to get left behind. I do not see a Treaty, in the future, that will lump the large Russian tactical stockpile in with the smaller strategic stockpiles on both sides.

I believe that the Russian government needs to be called to account in front of every international forum, because it has a bloated, obscenely large tactical nuclear stockpile, which makes no military sense. What we have to do, in terms of reassuring our allies, is to ensure that, as the administration put forward in the Nuclear Posture Review, that the Joint Strike Fighter has a nuclear role that we can deploy to Europe, and that the B-61 bomb that would—that is deployed in Europe is modernized. We need to have that to reassure our allies. And we need to keep embarrassing the Russians and pushing the Russians to reduce that stockpile which is really of no military significance in deterring us or our allies, as long as we modernize. But, it has political significance that they

use to intimidate their near neighbors. And it's that which we need to avoid.

Senator HAGAN. Dr. Foster, any comments on the tactical nuclear weapons?

Dr. FOSTER. Senator Hagan, yes, I think that tactical nuclear weapons are an integral part of a strategic security. Let me give you an—my reasoning. The tactical nuclear weapons in Russia, along with their nuclear doctrine, their declaratory statements, and the tailoring of a nuclear capability to attack their neighbors, threaten NATO, threaten U.S. military and civilian people there. Also, their tactical nuclear weapons aboard submarines—attack submarines—with conventional—with a, excuse me—cruise missile capability armed with nuclear warheads off our coasts threaten both the East Coast and the West Coast. So, those are strategic threats, even though we call them tactical.

I agree with Mr. Miller that the—upgrading the life extension of the B-61 is critical. We may actually have to consider increasing the numbers of such deployments. Thank you.

Senator HAGAN. I think it was when Secretary Clinton was testifying—made the comment that we need to go ahead and ratify this Treaty in order to continue negotiating with Russia on their tactical nuclear weapons.

Mr. Miller, as you know, the New START does not prevent the U.S. or Russia from developing new strategic nuclear weapon capabilities. Do you anticipate the Russians developing new strategic nuclear weapon capabilities in the near future?

Mr. MILLER. Yes, I do.

Senator HAGAN. Any other comments from the other panel members? Dr. Payne.

Dr. PAYNE. The Russian Federation, right now, has a comprehensive strategic nuclear modernization program. The head of their defense acquisition program has said that this is the highest priority for Russian defense acquisition. The question right now is, How much money can Russia put to that program? That, I believe, is the bounding factor for them.

Ambassador PIFER. Senator, I would agree that the—for Russia maintaining strategic nuclear parity with the United States, is a central factor; they will devote resources to ensure that. And that's where I see the value in the New START Treaty is, we would then have a limit, in terms of how many Russian warheads could be deployed that could strike the United States.

Senator HAGAN. Thank you.

When START I expired, in December of '09, the respective verification and the compliance regimes expired with it. In the Moscow Treaty, which is scheduled to remain in effect through the end of 2012, has no verification regime and relied upon those from the expired START protocols. Ambassador Pifer, in absence of the New START being ratified, what strategic arms verification procedures would be in existence between Russia and the U.S.? And what impact will that have on ensuring compliance with the Moscow Treaty?

Ambassador PIFER. Well, Senator, as you stated, we no longer have the START I verification regime. And the 2002 Moscow Treaty has no counting rules and no verification measures. So, right

now, the only way that we have to monitor Russian strategic nuclear forces are national technical means of verification. We don't have the sorts of provisions that were in START, I and that are in the New START Treaty, for data exchange and inspections of notifications and such.

Senator HAGAN. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Hagan.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman. And thank you all very much for providing your insights and responding to some of the questions that many of us have on this very important subject.

If I might, Mr. Miller and Mr. Payne, the 1251 Report provides a very troubling lack of specificity concerning force structure. Specifically, the administration's factsheet on the Section 1251 Report explains that the U.S. nuclear force structure, under this Treaty could comprise up to 420 ICBMs, 240 SLBMs, and 60 bombers. Since deployment at the maximum level of all three legs of the triad, under that explanation, add up to 720 delivery vehicles, 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. Clearly, additional reduction is—decisions are going to have to be made, with respect to the U.S. force structure under the Treaty. And, therefore, as I told Secretary Gates last month, I would be reluctant to cast a vote in favor of this Treaty without being fully briefed in more precise detail, to my satisfaction, at least, about the plans for our nuclear delivery vehicle force structure. And so far, I've only been told that decisions will be made at some point in the distant future, and will be based on Russia's force structure. So, I guess I would ask, in your opinion, How do you think Russia will establish their force structure? And based on that, where do you foresee the additional reductions coming from in order to get to the 700 total deployed delivery vehicles that are limited to by the Treaty?

Dr. PAYNE. Senator Thune, did you mean, How will the Russians, we believe, structure their forces under that?—or, How will the United States likely do that?

Senator THUNE. Kind of both. Because, what I've been told is that we will—that our point—our decision will be made somewhat based on the Russian's force structure and how might they compose their arsenal? And then, how might we, I guess, respond to that?

Dr. PAYNE. Okay. Yes, sir. The outlines of what the Russian's comprehensive modernization program might be are there. The details, obviously, we don't know at this point. But, it appears that the Russians are going to move towards heavily MIRVed ICBMs, MIRVed SLBMs, and a new strategic bomber.

On the ICBM side, the Russians have already committed to the deployment of a new heavy ICBM which, presumably, will be able to carry a considerable number of MIRVed warheads. They've committed to the deployment of at least one new strategic bomber, and they have near-deployment, according to open sources, a new air-launched nuclear cruise missile, the KH-102.

So, if you—since we put that all together, what you see is the Russians moving towards a lower number of launchers, probably

considerably lower than the START limits. But, of those launchers, the ICBMs and submarine launchers will be heavily MIRVed. And the bombers, because the New START bomber-counting rule only counts one warhead and one bomber as one unit each, the Russians will be able to maximize the number of weapons on their new strategic bomber. What that might look like is an open question, now. They might go to 16 air-launched cruise missiles. Maybe they'd go to 20 air-launched cruise missiles. I don't know. But, what you see, with that kind of force structure, are numbers well in excess of the ceiling of 1550, but within the bounds—within the terms of the Treaty.

Senator THUNE. Right.

Mr. MILLER. Senator, I would say that we are not going to base our force structure on what the Russians are going to do. I—we have, for a long time, avoided heavily MIRVed systems, and I think we have done so wisely. I think the Russians are foolish to invest in that, but that's their decision.

I think we will continue to have the heart of the deterrent based in the Trident force and in the Minuteman force, the Minuteman force being single-warhead systems. But, the administration does owe the Senate, the Congress, an answer as to how many of each, and in what. The plan, as I understand it, for the followon to Trident, is to have 12 submarines, which is a number that I believe is barely adequate, but adequate.

But, as you pointed out, with the arithmetic—720—of that 720, up to 60 bombers—well, we only have about 19 B-2s, at last count. That means a decision needs to be made as to what's going to keep the B-52s viable. Otherwise, the other 40 bombers fall away without any kind of a viable delivery platform in a new air-launched cruise missile, or a modified air-launch cruise missile.

So, as I said in my opening remarks, I really believe that the heart of this lies in our own modernization. Those decisions are between the Congress and the administration. Regardless of the Treaty, we have to do something to recapitalize the existing strategic forces.

Senator THUNE. Well, it's—what—it's a bit of a precarious situation for Senators who are being—you know, we're being asked to provide advice and consent before obtaining a commitment on some of these followon delivery systems. And what if the systems weren't replaced? You know, how would this impact security, under New START?

And I want to come back, just briefly, to the bomber issue because, according to the most recent briefs that I've seen, the Department expects the nuclear bomber force to remain in service through the year 2040. And, as you mentioned, 30 more years is a long time for a bomber that was built 50 years ago. Now, there are—the proponents of the plan say they can last that long with upgrades. But, physically remaining in service is significantly different than remaining survivable in a future high-threat combat scenario. And the NPR recognizes the need for a triad. And since the Treaty is only for a 10-year period, how do you think the Treaty will affect any plans to build a replacement bomber?

Mr. MILLER. I don't think that it will. I think we are free to do, under the Treaty limits, what we choose to do. And you're right

that the B-52 airframe can be kept viable. The question is, What is the delivery system that it—that it's carrying? You know, the air-launch cruise missile was first deployed in 1980s. It is not a stealthy system any more. And we relied, at that time, on mass and what we euphemistically called "defense suppression" which meant ballistic warheads taking out key air defense sites. We need to have some sense from the administration as to what they plan to do, or what they propose to the Congress to do to keep the B-52 force viable, if that is indeed the administration's intention.

Dr. PAYNE. Senator Thune, may I add to that? I associate myself with my friend Frank Miller's comments. I've only seen the unclassified version of the 1251 Report. But, what's most disturbing about it is what's not there. What we don't see is a modernization program for the ICBM. What we don't see is a modernization program for the U.S. bomber, or a new air-launched cruise missile that would make it effective. What we don't see is a commitment to the deployment of conventional Prompt Global Strike. These are problems. And again, I agree with my friend Frank Miller that, if the United States would make a commitment to these modernization programs, at least for me, it would help mitigate some of the concerns I have about the Treaty.

Senator THUNE. And in—my understanding, too, is that the ICBM-based Prompt Global Strike platform would be counted against the 700 deployed-delivery vehicles. If we decide to develop that system, which, in your opinion, of the three legs of the triad, would be or should be or would be further reduced to accommodate it?

Dr. PAYNE. I—you know—I'm sorry, Senator, I'd rather not try and choose among that. But, what I would note is, because Prompt Global Strike based on an ICBM, or an SLBM, would count, under the 700 ceiling. Those numbers that Frank Miller mentioned earlier would have to go down below 700. And it would have to come at the expense of a bomber, and SLBM, or and ICBM.

Mr. MILLER. Could I just say, I—having been involved, in the past, as has Keith, on Prompt Global Strike, I think the numbers that we're talking about, in terms of Prompt Global Strike systems are quite small—on the order of tens of systems, certainly not hundreds. I do not think that taking—I'm picking a number out of the air, Senator—40 nuclear warheads off and replacing them with conventional Prompt Global Strike systems will, in any way, undercut our deterrent. I don't think that is—it is been talked about, as an issue. I don't think it's a Treaty issue, as long as the administration commits to actually fielding a Prompt Global Strike system.

Senator THUNE. Thank you.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Thune.

Senator Chambliss.

Senator CHAMBLISS. Thanks, Mr. Chairman.

And to all of our witnesses, thanks for your testimony today. This issue gets more complex the more we learn about it. And certainly all of you help bring forth the type of information that we're going to have to have to be able to think through this.

Dr. Payne, Mr. Miller, thank you for your generous time that you spent with me and my staff. I appreciate it. We look forward to continuing the dialogue with all of you, as we move forward.

Let me go back to this tactical issue, again, because I have been very disturbed about that from day one. And I want to make sure that I understand what, I think, all four of you have basically said here. And that is that, in your opinion, there is no way that the Russians are going to negotiate, as a part of this Treaty, the issue of tactical nuclear weapons. Am I correct? Now, that bothers me to no end. And tell me where I'm—what I'm missing here—why I'm—why can I be—why can I take comfort in the fact that they don't want to negotiate tactical weapons as a part of this? Dr. Payne?

Dr. PAYNE. Sir, to be honest, I don't believe you can take any comfort in the fact that they don't want to negotiate on this issue. It strikes me as one of the enormous challenges that will confront us over the next decade, is how to try and get a handle on their tactical nuclear weapons when they do not want us to get a handle on them.

Senator CHAMBLISS. Mr. Miller?

Mr. MILLER. Senator, I don't think there's a magic one treaty that's going to solve all of our issues with the Russian nuclear forces. And I think we're going to have to take it, as we have in the past, one step at a time. We have not, for three administrations—George H. W. Bush—actually, President Reagan, as well—back to President Reagan—we have not felt the need to match the Russians, in terms of tactical nuclear forces. We have felt the need to have a viable deterrent to offset that, knowing that if they started to use tactical nuclear weapons, the whole conflict would escalate to the strategic level quickly.

I view those weapons as a political threat. I view them as a threat because the weapons could be stolen or diverted to terrorists. And I think we need to continue to press to get our arms around them. But, I think throwing this Treaty away because we haven't gotten our hands on the tacticals is not the way to approach this. I think we have to go after the tacticals separately.

Senator CHAMBLISS. Okay. Ambassador Pifer?

Ambassador PIFER. Senator, I would concur with Mr. Miller. It seems to me that if we did not ratify the New START Treaty, we would then be back to square one. It would not make it easier to persuade the Russians to put tactical nuclear weapons into the negotiation. And we would likely face the possibility that they would reopen some of the compromises that were reached in this Treaty, and advance new demands of their own. So, it would not make it easier to get our hands around the tactical question.

Dr. FOSTER. Senator, going back to the earlier part of your question—possibly, a reason that the Russians have is to take a strategic position with regard to the U.S., perhaps to reduce our influence and presence in Europe.

Senator CHAMBLISS. Going back to what Senator Thune was talking about, with respect to our nuclear triad and where we've been and how we go forward. Looks to me like, with the dependence on the B-52, and the service life of that is going to be basically reaching an end in the next two or three decades, if it lasts that long. Gosh, that airplane is what?—60 years old now, or older. It's going

to—we're going to reach a point where the B-52s have no mission here. Do you think the 1251 modernization plan adequately addresses this issue of where we go, with respect to a bomber? And how important is that, with respect to the underlying strategic plan that the United States has been working under for, what, decades now?

Dr. PAYNE. The 1251 Plan, as we've seen it publicly, indicates not commitment to bomber modernization, to a follow-on to the venerable B-52. And at least as importantly, it indicates no commitment to a new air-launch cruise missile that would allow that platform to remain effective. That's one of the problems with the plan that we've seen—that absence.

Mr. MILLER. I agree with Dr. Payne. It's very difficult for all of you to fully consider the Treaty without understanding the administration's modernization plans. It seems to be that they go hand in hand.

Dr. PAYNE. I might add, Senator, that that's in the context of the Russians having made a commitment to modernization of the strategic bomber force and to a new air-launch cruise missile.

Senator CHAMBLISS. Yeah. Ambassador Pifer and Dr. Foster—

Chairman LEVIN. Senator Chambliss, could I interrupt you just for 1 minute, because I think Senator Thune may have to leave. And I just wanted to give him some information on the subject that he was asking. Would you just yield to me—

Senator CHAMBLISS. Sure.

Chairman LEVIN.—for one minute on that?

We have tried to schedule a time for the Department to come up and brief us on force structure. They've asked us, actually, to do that. We've had a briefing from Secretary Gates, in June, on what their baseline force structure is. But, in terms of your request, they are happy to come up. And we're just trying to schedule a time. It may have to be Thursday afternoon. But, we'll keep in close touch with you, because your special interest in that subject.

Thanks for the interruption.

Senator CHAMBLISS. Sure. Ambassador Pifer and Dr. Foster, a major concern for me has been this issue of modernization and, in particular, the commitment—not just of this administration—obviously it's got to be commitment of Congress to put the dollars in place to make sure that we got the capability to modernize—what are your thoughts on the administration's budget, with respect to the next several years, and our ability to continue down the road of an adequate modernization plan? And we've already seen that the House has taken several hundred million dollars out of that proposed budget. What would be the impact of not keeping the proposed budget at the level that the administration has set?

Dr. PAYNE. Well, Senator, I think, in order—and this is actually regardless of whether we have the New START Treaty or not—but, for the foreseeable future, it's going to be important to the United States to have a survivable, effective, robust strategic nuclear deterrent. And that's going to require that this administration, and successive administrations working very closely with Congress, assure that the resources are there to modernize the strategic deterrent.

Senator CHAMBLISS. And you think this administration's proposed budget does that?

Dr. PAYNE. I think this—the proposed budget, as it's been described so far, puts us on a start in that direction. But, it is going to have to be continuing work between the administration and Congress to make sure that those plans are adequately funded, so that we can maintain the strategic deterrent.

Senator CHAMBLISS. Dr. Foster, any additional comment?

Dr. FOSTER. Yes, Senator. It seems to me that, regarding the first part of your earlier question, the future bomber—the B-52 has indeed lasted a long time. And it will be possible for the administration to maintain that bomber for a decade or two—no question. However, that bomber cannot penetrate. And so, as a matter of some urgency, we need to develop an advanced cruise missile that can be reliable. Now, it also has to be advanced because it must penetrate. So, that's a technological challenge.

Next, when it comes to committing to do these things, there is the budget issue—there is the deficit. In the face of that, President Obama has committed to maintain the strategic deterrent for the foreseeable future. It may be that, because of the nature of our democracy, we really will not do what we should do, and face a crisis, and then do it.

Thank you.

Senator CHAMBLISS. My time is expired. But again, I appreciate your testimony this morning. And while we all understand that we have no Treaty now, we have no verification plans in place, this is a long-term Treaty. And here we've been—it's unbelievable to me that we'd be discussing a Treaty and, at the same time, discussing how likely it is that the other party to it's going to cheat, and how much they're going to cheat, and they have a history of doing this. So, there are a lot of reasons why this is going to have to take a lot of deliberation. And certainly we need a Treaty of some sort with the Russians. And hopefully that we can get ourselves satisfied on this one. But, a bad treaty would be worse, in my opinion, than no treaty at all. So, again, we're going to be counting on you folks to continue to give to us the type of information we need to help develop, in our minds, exactly the way forward. So, I thank you very much for being here this morning.

Chairman LEVIN. Thank you, Senator Chambliss.

Dr. Payne, I made reference, in my questions to the report of the Congressional Commission on the Strategic Posture of the United States, on which you served. And one of the things which they said, in their—one of the statements that they made in their report, relative to missile defense, was the following—and I read it before, but I want to read it again, because it seems to me it goes to a matter that you were talking to Senator Reed about. It says that, "For more than a decade, the development of U.S. ballistic missile defense has been guided by the principles of protecting against limited strikes while"—and these are the key words—"taking into account the legitimate concerns of Russia and China about strategic stability. These remain sound guiding principles." And then this sentence: "Defenses sufficient to sow doubts in Moscow or Beijing about the viability of their deterrents could lead them lead them

to take actions that increase the threats to the United States and its allies and friends.”

Now, when Dr. Perry and Dr. Schlesinger were here, they told us that the Commission’s report, other than a section on Comprehensive Test Ban Treaty, was a consensus document.

Was that—did you concur in that paragraph that I just read? You did?

Dr. PAYNE. Yes, sir.

Chairman LEVIN. I think it’s important that—I wish our colleagues were all here to hear that. I think it’s an important statement. Particularly, it adds a element to the discussion that you had previously.

And the only other question that I have is, I think, of you, Dr. Payne, as well—I think all the other witnesses were asked whether or not the rejection of this Treaty would make it more likely that the Russians would engage in agreed-to limits on tactical weapons. And I don’t know that you were asked that question.

Dr. PAYNE. I’m sorry, sir. Could you repeat the question?

Chairman LEVIN. Yes. And I’m not sure Dr. Foster was either, as a matter of fact. But, the other witnesses were asked specifically, just a few minutes ago, whether or not—if the Treaty before us were rejected, whether that would make it more likely that the Russians would negotiate a limit on the tactical weapons? Would the rejection of this Treaty make it more likely?

Dr. PAYNE. I think it would likely be inconsequential in that regard.

Chairman LEVIN. Okay. And Dr. Foster, I don’t know if you were asked—

Dr. FOSTER. I agree with that position, Senator.

Chairman LEVIN. You agree with the with one that—

Dr. FOSTER. I would agree that if we—if the U.S. were to reject the New START Treaty, it would make it more difficult to negotiate—to address, with Russia, the matter of tactical nuclear weapons.

Chairman LEVIN. Okay.

Thank you all. It’s been very, very helpful. And we greatly appreciate your service to our country and to your being here this morning. Thanks.

We’ll stand adjourned.

[Whereupon, at 11:33 a.m., the committee adjourned.]