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## **New START: The Contentious Road to Ratification**

### **Abstract**

Senate ratification of the New START treaty re-established effective bilateral inspection and monitoring of American and Russian nuclear holdings and has the potential to further enhance U.S.-Russian cooperation on key issues, including containing the Iranian nuclear program, and further reductions in the two countries' arsenals. Although the accord was widely heralded as a foreign policy success of the Obama administration, the contentious Senate ratification may impede future progress on arms control.

# New START: The Contentious Road to Ratification

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## Abstract

Senate ratification of the New START treaty re-established effective bilateral inspection and monitoring of American and Russian nuclear holdings and has the potential to further enhance U.S.-Russian cooperation on key issues, including containing the Iranian nuclear program, and further reductions in the two countries' arsenals. Although the accord was widely heralded as a foreign policy success of the Obama administration, the contentious Senate ratification may impede future progress on arms control.

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## Introduction

On April 8, 2010, President Barack Obama and Russian President Dmitry Medvedev signed a new strategic offensive arms agreement to replace the 1991 Strategic Arms Reduction Treaty (START I), which expired in December 2009.<sup>1</sup> Although the replacement accord (termed New START) enjoyed support from current U.S. military leaders and a bevy of Republican national security veterans and was ultimately passed by the U.S. Senate on December 22, 2010, "no other Russian-American arms control treaty that was ultimately ratified ever generated as much opposition on the final vote."<sup>2</sup> This article will detail New START's principal numerical limits and its monitoring measures, outline Republican concerns vis-à-vis

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the new accord and steps taken by the Obama administration to assuage these, and assess the prospects of further arms control in the wake of New START.

## New START Provisions and Verification Measures

Under New START, the United States and Russia are limited to 1,550 deployed strategic nuclear warheads on no more than 800 deployed and non-deployed strategic nuclear delivery vehicles—a steep cut from START I levels, which permitted each side 6,000 warheads on 1,600 delivery vehicles or launchers.<sup>3</sup> The New START limit on deployed strategic warheads is 30 percent lower than the warhead ceiling of 2,200 set by the 2002 Strategic Offensive Reductions Treaty (SORT, or Moscow Treaty). The warhead limit covers those deployed on intercontinental ballistic missiles (ICBMs) and deployed submarine-launched ballistic missiles (SLBMs), as well as counting each heavy bomber equipped with nuclear armaments as carrying only one warhead.

New START utilizes a different approach to counting warheads than START I. While the 1991 treaty used a type-attribution counting rule that assigned each ballistic missile type a number of warheads, the new accord uses an actual-load counting rule. The latter approach is preferable because it allows both sides to deploy different numbers of warheads on the same type of missile, providing greater flexibility for each side to determine its force structure while remaining in compliance with the treaty.

Under New START, heavy bombers equipped with nuclear armaments are counted as carrying one nuclear warhead each, because it is currently neither Russian nor American operational practice to maintain nuclear weapons aboard heavy bombers (in contrast to the warheads deployed on ICBMs and SLBMs). Moreover, the American belief that heavy bombers are the least destabilizing leg of the strategic triad influenced the counting rule. In contrast to START I, the new treaty's limits will not apply to heavy bombers and submarines not equipped with nuclear armaments. Nevertheless, New START does contain inspection provisions to assure the Russians that these weapons platforms no longer have a nuclear role.

Although the new accord has a full set of verification measures, Presidents Obama and Medvedev agreed last July to streamline monitoring provisions. New START includes provisions that prohibit each side from interfering with the other's national technical means of verification (for instance, satellites) and requires Moscow and Washington to exchange

and regularly update data on certain characteristics of their strategic forces. Reduced access to Russian telemetry was of concern to Republican Senators in debating whether to back the accord (START I mandated that all telemetry be shared). Despite assurances by senior American officials, including Secretary of Defense Robert Gates, that the U.S. does not need access to Russian telemetry to ensure Moscow's compliance with the treaty, some Senators believed that the new accord would weaken pre-existing verification provisions. To assuage these concerns, the Obama administration negotiated access to telemetric data from up to five ballistic missile tests annually.<sup>4</sup> Russian negotiators were hesitant to provide the access because Washington stands to gain much more information from Russia's ongoing tests of the Bulava SLBM and the Topol-M ICBM currently under development than Moscow does from observing American Minutemen III and Trident D-5 launches, which Russia has already observed for many years.<sup>5</sup>

The treaty establishes two types of inspection: Type One inspections, which will take place at ICBM, submarine, and air bases (up to 10 per year), and Type Two inspections which will occur at ICBM loading facilities, test ranges, training ranges, and formerly declared facilities (up to eight annually).<sup>6</sup> One of the major purposes of Type One inspections is to confirm the number of warheads on a deployed ICBM or SLBM.

## New START Ratification: Republican Concerns and Administration Responses

The Senate debate and the ensuing resolution to ratify the New START treaty reflected Senators' concerns about three issues in particular: Russian opposition to the deployment of U.S. missile defenses, Russian concerns about U.S. long-range conventional strike weapons, and U.S. concerns about Russian tactical nuclear weapons (TNW). Despite seven months of deliberations on the New START accord, including eighteen hearings and approximately 1,000 written answers to questions, objections, and concerns from Senators, the treaty was finally approved after a cloture vote largely along party lines (71–26).<sup>7</sup>

Republicans, led by Senator John Kyl (AZ), made clear that their support of New START would depend, among other things, on sufficient funding being provided for the maintenance and modernization of the U.S. nuclear weapons complex. These conditions were codified in Section 1251 of the FY2010 defense appropriation bill, drafted by Senator Kyl. Section 1251 required "a comprehensive plan to (1) maintain delivery platforms; (2) sustain a safe, secure, and reliable U.S. nuclear weapons stockpile; and

(3) modernize the nuclear weapons complex."<sup>8</sup> In order to fulfill this requirement, the Obama administration promised, when it submitted New START to the Senate for ratification on May 13, 2010, that the United States "will invest well over \$100 billion in nuclear delivery systems to sustain existing capabilities and modernize some strategic systems" and "invest \$80 billion in the next decade to sustain and modernize the nuclear weapons complex," beginning with a \$7 billion request for FY2011, a 10 percent increase over FY2010.<sup>9</sup> When some Republican Senators deemed the proposed funding level insufficient, the administration submitted an update to the Section 1251 report in November 2010, detailing an intention to request \$600 million more for the nuclear weapons complex in 2012 than had been stated in the plan submitted in May. Not surprisingly, the directors of the three U.S. nuclear weapons laboratories were "very pleased" with the updated figures, although the extent of the necessary refurbishment programs is debatable.<sup>10</sup>

Republican Senators also sought to ensure that the accord did not interfere with the ability of the United States to develop and deploy missile defenses. Specifically, the Senators pushed to eliminate language from the treaty's non-binding preamble, to the effect that there exists an undefined "interrelationship" between strategic offensive and defensive systems. This initiative was defeated only after President Obama wrote to the Senators on December 18, 2010 and pledged to "fully deploy all available missile defense systems, including those against ICBMs."<sup>11</sup>

Yet a third concern among the Senators was the accord's treatment of long-range conventional strike weapons. In response to Russian worries that such weapons—especially if mounted on ICBMs—could serve as a first-strike capability and endanger Russia's ability to respond with a second-strike, Washington conceded that this type of weapon would be counted within overall treaty limits. The Senators attempted to amend the treaty to ensure that this concession would not prevent deployment of such systems. A December 20, 2010 letter to Senators from Chairman of the Joint Chiefs of Staff Admiral Michael Mullen helped to defeat the amendment proposal. (Any amendments to the text of the treaty were viewed as "treaty killers" because they would require re-negotiation with Russia.)

A final concern of Republican Senators opposed to the ratification of New START was the lack of a provision in the treaty text regarding TNWs, an area in which Russia enjoys considerable numerical superiority. Although TNWs are not regulated by New START or any other arms control agreement, had the Senate failed to ratify New START, a future Russian-American negotiation on TNWs would have proven difficult. In fact, to

placate the concerned parties, the Obama administration made a commitment to address the issue in the next round of negotiations, slated to begin within one year of New START's entry into force—a difficult, though achievable, proposition.<sup>12</sup> Ultimately, although the Senate ratified the New START treaty, an accomplishment that most—though not all—observers hailed as major foreign policy success of the Obama administration,<sup>13</sup> numerous potential obstacles remain to realizing the full scope of the administration's disarmament agenda.

## The Response in Moscow

Immediately after learning of the ratification of the New START accord, President Medvedev commended the U.S. Senate on the achievement. However, Medvedev warned that members of the Russian Duma and Federation Council (the lower and upper chambers of the Russian Parliament, respectively) would have to delay endorsement of the accord until they could verify that Washington's ratification text had not altered the text of the treaty.<sup>14</sup> Although the Duma initially intended to time its ratification of the accord to coincide with that of the U.S. Senate, upon learning of the amendments made by U.S. Senators to the ratification protocol, Duma members announced that to pass New START would require three rounds of voting. Like their counterparts in Washington, Russian parliamentarians submitted additions to the ratification document, but with the opposite intent.<sup>15</sup> Although New START passed the first vote in the Duma (350–58), lawmakers adopted five amendments and two statements on the accord's ratification during the second ratification vote on January 14.<sup>16</sup> Specifically:

"[T]he chamber incorporated in its ratification text various stipulations on the pact's implementation, including conditions that could prompt Moscow to stop participating in the pact and a call for the Kremlin to plan updates to Russia's strategic deterrent. Russia would also reserve the right to withdraw from the treaty if the United States breaches the pact, if Moscow deems future U.S. missile shield deployments to pose an unacceptable strategic risk, or if Washington prepares strategic conventional armaments without permission from a Bilateral Consultative Commission."<sup>17</sup>

While some observers discount these developments, pointing out that the accord has already been signed by both the American and Russian presidents, others contend they have the potential to sidetrack President Obama's disarmament agenda.<sup>18</sup>

## Conclusion: Prospects Moving Forward

With the bilateral ratification of New START complete, the United States and Russia will need to discuss, and hopefully come to agreement, on a variety of other pressing arms control issues not limited to: Bilateral reductions in TNWs, ratification and signature of the Comprehensive Test Ban Treaty, and the challenge posed by non-deployed strategic warheads. The lukewarm support received by the New START accord in the Senate (previous arms control treaties have typically been approved with 80 to 90 votes in favor), the widespread—but erroneous—notation that Moscow did not make any concessions in the recently concluded negotiations, and the uncertainty surrounding President Obama's re-election next year may make Moscow hesitate to engage in further negotiations.<sup>19</sup> Although serious talks on any of the above-mentioned issues are unlikely to begin until early 2013, very cautious preliminary discussions could commence as early as next spring.<sup>20</sup>

## About the Author

Elizabeth Zolotukhina is Head Editor of the Project on National Security Reform Case Studies Working Group. Her past affiliations include the Center for Political-Military Analysis at the Hudson Institute and the Lexington Institute. Ms. Zolotukhina received her undergraduate degree from the University of Pittsburgh. Her research interests include nonproliferation, arms control, and Russia. Her articles have appeared in the *World Politics Review* and the *International Affairs Forum*, among others. She can be reached at: [elizabethz@gmail.com](mailto:elizabethz@gmail.com).

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