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Nuclear Arms Control: The U.S.-Russian Agenda

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Nuclear Arms Control: The U.S.-Russian Agenda

SUMMARY

Although arms control negotiations are not as important to the U.S.-Russian relationship as they were to the U.S.-Soviet relationship during the Cold War, the United States and Russia have continued to implement existing nuclear arms control agreements and to pursue negotiations on further reductions in their strategic offensive weapons and modifications to limits on ballistic missile defenses. This issue brief summarizes the contents of these agreements and tracks progress in their ratification and implementation.

The 1991 START I Treaty entered into force in December 1994. It limits the United States and four successors to the Soviet Union — Russia, Ukraine, Belarus, and Kazakhstan — to 6,000 accountable warheads on 1,600 strategic offensive delivery vehicles. The parties are well ahead of the elimination schedules outlined in the treaty and all the nuclear warheads have been removed from the 3 non-Russian republics. The parties also continue to implement the on-site inspections that are a part of the Treaty's complex verification regimen.

The United States and Russia signed START II in January 1993. This agreement would reduce U.S. and Russian strategic offensive forces to 3,500 warheads. In September 1997, the United States and Russia signed a Protocol to START II that would extend the elimination period in the treaty to the end of the year 2007. This is designed to ease the economic burdens of treaty implementation for Russia. The U.S. Senate approved the Treaty's ratification in January 1996 and the Russian legislature did so in April 2000,

but the treaty has not yet entered into force.

During a summit meeting in March 1997, Presidents Clinton and Yeltsin agreed that the United States and Russia would begin negotiations on a START III Treaty as soon as START II enters into force. They agreed the new treaty would reduce their forces to between 2,000 and 2,500 warheads. They also agreed to address measures related to non-strategic nuclear weapons and the warheads removed from weapons eliminated under the treaty. Negotiations to turn this framework into a formal agreement have proven difficult, and the Bush Administration has not indicated whether they will continue.

The United States and Russia continue to abide by the 1972 ABM Treaty, which limits each side to one anti-ballistic missile deployment area with no more than 100 interceptor missiles. In September 1997, the parties signed several documents that established a demarcation line between ABM systems and theater missile defense systems, which are not limited by the Treaty. They also signed a Memorandum that named Russia, Ukraine, Belarus, and Kazakhstan as the successors to the Soviet Union for the ABM Treaty. The Clinton Administration never submitted these to the Senate for advice and consent. It did however, pursue negotiations on modifications to the Treaty that would permit the deployment of national missile defenses. The Bush Administration has indicated that it believes the Treaty is out of date, and has suggested that the United States and Russia agree to set the Treaty aside.

MOST RECENT DEVELOPMENTS

The United States and Russia continued consultations on missile defense through mid-September 2001. The two sides continued to disagree about whether they should seek amendments to the ABM Treaty (the Russian view) or an alternative security framework to replace the Treaty (the U.S. view). Administration officials have indicated that the attacks on the World Trade Center and Pentagon had not undermined support for missile defenses, even though those attackers used aircraft, not missiles. In a press conference in October, President Bush repeated the U.S. view that the ABM Treaty was out-of-date and that the United States would seek to convince Russia to withdraw from it with the United States. Some analysts believe that the new cooperative framework between the countries with respect to terrorism will spill over into cooperation on missile defenses; others argue that Russia may believe its cooperation on terrorism provides it with leverage to press for changes in U.S. policy on missile defense and the ABM Treaty.

BACKGROUND AND ANALYSIS

During the Cold War, arms control negotiations were a central feature of U.S.-Soviet relations. Observers disagreed about whether these would enhance U.S. security by limiting Soviet weapons and providing information about Soviet capabilities or undermine U.S. security by limiting U.S. weapons while the Soviet Union continued to pursue more capable systems. Many noted, however, that arms control negotiations were sometimes the only place where the two nations could communicate and pursue cooperative efforts — even if they did little to control arms or reduce the dangers posed by nuclear weapons.

In the late 1980s and early 1990s, the United States and Soviet Union/Russia signed several agreements that reduced nuclear weapons. The 1987 Intermediate-Range Nuclear Forces Treaty (INF) eliminated all land-based ballistic and cruise missiles with ranges between 300 and 3,400 miles. The 1991 Strategic Arms Reduction Treaty, START I, mandated reductions in numbers of warheads deployed on long-range land-based and submarine-based missiles and on heavy bombers. In January 1993, the United States and Russia signed the second Strategic Arms Reduction Treaty, START II, which would further reduce the number of warheads on their strategic offensive forces. The United States and Russia also held discussions on a START III treaty that would reduce their forces further.

The Bush Administration has argued that arms control negotiations, leading to formal treaties, should no longer be a central feature of the U.S.-Russian relationship. Administration officials contend that the relationship codified by these treaty regimes reflects old-style “Cold War” thinking, and that the two sides should, instead, reduce their offensive forces unilaterally, to the levels that each finds necessary, and eliminate the ABM Treaty’s restrictions on the deployment of missile defenses. The United States and Russia continue to implement START I, but START II may never enter into force and that the two sides may not pursue a START III Treaty. This issue brief reviews developments in these earlier efforts and summarizes proposals for further arms control agreements. It also tracks discussions on arms control issues that have occurred since the start of the Bush Administration.

START I

Treaty Provisions

START I, signed on July 31, 1991, limits the United States and successors to the Soviet Union to 6,000 warheads attributed to 1,600 strategic offensive delivery vehicles — land-based intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs) and heavy bombers. The treaty also limits each side to 4,900 warheads attributed to ballistic missiles, 1,540 warheads attributed to heavy ICBMs, and 1,100 warheads attributed to mobile ICBMs. Warheads are “attributed” to missiles and heavy bombers through counting rules that assign each deployed missile or bomber a warhead number. The number of warheads attributed to ICBMs and SLBMs usually equals the number actually deployed on that type of missile, but the number attributed to heavy bombers is far fewer than the number of bombs or cruise missiles that each type of bomber can be equipped to carry. The Treaty allows “downloading” of warheads to reduce the number of warheads attributed and carried on some multiple warhead (MIRVed) missiles. (For details about START I, see CRS Report 91-575, *START: Central Limits and Key Provisions*.)

To monitor forces and verify compliance with START I, the parties rely on their own national technical means (NTM) and numerous cooperative measures designed to supplement information received through NTM. These include extensive data exchanges on the numbers and locations of affected weapons and several types of on-site inspections (OSI), including baseline inspections to confirm initial data, inspections of closed-out facilities or eliminated equipment, inspection of suspect sites, and continuous monitoring of certain facilities. The parties must also notify each other of several types of activities, such as the movement of items limited by the treaty. The parties agreed to refrain from encrypting or denying the telemetry (missile test data) needed to monitor many qualitative and quantitative limits. The treaty established the Joint Compliance and Inspection Commission (JCIC), where the parties meet to discuss treaty implementation issues and compliance questions.

In May 1992, the United States, Russia, Ukraine, Belarus, and Kazakhstan signed a Protocol to START I that listed those four former Soviet republics as the successors to the Soviet Union for the Treaty. In this agreement, Ukraine, Belarus, and Kazakhstan all agreed to join the Nuclear Nonproliferation Treaty (NPT) as non-nuclear weapons states and to eliminate the strategic nuclear weapons on their territories. In separate agreements, these three states arranged to return the nuclear warheads from those weapons to Russia.

Ratification and Implementation

Ratification. The U.S. Senate gave consent to the ratification of START I on October 1, 1992. Kazakhstan ratified START I in June 1992; it joined the NPT as a non-nuclear state on February 14, 1994. Belarus approved START I and the NPT on February 4, 1993, and formally joined the NPT as a non-nuclear weapon state on July 22, 1993. The Russian parliament approved START I on November 4, 1992, but stated that it would not exchange the instruments of ratification *until* all three of the other republics adhered to the NPT as non-nuclear states. Ukraine delayed action on START I for nearly two years. On January 14, 1994, Presidents Clinton, Yeltsin, and Kravchuk of Ukraine signed a Trilateral Statement in which Ukraine agreed to transfer all the nuclear warheads on its territory to Russia and to eliminate the treaty-accountable delivery vehicles for these warheads in exchange for

compensation and security assurances. The Ukrainian parliament approved the Trilateral Statement and START I in early February 1994. It eventually approved Ukraine's accession to the NPT in November 1994. On December 5, 1994, the United States, Russia, and Great Britain signed a memorandum granting security assurances to Ukraine, Belarus and Kazakhstan. Ukraine then acceded to the NPT, the five parties to START I exchanged instruments of ratification, and START I entered into force.

Weapons Deactivation. As of January 31, 2001, the United States had removed all of the Minuteman II missiles from their silos and had eliminated or converted 449 of the 450 Minuteman II silos according to the provisions outlined in START. The United States has also withdrawn from service and removed the missiles from all of its Poseidon ballistic missile submarines. All but 1 of the 31 Poseidons have been eliminated according to the provisions outlined in the treaty. After these reductions, the United States had 7,295 warheads attributed to 1,344 delivery vehicles in its force.

Forces of the former Soviet Union have declined significantly during START I implementation, from more than 10,000 warheads on 2,500 delivery vehicles in 1990 to 6,302 warheads on 1,288 delivery vehicles on January 31, 2001. All the nuclear warheads from SS-18 missiles and weapons for bombers in Kazakhstan had been returned to Russia by May 1995. All the nuclear weapons had been removed from Ukraine's territory by June 1, 1996 and all 81 of the SS-25 missiles based in Belarus had been returned to Russia by late November 1996. Ukraine has eliminated all of the SS-19 ICBM silos on its territory and 29 of the 56 silos for SS-24 ICBMs. Russia has also eliminated several hundred ICBM silos, almost 350 SLBM launchers and 50 bombers.

The number of bombers remaining in Ukraine has declined from 43 to 6; these include 5 Bear-H bombers and one Blackjack bomber. Russia and Ukraine sought unsuccessfully for five years to negotiate a price for Russia to purchase these aircraft from Ukraine. However, in late 1999, Russia and Ukraine reached an agreement for Ukraine to return 11 bombers – 3 Bear_H bombers and 8 Blackjack bombers – to Russia in exchange for forgiveness of part of its natural gas debts to Russia.

Monitoring and Verification. All the parties to START I have conducted on-site inspections permitted by the treaty. In addition to conducting routine inspections called for in the Treaty, U.S. inspectors also monitored the elimination of 20 Russian SLBMs in early December 1997. Although not mandated by the treaty, Russia eliminated these missiles by launching them from submarines and destroying them shortly after launch.

Compliance. The parties to START I have all noted that there have been few significant compliance questions. In 1995, the United States raised concerns about Russian compliance with the treaty's provisions on the conversion of missiles to space launch vehicles when Russia used a converted SS-25 ICBM to launch a satellite. According to published reports, Russia did not allow the United States to inspect the missile to confirm that it was configured as a space launch vehicle when it exited the Votkinsk missile assembly facility, and it failed to provide the proper notifications, as specified in START I, about the location of the missile prior to the satellite launch. Russia claimed that it was not obligated to notify the United States about the missile or permit the United States to inspect it at the Votkinsk portal because it was a dedicated space launch vehicle that was not limited by START. The United

States held that the missile was subject to START I inspection and notification provisions because it was a variant of a missile limited by the treaty.

After further discussions in the Joint Compliance and Inspection Commission (JCIC), the two sides agreed that a limited number these launch vehicles could leave the Votkinsk facility without being subject to imaging inspections. They would still have to be measured and opened to confirm that they were not treaty-limited missiles. By 1997, Russia had produced all the launch vehicles permitted by this interim agreement. In November 1997, the two sides reached a final agreement that would cover any additional space-launch vehicles assembled at Votkinsk. Russia agreed to notify the United States when such vehicles left Votkinsk and to provide the unique identifier number for the launch vehicles. The two sides agreed on the data they would use in the inspection process to confirm that the canister contained a space launch vehicle, rather than a treaty-limited missile.

In mid-June 1998, the Russian press reported that Russian officials were concerns about several areas of U.S. compliance with START I. For example, tests of the British Trident missiles may have released 10-12 warheads, rather than the 8 permitted on U.S. Trident missiles. The United States believes this is consistent with START I because the Treaty does not limit British missiles, but some in Russia argue that the United States could gain valuable information that would permit it to deploy its own missiles with 10-12 warheads. Some in Russia also contend that the United States has altered the B-1 bombers to make it easier for them to carry cruise missiles. These changes are not banned by the START I Treaty, and the United States could equip B-1 bombers without violating its obligations, but this would change the accounting for the bombers under START I. Most of these issues have been addressed during meetings of the JCIC. Some observers speculated that the Russian reports were designed to deflect criticism about Russia's failure to ratify START II. Officials in the Russian Defense Ministry repeated the accusations of U.S. non-compliance with START I in late January 1999. The timing of Russia's complaint appeared to derive from the recent U.S. announcements regarding funding for a national ballistic missile defense system and its intentions to negotiate amendments in the 1972 ABM Treaty (see below).

START II

Treaty Provisions

The United States and Russia signed START II on January 3, 1993. It limits each side to 3,000-3,500 accountable warheads on strategic offensive delivery vehicles, with no more than 1,750 warheads permitted on submarine-launched ballistic missiles (SLBMs). The Treaty also bans all multiple warhead ICBMs (MIRVed ICBMs). As under START I, the parties can reduce their deployed warheads and eliminate MIRVed ICBMs by downloading missiles — that is, by removing warheads from deployed missiles. However, the treaty specifies that the parties can remove, at most, 4 warheads from each missile, so ICBMs with 10 warheads must be eliminated, rather than downloaded. The treaty makes an exception for the Russian SS-19 missile, which carries 6 warheads. Russia can remove 5 warheads from 105 of these missiles so that they will remain as single-warhead missiles. The treaty requires the complete elimination of Russia's SS-18 heavy ICBMs, a long-standing U.S. arms control objective, as well as the elimination of Russia's SS-24 ICBMs and the U.S. Peacekeeper (MX) missile. For the most part, START II will rely on the same verification regime as START I, and there are few new verification provisions in the second treaty. (For details see CRS Report 93-35,

START II: Central Limits and Force Structure Implications and CRS Report 93-617, *The START and START II Arms Control Treaties: Background and Issues.*)

Ratification

The Senate Foreign Relations Committee held hearings on START II in March 1993, but delayed further debate until START I entered into force. Hearings resumed in early 1995, but a dispute over plans to reorganize the State Department and eliminate the Arms Control and Disarmament Agency delayed further action. After the Senate leadership reached agreement on those issues, the Foreign Relations Committee approved the START II resolution of ratification for START II by a unanimous vote on December 12, 1995. The full Senate voted 87-4, offering its advice and consent to ratification, on January 26, 1996.

The lower house of Russia's parliament, the Duma, began considering START II in July 1995. In early 1998, leaders in the Duma stated that they would probably debate the treaty and vote on its ratification before the end of the session in June 1998. The leadership agreed to hold closed meetings with Defense Minister Sergeyev and Foreign Minister Primakov. A meeting with representatives from all Duma factions occurred on June 5 and a meeting for all Duma members was scheduled for June 16, but did not take place.

The Duma resumed work on START II during its fall session, and it had drafted a law on ratification for the treaty by the end of November, 1998. It planned to begin debate on the Treaty in December, but the Communist party delayed that debate because the Duma did not yet have a draft law on financing for the nation's strategic nuclear forces. Nevertheless, officials in the Yeltsin government continued to press for START II approval, and many began to believe the Duma would act by the end of December. However, it again delayed its consideration of the treaty after the U.S. and British air strikes on Iraq in mid-December. The Treaty's future clouded again after the United States announced its plans in January 1999 to negotiate amendments to the 1972 ABM Treaty. However, the Duma leadership sent the draft law on ratification to President Yeltsin in late March 1999. On March 19, the Duma's leadership announced that it had scheduled a debate for April 2, 1999. However, this debate was canceled after NATO forces began their air campaign in Yugoslavia.

After he took office at the end of 1999, President Vladimir Putin expressed his support for START II and pressed the Duma to approve its ratification. The Duma Foreign Affairs committee recommended START II ratification in early April, and the Duma voted to approve ratification on April 14, 2000. The upper chamber of the Parliament, the Federation Council, did the same on April 19, 2000.

Some Duma members objected to START II because they generally opposed President Yeltsin and his policies. Others argued that Russia should not reduce its offensive forces as NATO expanded into central Europe because NATO could then move its nuclear weapons closer to Russia's borders. And some argued that Russia should not approve START II until it is certain that the United States will continue to abide by the 1972 ABM Treaty — they fear that the United States could undermine Russia's nuclear deterrent if it deployed extensive missile defenses while Russia reduced its offensive forces.

The debate over START II also revealed concerns about the substance of the Treaty. Some argued the treaty would undermine Russia's security by eliminating the core of Russia's

strategic forces — the MIRVed ICBMs. In addition, Russia would need hundreds of new single-warhead ICBMs to retain 3,500 warheads as it eliminates MIRVed ICBMs. As a result, some in the Duma suggested that the United States and Russia skip START II and negotiate further reductions so that the United States would have to reduce to levels that Russia might end up at anyway. (For details, see CRS Report 97-359, *START II Debate in the Russian Duma: Issues and Prospects*.)

In March 1997, Presidents Clinton and Yeltsin agreed to extend the elimination timelines in START II and established guidelines for a START III Treaty that would reduce both sides' forces to 2,000-2,500 warheads. On September 26, 1997, Secretary of State Albright and Russia's Foreign Minister Primakov signed a protocol to START II that formalized the extension of START II deadlines. They also exchanged letters repeating the Presidents' agreement that the two sides would deactivate all the weapons to be eliminated under START II by the end of 2003. The two sides agreed to work out methods for deactivation as soon as the treaty entered into force. Russia added another provision to its letter, noting that it expected a START III treaty to enter into force before the deactivation deadline for START II. The United States acknowledged this statement but did not agree.

Both Yeltsin and Putin governments reportedly told the Duma committees that Russia could not afford to retain strategic offensive forces at START I levels. Ratification of START II would not only ensure that the United States reduces its forces along with Russia, but would also permit the two nations to move on to deeper reductions in START III. These arguments apparently swayed enough members of the Duma to win approval for the Treaty.

The Duma attached several conditions to its Federal Law on Ratification. The Law indicates that U.S. withdrawal from the 1972 ABM Treaty would be considered to be an extraordinary event that would give Russia the right to withdraw from START II. President Putin appeared to endorse this view when he stated that Russia would pull out of the entire system of arms control agreements on strategic nuclear forces if the United States dismantled the ABM Treaty. Furthermore, the Federal Law on Ratification states that Russia will not exchange the instruments of ratification on START II until the United States approves the ratification of the 1997 Agreed Statements on Demarcation and Memorandum of Understanding on Succession to the ABM Treaty. The Clinton Administration never submitted these agreements to the U.S. Senate.

The Bush Administration has thus far been silent on its intentions with regard to START II, although most analysts believe it will not attempt to complete the ratification process. The President has stated that he would support further reductions in U.S. offensive nuclear forces, but he has said that these reductions could be taken unilaterally, without Treaty provisions to govern final numbers or monitoring and verification. It revealed a possible first step in this process in its budget for the Defense Department for FY2002 when it requested \$17 million to begin dismantling the 50 Peacekeeper ICBMs. These missiles would have been eliminated under the START II Treaty, but Congress has prevented any expenditures to begin their retirement prior to START II's entry into force. According to Secretary of Defense Rumsfeld, the United States no longer needs these missiles and the Air Force had not provided any funds to maintain or operate them. The Administration also included funding in the budget to begin converting two Trident submarines to carry cruise missiles, instead of nuclear-armed ballistic missiles. It has not, however, announced a more comprehensive strategy for reducing U.S. offensive nuclear weapons.

If it wanted START II to enter into force, the Administration would have to ask the Senate for its advice and consent to ratification for the Protocol extending the elimination time lines for the Treaty and the agreements clarifying the ABM Treaty, as required by the Russian Law on Ratification. But it appears unlikely that President Bush would seek approval for clarifications to the ABM Treaty when officials in his Administration have argued (as is noted below) that the treaty is outdated and no longer serves U.S. interests. During his nomination hearings, John Bolton, who has been nominated as Undersecretary of State for Arms Control, stated that he would support an effort to gain ratification of the START II Protocol, if it were separated from the clarifications to the ABM Treaty.

START III

Proposed Provisions

During their summit in Helsinki on March 20-21, 1997, Presidents Clinton and Yeltsin agreed that the United States and Russia would begin negotiations on a START III treaty as soon as START II entered into force. This treaty would limit each side to between 2,000-2,500 strategic nuclear warheads by December 31, 2007. The warhead reductions would address Russia's concerns about the need to build hundreds of new single-warhead missiles to meet START II force levels. And, by reiterating that formal START III negotiations would not begin until START II entered into force, the agreement sought to reassure those in the United States who feared that START III might replace START II.

The Presidents also agreed that START III should contain measures to promote the irreversibility of the weapons elimination process, including transparency measures and the destruction of strategic nuclear warheads removed from delivery vehicles. This responds to a condition that the Senate added to the START I resolution of ratification and it could address concerns about the possible theft or sale of warheads to nations seeking their own nuclear weapons. The two sides have been attempted, with little progress, to implement warhead data exchanges for several years.

Finally, the Presidents agreed the two sides would explore possible measures for long-range, nuclear-armed, sea-launched cruise missiles and other tactical nuclear weapons. These could include transparency and confidence-building measures. Russia has long sought restrictions on U.S. sea-launched cruise missiles. The United States unilaterally withdrew these missiles from deployment in 1991, but Russia fears that these missiles could threaten targets in Russia if the United States redeployed them. The United States would like further restrictions on Russian tactical nuclear weapons because these may pose a proliferation risk; Russia would like restrictions on U.S. tactical nuclear weapons to ensure that they are not deployed on the territory of new NATO members.

During discussions on START III, both sides introduced numerous provisions that would address all the issues outlined in the Helsinki framework, but they could not resolve their differences. For example, the Russians proposed that the treaty reduce strategic nuclear forces to 1,500 or fewer warheads on each side. The United States has resisted such deep reductions in the past, and when it tabled a new proposal in January 2000, it reportedly continued to insist that START III reduce forces to 2,000 or 2,500 warheads.

Press reports indicate that the Clinton Administration had asked DOD to assess the implications of lower levels again, in early May 2000, in preparation for President Clinton's summit with President Putin scheduled for early June 2000. Military leaders reportedly rejected lower levels again. At the time, many analysts expected the Clinton Administration to negotiate a "Grand Bargain," where the United States would accept lower limits for START II if Russia accepted modifications to the ABM Treaty that would permit the deployment of a U.S. NMD. However, the summit did not produce any arms control agreements. Presidents Clinton and Putin did, however, agree to intensify their negotiations on START III. Furthermore, during a press conference after their meetings, President Clinton said that the United States would have to alter its strategic plans to reduce its forces to 1,500 warheads. And he indicated that such a change in plans would be more complete if the United States knew what role missile defenses would play in the U.S. plan.

In November 2000, President Putin outlined a new proposal for reductions in offensive forces, stating that Russia would be willing to reduce to 1,500 warheads or lower if the United States remained committed to the ABM Treaty. President Clinton did not respond directly to this proposal. Many analysts doubt that the United States would accept such a proposal because U.S. officials have indicated that the United States would only be willing to cut its forces that deeply if Russia agreed to modify the ABM Treaty.

President Bush has stated that he believes the United States and Russia could move away from the formal arms control process and reduce their forces unilaterally or in parallel to whatever level each side decided was appropriate. He has stated that he would reduce U.S. forces unilaterally, to the lowest possible level, after military leaders conducted a thorough review of U.S. defense plans. In mid-February 2001, he issued a directive for DOD to begin this review of the U.S. nuclear force posture. At their meeting following the G-8 summit in Genoa, Italy, Presidents Bush and Putin agreed that the two nations would begin consultations on offensive and defensive weapons. The Russians apparently expect these consultations to produce agreed limits on offensive forces and minor modifications of the ABM Treaty. The Bush Administration, however, has stated that the United States is not expecting lengthy negotiations or the completion of a formal arms control treaty. Instead, the Administration expects to use these consultations as a forum to inform Russia of U.S. plans with respect to offensive and defensive forces and to convince Russia to set aside the ABM Treaty with the United States.

Alternative Proposals

Many analysts in the arms control community believe the United States and Russia should move beyond the START framework by either reducing the alert rates of their deployed weapons or seeking deeper reductions, leading towards the eventual elimination of all nuclear weapons. Supporters argue that these measures would not only make the United States and Russia safer, they would also demonstrate that the United States and Russia are reducing the role of nuclear weapons in their defense policies. Others argue that the United States and Russia should stop negotiating and implementing formal arms control arrangements. Some contend that this locks the two parties into an adversarial relationship, where a more cooperative approach, with each side setting its own force structure requirements, would be more appropriate. Others contend that formal agreements that mandate U.S. reductions are not needed because economic conditions in Russia will assure that reductions occur there with or without U.S. participation.

The Anti-Ballistic Missile (ABM) Treaty

Treaty Provisions

The 1972 U.S.-Soviet Anti-Ballistic Missile (ABM) Treaty prohibits the deployment of ABM systems for the defense of the nations' entire territory. It permits each side to deploy limited ABM systems at two locations, one centered on the nation's capital and one at a location containing ICBM silo launchers. A 1974 Protocol further limited each nation to one ABM site, located at the nation's capital *or* around an ICBM deployment area. Each ABM site can contain no more than 100 ABM launchers and 100 ABM interceptor missiles. (Russia deployed its ABM site around Moscow; the United States deployed its site around ICBM silos near Grand Forks, North Dakota. The United States ceased operations at its ABM site in 1975, but the facilities continue to count under the ABM Treaty.) The Treaty also specifies that, in the future, any radars that provide early warning of strategic ballistic missile attack must be located on the periphery of the national territory and oriented outward. The Treaty bans the development, testing, and deployment of sea-based, air-based, space-based, or mobile land-based ABM systems and ABM system components (these include interceptor missiles, launchers, and radars or other sensors that can substitute for radars).

The numerical limits and deployment restrictions in the ABM Treaty do not apply to other types of defensive systems — such as defenses against shorter-range battlefield or theater ballistic missiles. However, the Treaty does state that the parties cannot give these other types of defenses the capabilities to counter strategic ballistic missiles or their elements in flight trajectory. The parties also cannot test these other types of defenses “in an ABM mode.” But the ABM Treaty does not define the capabilities of a “strategic” ballistic missile or the characteristics of a test that would be “in an ABM mode.”

The Demarcation and Succession Agreements

Questions about the difference between ABM systems and theater missile defense (TMD) systems grew in importance after the 1991 Persian Gulf War. Iraq's scud missile attacks on Israel and allied forces alerted many in the United States to the growing threat from ballistic missiles in regional conflicts and generated new interest in the ongoing development of advanced theater missile defenses (TMD). By 1993, some analysts and officials in the Clinton Administration had begun to ask whether advanced TMD systems would be limited by the ABM Treaty. To avoid possible compliance questions, the Clinton Administration sought to reach an agreement with Russia on a “demarcation line” to distinguish between ABM systems and TMD systems. (For details on U.S. TMD programs, see CRS Issue Brief IB98028, *Theater Air and Missile Defense: Issues for Congress*.)

Questions about the future of the ABM Treaty and its relationship to U.S. National Missile Defenses were further complicated by the fact that the Soviet Union no longer existed. Many critics of the ABM Treaty and supporters of U.S. missile defense deployments found the situation to be advantageous; they believed the Treaty could lapse and the United States could deploy missile defenses without limits. But the Clinton Administration believed that the ABM Treaty remained in the U.S. national security interest and it began negotiations in late 1993 on an agreement that would identify the treaty successors to the Soviet Union.

Agreed Statements on Demarcation. When the ABM/TMD demarcation negotiations began, the United States sought to maintain the flexibility to develop advanced theater missile defense (TMD) systems without having those systems fall under the limits in the ABM Treaty. It is a simple rule that defining an ABM interceptor as one that demonstrated the capability to destroy a target ballistic missile with a velocity greater than 5 kilometers per second (this would essentially define a “strategic” ballistic missile). Any missile defense interceptor tested against a less capable target missile would not be considered to have been tested “in an ABM mode” and would not be covered by the limits in the ABM Treaty.

Russia feared that the United States might deploy advanced TMD systems that would allow it to intercept Russia’s strategic ballistic missiles, and, therefore, undermine Russia’s nuclear deterrent. Hence, Russia proposed a more restrictive formula to define an ABM interceptor as one with the capability to intercept targets with a velocity of 3 kilometers per second, rather than 5 kilometers per second, and a range of 3,500 kilometers. And, it sought to limit the velocity of TMD *interceptor* missiles to 3 kilometers per second. Any interceptor tested with a greater velocity, even if tested against a shorter range or slower target missile, would be considered to be subject to the limits in the Treaty. Russia also suggested that the parties link the number and location of deployed TMD systems to size and scope of threat and that they restrict the power of TMD radars. (For a more detailed discussion see CRS Report 98-496, *Anti-Ballistic Missile Treaty Demarcation and Succession Agreements: Background and Issues*.)

The United States briefly considered accepting limits on the velocity of TMD interceptor missiles, but by 1995 it returned to its initial position that the demarcation line should be based on the characteristics of the target ballistic missile used during tests of TMD interceptor missiles. Russia eventually accepted this standard for TMD systems with slower velocity interceptors, i.e. those with interceptors with velocities below 3 km/second, but it wanted added restrictions on TMD systems with faster velocity interceptors because these were the systems that might threaten Russia’s strategic offensive forces.

In March 1997, Secretary of State Albright and Russia’s Foreign Minister Primakov signed Agreed Statements on Demarcation on September 26, 1997. In the First Agreed Statement, the two sides agreed that TMD systems with interceptors tested at speeds at or below 3 km/sec that were tested against a target with a speed at or below of 5 km/sec and a range of less than 3,500 km would be exempt from the limits in the ABM Treaty. The Second Agreed Statement outlined parameters for higher speed systems, those with interceptor velocities above 3 km/second. These systems could not be tested against a target missile with a velocity greater than 5 km/sec and a range greater than 3,500 km. In addition, the agreement banned TMD systems with space-based interceptors. However, the agreement did not state whether these more capable TMD systems would be covered by the limits in the ABM Treaty. Each nation would decide whether its systems had been “tested in an ABM mode.” (For more details on the substance of the agreements see CRS Report 98-496, *Anti-Ballistic Missile Treaty Demarcation and Succession Agreements: Background and Issues*.)

The demarcation agreements would not limit the speed of U.S. TMD systems. They use the interceptors’ speed as a dividing line between those systems that are not limited by the ABM Treaty and those that would need further analysis to determine whether they are exempt from the Treaty limits. Many in Congress believe the TMD demarcation provisions *will* restrict U.S. TMD capabilities, even though the Administration has stated that they are

consistent with all current programs, because they believe the United States will “dumb down” its systems to avoid compliance debates with Russia. Some in the arms control community believe that the demarcation agreements permit too much TMD capability, and that the deployment of more advanced TMD systems could undermine the ABM Treaty.

Memorandum of Understanding on Succession. The 1997 Memorandum of Understanding on Succession names Russia, Ukraine, Belarus, and Kazakhstan as successors to the Soviet Union in the ABM Treaty. Together, these states are limited to a single ABM deployment area with no more than 100 launchers and interceptors. The MOU also states that the geographic area covered by the provisions in the treaty would be the combined territories of these successor states. These provisions permit Russia to continue to operate Soviet ABM facilities and radars in Ukraine and Kazakhstan and to construct a new early warning radar in Belarus. The MOU also states that the Successor States may continue to use any facility covered by the Treaty that is “currently located on the territory of any State that is not Party to the Treaty, with the consent of such State...” Consequently, Russia can continue to operate the early warning radar in Azerbaijan (it closed the radar in Latvia in September 1998) even though it is outside the periphery of the participating nations.

The Clinton Administration and supporters of the ABM Treaty argued that this agreement will allow the ABM Treaty to remain in place as the cornerstone of the strategic relationship between the United States and Russia. They contend that, without limits on the deployment of strategic ballistic missile defenses, Russia would be unwilling to reduce its strategic offensive forces. Some in Congress, however, believe that the United States should have allowed the ABM Treaty to lapse. They believe that, by adding parties to the ABM Treaty, it will be more difficult for the United States to negotiate amendments that would permit deployment of effective national missile defenses.

The Clinton Administration agreed to submit the demarcation and succession agreements for Senate advice and consent as amendments to the ABM Treaty, but never did so for fear that the Senate would defeat them. The Clinton Administration declared in May 1998 that the United States and Russia “clearly are parties” to the ABM Treaty. This declaration would make it possible for the treaty to remain in force if the Senate rejected the MOU on succession. Many in Congress objected to this declaration. On August 5, 1998, the House passed an amendment to the FY1999 Commerce, Justice, and State Department Appropriations Bill (H.R. 4276, H.Amdt. 859) stating that the U.S. delegates to the Standing Consultative Commission (SCC), could not use any of the funds to implement the MOU on succession. Representative Weldon argued that this would force the Administration to submit the MOU to the Senate for its advice and consent to ratification. Others argued that the United States should cease its participation in the ABM Treaty so that it could build nationwide defenses. Critics of the amendment argued that it would preclude any U.S. participation in the SCC, and therefore, undermine continued implementation of the treaty.

The ABM Treaty and National Missile Defenses

In the mid-1990s, concerns about the possibility of an unintended missile launch from Russia and the growing ballistic missile threat from other nations stimulated interest in national missile defenses (NMD). Some members of Congress argued that the United States should deploy limited defenses to protect against unintended and rogue missile launches. Others, like Senators Jon Kyl and Jesse Helms, have argued that the United States should

abandon the ABM Treaty and deploy whatever defenses it needed to protect its territory from missile attacks. Still others, like Representative Curt Weldon, supported an approach where the United States would cooperate with Russia both to modify the ABM Treaty and deploy ballistic missile defenses. Others, however, argued that the United States should not rush to deploy an NMD system. They noted that rogue nations are years away from deploying missiles that could threaten U.S. soil. And, they argued that U.S. plans to deploy an NMD system could interfere with offensive force reductions if Russia reacts by withdrawing from the START I and START II treaties.

In January 1999, the Clinton Administration added \$6.6 billion to the Defense budget for FY1999-2005 to support the deployment of an NMD system. It still planned to decide in June 2000 whether to deploy the system, but these funds in the out-years of the budget would preserve that option. The Administration announced that the growing missile threat from North Korea would support a decision to deploy in 2000, if the technology were sufficiently mature. The Administration also moved the projected deployment date from 2003 to 2005, to reduce the amount of risk in the program.

Some in Congress argued that the Administration should accelerate, not delay the schedule for NMD because the threat from uncertainties in Russia and missiles in rogue nations exists now. Some also argued that the United States may have too little warning when new threats emerge. They point to the 1998 "Rumsfeld Report," which notes that nations may acquire long-range ballistic missiles without pursuing long development and testing programs. Some Members praised the Administration for adding deployment funds to the budget. But they continued to question the Administration's commitment to deployment. Others, including Senator Helms, criticized the Administration's intention to negotiate ABM Treaty amendments with Russia. He argued that the Treaty was no longer in force due to the demise of the Soviet Union, and, by negotiating amendments, the Administration would only give Russia a chance to veto U.S. NMD plans.

In 1998 and 1999, Congress sought to pass legislation that would mandate the deployment of nationwide ballistic missile defenses. On April 21, 1998, the Senate Armed Services Committee approved the American Missile Protection Act of 1998 (S. 1873, S.Rept. 105-175), which called for the deployment of a national missile defense system to protect all U.S. territory as soon as the technology is ready. When the Senate bill came to the floor on May 13, 1998, Democrats succeeded with a filibuster. The effort to invoke cloture failed by one vote, 59 to 41, with only 4 Democrats joining all 55 Republicans in support of the legislation. The Senate failed, again, to invoke cloture, in a vote on September 9, 1998. Once again, the vote was 59-41. Senator Cochran introduced this bill again in January 1999 (S. 257). The Administration threatened a veto because it bill would use only the state of technology as the measure for deployment, ignoring considerations about cost, threat, and treaty-compliance. The Senate approved the bill, by a vote of 97-3, on March 17, 1999. Democrats dropped their opposition, and the White House withdrew its threat of a veto, after the Senate approved an amendment stating that it is U.S. policy to continue to negotiate with Russia on reductions in offensive nuclear weapons.

Representative Curt Weldon introduced similar legislation on August 5, 1998 (H.R. 4402) and, again, in early February 1999 (H.R. 4). This legislation simply stated that it is "the policy of the United States to deploy a National Missile Defense." This legislation passed the House, by a vote of 317-105, on March 18, 1999. The House and Senate did not

hold a conference to resolve the differences in their bills. Instead, the Senate took up H.R. 4, replaced its language with the language in S. 257, and passed the new bill. The House then approved the new H.R. 4 on May 20, 1999. President Clinton signed the bill on July 23, 1999. However, he remained at odds with congressional Republicans about the implications of the legislation. He contended that it was not equivalent to a deployment decision because NMD remains subject to annual authorizations and appropriations. But congressional supporters of NMD argued that the bill makes it clear that the United States will deploy and NMD, no further decisions about that possibility are needed.

In February 1999, a team, led by Deputy Secretary of State Strobe Talbott, met with Russian officials in Moscow to begin discussions on possible amendments to the ABM Treaty. The United States sought to reassure Russia that the planned NMD would not interfere with Russia's strategic nuclear forces and that the United States still views the ABM Treaty as central to the U.S.-Russian strategic balance. The Russians were reportedly unconvinced; they continued to argue that the United States has overstated the threat from rogue nations so that it can build a defense that will be able to intercept Russian missiles.

During their meeting at the G-8 summit in Germany in June 1999, the Presidents repeated their support for the ABM Treaty as the "cornerstone of strategic stability." But they also noted that the parties are obligated, under Article XIII of the Treaty to consider possible changes in the strategic situation that have a bearing on the Treaty and to consider proposals for further increasing the viability of the Treaty. By signing on to this statement, President Yeltsin acknowledged that the ABM Treaty could be amended, a position that is contrary to the views of some in Russia who believe amendments that would permit more extensive U.S. defenses would be inconsistent with the Treaty. But, in November 1999, President Yeltsin warned that any U.S. attempt to move beyond the existing limits in the ABM Treaty would "have extremely negative consequences" for other arms control treaties. Russian officials also stated that Russia was prepared to deploy new multiple-warhead missiles or retain older ones so that it would have the forces needed to penetrate U.S. missile defenses. And many Russian officials continued to insist that the United States had overstated the threat from rogue nations.

In January 1999, the United States reportedly tabled a proposed Protocol to the ABM Treaty that would allow for the deployment of a U.S. NMD site in Alaska. This Protocol, which was published by the Bulletin of the Atomic Scientists Magazine, would allow for the deployment of 100 interceptors and an ABM radar at a single site, other than the sites permitted by the ABM Treaty (i.e. Alaska) and for the modification of several other early warning radars so that they could perform ABM radar functions and support the NMD system. The Protocol also stated that either side could request negotiations on further modifications after March 1, 2001. These talks would presumably allow the United States to seek further changes in the Treaty's limits on ABM interceptors and space-based sensors. The United States also offered to exchange data and permit inspections so that Russia could remain confident in the limited nature of the U.S. NMD. Russia reportedly did not table a counter-proposal or begin discussions about the specific provisions in the U.S. proposal.

Some in Congress criticized these negotiations because, they argued, the resulting agreement would prove too limiting for U.S. missile defenses. In mid-April 2000, 25 Republican Senators signed a letter to President Clinton stating that they would vote against any agreement the Administration reached with the Russians on modifications to the ABM

Treaty. Furthermore, on April 26, 2000, Senator Jesse Helms informed the Administration that the Foreign Relations Committee would not address or vote on any arms control agreements reached by this Administration in its final months. This warning had little relevance because the United States and Russia remained far apart on the question of modifying the ABM Treaty.

During their summit in Moscow in early June 2000, and again at the G-8 summit in late June, Presidents Clinton and Putin failed to resolve their differences. At the Moscow summit, Putin did agree that the threat from proliferation was increasing and that the ABM Treaty could be modified to remain viable in the face of changing circumstances, but he did not agree that the proliferation threat justified such modifications. After the summit, other Russian officials continued to dispute the U.S. assessment of emerging threats and to argue that the U.S. NMD system would undermine Russia's nuclear deterrent. But Putin did propose that Russia work with European nations to develop defenses against shorter-range ballistic missiles. Russia repeated this offer in February 2001.

On September 1, 2000, President Clinton announced that he had decided **not** to authorize deployment of a National Missile Defense system. He stated that he could not conclude "that we have enough confidence in the technology, and the operational effectiveness of the entire NMD system, to move forward to deployment." He also noted that the delay in a deployment decision would permit the United States to continue its efforts to convince Russia to modify the ABM Treaty. He stated that he believed it would be "far better to move forward in the context of the ABM Treaty." Russian officials praised the delay in the deployment decision, but some in Moscow may mistakenly believe that Russia's resistance to changes in the ABM Treaty caused the delay. President Clinton indicated that it was the technology that caused the delay, even though the Treaty remains an issue.

During his speech on May 1, 2001, President Bush stated that the United States would need to "leave behind the constraints" of the Treaty as it pursued the development and deployment of missile defenses. He called on Russia to join the United States in developing a new framework for strategic stability and international security in the post-Cold War era. During the President's visit to Europe in mid-June, some officials from the Administration argued that the United States would need to abandon the Treaty soon because the Treaty would inhibit testing of ballistic missile defense concepts. However, in the week following the President's trip some officials indicated that the United States could pursue its test program for two or more years before Treaty limits would affect the program. Therefore, they indicated that the United States might not need to withdraw from the ABM Treaty in the near term. Some critics of missile defense believed this new position indicated the Administration was "softening" its approach to missile defense and the ABM Treaty. Others have stated that the President may have recognized the depth of opposition to his plans during his visit to Europe and may be seeking a way to proceed without igniting the furor that might exist if the United States were to withdraw from the ABM Treaty. Both proved wrong.

In mid-July 2001, the Bush Administration offered Congress a more detailed description of its missile defense plans when it submitted its amended defense budget for FY2002. The Administration has requested \$8.3 billion and increase of more \$3 billion, or 57%, from the FY2001 budget. This increase would support a robust research and development program into a wide range of missile defense technologies, with the ultimate objective of deploying a layered defense. The Administration has also reorganized BMDO to eliminate the distinctions

between theater missile defense and national missile defense, instead dividing the programs into boost-phase, mid-course, and terminal technologies. This change in thinking is also reflected in the Administration's testing plans for missile defense in FY2002; in testimony before Congress on July 13, 2001, Deputy Secretary of Defense Wolfowitz stated that the United States might soon test the ability of Aegis theater defense radars to track strategic ballistic missiles. This type of test could be interpreted to be an effort to test non-ABM systems in an ABM mode, which is forbidden by the ABM Treaty. Consequently, Secretary Wolfowitz noted that the United States could bump up against the limits in the Treaty "in months" rather than in years. However, he said that the United States would not violate the ABM Treaty. Instead, the Administration would seek Russia's agreement and understanding on a framework that would allow the United States to move beyond the ABM Treaty, and, if this was not possible, the United States could withdraw.

During their meeting after the G-8 summit in Genoa, Italy, Presidents Bush and Putin agreed that the two nations would soon begin "intensive consultations on the interrelated subjects of offensive and defensive systems." Many observers interpreted this statement as an indication that two sides would begin negotiations on a new agreement limiting offensive nuclear weapons and on possible amendments or modifications to the ABM Treaty. This may have been the type of framework President Putin had in mind. His Defense Minister, Ivanov indicated that he would recommend accepting modifications to the ABM Treaty if the resulting defenses would not undermine Russia's security; this acceptance would be in exchange for deep cuts in U.S. and Russian offensive forces. However, officials from the Bush Administration, and the President himself, have stated that the United States does not intend to participate in lengthy negotiations in search of formal arms control limits. They view these consultations as an opportunity for the United States to outline its policies and programs for both offensive and defensive weapons, and to seek Russian agreement on a mutual withdrawal from the ABM Treaty. The President has said that the United States would withdraw from the treaty unilaterally if Russia did not accept the U.S. approach. Furthermore, in testimony before the Senate Foreign Relations Committee, Undersecretary of State John Bolton stated that the Bush Administration would not seek to negotiate amendments to the ABM Treaty or a new formal agreement to replace it. Instead, the Administration would seek to win Russian acquiescence with U.S. plans and to convince Russia to jointly withdraw from the ABM Treaty with the United States.

These consultations began with several meetings in August and September 2001. In early August, a Russian delegation visited the Department of Defense and received extensive briefings on U.S. plans for missile defense in early August. These meetings were billed as an "exchange of information" not an exchange of ideas. Secretary of Defense Rumsfeld traveled to Moscow in mid-August, reportedly in an unsuccessful effort to convince Russia that the two nations should withdraw from the ABM Treaty simultaneously. He did not engage in discussions about possible modifications to the ABM Treaty or in negotiations on reductions in offensive forces. He stated that the United States did not yet know how low it would reduce its forces because it had not yet completed its strategic review. In late August, Undersecretary of State John Bolton seemed to indicate that the United States would withdraw from the ABM Treaty in November, if the United States and Russia had not agreed on a plan for mutual withdrawal by the time President Bush and President Putin met in Texas. He, and other officials, later stated that he had not intended to set a firm deadline. The following day, however, President Bush stated that the United States would withdraw from the ABM Treaty, but would do so on its own timetable. Press reports indicate that

Undersecretary of State John Bolton was prepared to inform Russian officials of the U.S. intention to move forward with withdrawal from the ABM Treaty during meetings in Moscow on September 17, but he did not do so.

Russia, for its part, believes these talks should lead to new negotiations towards a treaty that will limit offensive weapons to 1,500 warheads or fewer, and, possibly, minor modifications to the ABM Treaty. Russian officials have complained that they cannot make progress in these negotiations because they still do not know what kind of missile defense the United States intends to build or what parts of the Treaty will cause problems for this defense. Furthermore, in early September, Russian officials ruled out an early agreement on missile defenses. They indicated that it could take a year or more for the two sides to reach agreement on a framework to replace the ABM Treaty. At the same time, Russia appeared willing to accept some minor modifications to the Treaty, although it continued to reject the U.S. proposal for a joint withdrawal. Consequently, it appears that Russia may now be willing to accept the kind of treaty modifications offered by the Clinton Administration, but it is still not prepared to abandon the ABM Treaty in favor of a vague new framework offered by the Bush Administration.

FOR ADDITIONAL READING

CRS Report RL31111. *Missile Defense: The Current Debate*

CRS Report 98-496. *Anti-Ballistic Missile Treaty Demarcation and Succession Agreements: Background and Issues.*

CRS Report RL30345. *U.S. Nuclear Weapons: Policy, Force Structure, and Arms Control Issues*

CRS Report 97-586. *Russia's Nuclear Forces: Doctrine and Force Structure Issues.*

CRS Report 97-359. *START II Debate in the Russian Duma: Issues and Prospects.*

CRS Report RL30660. *Arms Control after START II: Next Steps on the U.S.-Russian Agenda*