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# TREATY ON STRATEGIC OFFENSIVE REDUCTION: THE MOSCOW TREATY

## HEARINGS

BEFORE THE

## COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

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JULY 9, 17, 23, and September 12, 2002

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# TREATY ON STRATEGIC OFFENSIVE REDUCTIONS: THE MOSCOW TREATY

**TUESDAY, JULY 9, 2002**

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
WASHINGTON, D.C.

The committee met, pursuant to notice, at 10:32 a.m. in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr., [chairman] presiding.

Present: Senators Biden [presiding], Dodd, Kerry, Feingold, Nelson of Florida, Lugar, Hagel, Chafee, and Allen.

The CHAIRMAN. The hearing will come to order. It is a genuine pleasure to have the Secretary of State back before us. I might state for the record that I have been here for a lot of Secretaries of State and seven Presidents, and this is a man who when he tells you he is going to do something he does it. He said he would be available to the committee. Obviously, this hearing is something for which any Secretary of State would be available. I just want the record to show that I personally appreciate not only his willingness to testify as often as he has, but also his ability to help the hearing reporter. There's a Secretary of State, I tell you.

Secretary POWELL. I do not want him to miss a word.

The CHAIRMAN. The thing I am most happy about is he is not running for the U.S. Senate in Delaware.

But I do want to thank you personally, Mr. Secretary. Never once have I ever called you and you have not responded. You always are available and keep me and the committee informed. So let me say again good morning and welcome.

Today the committee begins its consideration of the Strategic Offensive Reductions Treaty (SORT), which the President submitted to the Senate on June 20 for its advice and consent to ratification. On July the 17 we will take testimony from the Secretary of Defense Donald Rumsfeld and General Richard Meyers, Chairman of the Joint Chiefs of Staff. Later hearings on July 23 and September 12 will feature outside experts.

The treaty signed in May by Presidents Bush and Putin is a very important step forward in U.S.-Russian relations and toward a more secure world. Cutting the number of each country's deployed strategic nuclear warheads from approximately 6,000 to between 1,700 and 2,200 moves us another step away from the cold war preparations for massive nuclear exchange. I applaud the Secretary in particular and President Bush in particular for their leadership on this issue and the President for his partnership with President Putin and his willingness to codify this agreement in a binding

treaty, as the ranking member Senator Helms and I had encouraged.

I must note to my colleagues anecdotally, when we were at the Police Memorial function which the President attended, I was on the stage and as the President walked up after having signed the treaty, he grabbed my hand, and said "Well, you got your treaty. Now you owe me." That's the reason why he is not only a good President, but a very good politician.

I do not think I owe him, but I thank the President and the Secretary of State for making the case this should be in the form of a treaty. A lot of people forget now this was a question at one point.

At the same time, there are aspects of the treaty that I would like very much during these hearings to explore. For example, the treaty allows the Russians to place multiple warheads on intercontinental ballistic missiles, which is contrary to longstanding U.S. arms control goals. Multiple warhead ICBM's are a cheap way to maximize Russian forces, but they are vulnerable because an attacker can destroy those warheads with only one or two of its own. Russia therefore is likely to keep those missiles on hair trigger. I would like to talk about why that seems not to be as relevant as it was earlier.

The treaty sets no schedule for reductions and provides no new tools to verify each side's compliance. Russia cannot afford, as we all know, to maintain the strategic forces, but without U.S. transparency, however, a weakened Russia could fear a U.S. attack and keep a nervous finger on the remaining launch buttons. I would like to talk a little bit about that.

Mr. Secretary, as you see, I have some concerns, and we have discussed them privately. Senator Lugar and I had a chance to talk to the President of the United States for about an hour or so, he and the Vice President, and we raised different concerns and some of the same concerns about the nature of the treaty, what it contains, what it means, and what it does not do.

For example, why does the treaty have no verification provisions? What is the meaning of Article II, which appears only to acknowledge the obvious existence of the START Treaty? How does the administration expect each party to verify the other party's reductions? What implications flow from the lack of any timetable in the treaty for reductions prior to December 31, 2012? Since the treaty is scheduled to expire on the first day that its force reduction requirement takes effect, how binding will it be in practice?

Why does the treaty not limit tactical nuclear weapons, which are the most susceptible to theft? Finally, should the United States help Russia secure and eliminate its warheads downloaded from delivery vehicles pursuant to this treaty under the auspices of the Cooperative Threat Reduction Program, something that Senator Lugar, as they say, has forgotten more about than most people know, and I think has raised in other contexts.

Should we provide such assistance even if Russia, like the United States, chooses not to eliminate many of its warheads?

I would remind our audience, since Secretary Powell is well aware, that the testimony that he will give today, as well as the letters and analysis that the President provided to the Senate with

the treaty, will become part of the authoritative record regarding the meaning and legal effect of the text of this treaty. For the last decade, the Senate has insisted upon this understanding with both Republican and Democratic Presidents.

President Bush, by signing the Treaty on Strategic Offensive Reductions, has given us a good start, but I believe this is only a first step in fulfilling the promise for a more secure future. It is my hope that today's hearing with Secretary Powell and following hearings that the committee will hold this month and in September will enable the Senate and the administration to chart a clear path to strategic stability, arms reductions and nonproliferation in the coming decade.

In the interest of time, I will stop here; but again thank the Secretary for his good work. It is my intention, Mr. Secretary, as I told the President, to move as expeditiously as we can. I would like very much for the Senate to have this up before it and to vote on it and ratify this before we leave for this cycle, and that is my hope and my expectation. I thank you for being our first witness.

I yield to Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman, for beginning the committee's review of the Moscow Treaty in such a timely manner. The treaty was signed on May 24, transmitted to the Senate on June 20, and the committee's consideration is beginning a little more than 2 weeks later. If we continue at this pace, surely ratification and exchanges of instruments of ratification are possible before the end of the year.

On May 1, 2001, in a speech at the National Defense University, President Bush signaled his intention to forge a new relationship with Russia. The President called for a new strategic framework to transform our relationship with Russia "from one based on a nuclear balance of terror to one based on common responsibilities and common interests."

Less than 8 months later, President Bush announced his intention to reduce our nuclear levels unilaterally and invited Russian President Putin to implement similar reductions. This was the beginning of a process that led to a treaty signing during the summit in Moscow. The Moscow Treaty reduces operationally deployed strategic nuclear warheads to a level between 1,700 and 2,200 by December 31, 2012, and this is a tremendous accomplishment. It deserves the full support of the Senate and the Russian Duma. I believe this treaty marks an important step toward a safer world.

I remember well visiting the START I and START II treaty negotiations. The U.S. and the Soviet Union faced off against each other across conference tables for years and they produced multi-volume treaties and verification annexes that describe in minute detail the requirements mandated by the treaties. The Moscow Treaty recognizes that the U.S.-Russian relationship has turned the corner and our countries are no longer mortal enemies engaged in worldwide cold war. Our agreements need not be based on mutual suspicion or an adversarial relationship. We are partners in the war against terrorism. We continue to build a strong military and security partnership. The Moscow Treaty reflects the changing nature of that relationship.

In the past critics of international treaties have sought to circumscribe treaty provisions they alleged would weaken and unduly expose U.S. security. Critics of the Moscow Treaty have chosen a different tactic. They suggest the treaty has not gone far enough and claim an opportunity was lost. The lack of a voluminous verification system, the absence of requirements to dismantle warheads under the treaty, the lack of a reduction schedule, the failure to address tactical nuclear weapons are often cited as critical flaws.

To be sure, the treaty could have been more expansive, rigid, and demanding and we could have followed the cold war template for arms control negotiations and entered into a multi-year discussion process. But that did not serve the interests of either side.

Furthermore, the treaty cannot be the answer to all the challenges we face. If we had sought to construct such an agreement, it would surely have been crushed under its weight.

I share some of the concerns and fears expressed by the critics. For instance, what happens to the nuclear warheads taken from dismantled Russian delivery systems? I am confident in U.S. storage and appreciate the flexibility it permits in our strategic systems, but I am concerned with the parallel Russian process. We must work with Russia to make certain that these dangerous weapons do not fall into the wrong hands.

However, there are readily available means to address those deficiencies. Furthermore, without U.S. assistance Russia cannot meet the timetable of its obligations under this treaty. The primary vehicle for cooperation in reducing weapon levels set by the Moscow Treaty and addressing the threat posed by warhead security will be in my judgment the Nunn-Lugar Cooperative Threat Reduction Program. Without Nunn-Lugar it is unlikely that the benefits of this treaty will be realized.

My concerns about treaty implementation are compounded, unfortunately, by the current impasse we face over the Nunn-Lugar certification process. Each year our President is required by law to certify to Congress Russia is committed to goals of arms control. This year the administration requested a waiver to this condition, pointing out that unresolved concerns in the chemical and biological arenas made this difficult.

In the meanwhile, existing Nunn-Lugar activities and projects may continue, but no new projects can be started and no new contracts can be finalized. President Bush has requested a permanent annual waiver so that Nunn-Lugar can continue its important work. There are some in Congress who prefer just a 1-year waiver or no waiver at all. Without a permanent waiver, the President would be forced to suspend dismantlement assistance each year on the pending issues and on the Moscow Treaty as I read it, until Congressional action came to activate the waiver.

This could lead to delays of up to 6 months or more, as we are experiencing this year. Let me assure my colleagues this is not a hypothetical situation. It is happening right now. It has been more than 5 years since the United States and Russia each ratified the Chemical Weapons Convention, but no Russian chemical weapons are being destroyed. It is 5 years later. There are submarines awaiting destruction at the Kola Peninsula, regiments of SS–18's loaded with 10 warheads apiece standing in Siberia, almost 2 mil-

lion rounds of chemical weapons in relatively small and discrete shells awaiting elimination at Shchuchye.

But can Nunn-Lugar hire American firms to dismantle these weapons? The answer is no. We must wait, watch these dangerous weapons systems sit in their silos, float next to the docks, or sit on the tarmac while the conference process between the two houses of Congress continues on the defense authorization bill.

Without the granting of a permanent waiver, the current situation will recur frequently in the years ahead. This could delay full implementation of the Moscow Treaty far beyond the envisioned 10-year time period. If Nunn-Lugar is suspended for 6 months each year, it could take 20 years, not 10, to dismantle the Russian weapons covered by the treaty.

In conclusion, Mr. Chairman, the treaty is important. It is a tremendous step in the right direction. The treaty alone is insufficient to meet our security needs. As you pointed out, we were blessed by a meeting with the President, the Vice President, Condoleeza Rice, Andy Card, and the two of us in which we discussed these issues in the same way that I am discussing them publicly today.

The CHAIRMAN. You were even a little more forceful then.

Senator LUGAR. I would simply say that I share the enthusiasm of the Chairman to work with you and with the President for ratification of this treaty. At the same time, we pointed out to the President that the treaty is not self-enforcing and will not happen by chance, and that the methods of bringing it to a conclusion are important, and that we appreciate very much your appearance today in giving your views.

The CHAIRMAN. Mr. Secretary, I want the record to reflect that I would like to associate myself with the remarks of the Senator from Indiana. My instinct is that there are many in the administration who feel as strongly as he does and maybe we can talk about that as we go down the line here.

The floor is yours, Mr. Secretary. Again, welcome. It is an honor to have you back.

## STATEMENT OF HON. COLIN L. POWELL, SECRETARY OF STATE

Secretary POWELL. Thank you very much, Mr. Chairman and members of the committee. It is always a pleasure to appear before the Senate Foreign Relations Committee, and I thank you for your warm welcome.

I am accompanied by members of my staff as usual, but I particularly want to single out Under Secretary John Bolton, who is here with me this morning and who was a principal negotiator on the Moscow Treaty, and through this means to thank John and the members of his staff, many of whom are present here, for the fine work that they did in bringing this treaty into being.

I am pleased to appear before the committee to seek its support for the treaty between the United States of America and the Russian Federation on Strategic Offensive Reductions, known as the Moscow Treaty, signed in Moscow on May 24, 2002. The Moscow Treaty marks a new era in the relationship between the United States and Russia. The treaty codifies both countries' commitment

to make deep strategic nuclear weapons reductions in a flexible and legally binding manner.

The treaty transitions us from strategic rivalry to a genuine strategic partnership based on the principles of mutual security, trust, openness, cooperation, and predictability. The Moscow Treaty is one important element of a new strategic framework which involves a broad array of cooperative efforts in political, economic, and security areas.

Let me take a moment and outline for you the essential parts of the treaty. The United States and Russia both intend to carry out strategic offensive reductions to the lowest levels possible consistent with our national security requirements, alliance obligations, and reflecting the new nature of our strategic relations.

The treaty requires the United States and Russia to reduce and limit our operationally deployed strategic nuclear warheads to between 1,700 and 2,200 each by December 31st, 2012, a reduction of nearly two-thirds below current levels. The United States will implement the treaty by reducing its operationally deployed strategic nuclear warheads to between 1,700 and 2,200 through removal of warheads from missiles in their launchers and from heavy bomber bases and by removing some missile launchers and bombers from operational service.

For purposes of this treaty, the United States considers operationally deployed strategic nuclear warheads to be reentry vehicles on intercontinental ballistic missiles and their launchers, reentry vehicles on submarine-launched ballistic missiles and their launchers on board submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases.

In addition, a small number of spare strategic nuclear warheads are located at heavy bomber bases. The United States does not consider these spares to be operationally deployed strategic nuclear warheads. In the context of this treaty, it is clear that only nuclear reentry vehicles as well as nuclear armaments are subject to the 1,700 to 2,200 limit.

The Strategic Arms Reduction Treaty, or START, continues in force unchanged by this treaty. In accordance with its own terms, START will remain in force until midnight December 5, 2009, unless it is superseded by a subsequent agreement or extended. START's comprehensive verification regime will provide the foundation for confidence, transparency, and predictability in further strategic offensive reductions. As noted in the May 24 joint declaration on new strategic relationship, other supplementary measures, including transparency measures, may be agreed in the future.

The treaty also establishes a bilateral implementation commission, a diplomatic consultative forum that will meet at least twice a year to discuss issues related to the implementation of the treaty. This commission will be separate and distinct from the consultative group for strategic security. This group was established by the joint declaration of May 24 and will be chaired by foreign and defense ministers, with the participation of other senior officials, and will be a broader forum to discuss issues of security significance and to enhance mutual transparency.

The treaty will enter into force on the date of the exchange of instruments of ratification. It is to remain in force until December 31st, 2012, and may be extended by agreement of the parties or superseded earlier by a subsequent agreement.

The treaty also provides that each party, exercising its national sovereignty, may withdraw from the treaty upon 3 months written notice to the other party.

Mr. Chairman, I believe the Moscow Treaty is fully consistent with the President's promise to achieve a credible deterrent with the lowest possible number of nuclear weapons consistent with our national security requirements. The treaty reduces by two-thirds the number of strategic nuclear warheads available for ready use while preserving America's ability to respond promptly to changing future situations.

These nuclear force reductions will not be accomplished within the old cold war arms control framework. Instead, the Moscow Treaty reflects the emergence of a new strategic relationship between the United States and Russia. We understand that this new relationship is still a work in progress. Russia is an emerging partner with the United States on a broad range of issues where we have increasingly shared interests and values.

But Russia's relationship with the United States is not yet comparable to the relationship America has with its nuclear-armed allies, Britain and France. Russia's transformation to a democracy and a market economy still faces a number of challenges, and its interests and those of the United States may not always coincide.

We understand there is work to be done if we are to fully implement the joint declaration. But our new strategic relationship gives us a strong foundation to stand upon, one that will allow us to discuss our differences candidly and work to resolve them in a constructive manner.

The Congress also has an important role to play in furthering development of a new strategic relationship with Russia. There are a number of issues where we need the Congress' help in doing our part. We need the Congress to end Jackson-Vanik's application to Russia, to authorize permanent normal trading relations status for Russia, and to waive Cooperative Threat Reduction certification requirements that are so important to the programs that Senator Lugar just spoke to.

The Senate's approval of the Moscow Treaty will also make an important contribution to the strengthening of our new relationship.

Mr. Chairman, by deeply reducing our strategic nuclear warheads while preserving both Russia's and America's flexibility to meet unforeseen contingencies, the Moscow Treaty will enhance the national security of both countries and I strongly recommend that the Senate give its advice and consent to its ratification at the earliest possible date.

Mr. Chairman, I have a longer statement which I would like to provide for the record, and with your permission I would also like to add another little personal P.S. to this opening presentation.

The CHAIRMAN. Without objection.

Secretary POWELL. Mr. Chairman, this is a different treaty in a different world than the world I knew so well as a soldier. Last

night I was trying to remember how many times I have appeared before this committee on the ratification of a treaty and I got lost somewhere between four and five times: INF, CFE, START I, Protocol to PNET, Protocol to TDBT, a number of agreements that I have come up here and spoke to.

What all of those agreements had in common was that they were products of the cold war, a reflection of the cold war, a reflection of the world that I knew as a soldier for 35 years, a world that I could summarize for you with a little anecdote of my experience as a corps commander in Germany. I commanded 75,000 soldiers and I was astride the Fulda Gap, the narrowest corps area in all of NATO from the north to the south, right in the center of Germany.

I was opposed across the Fulda Gap by the Eighth Guards Army of the Soviet Union, commanded by Major General Achelov. Achelov knew me and I knew Achelov. We had our pictures on each other's desks, we determined later when we got to know each other in a more informal manner. I knew exactly what his plans were and he knew how I would try to defend my Fifth Corps in central Germany from his attack, because his army would be followed by another army and then a third army and then additional armies that would come in from Russia. I only had my one corps, waiting to be reinforced by units coming from the United States.

It was a war that would be intense. It would start out conventionally, and if I did not succeed in those first few days, the first week or so, in stopping General Achelov's Eighth Guards Army and the reinforcing armies behind his, then he and those reinforcing armies might reach Frankfurt, my corps headquarters. Once they got to Frankfurt, it was an easy shot down the river to the bridges across the Rhine at Weisbaden, and at that point NATO would have been split pretty much in half.

My plan was to defend conventionally with the two divisions and the cavalry regiment I had to the best of our ability. We were going to give it a hell of a fight. But we fully expected that somewhere before that first week was up I would start to have to consider the use of tactical nuclear weapons in order to break up those formations that were coming at me.

I had tactical nuclear weapons within my corps. I also had plans to ask for the release of not only those weapons, but other weapons, the GLCM's and the Pershings that we had put in there in the early eighties, knowing that sooner or later, if this continued up this horrible chain of circumstances, it could result in thermonuclear exchange of the highest order, strategic weapons going across the Atlantic to the East and coming back to the West from the Soviet Union.

It was a scenario that I had to live with, we all had to live with, we all had to work with. But it was a terrifying scenario and one that no person in his right mind, soldier or civilian, could have ever wanted to see unfold. It was a disastrous situation.

We contained it. We managed it. We deterred, both sides deterred the other. In fact, it was us who were deterring the Russians and they thought they were deterring us. At least that was their story and they were sticking with it. But it was really the other way around.

After leaving my corps and then coming back and going to work for President Reagan as his Deputy, then National Security Advisor, I watched that whole world go up, just go away, with the realization that they would never defeat us militarily and they were losing economically. So the Soviet Union came to an end.

But during all those years as we tried to manage this, as we tried to contain this, it was always a matter of getting a balance of horror between the two sides. It was always a matter of matching each other—countervalue, counterforce, tactical nukes, going to strategic nuclear exchange. It was all a matter of managing that.

So we always had to match each other in one way or another. But then the cold war ended and we could do new things we never would have dreamed of. The INF Treaty was the first step in that direction, eliminating a whole class of nuclear weapons on both sides. Then we moved into START I with significant reductions, began START II with even more significant reductions.

You may recall, Mr. Chairman and members of the committee, when President Bush unilaterally got rid of all of our tactical nuclear weapons except for a fairly small number of tactical nuclear weapons retained in the Air Force. We did that in just a matter of weeks because of the new environment presented to us by President Gorbachev and the situation that existed in the early nineties.

So the nineties came and the nineties went, and President Bush came into office and we found a situation where both sides still had too many nuclear weapons for the kinds of dangers that one might see out there. President Bush gathered his advisers around him and he instructed us as follows: Find the lowest number we need to make America safe, to make America safe today and to make America safe in the future. Do not think of this in cold war terms, don't think in terms of how many more weapons do we have to have in order to make the rubble bounce even more.

Don Rumsfeld and his colleagues in the Pentagon, my buddies in the Joint Chiefs of Staff and out in Omaha and the other headquarters and the theater commanders went to work on this, and they studied this simple proposition, this simple question posed by the President for months and they came up with an answer in the fall of last year.

In the mean time, as Senator Lugar noted, President Bush on the 1st of May at the National Defense University last year gave a clear statement of his desire for a new strategic framework with the Russians that would involve strategic offensive reductions, missile defense activities, and the elimination of the ABM Treaty, which essentially was the barrier to a new strategic framework because we could not do missile defenses.

It was a controversial speech, but it laid out a vision that really has come full circle and full flower. In the fall, the Pentagon produced their answer: somewhere between 1,700 and 2,200 operationally deployed strategic weapons would serve U.S. interests now and into the future. We can safely go down to that level over a period of time while we watch a still uncertain world unfold before us.

The important thing to remember here, we did ask the Russians, what number do you want to go to? We did not ask the Russians or say to the Russians: We are going to this number; do you want to go with us? We knew that the Russians were facing the same

kind of challenge, and President Putin had indicated informally and in some statements that he was looking at a number even lower than that, down to 1,500. But it was not a matter of negotiation between the two sides as to what number we were going to come out at.

What President Bush said when he got the number from the Pentagon and all the advisers agreed to that number and said this makes sense, he said to President Putin: This is where we are going. We are going there unilaterally. Come with us or not. Stay where you are or not. This is what the United States needs and it does not need it because you are an enemy; it needs this because of the nature of the world we live in, and we see you as a partner. So you can do whatever you think you have to do for your security. You can MIRV your missiles, you can keep more, you can go lower. Do what you think you need. This is what we know we need and we are going to this level.

The Russians took all of this aboard. We had the most serious and intense discussions between the two parties, and in due course, a month after the Washington summit, President Putin responded. He responded a week or so after I had visited with him and told him that President Bush intended to announce his termination of the ABM Treaty. President Putin accepted that, did not like it, disagreed with it, thought it was the wrong decision, but accepted it.

He said to me: We are nevertheless going to go forward and find a new strategic framework. We do not feel threatened by your leaving the ABM Treaty.

We announced our withdrawal from the ABM Treaty and the very next day President Putin expressed his disagreement and displeasure that we had done that, said nevertheless he did not feel threatened, also said that he was anxious to develop a new strategic framework, and then matched the number by saying he too wanted to go down to 1,700 to 2,200.

It would have been fine if both sides had proceeded unilaterally to go to those numbers. The Russians felt strongly that if it was a new relationship then let us make sure this relationship would exist over time, and therefore let us make this a legally binding agreement between the two nations. Let us make it last beyond one Presidency, let us make it last to some period in the future, let us give some confidence to our people that these are the acts, not just of two Presidents, but of two countries, two governments; let us have our two legislative bodies in whatever way they choose ratify this and make it binding in international law.

That is what President Putin felt was appropriate. We considered it and President Bush in his desire to have this kind of strong partnership with the Russian Federation and with President Putin, agreed with that proposition and instructed me and Secretary Rumsfeld and his other advisers to work to accomplish that objective.

We worked over a period of several months. As Senator Lugar and others have noted, it did not take forever. It is not 53 volumes thick. It was straight and it was to the point. Its simplicity is reflective of the new world we are living in, simplicity in that it merely says these are the levels that both of us are going to, we

each have declared what this level is and we will meet that level on December 31, 2012.

Each of us will decide, based on our own needs, how we will get to that level, what the glide path will be. Maybe we will get to it much earlier than that. Maybe the Russians will go below it. Each side is able to choose and each side is able to decide how they want to distribute this number. It will be a finite number between 1,700 and 2,200 at some point. Maybe it will float in that range, but sooner or later it will be a number that settles between 1,700 and 2,200. They will decide, each side will decide, how to get there.

We have the verification provisions of START which continue through 2009 and they are subject to be extended if both sides agree to that. So the verification provisions of the original START Treaty give us a lot with respect to transparency, with respect to what is going on, with respect to consultative bodies that discuss these issues, with respect to inspections.

On top of that we have created in this treaty a bilateral implementation committee that will meet twice a year, or more often as necessary, to see how we are doing, to see what your plans are, to exchange plans, to exchange ideas, to see if we need more transparency to give us confidence.

Then on December 31, 2012, the treaty will go out of effect, having on that date hit the limit. Now, it is unlikely it will unfold that way. I suspect before then we will have found out what that new limit is and will have worked down to it, and both sides might believe it useful to extend it beyond that 10-year period. So I would not focus so much on that particular day, because we have the opportunity to do more beyond that day.

It is a treaty that I think makes sense. It is reflective of the new environment. There are things that it does not do. For example, it does not specifically eliminate warheads. No previous arms control treaty has done that. INF did not do it; START I did not do it; START II would not have done it if it had come into effect. So warhead accountability and destruction and disposition is an extremely complex matter that was not solved by previous, much more intensive arms control negotiations, and we did not try to solve it here.

We believe that the Russians will act in the same way that we are going to act, and that is as we bring these warheads off these missiles or take these armaments away from their bombers we will store them securely as possible using hopefully even more money that we will get from Nunn-Lugar CTR actions as well as the new 10 plus 10 over 10, whatever else it takes to help the Russians make sure that theirs is secure.

From that stockpile of secured warheads, many will be destroyed. I do not think there is any incentive on the part of either party to keep warheads that are not going to be needed, either as replacement warheads as warhead life expires or for whatever testing may be necessary to make sure the stockpile, non-explosive testing, to make sure the stockpile is safe and secure, or just to make sure that you have some little hedge in case something goes wrong.

But I think it will be a safer and more secure world. The first step in the destruction of any warhead is take it off its missile, take it off its bomber, and then secure it as tight as we can to make sure it does not become a proliferating problem. Then we

slowly get about the task of getting rid of those that are not needed, getting rid of the cost of maintaining an inventory that we do not need.

There is no incentive to keep weapons we do not need, and I think that pressure will be there and certainly this committee and the other committees of Congress are in a position to apply the pressure.

We did not deal with tactical nuclear weapons in this treaty because the treaty was not intended to do that. Tactical nuclear weapons remain an issue. Secretary Rumsfeld is particularly interested in this issue because, while we have not many left and we have complied with what we said we were going to do on a unilateral basis back in 1991 and 1992, the Russians still have quite a few in various states of repair, disrepair, need of maintenance, and operational. We will be pressing them in discussions. In the four-party discussions that I will be having with Secretary Rumsfeld and the two ministers Ivanov, Sergei Ivanov defense minister, Igor Ivanov my foreign ministry counterpart, these are the kinds of issues we will start the talk about: how can we get into the problem of theater nuclear weapons and how do we get a handle on this issue as well?

This is more of a problem of proliferation, I would say, than are the strategic warheads. So all of these issues will have to be worked as part of moving forward. But this is a good treaty. It makes sense. It is reflective of the new relationship that exists between the Russians and the Americans, and it should be seen in that light and not measured against the cold war light, where everybody was trying to make sure we were absolutely in sync.

Just keep in mind, what we are doing in this treaty we were going to do anyway. If there is something that has been gained from this treaty, it is whereas we have enormous transparency because of our open system and because of Congress watching and oversighting what our Pentagon and our defense activities do with respect to these kinds of programs, it was not quite the same thing on the Russian side. But with this treaty we probably have gained an opportunity for greater transparency and get a better handle on what they may be doing and enhance predictability.

So I think this is a good treaty in that it serves both parties. Both parties get an advantage from this treaty; both parties benefit from the treaty. But above all, the world benefits, because no later than 31 December 2002 the levels that we now see will have been reduced to no more than the limits shown in this treaty, at least a two-third reduction, and nothing prevents either side from going lower should that be their choice.

Mr. Chairman, with that I will stop and take your questions.

[The prepared statement of Secretary Powell follows:]

PREPARED STATEMENT OF SECRETARY OF STATE COLIN POWELL

Mr. Chairman, members of the Committee, this is my tenth hearing since January. So you know how much I value these exchanges—and I am confident that you do as well.

My appearance before your committee on this particular occasion has a more formal character than the previous nine. On this occasion I am pleased to appear before the Foreign Relations Committee to seek its support for the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Re-

ductions—the Moscow Treaty—signed at Moscow on May 24, 2002. By long tradition, the Secretary of State is the first member of the Administration to testify in support of treaties submitted to the Senate for its advice and consent.

The Moscow Treaty marks a new era in the relationship between the United States and Russia. It codifies both countries' commitment to make deep strategic offensive reductions in a flexible and legally binding manner. It facilitates the transition from strategic rivalry to a genuine strategic partnership based on the principles of mutual security, trust, openness, cooperation and predictability. The Moscow Treaty is one important element of a new strategic framework, which involves a broad array of cooperative efforts in political, economic and security areas.

On May of last year, even before his first meeting with President Putin, President Bush outlined his vision of this new framework in a speech at the National Defense University (NDU). The President stated that, while the United States may continue to have areas of difference with Russia, we are not and must not be strategic adversaries. In that regard, President Bush said that he wanted to change our relationship from one based on a nuclear balance of terror, to one based on common responsibilities and interests. The strategic nuclear dimension of the framework the President laid out had several elements.

The President made a commitment to achieving a credible deterrent with the lowest possible number of nuclear weapons consistent with our national security requirements, including our obligations to our allies, and stated that his goal was to move quickly to reduce our nuclear forces.

He made clear his desire to leave behind the constraints of an ABM Treaty that not only was outdated but also perpetuated a relationship with Russia based on distrust and mutual vulnerability. President Bush declared that we should work together with Russia to replace the ABM Treaty with a new cooperative relationship that would leave behind the adversarial legacy of the Cold War.

A little over fourteen months later, and after five meetings with President Putin, the President has acted on all of the elements of the strategic framework he proposed during his NDU speech and he has acted in a way that has significantly advanced our overall relationship with Russia. Let me briefly review that relationship to illustrate the broader context in which it now exists.

The tragic events of September 11 brought to the forefront a major shared objective of the United States and Russia to combat terrorism. Pursuing that objective has had a positive impact on our relationship. President Putin was the first world leader to call President Bush on the morning of September 11. Less well known is the degree of trust and cooperation that was manifest that day, and in subsequent days, in our strategic interaction. The events of September 11 resulted in the United States briefly raising the alert, or DEFCON, level of our strategic forces, and, for a longer period, increasing Force Protection levels at our military bases, including those bases where our strategic forces are located. During the Cold War, any increase in alert levels by one side was likely to engender a reaction in kind because of mutual suspicions and distrust. It is a measure of the degree of transparency and trust that has developed in the United States-Russian relationship that President Putin felt no such need. In fact, to ensure there would be no miscalculation, the Russians let us know they were voluntarily suspending major elements of an ongoing strategic forces exercise and later agreed to our request to suspend temporarily some inspection activities under the START Treaty at bases that were placed under a heightened state of alert.

The developing strategic relationship between the United States and Russia was also evident on December 13 of last year, when President Bush announced that the United States would withdraw from the ABM Treaty. Although Russia did not agree with our decision to withdraw, President Putin's response that same day was pragmatic in tone and recognized that the U.S. decision did not present a threat to Russia's security.

As the United States-Russian relationship has broadened and deepened, the significance of U.S. withdrawal from the ABM Treaty has diminished. Our withdrawal has not spurred an arms race or undermined strategic stability. In fact, President Putin also used his December 13 statement to call for reductions in strategic offensive weapons to between 1,500 and 2,200, thus responding positively to President Bush's announcement during the Washington/Crawford Summit that the United States would reduce its operationally deployed strategic nuclear warheads to a level between 1,700 and 2,200 over the next decade.

Since December 13, Russia has focussed on how to move our bilateral relationship forward. The Joint Declaration on the New Strategic Relationship Between the United States and the Russian Federation that was signed on May 24 in Moscow reflects not only our agreement to deep reductions in strategic nuclear warheads,

but also records our agreement to implement a number of steps aimed at increasing confidence, transparency, and cooperation in the area of missile defense.

Moreover, strategic issues are only a part of the broader 21st Century relationship we are developing with Russia. Very early on Presidents Bush and Putin agreed that our new relationship would be broadly based—encompassing political, economic, and security components. The Joint Declaration reflected the significant progress we have made in all of these areas.

On political issues we are already acting as partners in addressing many of the challenges we both now face. For example, the United States-Russia Working Group on Afghanistan has been invaluable in the war against terrorism. Its mandate has now been expanded to include other geographical areas and new and related threats and, as such, it has been renamed the Working Group on Counterterrorism.

The United States and Russia are cooperating to transform Afghanistan into a stable and viable nation. To illustrate, the degree of cooperation with Russia on our efforts in Central Asia has been unprecedented. Moscow's support has included intelligence sharing, search and rescue assistance, and endorsement of Central Asian states' decision to accept our troop presence on their territories. Russia has even dispatched two military liaison officers to U.S. Central Command (USCENTCOM). We are also working together constructively to resolve regional conflicts, including those in Abkhazia, Nagorno-Karabakh, the Middle East and, most recently, in South Asia.

Russia and NATO are also increasingly allied against regional instability and other contemporary threats. At the May 28 NATO-Russia Summit in Rome, we inaugurated a new NATO-Russia Council (NRC) which will allow NATO member states and Russia to work as equal partners in areas of common interest. The NATO Allies and Russia are ready to begin work in earnest on all of the NRC agenda items approved at the Rome Summit. Initial successes in the NRC will lay a basis for further expanding cooperation between NATO and Russia.

The United States and Russia are also cooperating effectively on transnational issues other than terrorism such as dealing with illegal drugs and combating organized crime. For example, the entry into force of the Treaty on Mutual Legal Assistance in Criminal Matters earlier this year was a welcome step forward on the issue of fighting organized crime.

Our cooperation in the economic sphere, and encouraging the development of an efficient market economy in Russia, are also high on our mutual agenda. We want to expand economic ties between the United States and Russia and further integrate Russia into the world economy with full rights and responsibilities. We support Russia's accession to the World Trade Organization. By holding Russia to the same standards we would any country seeking to join the WTO, we are reinforcing Moscow's broader economic reform efforts and helping Russia prepare for a larger role in the global economy. Success in our bilateral economic and trade relations also demands that we move ahead. The Department of Commerce's recent decision to treat Russia as a market economy under the provisions of U.S. trade law is an important step forward.

Mr. Chairman, the Moscow Treaty is emblematic of our increasingly broader, cooperative relationship with Russia. Just as our relationship now has a fundamentally different basis, so the Moscow Treaty also represents a new way of doing business in the strategic nuclear realm.

Let me take a moment and outline for you the essential parts of the Treaty.

REDUCTION REQUIREMENTS

As I indicated, the United States and Russia both intend to carry out strategic offensive reductions to the lowest possible levels consistent with our national security requirements and alliance obligations, and reflecting the new nature of our strategic relations. The Treaty requires the United States and Russia to reduce and limit our strategic nuclear warheads to between 1,700 and 2,200 each by December 31, 2012, a reduction of nearly two-thirds below current levels. The United States intends to implement the Treaty by reducing its operationally deployed strategic nuclear warheads to between 1,700 and 2,200 through removal of warheads from missiles in their launchers and from heavy bomber bases, and by removing some missiles, launchers, and bombers from operational service.

For purposes of this Treaty, the United States considers operationally deployed strategic nuclear warheads to be reentry vehicles on intercontinental ballistic missiles (ICBMs) in their launchers, reentry vehicles on submarine-launched ballistic missiles (SLBMs) in their launchers onboard submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases. In addition, a small number of spare strategic nuclear warheads are located at heavy bomber bases. The United States does not consider these spares to be oper-

ationally deployed strategic nuclear warheads. In the context of this Treaty, it is clear that only "nuclear" reentry vehicles, as well as nuclear armaments, are subject to the 1,700–2,200 limit.

RELATIONSHIP TO START

The Strategic Arms Reduction Treaty (START) continues in force unchanged by this Treaty. In accordance with its own terms, START will remain in force until midnight December 5, 2009, unless it is superseded by a subsequent agreement or extended.

START's comprehensive verification regime will provide the foundation for confidence, transparency and predictability in further strategic offensive reductions. As noted in the May 24 Joint Declaration on the New Strategic Relationship, other supplementary measures, including transparency measures, may be agreed in the future.

THE BILATERAL IMPLEMENTATION COMMISSION

The Treaty establishes a Bilateral Implementation Commission (BIC), a diplomatic consultative forum that will meet at least twice a year to discuss issues related to implementation of the Treaty. The BIC will be separate and distinct from the Consultative Group for Strategic Security, established by the Joint Declaration of May 24, which will be chaired by Foreign and Defense Ministers with the participation of other senior officials and which will be a broader forum to discuss issues of strategic significance and to enhance mutual transparency.

ENTRY INTO FORCE, DURATION, AND RIGHT OF WITHDRAWAL

The Treaty will enter into force on the date of the exchange of instruments of ratification. It is to remain in force until December 31, 2012, and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.

The Treaty also provides that each Party, in exercising its national sovereignty, may withdraw from the Treaty upon three months' written notice to the other Party.

STATUS OF START II TREATY

The START II Treaty, which was signed in 1993, and to which the Senate gave its advice and consent in 1996, never entered into force because Russia placed unacceptable conditions on its own ratification of START II. Russia's explicit linkage of START II to preservation of the ABM Treaty and entry into force of several agreements, signed in 1997, which related to ABM Treaty succession and ABM/TMD demarcation, made it impossible for START II to enter into force. With signature of the Moscow Treaty, however, the United States and Russia have now taken a decisive step beyond START II that reflects the new era in United States-Russia relations.

HOW WE ARRIVED AT WHAT YOU HAVE BEFORE YOU

Mr. Chairman, the Treaty you have before you is different from Cold War arms control agreements because:

- It does not call for exact equality in numbers of strategic nuclear warheads. It is no longer appropriate to size our military capabilities against any single country or threat, and the end of superpower competition and adversarial style arms control negotiations has removed any political requirement for strict parity.
- It does not contain any sublimits or bans on categories of strategic forces. The need for a highly regimented strategic forces structure was the product of now outdated concepts of strategic stability that were necessary when we needed to regulate the interaction of the strategic forces of two hostile nations to reduce the structural incentives for beginning a nuclear war. Now we have nothing to go to war about.
- The Treaty does not contain its own verification provisions. United States security and the new strategic relationship with Russia do not require such provisions.

What you have before you is a Treaty that is both simple and flexible. Article I contains the single central obligation of the Treaty which is for the Parties to reduce and limit their strategic nuclear warheads to no more than 1,700–2,200 for each side. The Treaty deliberately focuses on strategic nuclear warheads. It does not limit

the number of ICBMs and SLBMs or their associated launchers; nor does it limit the number of heavy bombers. From the outset, our objective was to reduce dramatically the number of strategic nuclear warheads available for immediate use, and the Moscow Treaty clearly meets this objective.

The Treaty is also highly flexible. Article I, by referencing the individual statements of Presidents Bush and Putin, makes clear that the Parties need not implement their reductions in an identical manner. President Bush made clear on November 13 of last year that the United States will meet the 1,700 to 2,200 limit by reducing our number of operationally deployed strategic nuclear warheads. This is a departure from the way in which warheads are counted under the START Treaty, but one that more accurately represents the real number of warheads available for use immediately or within days.

During the course of the negotiations, we proposed a detailed definition of "operationally deployed strategic nuclear warheads," but we did not achieve it and so the Treaty does not contain such detail. Nor did President Putin state explicitly how Russia intends to implement its reductions. During the negotiations, the Russians suggested that they anticipated reducing warheads by eliminating or converting missiles, launchers and heavy bombers in a manner similar to the counting concepts in the START Treaties. Should Russia elect to achieve the 1,700–2,200 warhead level in this way, or by using the U.S. method, the result in either case will limit the number of strategic nuclear warheads available for immediate use. Russia is also free to choose another method for making its required reductions.

Some have expressed concern that the Moscow Treaty does not require the destruction of warheads. No previous arms control treaty—SALT, START or INF—has required warhead elimination. Contrary to what was frequently reported in the press, the Russians did not propose a regime for verifiable warhead elimination during the negotiations. Given the uncertainties we face, and the fact that we, unlike Russia, do not manufacture new warheads, the United States needs the flexibility to retain warheads removed from operational deployment to meet unforeseen future contingencies and possible technical problems with the stockpile. That said, the Moscow Treaty does not prevent the United States and Russia from eliminating warheads and we anticipate that both Parties will continue to do so. For our part, some of these warheads will be used as spares, some will be stored, and some will be destroyed. Economics, our new strategic relationship with Russia, obsolescence, and the overall two-thirds cut in U.S. and Russian inventories mandated by the Treaty will undoubtedly result in continued warhead elimination.

The Treaty is also highly flexible in other ways. Within the bounds of the aggregate limit on numbers of strategic nuclear warheads, each side is free to determine for itself the composition and structure of its strategic offensive arms. As I noted earlier, the Treaty does not limit the total number of strategic delivery vehicles or contain either numerical sublimits or bans on categories of forces. We saw no strategic need for such limits given our new relationship with Russia and the low levels of forces to which both sides will reduce. But today Russia is not our sole concern.

The international system is no longer bipolar. It has become more fluid and unpredictable. We cannot forecast with confidence what nation, combination of nations, or non-state actors may pose a threat to our vital national interests or those of our friends and allies in the years to come. Nor can we tell what WMD capabilities and delivery systems such adversaries may be armed with. We must maintain the freedom to determine the composition and structure of our nuclear forces. Secretary Rumsfeld and General Myers will be able to discuss with you in more detail the approach the Department of Defense has adopted to planning our strategic nuclear capabilities when they testify before this Committee next week.

The Treaty provides flexibility in another regard. Article IV permits either Party the ability to withdraw from the Treaty upon three months written notice to the other Party. This period is shorter than has been typical in previous arms control agreements. The Moscow Treaty thus allows greater flexibility for each side to respond to unforeseen circumstances, whether those circumstances are technical problems in the stockpile, changes in the international environment, or the emergence of new threats.

In negotiating the Moscow Treaty, the Administration did not seek any new verification measures. As the President stated last November 13, the United States intended to carry out its reductions unilaterally, no matter what action Russia took. President Putin's welcome decision to reciprocate, and the recording of these reduction commitments in a legally-binding Treaty, is a welcome sign of our new, cooperative strategic relationship—a relationship that does not depend on our ability to verify Russian reductions.

That said, Article II of the Treaty recognizes that the START Treaty remains in force in accordance with its terms. The START Treaty's provisions do not extend to

the Moscow Treaty, and its verification provisions were designed with START's different counting rules in mind. However, we believe that the START verification regime, including its data exchanges, on-site inspections, and provisions concerning telemetry, conversion, and elimination, and mobile missile forces, will continue over the course of the decade to add to our body of knowledge regarding the disposition of Russia's strategic nuclear warheads and the overall status of reduction in Russia's strategic forces.

Most importantly, however, I would point once again to our new strategic relationship with Russia. The Preambles to both the Moscow Treaty and the Joint Declaration on the New Strategic Relationship Between the United States and Russia state that this new relationship will be based on a number of principles, including mutual security, trust, openness, cooperation and predictability. These are principles that help to define a normal relationship between two countries that now consider themselves to be partners.

The verification regimes that have accompanied our previous arms control agreements with Russia have, in contrast, been the product of two countries suspicious and distrustful of one another—two countries that considered each other as a strategic threat. I have submitted to the Congress a report required by Section 306 of the Arms Control and Disarmament Act on the verifiability of the Moscow Treaty. In that Report, I conclude that the Treaty is not constructed to be verifiable within the meaning of Section 306, and it is indeed not. A treaty that was verifiable under the old Cold War paradigm was neither required nor relevant in this case.

As I indicated earlier, the Joint Declaration signed in Moscow establishes a Consultative Group for Strategic Security, to be chaired by Foreign and Defense Ministers, that will become the principal mechanism through which the United States and Russia will strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest across a broad range of international security issues.

The first meeting of the Consultative Group will take place in September on the margins of the UN General Assembly meeting in New York. When we prepare for this meeting, we will consider whether to pursue expanded transparency as one of the early issues the Group will address. I believe the new strategic relationship will continue to mature over time, and over the lifetime of the Moscow Treaty, and that openness and transparency will become an accepted and normal part of all areas of our new strategic relationship.

ANTICIPATING SOME OF YOUR QUESTIONS

As we went about negotiating the Moscow Treaty, one of the questions foremost in my mind as a former soldier and Chairman of the Joint Chiefs of Staff, was how will we address tactical nuclear weapons?

We continue to be concerned about the uncertainties surrounding Russian non-strategic nuclear weapons (NSNW), and I believe we should discuss inventory levels of NSNW with the Russians and press Moscow to complete the reductions it pledged to make in 1991 and 1992.

The United States has made very significant changes to its nuclear policy and force structure since the end of the Cold War. Since 1991, the types and numbers of NATO non-strategic nuclear forces have been reduced by approximately 85 percent, including the elimination of entire categories of NSNW. The Russians have also made significant parallel unilateral reductions in their NSNW.

Through NATO, we are now focusing on developing confidence building and transparency measures with Russia. NATO has presented Russia with four proposals for nuclear Confidence and Stability Building Measures (CSBMs) as part of a process established by the April 1999 NATO Washington Summit. These proposals are intended to enhance mutual trust and to promote greater transparency. I believe that NATO and Russia both have recognized the value of consultations on non-strategic nuclear forces. The Russians have agreed to continue to engage in this process.

Moreover, in addition to unilateral reductions and confidence building and transparency measures, the many ongoing Cooperative Threat Reduction programs with Russia are designed to improve the safety and security of all Russian nuclear weapons—including NSNW.

Mr. Chairman, again as a former military professional, I also wanted to know about Multiple, Independently Targetable Re-entry Vehicles, or MIRVs. In short, does the Moscow Treaty allow the Russians to restructure their strategic forces through a greater use of MIRVs, and if so, is this in the United States' interest?

The Moscow Treaty does not restrict a Party's decisions as to how it will implement the required reductions. The Treaty states that "Each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the

established aggregate limit for the number of such warheads." Each Party will thus have flexibility in structuring its forces to reach these new low levels for strategic nuclear warheads. Specifically stated, the Moscow Treaty does not place restrictions on Russia's potential to restructure its strategic forces by using MIRVs. We are convinced that this will not adversely impact U.S. national security. Since neither the United States nor Russia has any incentive to launch nuclear weapons at each other, we no longer view Russian deployment of MIRVed ICBMs as destabilizing to our strategic relationship.

Mr. Chairman, some committee members may want to question the ten-year deadline in the Moscow Treaty. Why is there such a distant deadline in the Treaty when it would appear that both the United States and Russia could reduce weapons much quicker? Also, why does the treaty end at the deadline for meeting its objectives?

The Treaty will take the United States and Russia along a predictable path to substantial reductions—from the current levels of 5,000–6,000 warheads to 1,700–2,200 warheads. For the United States, the reduction process will include deactivating all 50 ten-warhead Peacekeeper ICBMs and removing four Trident submarines from strategic nuclear service.

The process will also involve additional, yet-to-be-determined steps to reduce the number of U.S. operationally deployed strategic nuclear warheads to the 1,700–2,200 level. These reductions will be part of the development and deployment of the New Triad that was established by the 2001 United States Nuclear Posture Review.

These substantial United States and Russian reductions will entail careful planning and execution on both sides, and, therefore, will require considerable time to complete. Our best judgement is that allowing ten years for this process to be completed will give both Parties time to complete these actions in a sound, responsible, and sustainable manner.

Moreover, we can extend the Treaty at any time that both Parties agree to do so, just as either Party can leave the Treaty expeditiously. Likewise, over the duration of the Treaty, much can happen that could alter or modify our strategic analysis. As a consequence, we feel that the timeframe and the deadline are just what they should be.

Another question that may arise is how the Moscow Treaty squares with Article VI of the NonProliferation Treaty (NPT). In other words, in what ways does the Moscow Treaty promote implementation of the Parties' nuclear disarmament obligations under the NPT?

The Committee members know that the NPT is the centerpiece of the global nuclear nonproliferation regime. It plays a critical role in efforts to prevent the spread of nuclear weapons, including to terrorists and states that support them. The NPT's value depends on all parties honoring their obligations. The United States places great importance on fulfilling its NPT undertakings, including those in Article VI related to nuclear disarmament.

The elimination of nuclear weapons is a key goal of the NPT, but one that will not be reached quickly or without enormous effort. All states have a responsibility to work toward this goal. It can be achieved only though a step-by-step process. Article VI of the NPT reflects this reality and sets no timelines or specific milestones.

The Moscow Treaty represents an historic step in that process. It will take the United States and Russia down to the lowest levels of strategic nuclear warheads seen in decades. It is an important achievement and the actions called for under the Moscow Treaty represent significant progress in meeting the obligations set forth in Article VI of the NPT.

Finally, as the Treaty itself suggests, where do we go next?

Of course the next step, if the Senate gives its advice and consent to the Moscow Treaty and it enters into force, is to implement that Treaty. It will take time and resources on both sides to carry out the planned reductions by Dec 31, 2012.

More broadly, and covering strategic issues in general, we will use the Consultative Group for Strategic Security, chaired by the Foreign and Defense Ministers, to strengthen mutual confidence, expand transparency, and share information and plans, as I indicated earlier.

The Moscow Treaty was intentionally designed to give the United States and Russia flexibility in how each implements its obligations. Our changed strategic relationship, and the uncertainties of external conditions, dictated this. Throughout the duration of the Treaty, we will closely monitor developments and assess their implications for the Treaty's implementation and for the question of its extension. In addition, not later than one year prior to START's expiration date (December 5, 2009), the START Parties will have to meet to address the question of whether to extend that treaty.

President Bush made it clear from the outset of this Administration that he intended to reduce U.S. nuclear weapons to the lowest number consistent with U.S.

and allied security requirements. Based on the Nuclear Posture Review, he determined that a strategic nuclear force in a range of 1,700–2,200 warheads provides the flexibility and responsiveness necessary to counter known and expected threats and hedge against surprise, technical or other developments.

I don't want to speculate about the more distant future; but as far out as I can see, nuclear weapons will continue to play an important role in U.S. and allied security. Right now, I think we have enough work before us to implement the agreement we have, to solidify the new strategic framework we are building with Russia, and to curb the spread of nuclear weapons and other WMD to other states.

SUMMARY

Mr. Chairman,I believe the Moscow Treaty is fully consistent with the President's promise to achieve a credible deterrent with the lowest possible number of nuclear weapons consistent with our national security requirements. It reduces by two-thirds the number of strategic nuclear warheads available for ready use while preserving America's ability to respond promptly to changing future situations.

These nuclear force reductions will not be accomplished within the old Cold War arms control framework; rather the Moscow Treaty reflects the emergence of a new strategic relationship between the United States and Russia. We understand that this new relationship is still a work in progress. Russia is an emerging partner with the United States on a broad range of issues where we have increasingly shared interests and values. However, our relationship with Russia is not yet comparable to the kind of relationship we have with our nuclear-armed allies, Britain and France. Russia's transformation to a democracy and a market economy still faces a number of challenges, and its interests and those of the United States may not always coincide. We understand there is work to be done if we are to implement fully the Joint Declaration on the New Strategic Relationship. But our new strategic relationship gives us a strong foundation to stand upon—one that will allow us to discuss our differences candidly and work to resolve them in a constructive manner.

The Congress also has an important role to play in furthering the development of our new strategic relationship with Russia. There are a number of issues where we need the Congress' help in doing our part—ending Jackson-Vanik's application to Russia, authorizing Permanent Normal Trade Relations (PNTR) status for Russia, and waiving Cooperative Threat Reduction (CTR) certification requirements so those important programs can continue, are all high priorities. The Senate's approval of the Moscow Treaty will also make an important contribution to the strengthening of our new relationship.

Some have said the Moscow Treaty will be the last arms control agreement with Russia. I won't go that far. But it will be an important indicator of the continued advancement of our relationship if it is the last Treaty that is the centerpiece of a Presidential Summit and if such agreements become increasingly less central to the United States-Russian relationship.

Mr. Chairman, by deeply reducing strategic nuclear warheads while preserving both Russia's and America's flexibility to meet unforeseen future contingencies, the Moscow Treaty will enhance the national security of both countries. I strongly recommend that the Senate advise and consent to its ratification at the earliest possible date.

Thank you, and I am pleased to take your questions.

The CHAIRMAN. Thank you very much, Mr. Secretary.

We are going to do 10-minute rounds so we can actually get some serious questioning in. I will begin.

You stated very clearly what, quite frankly, the President has said publicly as well as privately to me and to others, and that is this was in a sense not a negotiation, this was a decision made where we could go and we basically said to the Russians: This is where we are going; if you want to come along, come along.

I assume that the decision was made to make it a treaty in part to avoid the dilemma we found when his father made the same enunciation relative to tactical nuclear weapons: This is where we are going, we are going to eliminate. They came along and said: We are, too. Yet we had nothing in place and constantly, particularly from those who oppose arms control agreements, the argument was made: You see, the Russians are not keeping their agreement; we

kept ours, there was no formal agreement. And we got into this whole issue of now whether or not they have anywhere from a few thousand to 10,000 tactical nuclear weapons deployed in various states, as you said.

Now, the one thing that I am a little bit perplexed about is the assertion, which is true, that no previous treaty required the destruction of warheads. So in this sense it is no different. What I respectfully suggest is it is very different—maybe I have been here too long—in that no treaty required warheads being destroyed, but it required the launch vehicles to be destroyed.

So the theory was if you took an America missile out of a silo, took the warhead off of it and crushed the canister, you could not rapidly reload that onto anything that was out there. I remember Mr. Bolton and a lot of his friends coming up and testifying that the reason why that was a bad idea is because we did not know whether the Russians were going to take all these warheads they had and store them in garages and hide them in barns and do all these things so that they would be able to rapidly reload them or rapidly pull out things out of the barn.

Here we have a situation where you take the warhead off, the launcher stays in place—whatever the form of launcher was—and you have the launcher here and you have the warhead here, and the theory is at least you could rapidly marry them up again and use them.

So I am not suggesting that that is right, wrong, or indifferent, but it is different then. It is different than previous treaties, where you took the warhead off and you destroyed the canister, you cut the wings off of Backfire bombers, you broke up the submarine, *et cetera,* and we were able to verify more easily because you can identify how many subs there are by national technical means, at least with a great degree of certainty.

So my concern here—not concern. My question is, if the impetus for this treaty was going down to 1,700 to 2,200, related to the bottom line of what our consensus in our government said we are going to need for our security, and the rationale for the treaty was in part to avoid this kind of debate that took place over tactical nuclear weapons, then it sort of reflects that this is what the President thinks are the most important things to proceed on relative to nuclear weapons.

Does he think that dealing with the tactical nuclear weapons are not that relevant or that important now, or that things as they are relative to tactical nuclear stockpiles are OK? Talk to me about that? You understand where I am going? He said this is what we want to go to because we want to get down. There is a new relationship and this new relationship we have there, if it is so new and there is no new cold war, why are we keeping the warheads? Why are we in this ready reload circumstance?

Secretary POWELL. As you know, we are actually destroying or converting some of our launchers. Some of our subs will be converted and some of the missiles are being not only downloaded, but taken out of service. So they are not really that reloadable.

With respect to the—let me start with the beginning of your comment, Senator. When President Bush 41 decided to get rid of most of our tactical nuclear warhead inventory, I think it was a correct

decision and it has been borne out to be a correct decision. The fact that it was not entirely reciprocated in terms of what the Russians did is regrettable, but I do not think it has made us in any more vulnerable position.

The CHAIRMAN. I do not think it has either.

Secretary POWELL. It is not a war-fighting position. Really, it is an inventory control problem. If the Russians were smart, they would take even more of the money that is out there to get rid of this kind of weapon that is of no practical utility for their purposes any more in the kind of world that they are living in and what they need.

The CHAIRMAN. When you have a total budget of $30 billion, there is not a lot of money to pay for this.

Secretary POWELL. There is not a lot of money. So I think there is going to be enormous incentive to try to get rid of launchers or get rid of launchers that are no longer needed, as opposed to try to keep them in some kind of maintainable condition in order to have "a breakout." I do not see that the case.

I remember CFE, the same kind of argument: They are going to have all these tanks east of the Urals waiting to come splashing back into Weisbaden. I used to watch them as chairman every few weeks to see this tank park, and I realized after a while that what I was watching was not a tank maintenance park, but the biggest junkyard in the world, with no maintenance, nothing going on. The incentive was to get rid of this stuff, not hold onto it, and I think that is still the incentive.

The President is still very interested in theater nuclear weapons, tactical nuclear weapons. So this is going to be an area of discussion with the Russian side. It has been discussed in all our meetings, but it was not ready for the kind of deliberations and the kind of decisions that we are prepared to make with respect to the strategic part of it.

So yes, he is interested. Yes, we are concerned, concerned with them more from the standpoint of we really do not want these nukes loose anywhere and as a proliferation problem more so than a war-fighting problem It is almost a disposal problem more so than a war-fighting problem.

The CHAIRMAN. Let us talk about our side of the equation for a minute. I have been around here a long time, as some of my colleagues have as well, and one of the constant debates—and I am not asking to get into the numbers—was what the SIOP called for, as you said, how high you make the rubble bounce and how many times, etcetera. There has been—Democratic presidents, Republican presidents, it does not matter—an overwhelming reluctance to fundamentally reduce the number of armed nuclear vehicles, that is nuclear warheads able to be delivered, because of the number of targets out there and the need for redundancy.

Now, since what I think you just said makes a lot of sense, which is that notwithstanding the fact that the Russians are not required, nor are we, to destroy launchers here, the practical fact of the matter is they are going to end up having junkyards like the tanks.

Secretary POWELL. And START does require.

The CHAIRMAN. And START does require. But beyond START——

Secretary POWELL. When you go below the 6,000.

The CHAIRMAN [continuing]. To get us down to these numbers.

Secretary POWELL. Right.

The CHAIRMAN. To get down to these numbers, they are not required, to go from the START numbers to these numbers, they are not required to destroy launchers.

You are of the view, and I share the view, that their ability to maintain both the decapitated launcher, that is the warhead stored over here, and the launcher is going to be a difficult problem for them financially and they are probably going to destroy or let atrophy some of these launchers.

Is the reason why we did not write in destruction of launchers because of resistance here unrelated to them?

Secretary POWELL. No.

The CHAIRMAN. Is it resistance here saying, look, we need to have this ability overnight to get back up to 6,000 warheads that we can launch? Or is it because—I mean, what is the reason? It just seems such a logical step to have taken.

Secretary POWELL. Within the numbers that both sides decided upon, 1,700 to 2,200, each side has the flexibility to decide how to distribute those warheads.

The CHAIRMAN. I got that.

Secretary POWELL. So if the Russians want to keep all of them on land-based ICBM's and they want to MIRV them, fine. You have got to remember, Senator, because I have got to break the logic trail you were taking me down, cut that trail off, because you are saying are we not worried about that they could have more. They can have more now.

The CHAIRMAN. No, that is not what I am saying.

Secretary POWELL. If they had said, OK, you are going to 1,700 to 2,200, we are going to stay at 6,000, the START I level, or we are not going to go below 3,500, the proposed 3,000 to 3,500, the START II level, President Bush would have said, fine, I am safe with 1,700 to 2,200, do what you think you have the do. That is what he said.

One other point, if I may.

The CHAIRMAN. Sure.

Secretary POWELL. I simply have to take you to task, with all due respect, sir.

The CHAIRMAN. I am used to being taken to task.

Secretary POWELL. I worked on that target list for 4 years as Chairman——

The CHAIRMAN. I am confident that is true.

Secretary POWELL [continuing]. With Defense Secretary Dick Cheney. It was scrubbed, it was reduced, targets were dumped. I cannot get into the details of this, of course. Fundamental changes were made in targeting philosophy and we were no longer chasing, get me more targets because I have more weapons. We did make significant reductions.

When I was Chairman, the first day I became Chairman of the Joint Chiefs of Staff, the 1st of October 1989, there were something like 13,000 strategic offensive nuclear warheads available. Now we are passing on, we are heading down to the START I level of 6,000

and we are going to go right on down past that and taking this down to 1,700 to 2,200.

So with all due respect, there has not been a reluctance as chairman, and the succeeding chairmen who followed me. We have every incentive to reduce the number. These are expensive. They take away from soldier pay. They take away from O and M investments. They take away from lots of things. There is no incentive to keep more than you believe you need for the security of the Nation.

The CHAIRMAN. I am not suggesting, Mr. Secretary, you did not take the target list down. I am only suggesting that in all the years I have been here there has been an overwhelming reluctance to either, A, inform anybody what the SIOP was—no one knows up here—No. 1; and No. 2, when this started 4 years ago, it was difficult to get the Pentagon to sign off on 1,700 to 2,200.

Secretary POWELL. Four years ago, sir?

The CHAIRMAN. Four years ago, 3 years ago, 2 years ago. It was not an easy job. So let us not kid each other. We are friends, OK. This was not an easy job to get this number down to this number, whomever got it down, the President.

My point is not my worry about how many weapons the Soviets have left to use against us. My worry is the same as Senator Lugar's. They have them left, and are they available to bad guys to get them because they are not secure. My concern is not that we are going to 1,700 or 2,200, but we maintain the capacity to go back to 5700 to 6200 and what the rest of the world reads from that and what everyone else thinks their requirements are.

But I will get back to that later. My time is up.

Secretary POWELL. Just a quick point. The Russians have made that same calculation. They know—they are very sophisticated and they know a great deal about force structure and they know a great deal about our plans, and they fully understand that as we go down to 1,700 to 2,200 from the current level of in the neighborhood of let us say 6,000 plus or minus, they know that there will be warheads freed up. They also know we are not building any new launch systems and they have a pretty good idea of what the reconstitution capability might be inherent in that kind of a glidepath going down.

With all that absolutely known to them, they have agreed to go to the same level, and in fact they would have gone I think perhaps even to a lower level.

Secretary POWELL. But there is going to be like China and others. But I will get into that later. I will get into that later.

The CHAIRMAN. Can you tell me how many—give me an idea of the percentage, what percentage of the targets in the SIOP have been reduced since 1990?

Secretary POWELL. No, I would not do that in this hearing, and I would yield to my friends in the Defense Department for that information.

The CHAIRMAN. I thank you, Mr. Secretary. We will get back.

Senator Lugar.

Senator LUGAR. Thank you very much, Mr. Chairman.

Mr. Secretary, in your prepared statement you mention that you continue to be concerned about uncertainties surrounding Russian

non-strategic weapons, and you mentioned it again in your response to Senator Biden, that you hope the Russians might visit with us about pledges they made in 1991 and 1992.

This is also a concern with many of our NATO allies who are much closer to the tactical weapons than we are. The allies are extremely hopeful that our negotiations will be pursued. Further on that page, you mention that there are many ongoing Cooperative Threat Reduction programs with Russia designed to improve the safety and security of all Russian nuclear weapons, including the non-strategic nuclear weapons.

This the first time I have heard in official testimony that the Cooperative Threat Reduction might address non-strategic nuclear weapons. I am very pleased that you have listed that because that is going to be reassuring not only to Americans but also to our allies, who have hoped that we were not drawing too fine a point on what Nunn-Lugar can do.

You have mentioned that the treaty lasts until 2012, but the START I verification regime only lasts until 2009. Now at that point you said the parties may discuss extending START I. Elsewhere you point out that the verification regime under START I gives a lot of comfort and transparency to both sides. This gap of 3 years could be problematic. I am wondering whether even prior to ratification of this treaty we should address the issue.

Was it a point of the negotiations or discussion with Russian counterparts or did things just simply fall this way calendarwise?

Secretary POWELL. We thought that long before we got to 2009, as a result of the work of the bilateral implementation committee and because of additional work that had been undertaken but not completed yet with respect to transparency measures and other things we can do in the area of confidence-building and transparency, that by the time we got to 2009 we would know what we needed to know, and if not then we could suggest some time long before 2009 that it might be in the interest of both parties to extend those provisions of START.

But it did not seem to be something that was pressing at the moment. We had some 7 years to find an answer to that question.

Senator LUGAR. Very well. It just strikes me at the beginning that we know that the Moscow Treaty brings that gap to the fore. It may not be consequential by 2009, but on the other hand it may, and so I wanted to raise the issue.

Secretary POWELL. It is an issue out there that will have to be dealt with in due course.

Senator LUGAR. Senator Nunn and I visited Russia just as President Bush and you were departing. We went out to Kartaly, which was the home of an SS–18 millile field, to participate in a ceremonial demolition of one of the silos. The missile had long since been removed.

Even then, for members of our delegation, some members of the Senate and the House that had not experienced such a thing before, it was quite an emotional experience. Just as you are describing your own experience in the Fulda Gap, our delegation realized that here was a silo holding a missile aimed at the United States that would never again threaten the lives of Americans. The finality of it blowing up and the pieces flying in the air was a dramatic

conclusion. Those pieces are still laying there because of START I requirements that national technical means have an opportunity to verify that it happened.

I mention this point because as we proceeded in our trip to chemical and biological weapons facilities the certainty of security here becomes questionable, quite apart from any program of destruction. This was the point that I tried to make during my conversation with the President, regarding the importance of these efforts in the war against terrorism. Again and again the President has said we are going after al-Qaeda, all the associated cells, all the countries they may be in, trying to eliminate the threat they pose to our security. But the bottom line is these people cannot get their hands on weapons of mass destruction, nuclear, biological, chemical. We have to at all costs prevent that, even at the risk of going to war with some countries that do not yield to inspection and verification.

This is very much on our minds, all of us. At the very moment we are saying that Russia has built these monumental stocks of nuclear, chemical and biological weapons but now do not have the budget or any hope of a budget to ensure their control the safety and ultimate elimination.

The threat posed by these weapons is the reason why the Departments of Defense, Energy, and State are working to safeguard and destroy the weapons while attempting to find peaceful employment for the scientists who created them.

The dilemma here is that we need to do more of this, quicker and in a more comprehensive manner if we are addressing the potential threats in our new relationship with Russian.

Now, we are back in Washington still debating about how much we want to help and whether we can do anything at all, given this waiver problem that we are attempting to address. That is the problem that I tried to lay before the President. He was very concerned.

Now, maybe I used a term that I should not have. I said, Mr. President, somewhere in your administration there are worker bees at work here. You may not know or appreciate exactly what is occurring, but here we are talking about a new treaty to dismantle additional weapons; but we cannot do so, because you have to wait for a waiver. Russia does not have the money to guard the weapons or, if the are dismantled, to guard the fissile material inside them. We have an opportunity to make real progress, but we cannot constantly be revisiting the current situation.

I said, the irony is that at the very moment that in the rhetoric at least of the Moscow summit you are talking about the fact that we were prepared to do these things unilaterally, without verification of what the Russians are doing. We suddenly are seized this particular year with the absolute certainty that arms control treaties are being met fully.

I said, it is ironic. You can read the language if you wish to and reach that conclusion. But the new strategic relationship takes us down a different trail, in which we have a new relationship and furthermore each one of us is going our own way with a lot of this, without destruction, without strict verification, and so forth.

Well, the President was immediately aware of the disconnect of this situation and so he committed to look into the issue and con-

sult with advisors. I would say in fairness that the National Security Adviser, Condoleeza Rice, leapt to the defense of whoever in the administration has created this problem and said that it occurred at high levels and so forth.

The President said: What do you want me to do about it? I said: Mr. President, you ought to waive the whole business, get on with the destruction of these materials. That is the security of America. It is not a bureaucratic flailing about behind closed doors.

Now we are in the process hopefully in the Defense Authorization Bill negotiations, if we ever get it done, of getting the President the waiver that he now seeks. But why in the world you ever put yourselves in this predicament as an administration I do not know.

I make such a to-do about it because I hope this will be the last time. If it is not, this treaty is really in jeopardy. It is interesting, but nevertheless it is going to be up for grabs year after year as we hassle here in the Congress whether you can work at it for 3 months, 6 months, or whatever may be our pleasure. I think you understand that. You have asked in your testimony for rapid action by the Congress. I pray that will occur. It might occur in two circumstances, but it has not yet.

For that reason, a lot of material is at risk in the war against terrorism and needlessly so in my judgment. So if there is some way even now we can cut through all of this, I pray we would do so.

Secretary POWELL. Thank you, Senator Lugar. As I think you know, I am the strongest supporter of comprehensive threat reduction activities. I am a solid supporter, as is the administration, on giving it all the funds the Congress is willing to provide it. I am a strong supporter of the Nunn-Lugar initiatives of the last decade. We were strong supporters of this idea of 10 plus 10 over 10, and Under Secretary Bolton played an instrumental role in Cananakis 2 weeks ago in bringing it along.

The Russians have been part of the problem in terms of giving us what we need to know and to have in order to help with this problem. But I do not think it takes anything away from the value of this treaty or other treaties. What you are talking about really is a very troubling stockpile inventory problem, how do we secure this material and how do we get rid of it.

I will do anything I can to help with this problem, to request the money, to defend the money, to appear before Congress, to work with the Russians, as we have at every one of our meetings, in order to get them to be even more receptive to the kinds of controls that we have to have on the money and the kinds of access we need and not allow them to take advantage of our generosity.

It was fascinating at some of our ministerial meetings lately to have other countries that have money in hand now ready to give the Russians if only the Russians would meet certain minimum standards and conditions.

So we are with you on that 100 percent.

With respect to the waiver, I need that waiver badly and I implore the Congress to give us permanent waiver as soon as possible. The reason I could not certify is because Congress put the certification requirement on me that I could not meet with respect

to Russian activities. It was not that I did not certify them or I did certify them. I did not have enough information to form the basis of a certification. So I was forced into the situation where I could not certify and it was essentially a neutral position. That is why we need this waiver.

So I implore the Congress to not waste any more time on this, give us a permanent waiver, and let us not go through the Perils of Pauline every 6 months and meanwhile the weapons are sitting there with canisters rusting, with guards getting bored, with other things going on that we do not like to see going on, and with the possibility of proliferation of this kind of material.

Senator LUGAR. Well, thank you for that strong statement about the need for the waiver. I would just say respectfully for the 10 years since the Nunn-Lugar Act has been going on somehow or other we have been able to certify every year. This was the first year we could not. How ironic at the very moment the new relationship has come and in the midst of the war against terrorism to suddenly find a problem at this point.

But that is water over the dam. I hope your prophecy is correct about a permanent waiver and the President finally and you and Secretary Rumsfeld are able to go about guarding this stuff, destroying it, without inhibition.

Thank you.

Secretary POWELL. Thank you, Senator.

The CHAIRMAN. Mr. Secretary, unsolicited advice. All the President has to do is pick up the phone and call some of our more recalcitrant colleagues on one side of the aisle and say: I want this waiver. We will get it to you overnight. But he has to engage, because there are still serious people up here who think this is fungible money and somehow we should not be helping the Russians. But that is another issue. Senator Kerry.

Senator KERRY. Mr. Secretary, welcome and thank you for taking the time to be with us here.

I would just underscore what Senator Lugar has just said. I heard you say that you are not sure that you see any way in which this treaty adversely affects that. I think I would respectfully disagree with you because there is a non-verifiable destruction process which, in the absence of the support that Senator Lugar is talking about, merely increases the capacity for materials to fall into the hands of terrorists, and I think that is perhaps the most gaping hole in this treaty, is the lack of verification, traceability, accountability and requirement for destruction and permissiveness for rearming. There is sort of a huge contradiction in this treaty.

In many ways, I think this is a treaty that, with the exception of what Senator Lugar has just articulated, many of us would say, well, of course we want to vote for something that reduces from 6,000 to 1,700 to 2,200. It is common sense. We would like to move in that direction.

But there are several very significant contradictions in it, it seems to me, not the least of which is that if this new relationship with Russia is what you say it is, which leaves you then only Iraq, North Korea, conceivably Iran, Libya, and perhaps China—and I find it hard to explain how China would fit in that—it is inconceiv-

able what kind of threat from any of those entities mounts to 1,700 warheads.

This treaty should be measured, not by sort of where we have been historically, but by where we want to go. Where are we trying to go here? It seems to me where we are trying to go is to a place where we have greater levels of accountability, more transparency, more verification, and less capacity for accident, unauthorized launch, etcetera, which is why we are now pursuing the missile defense capacity.

One of the contradictions is that this treaty leaves in place what START II would have destroyed, which was the ability of the Russians to have an SS–18 with 10 warheads on it. It was always a goal of ours to try to reduce that because that is always perceived of as a more destabilizing weapon because of the use-or-lose theory.

So I would ask, first of all, why we have left in place their capacity to arm an SS–18, even to build one, to have more SS–18's, with more MIRVed missiles, as long as it remains within the level of the 1,700 to 2,200? That also provides much greater difficulties in the long run for whatever the capacities of missile defense may be.

But even a larger question, Mr. Secretary, and that is that you have announced, your administration, a doctrine of preemption and you are talking about conceivably having military action against Iraq based upon the doctrine of preemption because the assumption is that you cannot have a leader pursuing the goal of achieving nuclear weapons because they might pass them on to terrorists.

That doctrine in and of itself flies completely in the face of the notion of why you would leave permissibility for 1,700 to 2,200 warheads in the long term. If we are going to pursue a doctrine of preemption and the Russians are such good new friends, why can you not go below 1,700? What is the rationale for having 1,700? What would be the rationale from having 900 under those circumstances?

So it seems to me that the goal of accountability, verifiability, mutual destruction of weapons, and ultimately sort of moving to a more stable regime without the SS–18 out there has been completely neutered simply to arrive at sort of some agreement that says we are going to have in 10 years less warheads on a missile, but not necessarily undestroyed or unavailable for future use.

In fact, I am told—and I pose the question to you in totality—I am told that, in addition to the 2,200 limit on deployed strategic nuclear warheads, if you add in the substantial number of non-deployed active and inactive reserve warheads and the substantial number of tactical nuclear weapons, we in fact would have numbers way in excess of the 2,200 in reality. So there is a certain fiction here in addition.

So could you sort of help me see the logic based against this question of preemption doctrine particularly and the dangers of these undestroyed warheads without the verification?

Secretary POWELL. I would set the preemption doctrine aside in this kind of discussion, Senator. Preemption has always been something that was available to us as a Nation with the power that we have. The President highlighted the preemption concept in his speech at West Point, but it was not something that was brand

new. We have always had the option of preemption because of the nature of the forces we have and our ability to project power.

With respect to the SS–18's——

Senator KERRY. But in fairness, is not the doctrine of preemption based specifically now and restated on the notion that we cannot bear the risk of nuclear materials because of the dirty bomb theory, that we cannot have nuclear materials falling into the hands of al-Qaeda? And if there is somebody out there refusing to live by the standards of international inspection, that threat drives the notion of preemption.

That is the essence of what is driving potential military action against Saddam Hussein. So you cannot just brush it aside.

Secretary POWELL. I do not believe that is something new and revolutionary. I view that as something the President said and said clearly, and he has made that point clearly, but it is not some new concept with respect to how military force might be used.

Senator KERRY. But it has come into a new reality and in that new reality, Mr. Secretary, it bears significantly on the numbers of nuclear weapons we might or might not need to maintain for the long term in order to protect this country.

Secretary POWELL. The Department of Defense under the direction of the President made a judgment that, based on the fact that there are nuclear-armed nations out there and, even though Russia is in a new relationship with us, a new partnership with us, it has thousands of strategic nuclear weapons still and will continue to have them for some years to come, and there are other nations that have nuclear weapons, not in any great number, and there are those who are trying to acquire nuclear weapons, and there may be more who join that club. Do not know.

But in this period of change, with new partnerships, but with still a great number of unknowns out there, as a result of a very long study and taking a look at what would ensure us with a high degree of confidence in our ability both to deter or to fight, God help us, if it should come to that, the Defense Department made a judgment that we could safely in their view go down to a range of 1,700 to 2,200.

Why not a thousand? Why not 500? Take your pick, but this was the analysis that they did. It was done over a long period of time, some 8 months almost, I guess about that, and they came to this answer.

I long for the day—I know what day I want to see——

Senator KERRY. I am not looking for the long. I am looking for the reality.

Secretary POWELL. The reality is we are on a glidepath from over 6,000 down to, with this treaty and without this treaty, down to 1,700 to 2,200. That is what we believe we can safely go to based on what we can see of the 10-year future in front of us.

Senator KERRY. But here is my point. I think you have just in a sense made the argument. You have left out here sort of old thinking, which is the potential of Russia being an opponent that would require a nuclear exchange. That is juxtaposed to the new thinking, which is the relationship that you have described that says we can move in this direction.

Secretary POWELL. Right.

Senator KERRY. In between, you have made the argument for why, if indeed there is the potential of that threat, it is a hedge. We are keeping these weapons as a hedge. Then that makes the argument that you should have the verification that is absent here and you should have the process of destruction.

Secretary POWELL. With respect to the first 7 years, there is a great deal of verification that is inherent in the START agreement and all those provisions continue over and can be used. They are not a part of this treaty, but can be used to help us with this treaty.

We will be looking through the bilateral implementation committee for other ways of gaining transparency so that we can see each other. The warhead destruction problem was a problem for every previous strategic arms control agreement and the INF agreement and was not dealt with, and it is not dealt with in this treaty.

It seems to me that the imperative on both sides, the pressure on both sides, is to get rid of any warheads you do not need. There is no need to carry around a large inventory of unneeded warheads. The reality is, though, even if you had a regime that we could figure out the accountability of warheads, how many there actually are, where they are, their disposition, and we were satisfied that we knew exactly all of those facts, you could still only destroy them at a very slow rate because of the inherent limitations on both our side and their side.

So we are going to be left with stockpiles of nuclear warheads for many, many years to come, which is what makes Senator Lugar's point that it is so important to make sure that they are secured properly, guarded well, and accounted for, and then ultimately pass through the destruction system. So I do not think that the fact that we did not try to deal with all of that in this treaty takes away from the value of this treaty.

Senator KERRY. Well, Mr. Secretary, as you well know—and my time is up unfortunately—but there are more questions raised by that, because the START process has a different set of definitions——

Secretary POWELL. Yes.

Senator KERRY [continuing]. Counts weapons differently. And we do not know even what the specific duties of the binational commission are going to be or how those will be counted here. So the verification issue is really hanging out there and the greater issue remains this question of the capacity of the Russia that Senator Lugar has described to adequately contain the very materials that might in fact take us into military action against Iraq. That is the greatest danger in the world today and it is the most singular gaping hole in this treaty.

Secretary POWELL. This treaty has nothing to do with that problem. The problem you just described is being dealt with with Nunn-Lugar programs, Cooperative Threat Reduction——

Senator KERRY. It could have had something to do with it.

Secretary POWELL. If I may, sir. Cooperative Threat Reduction efforts—the President working with his G–8 colleagues put down on the table and they agreed to it in Cananakis 2 weeks ago $10 billion from the U.S., $10 billion from our other G–8 partners, over

a 10-year period to help with these kinds of problems of weapons of mass destruction, chemical, biological. As I said in my statement, Senator, I believe we should use this money for all of these kinds of weapons, to include tactical nuclear weapons.

With respect to your comment on START, the reductions in START will continue down to the START levels with the START counting rules. But the verification system associated with those START counting rules also gives us transparency as we go below those START levels.

So we have a pretty good basis upon which to work, and the bilateral implementation committee will be looking for new ways to enhance transparency and give us the kind of insight we need to have.

With respect to the SS–18's, we will see whether the Russians find that there is any utility in this. But if that is the way they want to use their allocation of warheads, that is the choice they could make under the treaty. I do not think they would—if they would ask me and if I was their chairman, I would tell them that is not a very wise choice, and I am not sure it is a choice they are going to make.

Senator KERRY. But to my recollection—and I will end on this because I do not want to abuse the time. But to my recollection, there is nothing in the START process that gets to the warheads themselves.

Secretary POWELL. Right, just the launchers.

Senator KERRY. Is there anything here that gets to the warheads in verification?

Secretary POWELL. No.

Senator KERRY. That is my point.

Secretary POWELL. That is right, and neither did START or INF.

Senator KERRY. But it should not be measured by what we did not achieve in START. It should be measured by what we need to achieve today.

Secretary POWELL. The reason it was not achieved in START is because it was too difficult a thing to achieve in START and it was still not something we were going to achieve at this point. So it was decided to go ahead with operationally deployed warheads, principally because the Russians were anxious to have what both sides were doing unilaterally put together in a binding agreement between the two sides.

The CHAIRMAN. Thank you very much. Senator Hagel.

Senator HAGEL. Thank you very much.

Congratulations to you, Mr. Secretary, and Secretary Bolton and others who crafted this significant accomplishment, and we appreciate it.

Would you explain in a little more detail the relationship between the Moscow Treaty and the declaration? It might overlap, Mr. Secretary, into some of the previous conversations and questions, because it seems to me, if I understand this a little bit, that it was signed with some intent to deal with these more peripheral common interests that the Russians have with the United States for world security. So I think it would be helpful if you could develop that.

Secretary POWELL. Exactly. They were signed at the same time, the same table in the Kremlin. The Moscow Treaty is exactly that, a legally binding agreement under international law upon ratification that dealt specifically with reducing the number of operationally deployed strategic warheads. The political declaration that was signed there was a much broader document and it is a political document, not one in international law, where the two Presidents committed themselves to work together on programs having to do with economic cooperation, counterterrorism activity, a whole gamut of issues which the two nations are interested in. In order to further that dialog, they created this consultative committee that I sit on along with Don Rumsfeld and with our counterparts on the Russian side.

The treaty itself has a bilateral implementation committee that will be composed of representatives of the Defense Department, the State Department, and other interested agencies, which deals specifically with the implementation of the treaty itself and the treaty limits itself.

So the joint declaration, a political document laying out a full range of actions that the two sides wish to take with each other on economic, trade, security, counterterrorism, drugs, a variety of issues; the treaty rather specific with respect to reducing the number of operationally deployed warheads.

Senator HAGEL. Would that cooperative effort include what many of us believe, and I suspect you have some real sense of this, one of the great threats of our time, and that is tactical nuclear weapons in the hands of other countries? We talked today about tactical weapons in the hands of the Russians and the United States, but the other countries out there that have these weapons, some we are not sure if they have them. I would be interested in your development of that theme, because I think that represents as much a threat to the security, not only of this country, but of the world, than anything else out there today.

Secretary POWELL. I agree with you entirely, Senator. In my preliminary conversations with Foreign Minister Ivanov, we have already set the date for the first meeting of the four of us in September at the time of the United Nations General Assembly. One of the items for discussion will be proliferation of not only nuclear weapons, but other weapons of mass destruction.

As you know from my previous testimony here, we have spoken to the Russians in rather direct terms about some of the actions they have undertaken over the years that might assist certain nations in developing this kind of technology, specifically Iran.

Senator HAGEL. The bilateral implementation commission that you mentioned in your statement, and you went into some detail for the record, stating that the START verification regime would provide the foundation for confidence, does that mean that we will use the START verification regime essentially as the regime for verification for this treaty?

Secretary POWELL. It continues to be the regime for reductions under the START treaty. The START treaty brings us down to that 6,000 level and the START treaty deals with platforms. But by the regime that we have put in place for START, not only do you get insight into the platforms, you get insight into the warheads as

well. So you get a good insight into Russian strategic offensive forces, technology, developmental efforts, launchers, platforms, warheads. So it gives you a body of information that will be helpful and very supportive of our efforts to implement this treaty.

Additional procedures may be required. There may be additional items we discover as we move forward that we need to know about, and that is what the bilateral implementation committee will look at. They may want to find out more about what we are doing that they do not think they know enough about as a result of the START verification regime or just watching our open activities.

Senator HAGEL. You mentioned also in your statement, I believe at the beginning, some of the areas that we are seeing significant cooperation in with the Russians. You mentioned specifically in your statement Afghanistan. Could you bring us up to date on what the Russians are doing in Afghanistan to assist us militarily, economically, diplomatically, humanitarian-wise?

Secretary POWELL. They have been helpful from the very beginning with respect to exchange of intelligence and information. Within the limits of their ability, they have provided humanitarian support, medical support to Afghans early on after the fall of the Taliban. Diplomatically, they have supported our efforts on Bonn when we had the Bonn conference at the end of last year in order to create the political arrangement that is now being implemented. They were very helpful.

In fact, I remember one evening when it was all hung up and I called Foreign Minister Ivanov and he was able to inject the right energy level to some of the participants in the conference to make sure that we got an agreement and the conference did not blow up.

Diplomatically they have been very helpful; politically, we have stayed in close touch with them. We have told them that we do not want the great game to break out again, and I think they understand it is not in their interest to have a destabilized Afghanistan again and face the situation they faced a couple of decades ago. So I think they have been helpful within the limits of their financial ability.

Senator HAGEL. Do they have any troops in Afghanistan?

Secretary POWELL. They may have some presence. They may not be combat troops. But I would rather give you the answer for the record. Initially they sent in some civil engineers and some medical personnel. I do not know what they may have there now. But they were anxious—nobody was going to welcome Russian combat troops back into Afghanistan, you can be sure of that, or we would have, as they say, we would have us a brand new ball game. But they did provide some civil type presence—airfield construction and some humanitarian efforts. But I would rather give you a more precise answer for the record because they may not be combat—I am sure they are not combat troops, but I am not sure what they are.

Senator HAGEL. Mr. Secretary, thank you.

The CHAIRMAN. Thank you very much. Senator Feingold.

Senator FEINGOLD. Thank you very much, Mr. Chairman, for scheduling this excellent hearing on this important treaty. I welcome you, Secretary Powell.

I am very pleased that the Presidents of the United States and Russia have taken this important step of signing a binding treaty that affirms the goal of reducing the arsenals of deadly strategic offensive nuclear weapons that are currently deployed by the two countries. While this brief, three-page document is a step in the right direction, Mr. Secretary, I am concerned that it does not address the vital issues of compliance and verification, that it does not include a timetable for these reductions, and, as others have pointed out, it does not actually require that any nuclear warheads actually be destroyed.

Only by dismantling and destroying these devastating weapons can we truly achieve the goal of meaningful nuclear arms reduction.

In addition, I am troubled by the language contained in Article IV of the treaty regarding the process by which one of the parties may withdraw from the treaty. As you may know, Mr. Secretary, I found the President's decision to unilaterally withdraw the United States from the 1972 Anti-Ballistic Missile Treaty troubling on both policy and constitutional grounds.

I think the Senate has a constitutional role to play in terminating treaties. The Constitution requires the advice and consent of the Senate for the United States to enter into a treaty, such as the one that we are beginning the consider here today. And the Constitution gives treaties the same status as laws. The Senate at a minimum should be consulted on withdrawing from a treaty, and especially from a treaty of the magnitude of the ABM Treaty, the termination of which could have lasting implications on the arms control and defense policy of this country.

I do not think a law can be declared to be repealed by the President alone. Only an act of Congress can repeal a law. Action by the Senate or the Congress should be required to terminate a treaty.

This treaty, the Moscow Treaty, contains troubling language that would allow either party to withdraw in exercising its national sovereignty with all 3 months written notice. It does not require that either party cite extraordinary circumstances that jeopardize its supreme national interests. It does not require that any reason for the withdrawal be given at all. This treaty requires only 3 months notice in writing. Most arms control treaties require at least 6 months written notice, as did the ABM treaty.

So, Mr. Secretary, I look forward to exploring ways to protect the Senate's prerogatives on treaty withdrawal as the committee continues its consideration of this treaty. In that regard, as I suggested, I am troubled by the way the administration handled the withdrawal from the ABM treaty. I am concerned that the administration did not really consult with the Senate prior to the President's announcement of the planned withdrawal in December and that, of course, the administration did not seek approval from the Congress for this action.

So I guess what I would like to know from you is what steps will you take to ensure that this administration at a minimum consults with the Senate prior to any future abrogation of existing treaties?

Secretary POWELL. With respect to the ABM treaty, Senator, I think that the President not only in the campaign for election but in his first year as President made it clear that the ABM treaty

was an impediment, an impediment to protecting this Nation through the pursuit of missile defense. I do not think there was any secret about this. I think we talked to the Congress on a regular basis about our concerns. I think in every hearing I had up on the Hill we discussed this.

It was quite clear what we were discussing with the Russians. The Russia view was also well known. After considering all of our options and offering to the Russians the we have a bilateral withdrawal from the ABM treaty, which they did not agree with, the President believed it was in the interest of the Nation to move forward and leave the ABM treaty.

With respect to the law on this, there are differences of opinion, as you well know, Senator Feingold, and we believe that we were operating quite correctly under the Constitution by the President exercising the right of withdrawal on a basis contained in the treaty, supreme national interest. We do not believe it was necessary to get Congressional approval for the exercise of that prerogative, although I know there is a different point of view which you just expressed.

Senator FEINGOLD. Is it the administration's position that with regard to this treaty that there would be no need for Senate approval of a withdrawal? I am speaking of the Moscow Treaty now.

Secretary POWELL. Yes. When the President left the ABM treaty because he believed it was his authority to do so and the Congress was made aware of the fact that he was going to do it and they were aware that he was moving in that direction, if it was appropriate for that treaty and if any other treaty has similar provisions with respect to abrogation and withdrawal, it would be the position of this administration that he would exercise that if the conditions determined that he should.

Now, I will not speak for future presidents, but I believe that is the position of this President.

With respect to the article in this treaty that has to do with that, 3 months and national sovereignty is what the two sides agreed to and believed appropriate to this treaty at this time.

Senator FEINGOLD. So I take it, Mr. Secretary, the administration's position is that there would be no need for Senate approval of withdrawal from this Moscow Treaty?

Secretary POWELL. Yes, sir.

Senator FEINGOLD. I am concerned about also the vague language in the treaty regarding the process by which one of the parties may withdraw from it. Could you explain how the negotiators arrived at the treaty withdrawal language in Article IV, section 3? In other words, why 3 months notice instead of 6, and why does not this section require a party to cite extraordinary circumstances for withdrawal?

Secretary POWELL. As the treaty was being negotiated and the two sides discussed this issue, they saw a future that was promising in the sense that there was a new relationship between Russia and America, but at the same time it was still an uncertain future. We saw other nations that were developing nuclear weapons. We were concerned that we might face a different kind of strategic environment. We hoped that would not be the case.

But as we worked our way through this question of are we betting correctly on this treaty, both sides felt that there was an appropriate need to make sure that the standard that had to be met if either side determined that they were now at strategic risk was a reasonable standard and national sovereignty, the agreement of both sides, seemed to be a reasonable standard. It is not that easy to define what you mean by that, but nor was "supreme national interest" in earlier treaties.

With respect to 6 months and 3 months, this was a compromise position arrived at as both sides tried to make sure that, in the event of a strategic situation coming along that was fundamentally different than the situation that existed at the time the treaty was being negotiated, signed, and ratified, 3 months seemed to be an appropriate amount of time to give notice to the other side.

Would 6 months have been wrong or 2 months have been wrong? Any one of those might have been quite acceptable, but after a process of discussion and negotiations both sides found that 3 months was reasonable and appropriate.

Senator FEINGOLD. Mr. Secretary, I would just like to comment that the combination of these two answers, the one with regard to the Senate not having a role in withdrawing from a treaty and the very flexible circumstances in which either party could withdraw, I am very troubled about what kind of role the administration thinks the Senate has in this process.

It leaves me or others who may agree with me virtually no choice but to question this up front, this process, of the administration not taking the Senate's role seriously where it cannot be disputed, our role in approving treaties. I really do believe from a historical point of view and a legal point of view that this is a trend that really is not in the interests of the country and it is not—I do not think there is any real value in the President not making his case to the Senate. I am quite confident the President would have won overwhelmingly had he sought Senate vote to withdraw from the ABM treaty and I suspect on this treaty as well.

I think this is a dangerous road and I would just suggest that it at some point certainly will lead to an unnecessary conflict with regard to the prerogatives of the Senate.

Secretary POWELL. Senator, I think the President has the greatest respect for the role that is played by the Senate and that is why I am here today. Our understanding of the constitutional process is that the President signs a treaty, but then he has to, as we are now doing, defend it before the U.S. Senate to receive the Senate's advice and consent to the exchange of instruments of ratification of that treaty.

We hope it will be a clean decision on the part of the Senate, but the Senate has the right and authority to interpret, to put reservations, whatever you so choose, incident to the instrument of ratification. But I hope it will be clean. We are looking for a clean response from the Senate.

But I must say that my understanding of our constitutional history and my understanding of the law and my understanding of the way treaties have been dealt with the last 200-odd years is that there is no constitutional requirement and no requirement of law that to abrogate a treaty with these kinds of clauses and articles

for abrogation in it requires either consultation or the approval of the Senate or the Congress as a body.

Now, I am a great believer in sharing ideas and discussing these issues, and I think the administration did a good job in letting the American people, in letting the U.S. Congress, know the direction in which we were heading. I have got to say to you, Senator, that I worked very, very hard last fall with my Russian colleagues to see if there was negotiation some way—we understood the importance of this treaty to the Russians. We knew how this was viewed by many people in the world.

We worked hard to see if there was not some way that we could go forward with our missile defense within the context of the treaty. But the treaty really was designed to keep missile defense from going forward and we simply could not bridge that difference. We tried every way imaginable.

So we said to the Russians: Look, you need to understand we are committed to missile defense; we are going forward. And if we cannot go forward within the treaty and you do not want to bilaterally abrogate the treaty, that is your choice, we will have to unilaterally abrogate the treaty. We believe we did that appropriately. We believe we did that with, if not the kind of consultation you might have wished, Senator Feingold, but we do not believe there was a requirement or that, but certainly with the knowledge of the Senate. We believe we followed our law, our traditions, our practice, and we were consistent with the constitutional requirements.

Senator FEINGOLD. Thank you, Mr. Secretary. Senator Allen.

Senator ALLEN. Thank you, Mr. Chairman. Thank you, Secretary Powell, for taking time to join with us and update us on this significant treaty that you have negotiated. I also want to commend you on the magnificent job that you and your team are doing on a multitude of issues all around the world that are cropping up, and for providing security for our people here at home as well as our troops abroad.

Before I begin, I do want to commend you most specifically, you and your team, on your brilliant diplomatic efforts in defusing the most recent conflict between Pakistan and India over Kashmir. Here is an example that had the potential of a disastrous nuclear interchange. It has been presently defused. I did write the President recently on how we need to stay involved with Pakistan and India over Kashmir and cannot allow the future of Kashmir to be hijacked by international belligerents and terrorist organizations.

Now, this dispute between the two nuclear powers, Pakistan and India, highlights the need to develop treaties and agreements that will limit the potential for nuclear attacks among nations. I believe that by signing the Moscow Treaty on Strategic Offensive Reductions the United States and Russia may have actually set some example. We are the only countries that seem to have such agreements and hopefully this would be an example for others to follow.

As we do enter this treaty, we will need to ever mindful of the importance of transparency and verification. The U.S. continues to pursue, obviously, as you know, the battles against terrorists all over the world. During these campaigns we have found evidence—and some of this we will not bring up here, but in some of our Top

Secret briefings—good evidence that some of these terrorist organizations are seeking to purchase or develop nuclear devices.

You mentioned in answers to someone's questions here previously or maybe in your remarks how, with the Nunn-Lugar and the payments and the disposal of nuclear warheads, that there are others with plenty of cash who would like to acquire it, and those are not necessarily the type of people we would want to acquire this technology.

So as we and obviously the Russians dismantle their nuclear arsenals, I think it is of the greatest importance that components from those weapons do not fall into the hands of terrorist organizations or potentially belligerent countries. It is under these circumstances that I think verification and transparency is absolutely necessary and both nations must be given assurances that the armaments are being reduced and disposed of in an agreeable and safe manner. I think it is not only required for Russia, but it is for us and actually all the rest of the world ought to be interested in it.

So what I would like to do, Mr. Secretary, is followup in greater detail on what Senator Hagel was asking in this regard. It is my understanding that during the trip, President Bush's trip to Moscow, President Bush expressed his concerns with President Putin over Russian proliferation of nuclear and ballistic missile technology to Iran. Now, how, if you could share with us if that did come up, and how this Moscow Treaty could influence a dialog on these issues?

Secretary POWELL. Yes, sir, it did come up. It comes up at every meeting between the two Presidents and every meeting between me and my colleague Igor Ivanov and Don Rumsfeld and his colleague Sergei Ivanov. I think we have made some progress. At their last meeting in Moscow, President Putin made the specific point at one of the press conferences that we have agreement from both sides, both the United States and Russia, that they recognize the danger in proliferation and they want to do everything to keep Iran from developing these kinds of weapons.

There are some issues that we are still in disagreement over with the Russians, but we have made progress since the Moscow summit, made progress since the G–8 meeting in Cananakis a couple of weeks ago, and we think that we are on the right path to making sure that the Russians do not continue to engage in this kind of activity. We have not solved the problem yet, but we believe we have made some progress.

I would like to thank you for your comments on India and Pakistan as well. We have worked very hard to keep these thing from blowing up or boiling over on us. I spent an enormous amount of time on the telephone with the two sides. I spoke to President Musharraf again yesterday. I spoke to the new Indian foreign minister on Sunday. Deputy Secretary Armitage I think did yeoman's work when he went over, Secretary Rumsfeld when he went over. I expect to be visiting there before the end of the month to keep this process going along.

Senator ALLEN. That is good. I am glad to hear it. I do think—well, I am not going to get into the Kashmir issue right now, but I do think there needs to be a goal that all parties can aspire to,

and in this instance the United Nations resolution I think is a good guiding path for us.

Secretary POWELL. It is a very difficult issue. What we are trying to do now is to make sure that both the Indians and the Pakistanis understand that the United States is interested in them beyond this crisis. We want a good relationship with India on every aspect of that relationship—economic, trade, cooperation, military cooperation. The same thing with Pakistan.

We are anxious to get through this crisis and see a dialog begin between the two sides so that we can start to move forward to find a solution to the problem in Kashmir ultimately. They have to find the solution.

Senator ALLEN. Obviously, a peaceful solution.

Secretary POWELL. Obviously.

Senator ALLEN. Back to the proliferation issue. This newly formed consultative group for strategic security is to be continued. How do you see that group being helpful or that collaboration being helpful as far as the nuclear proliferation issue in the future?

Secretary POWELL. I think it will be very important, a very useful group. Foreign Minister Ivanov and I meet on a very, very frequent basis. I think we have met something like 23 times in the last 18 months, and we talk on the phone at least 3 times a week. Don also, Don Rumsfeld, also has a good relationship with his colleague, Sergei Ivanov.

In this group the four of us will come together. For the first time in September, we will come together as a group. We have been talking about the agenda for this first meeting to carry forward the political declaration that our two Presidents signed. You can be sure that on that agenda for the meeting in September will be proliferation and, to be very frank, proliferation focused on the Iran question. That will be an item on the agenda.

It is good to have the four of us in the room, both the foreign policy part of it and the defense part of it.

Senator ALLEN. As you mentioned, economic and terrorism and drugs, I would hope that you will make this a priority, saying, look, if you want assistance in economics and so forth that—I am not saying that you—I am not going to tell you how to negotiate, but I would make this——

Secretary POWELL. They understand the importance of this issue to us.

Senator ALLEN. Mr. Secretary, in closing, can you outline the type of resolution of ratification that the administration is requesting for this treaty, so we have our road map?

Secretary POWELL. I think it should be, in the spirit of brevity, to the point, and as uncluttered as the treaty itself. I think a simple sentence would do.

Senator ALLEN. A simple sentence. Well, hopefully we can draft that simple sentence without too many phrases.

Secretary POWELL. I am prepared to help you in any way that you might need help.

Senator ALLEN. Thank you, Mr. Chairman.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman, very much.

I believe Secretary Rumsfeld and General Meyers, Chairman of the Joint Chiefs of Staff, will also be testifying on the treaty?

The CHAIRMAN. That is correct. They will be coming on the 17th, I believe.

Senator CHAFEE. I am curious, as the Nation's top diplomat, can you let me know what the reaction around the world has been to this treaty?

Secretary POWELL. It has been excellent.

Senator CHAFEE. The elimination of the warheads, has that been——

Secretary POWELL. It is not a subject of great discussion. People kind of understand. The average person I think around the world understands that there will be two-thirds fewer warheads sitting on something that can deliver those warheads. That is what the average person sees.

We do have a continuing issue of where do the warheads go, how do we protect them, how do we get rid of them, how can we increase the capacity to destroy warheads. We are wondering as to how many we can get rid of every year. All those are important issues, but they are kind of related to the treaty, but stand on their own merit as issues to be debated.

For example, with Senator Lugar's question, Nunn-Lugar, Cooperative Threat Reduction, the certifications that I have to make, all of that says to the Russians: You have got to tell us more, you have got to show us more, we have to have more information so that we can help you get rid of this kind of stuff.

So I think that is important. But it has been well received around the world, particularly in the context of the President's speech of 1 May 2001 to the National Defense University, when he proposed a new framework that included significant strategic offensive reductions, missile defense, and getting beyond the constraints of the ABM treaty. As we negotiated this through the fall and as people realized we were serious about getting beyond the constraints of the ABM treaty, people were deeply concerned when the President announced that we were going to leave the ABM treaty that at that point an arms race was going to break out, that there would be all sorts of difficulties around the world, that all of our friends would be stunned and shocked and taken aback.

But the next day President Putin said: There is not going to be any arms race. I do not like your leaving the ABM treaty, I think you made the wrong choice, it is not the thing you should have done, but it does not threaten us, he said. He told me that 2 weeks ago, earlier, sitting in the Kremlin. He said, you should not do this, but it does not threaten us; we have done our analysis and your missile defense programs do not put our strategic offensive capability and deterrent capability at risk. So let us find a new framework and, by the way, I am going to match you. I call your bet. We are both going down to 1,700 to 2,200.

What happened to the arms race? It went away. The people of the world were relieved. Now, 6 months later, the ABM treaty went out of effect, I think it was the 13th of June or thereabouts, and it was not noted very much, and we have this new framework and it is demonstrated by this treaty that we have put before the Senate.

Senator CHAFEE. Thank you, Mr. Secretary.

Of the comments of nations that have weighed in, such as China, Japan, or European nations, what were the concerns of those nations about the treaty?

Secretary POWELL. The country that I was concerned about the most with respect to a reaction was China. Throughout all of last year in all of my meetings with my Chinese colleagues, Foreign Minister Tang especially, we gave them the most in-depth briefings we could on what we were thinking about with respect to missile defense, how we did not think they should see it and view it as a threat. We sent briefing teams.

When we made a determination that we had to leave the ABM treaty, we notified the Chinese. I called Foreign Minister Tang. When we signed the Moscow Treaty, the next day I called Foreign Minister Tang, explained it to him.

The Chinese have taken it all aboard. They are modernizing their force. That is what I would expect them to do, their nuclear forces, and they are doing it over a rather extended period. But I have received no suggestion that the Chinese are in some way threatened by either the elimination of the ABM treaty or the Treaty of Moscow. I see no suggestion that an arms race is going to break out because the Chinese are going to make quantum increases in the number of strategic weapons available to them. They may go up somewhat as they modernize their force, but I see no suggestion that they are trying to break out by creating a new strategic threat to the United States.

Senator CHAFEE. Thank you very much.

The CHAIRMAN. Mr. Secretary, we will just keep you a few minutes longer. I have two questions, and I do not know whether my colleagues have any further questions.

But two things that I keep being drawn back to here. If the cold war is over with the Russians, why do we need 1,700 to 2,200 warheads with the ability to rearm 4,000 "reduced" warheads that are in storage? Are not most of those warheads still required primarily for possible Russian targets?

Secretary POWELL. Some of those warheads—and I think Secretary Rumsfeld will be able to speak to this in greater detail. But the study determined, the nuclear posture review determined, that based on the fact that there are nuclear-armed nations out there, particularly Russia, even though it is a new relationship, a new partnership—they will have nuclear weapons for many, many years to come, and one cannot predict the future with certainty. So therefore it is wise for us, in view of that in view of other nations that have nuclear weapons and those who are trying to acquire them, an absolute assurance for us would be in this range of 1,700 to 2,200 with a stockpile of additional warheads that are there as replacement warheads to deal with failures that might occur in one of our fleets, the land-based or sea-based or air-based fleet, and to give us a hedge.

But the President's intention is to go straight down this ramp to those numbers. But we have insured ourselves in this period ahead that could have some surprises in it, we have insured ourselves by the way in which this treaty has been structured and by the nuclear posture review that if something comes along during this pe-

riod of going down we do have the capacity to respond to that new circumstance.

But it is the President's intention to go down that ramp. It will not be a linear ramp. I am not sure how Secretary Rumsfeld and his successors will go down that ramp, but to go down that ramp to the lowest number that protects this Nation in a way that is indisputable and obvious to all. The number that Secretary Rumsfeld and the Joint Chiefs of Staff came up with was 1,700 to 2,200, with some hedge for stockpile rejuvenation, weapons that might be needed to take apart to test, and I suspect most of those weapons, but this is a question to be put to Don Rumsfeld, will be put into the queue for ultimate destruction.

The CHAIRMAN. Well, I hope that that is the case because, since this was essentially a unilateral decision where we said to the Russians, by the way, you want to come along, and as you said they then matched, the Pentagon, or somebody, concluded that we could not comfortably in a permanent sense go below 6,000 warheads. We could go down to 1,700 to 2,200, but we have got to keep these up to 4,000 available in storage.

So we are still kind of at the 6,000 number—you know what it kind of reminds me of? It kind of reminds me of the decision made by the President to not target existing ICBM's. Again, I think it is a useful thing. I just want to make sure we have a perspective here, I have a perspective anyway, that I do not want to make this more than it is and raise expectations, and I do not want to make it less than it is.

But right now it seems to me that where we are is you have gotten an agreement. I quite frankly think the most significant thing you have got is you have got the Pentagon to agree to come down, which nobody else has been able to do so far. And they have come down in a sense tentatively. They want 4,000 in reserve just in case some exigency occurs.

Now, did anybody ever explain or can you explain to us what some of those exigencies might be that would require us to have up to—granted, we may destroy a bunch of them—4,000 nuclear warheads in reserve that could be loaded back up on launchers that are not being destroyed? What are the kind of concerns?

Secretary POWELL. First, the number is not 4,000. It is much less. The most you could get up to with the 1,700 to 2,200 is 4,600, roughly 4,600 total, including those that are on launch vehicles or armaments on bombers.

The CHAIRMAN. I just rounded that off. If we go down to 2,000, you are at 6 now. START takes you down to 6, right?

Secretary POWELL. Yes.

The CHAIRMAN. And so this, the next agreement in the queue, is this one, the Moscow agreement, and that says over 10 years down to 1,700 to 2,200.

Secretary POWELL. Right.

The CHAIRMAN. So if you get down to 2,000, you could still keep 4,000 in reserve, right?

Secretary POWELL. The total number that I believe you will hear from Secretary Rumsfeld of both deployed and in reserve is somewhere around 4,600.

The CHAIRMAN. OK, that is new, but the Moscow Treaty would allow you to have more than that?

Secretary POWELL. The treaty would allow you to have as many warheads as you want.

The CHAIRMAN. Got you.

Secretary POWELL. What the treaty says is that on December 31, 2012 you will only have, and you will demonstrate to us on that day that there are, only 1,700 to 2,200, some number, some discrete number that you have decided on, deployed, operationally deployed, meaning that if I go to your missile fields, if I go to your submarines, if I go to your bombers, this is what I will see. The bombers are a little different there because there are some extra ones that are there for storage, but that is not a big deal.

But some of these platforms that people are worried about being available to be suddenly reloaded will not be there. Four submarines are being converted to other purposes.

The CHAIRMAN. Look, I am not suggesting I am worried about it. At this point I am just trying to figure it out. I am just trying to figure out what it means. You have just told me something I find very encouraging, that the Defense Department is going to tell me that at the end of the day there is going to be only the possibility of having 4,600.

Secretary POWELL. Let me give that to you in a very tentative way because I think Don Rumsfeld should really give you that definitely.

The CHAIRMAN. Good. When Secretary Rumsfeld does that, that means if we stick to that we are clearly going to destroy at least a thousand of these warheads and up to 1200, maybe more.

Secretary POWELL. I would, and I do not want to speak for Secretary Rumsfeld or any Chairman of the Joint Chiefs of Staff. That would be inappropriate. But it seems to me all the pressure and all the incentive will be to get rid of the warheads that you do not need either to be operationally deployed or to be kept in this stockpile.

The CHAIRMAN. I agree.

Secretary POWELL. The real trick is to find a way to get rid of them.

The CHAIRMAN. Right.

Secretary POWELL. You know how many can go through Amarillo.

The CHAIRMAN. No, I got it. I got it. That is why I am trying to figure out what is being contemplated, not what is decided, what is being contemplated, so I get a sense of the overall value of this treaty. I start off, valuable, worth doing. Now, I want to get a sense for me as to how valuable this is.

Secretary POWELL. We have pressurized the system the take the first step in elimination of a warhead and that is to get it off the bomber and get it off the top of a missile.

The CHAIRMAN. I got that part.

Secretary POWELL. Put it into storage, and then it is in storage for one of several purposes. We need it as a spare, it is needed for whatever examination or testing to make sure that the stockpile is safe. I do not mean explosive testing. Finally then, if it is not needed for that or for some hedge that the Pentagon will be able to ex-

plain to you, then it ought to be in queue for dismantling and ultimately destruction down to its physics package and done away with.

The CHAIRMAN. Well, I plan on pursuing this with the Defense Department as well. But just so you understand, because you and I have known each other a long time and the one thing I think we have been is completely straight with each other, is what I am trying to get at is the rationale behind what is happening here and what is likely to happen, so I know what the nature of the debate is.

Let me explain what I mean a little more about that. The verification regime in START I does allow us to go in and count. We can go in and say, we want to see this vehicle, an SS–18, and we can count, does it have ten warheads on it and no more than ten, because that is the deal you made with us here, and we can count it.

That helps us and is a positive step in that it is almost an indirect verification of whether or not we are getting to the Moscow Treaty number, 1,700 to 2,200.

Now, there is a gap here and I, like you, expect that it will never get to the gap, which is this: that that treaty verification regime expires, expires 3 years before this goal of 1,700 to 2,200 has to be met. So if in fact they do not do anything for the period where START is not in place, then there is no verification regime that is left to determine whether they have gone down to that range after that fact or whether they have gone beyond the range, after the fact.

There must have been a rationale as to why you did not extend, or maybe there is not a rationale as to why you did not extend the verification portions of START II until the culmination of this treaty, the Moscow Treaty. So what I am trying to get at here is why were there not any milestones put in here? Is it because it does not matter—I am not being facetious. Because it does not matter much what they do from our perspective? Or is it because you could not get agreement from them, which would go to their notions of motivation? Or is it because there is resistance here?

Why no milestones and why this gap?

Secretary POWELL. We did not really want milestones. We did not want to have to meet milestones every year with respect to the rate at which we are coming down. We wanted the flexibility to come down in a way that made sense to us and not sense to the arbitrary measures or arbitrary milestones you might have put in the treaty.

We believe that we needed 10 years to come down to that level. It may be a step function, every year come down a certain number. You are the one who is going to be—excuse me. I say this with all due respect. It is the Congress that will be able to have insight as to how it is coming down as the Pentagon comes forward every year with its budget request and through the normal processes of examining what the Pentagon is doing.

Whether it is linear, a step function, the same number every year, or whether it will be a much more non-linear function is up to both sides to determine. That seemed to us to be the better way to do it, rather than put in something which is rather arbitrary and

does not really comport to the circumstances you might find every year. That is the reason for that.

Ten years is what was needed. Anticipating when this might be ratified and solved, we decided that December 31, 2012 was roughly the 10 years needed. It was 3 years and 3 weeks, if I am exact—I think December 5, 2009, is when START expires. But it is a 3 year 3 week gap. We did not think it was necessary at this point to try to go back and renegotiate START I in order to cover a gap that does not occur for another 7 years.

Also, a lot is going to happen in that 7 years. We do believe that this bilateral implementation committee will succeed in coming up with other ways of finding out, what are you guys doing? How do you plan to meet this December 31, 2012 goal? What do we say to our ministers when they meet for their sessions under the political declaration?

So we think that there will be more than ample opportunity to find ways to see what the other side is doing, just as they want to see what we are doing. Then there is a whole range of, not verification procedures and regimes, but everything that is down under Nunn-Lugar and CTR. All of that requires transparency and information that we are insisting on before we start giving them the money.

So I believe there will be a body of information and a body of evidence that will give the future President in 2012 the assurance that he knows what the Russians have done at that point.

The CHAIRMAN. Well, Mr. Secretary, I am going to yield to my colleague if he has a closing questions or question. But I think this is a good treaty. I think that if things go as rational people hope they will it may turn out to be a great treaty. It could lead to significant reductions. It could also be of marginal value. I think the jury is out on that. That does not mean we should not ratify it. I am for ratifying it.

I would just like to make one point on your closing comment about we have to know more about what they are doing to know whether to give them money on Cooperative Threat Reduction. The fact is we are hardly giving them any money. We are sending American contractors, paying them over there to do this.

You and I have often talked about, and you have talked in both your writings as well as your speeches, about family and the things we have learned from family. My mom has an expression I would like you to keep in mind, God love her. She just had her 85th birthday. She and my dad are living at home with me, my dad is dying and my mom is taking care of him, and she is a font of wisdom.

From the time I was a kid she said something that I hope Under Secretary Bolton will listen to, and that is, she said, "Joey, do not bite your nose off to spite your face." I hope to God we do not decide that, even though we do not have every single piece of information we want relative to their stockpiles, that would stop us from destroying stockpiles they are willing to allow us to destroy now, because we are doing it with our money, our personnel, and our direction. But that is another issue.

I appreciate your time and I appreciate—and I mean this sincerely. I do not want to hurt your reputation, but I appreciate your

influence in what is a legitimate debate about where to move and the fact that the President has chosen this route.

I thank you and I yield to my colleague.

Senator LUGAR. Well, thank you very much, Mr. Chairman.

I just affirm the last comment. I think both of us feel very strongly the State Department under your leadership has gained new vitality and stature, and it is not by chance and it is lots of small things you do as well as the large ones.

Let me just pick up on the milestones idea, because I do not think the public as a whole and the Congress as a whole understands, for example, the point I was making with regards to the Chemical Weapons Convention. That was to be a 10-year deal in which we destroyed all of our chemical weapons. We decided to do that anyway in an earlier era unilaterally because the efficacy of the weapons was dubious.

But nevertheless, both Russia and the United States ratified a treaty. Today, we are almost to half-time in the treaty, and the Russians have not destroyed more than 4 or 5 pounds of 40,000 metric tons and that may have been just for experimental purposes.

That is our dilemma, I think, with this treaty, that certainly by 2012 a lot is to happen. As you say, much depends upon the bilateral commission, upon the relationship with Russia, the strength of the Russian state itself and the finances, and other allies that come in. The Norwegians, the Germans, the English are now prepared to contribute to dismantle operations at Shchuchye and elsewhere. The Duma itself is doing more this year. So there are some encouraging signs.

I just suspect, however, we are still dealing here in both the chemical and nuclear issues, with relationships and how well diplomacy is able to work. This is separate from the ironclad treaties and all the verification procedures.

Having said that, as a practical matter, with respect to nuclear warheads taken from Russian missiles, I had an experience 2 years ago in which General Kuenning of the Cooperative Threat Reduction program and I were allowed to go into a storage vault at an installation. The rest of our party was shunted aside to do tourism. The Russian government at the highest level decided to permit the two of us to go in there. Our visit was the first since General Habinger had visited some years before.

The fact is that we got there by coming through a train station, very well fortified to take care of weapons that might be coming in transit. None had passed through for a while and none were expected for a while, but nevertheless we marveled at the security.

The problem was the country road which was not very well secured that connected the station to the installation. There were four or five security barriers before you could enter the vault. Inside were nuclear warheads lying like they were in coffins, is the best thing I can think of, similar to a mortuary. Now, each one of them had a service history. It was in Russian script, so I could not read it. I had to take on faith when I asked this Russian general what it was.

It gave the history of this particular warhead: when it was built, what servicing it had received, when it was deactivated, how old

it was, and so forth. There also were estimates of the efficacy, of how long this one might be reliable.

Now, beyond that—and this gets into sheer conjecture on the part of the Russian general, quite apart from myself—some estimate as to when the weapon might become dangerous. That is, due to lack of proper maintenance or natural aging of the warhead might become unsafe, not necessarily to the U.S., but certainly to the surrounding area.

There is a very strong reason why Russians want to get rid of warheads. It comes down to age. Now, there are arguments about this, that somehow they are almost as inert as a piece of wood and therefore could just sort of sit there forever. But the Russians I was talking to in that bunker did not share that point of view.

So the thought was that at some point this warhead was going back up the country road, into the railway station, because it cannot be destroyed there at that facility. At that point they must have the technicians and the funds to take it apart and remove the fissile material, to eliminate a potential tragedy.

But the prospects of this occurring are very remote, given the money shortages, the technician shortage, and so forth. Ultimately it depends upon the United States and others we may be able to enlist who will work with Russia to extract those warheads I saw in the vault and to remove and safeguard the fissile material before they threaten Russia or anybody else.

There are so many of them, the potential menaces are daunting. This is what I see as the value of the treaty, that if it leads to this kind of dialog, if people are meeting at least twice a year to discuss these problems. It is not the question so much of the numbers. All of these weapons as they age have some problems attached to them that are recognized by most people. Ours do, too, and this is why we are prepared to try to, for our own safety's sake, watch the aging and watch the mechanics, and we work to ensure all of ours do not have unexpected events.

In a country where the technicians are few and the servicing is dubious, if nonexistent, this is an awesome problem for Russia. We would not have gone into the vault if the Russians had not believed that. There was no reason. They might have been there for years. No treaty demanded we go in there.

This is why I am hopeful, and I take your words and your P.S. testimony, that this is what finally happens. I am hopeful that you will continue, as you have today, to express that it is this growing relationship which is our best hope, because ultimately we will do what needs to be done.

But even we have to be safe with our own weapons and be sure how we store them, how we maintain them. It is very expensive. As you say, it always comes at the expense of something else we want to do in terms of our security or our troops or Social Security or Medicare or other things that are important to us.

I thank you very much for your testimony, your patience in moving with us all the way through the lunch hour, and we thank you for coming.

Secretary POWELL. Thank you, sir.

The CHAIRMAN. We have one more questioner, with your permission and indulgence, Mr. Secretary. But before I recognize him, I

just want you to know the factual basis on which I am operating when we talk about these things. I am told that the total budget for the entire Federation of Russia is $30 billion a year and their defense budget is around $7.5 billion per year.

If we are off by 50 percent, 100 percent, 200 percent, our Defense budget is $390 billion some and our entire budget is a couple trillion. We should be. But I just think it emphasizes the incredible difficulty that you know maybe better than anyone except Senator Lugar, that you know is a very difficult problem to manage for them here. I just hope we do not wait until everything is aligned before we do anything.

But let me yield to the Senator from Florida and give him a round here and thank you for hanging on, and then we will let you go.

Senator NELSON. Mr. Chairman, I will be very brief.

I bring you greetings from Secretary Eagleburger, who I had to leave and go visit with concerning these European insurance claims for Holocaust era victims' families and the survivors, and that is still going on, as you know.

I would just like to clarify a question about the funding. As I understand, you all have already discussed some funding issues, but I want it clear in my mind. Is the administration, in addition to what you propose—and by the way, your statement was one of the most compelling that I have heard, when you went back there talking about being a corps commander and bringing us all the way up through your negotiations.

But you are taking the weapons off the ICBM's, which is clearly a step in the right direction. What is this administration committed to in the way of funding for then pursuing the destruction of those weapons?

Secretary POWELL. I may have to give it to you for the record, but let me answer in a general way. We are asking for roughly $1 billion a year in various programs associated with the destruction of weapons of mass destruction in the Russian Federation.

The CHAIRMAN. In the Russian Federation.

Senator NELSON. Now, Mr. Chairman, maybe you can clarify it. How does that compare when Baker-Cutler's report called for $30 billion? How do you compare apples to apples, his $1 billion a year to their call for $30 billion?

The CHAIRMAN. Well, if you read that report, they, former Senator/Ambassador Baker, and former White House Counsel Cutler, in their report indicated that it would cost about $8 billion a year to deal with just the nuclear side of the equation, not the chemical, not a lot of other things. So it does not come close.

But I thought you were asking the question, how much is it going to cost us, the United States of America, to comply with our plan to decommission these weapons.

Secretary POWELL. I cannot break out——

The CHAIRMAN. Got you.

Secretary POWELL [continuing]. Exactly what the requirement would be or how much we have got in our budget now, focusing on the nuclear part of it.

The CHAIRMAN. But the billion dollar number you cited did not relate to U.S. costs on U.S. systems, did it?

Secretary POWELL. No. It is the U.S. funds going to the Russian Federation to help them with their weapons of mass destruction decommissioning and elimination.

Senator NELSON. Well, I will tell you, one of the most memorable days I have had was when Senator Baker and Mr. Cutler were here talking about what needed to be done. How do we convince you?

Secretary POWELL. You do not have to convince me, Senator. We are working on this diligently. We had some success in Cananakis with the 10 plus 10 over 10 program, which the Russians we were not sure were going to accept until the day that they did accept it in Cananakis. So we are doing a lot.

But we certainly do not yet have the kinds of funds that my good friend Senator Baker suggested would be appropriate at a rate of $8 billion just for the nuclear piece.

The CHAIRMAN. Let me clarify. Baker's estimate depended on how many years. If it would take 8 to 10 years, it would be $3 to $4 billion per year, just for the nuclear piece.

Secretary POWELL. We are getting closer anyway.

The CHAIRMAN. It depends on the number of years. At any rate, it is 30 billion bucks.

Secretary POWELL. It is a big bill, Senator, and we really ought to help them with it.

Senator NELSON. Because of the enormous expertise that you have available to you in the person of the Senator seated to your left——

The CHAIRMAN. He is a hell of a staff guy, I will tell you.

Senator NELSON [continuing]. It seems to me that this is a very legitimate question that we need to continually bring to the forefront, because there is an awful lot at stake here.

Senator LUGAR. We brought it to the attention of the President, that the billion dollars that Secretary Powell is talking about is for the programs we are doing now, and this treaty is new. All of the destruction, the separation, the safety has to be in addition. My own advice respectfully to the President is that he ought to begin a line item for several years because to have continuity in this we will require that kind of money.

The CHAIRMAN. It costs a lot of money to take roughly 4,000 warheads off of something and store them.

Secretary POWELL. We are being creative. $10 billion is also worked out with the debt relief.

Senator LUGAR. In fairness under that, when I was in Europe just following the time that we talked on the telephone and what have you, when I talked to other Europeans they were very skeptical as to whether the Europeans were going to come through with their 10.

Secretary POWELL. We are not there yet.

Senator LUGAR. No. So if you get that, that is a very big breakthrough in terms of substantial diplomacy.

The CHAIRMAN. Well, Mr. Secretary, I do want to thank you. I should warn you that we are going to be holding hearings to begin a public dialog about Iraq. I was pleased—I am not trying to make it a doctrine, but this so-called preemption doctrine, hearing a very brief explanation of the preemption doctrine, which as I understood

it, that is the President's speech about the right to preemptively act, which is, the way you have stated it as I understood it, it is not something fundamentally new.

Secretary POWELL. My concern with the way Senator Kerry asked the question, it was as if all other strategies and doctrines have gone away and suddenly preemption is the only strategy doctrine. That is just not the case.

The CHAIRMAN. Well, as you can see, there is some confusion among well-informed people in and out of the Congress on that. But we are going to you to ask you to come up and talk to us about Iraq, as we will others, not just you, but you would be our lead witness. I discussed it briefly with my friend Senator Lugar and as many Republicans as Democrats have indicated we should have a serious hearing on this issue to talk about the parameters. I just want to warn you ahead of time that that will be the case.

We are going to not in any way slow down the process of moving on the Moscow Treaty. As usual, you always do a good job and we appreciate your being here.

We stand adjourned. [Whereupon, at 12:59 p.m., the committee was adjourned.]

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RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD TO SECRETARY POWELL BY THE COMMITTEE

*Question.* What are the implications of not specifying in this Treaty what is to be done with the warheads that are to be "reduced?"

Answer. The Treaty's flexibility regarding warhead disposition is consistent with previous arms control treaties and has several positive implications. First, it recognizes that the United States and Russia have fundamentally different stockpile maintenance practices. Key to the difference is that Russia continues to produce new warheads while the United States has no production capacity. Second, stored weapons must serve for non-explosive tests and other aging and surveillance to check and understand the continuing reliability of our aging nuclear stockpile. If this testing indicates a technical problem with a part of the stockpile, stored weapons provide an essential replacement source to maintain the U.S. deterrent. Finally, given that we do not have the capability to manufacture new warheads, a capability all other nuclear powers have, we must also maintain a reserve of weapons as a hedge against unanticipated changes in the international security environment.

Beyond these immediate benefits, the absence of treaty constraints on warhead disposition allows the United States and Russia to proceed with warhead eliminations in a manner that is unhindered by artificial requirements, and responsive to changing national security needs. The effect is to enhance our ability to undertake reductions while maintaining responsive upload potential and commensurate stockpile sizing in a dynamic world.

*Question.* Your Letter of Submittal to the President states that this Treaty "facilitates the transition from strategic rivalry to a genuine strategic partnership." Does that mean that Russia, too, wanted maximum flexibility to re-arm? Or did Russia want the strategic offensive reductions to be irreversible?

Answer. Initially, Russian officials made public statements calling for "irreversibility" by destroying warheads removed from launchers. From the onset, U.S. negotiators noted that the concept of "irreversibility" is flawed because, given time and money, any reductions can be reversed. In the actual negotiations, Russia did not propose any measures related to warhead dismantlement, instead taking the position that reductions should be made by eliminating launchers. The United States made clear that such an approach was completely incompatible with our needs to make cost-effective use of our existing strategic forces, particularly those that have dual conventional-nuclear use capabilities in certain cases.

In the end the two Parties agreed on a flexible approach to reductions in the Treaty, which allows each Party to determine for itself the composition and structure of its strategic offensive arms within overall limits on strategic nuclear warheads.

Since Treaty signature, senior Russian officials have stated publicly that the Treaty's flexible approach will serve Russia's needs and interests.

I want to emphasize that neither country is seeking opportunities to re-arm. Both countries intend to carry out strategic offensive reductions to the lowest possible levels consistent with our respective national security requirements and those of our allies. Both countries ultimately sought to avoid overly restrictive provisions in the Treaty, so as to enable each Party to structure its forces as it deemed necessary in light of the strategic situation over the next ten years.

*Question.* You testified that some U.S. weapons will be earmarked for destruction. How many U.S. warheads or delivery vehicles are currently slated for elimination or for irreversible conversion to other uses over the next decade? If some U.S. warheads or delivery vehicles will, in fact, be eliminated, why not reach agreement with Russia on a joint commitment to secure, dismantle and eliminate agreed numbers of warheads and/or delivery vehicles?

Answer. As discussed in the Nuclear Posture Review (NPR), the first planned step in reducing U.S. operationally deployed strategic nuclear warheads will be to retire 50 Peacekeeper ICBMs, remove four Trident submarines from strategic service, and no longer maintain the ability to return the B–1 to nuclear service. This will reduce the number of operationally deployed strategic nuclear warheads by about 1,100 warheads by the end of Fiscal Year 2007 in a manner that as a practical matter would be very difficult to reverse.

Additional reductions beyond 2007 will involve decreasing the number of warheads on ballistic missiles and lowering the number of operationally deployed weapons at heavy bomber bases. These plans, however, will evolve over time. Retirement or downloading of certain systems may be accelerated or pushed back depending upon the overall force requirements. Some warheads that are to be removed will be used as spares, some will be stored, and others will be destroyed or dismantled. Exact determinations as to which warheads will be destroyed or dismantled have not been made.

The Moscow Treaty balances deep reductions with flexibility to meet the future's uncertain security environment. As a result, U.S. obligations under the Moscow Treaty deals only with operationally deployed strategic nuclear warhead levels, not with launchers, force structure, or the disposition of non-deployed warheads. Since flexibility was a key U.S. objective during the negotiations, we did not want to reach any agreement which would require a commitment to secure, dismantle or eliminate agreed numbers of warheads or delivery vehicles. Retention of force structure is critical to maintain an ability to respond to unforeseen circumstances and to retain conventional weapon delivery capability.

*Question.* Unlike the START II treaty that never came into force, this treaty allows Russia to keep its 10-warhead SS–18 ICBMs and its 6-warhead SS–19 missiles. If Russia were to keep those missiles in service, or to build a new missile capable of carrying several warheads, would the United States still be content to count only operationally deployed warheads? Or would we worry about the risk posed by Russian cheating or break-out scenarios?

Are we putting too many eggs in the basket that says, "Russia can't afford to maintain its force levels?"

If Russia were to keep its MIRVed ICBMs in service, how would that affect strategic stability in a crisis? Given Russia's great reliance upon MIRVed ICBMs, might it not take a "use it or lose it" approach?

Given the degraded state of Russia's missile warning network, would Russian reliance on MIRVed ICBMs increase the risk of an accidental war?

Is there no way to reach agreement with Russia on eliminating MIRVed ICBMs?

Is there any way to limit the number of warheads that a MIRVed ICBM could carry? Why not require that missiles from which warheads have been downloaded be outfitted with a new RV "bus"—the device that holds and dispenses the reentry vehicles—that could hold only the new number of warheads, so as to make it harder for either Party to break out of the Treaty by quickly putting more warheads back on its missiles?

Answer. The Moscow Treaty will not place new restrictions on Russia's potential to deploy MIRVed ICBMs. It affords Russia the same force planning flexibility that we ourselves require. We are not overly concerned with hypothetical "break-out" scenarios (as we were during the Cold War), as shown by the fact that we decided to

reduce to 1,700–2,200 operationally deployed strategic nuclear warheads before the Moscow Treaty was negotiated, regardless of what the Russians opted to do.

Regardless of whether Russia retains its SS–18 or SS–19 ICBMs or builds a new MIRVed missile, Russia's deployment of MIRVs has little impact on U.S. national security under current conditions. The issue of Russian MIRVed ICBMs was considered in the Nuclear Posture Review and during the negotiations. Since neither the United States and its allies nor Russia view our strategic relationship as adversarial, we no longer view Russian deployment of MIRVed ICBMs as destabilizing to this new strategic relationship.

Having a Treaty means we are not "putting all our eggs in one basket" of assuming Russia can't afford to maintain its force levels. The Moscow Treaty legally obligates Russia to reduce its strategic nuclear warheads. If Russia retains MIRVed ICBMs, it will be required to have fewer missiles than if each carried only one warhead. However, we do not believe that Russia will retain its current inventory of MIRVed ICBMs. Russia is already deactivating its 10-warhead rail-mobile SS–24 force for age and safety reasons. We expect that most of the SS–18 heavy ICBMs and six-warhead SS–19 ICBMs will reach the end of their service life and be retired by 2012.

Under the Moscow Treaty, we will retain a nuclear force sufficiently flexible for our national security and that of our friends and allies. Additionally, we will continue to work with Russia to better understand their planning process and intentions. We expect that continued improvement in our relationship with Russia will provide greater transparency into the strategic capabilities and intentions of each Party.

It is important to realize that we have entered into a new relationship with Russia that is no longer adversarial. Therefore, the question of reconstitution capability no longer has the significance it had during the Cold War.

Our new strategic relationship with Russia is no longer based on a nuclear balance of terror. Because of this new relationship, we cannot conceive of any credible scenario in which we would threaten to launch our strategic forces at Russia. The scenario you describe of Russia believing it faced a "use it or lose it" situation with its force of MIRVed ICBMs is therefore not a credible concern.

While we have no plans to re-load warheads on missiles from which warheads have been removed, a requirement to physically remove warhead-carrying capability from missiles by outfitting them with a new RV platform would add significant unnecessary costs to U.S. strategic forces and restrict flexibility in an unpredictable future threat environment.

*Question.* Should bombers that are converted to a non-nuclear role be readily convertible back to use with nuclear weapons? If so, why?

Answer. Other than the B–1, we are not planning to convert any additional bombers to purely a conventional role. A fundamental U.S. objective in negotiating the Moscow Treaty was to preserve our flexibility to implement the Nuclear Posture Review (NPR) and its prescribed future force structure. Cost was also a major consideration. It would likely cost billions of dollars to replace weapons dispensing devices on our bombers. Therefore, this makes the NPR's call to preserve the ability of nuclear-capable bombers to deliver conventional weapons and vice versa an imperative. The B–52H bombers and B–2 bombers that will make up the bomber portion of the NPR force structure must be able to carry out both nuclear and conventional missions.

The B–1 bomber, on the other hand, was removed from a nuclear role in 1997 and is now only used to conduct conventional operations. The NPR concluded that it is no longer necessary to maintain the ability to return the B–1 force to nuclear service because the numbers of B–52s and B–2s will be adequate to support our nuclear requirements.

*Question.* Your testimony and your Letter of Submittal to the President state that the United States stores "a small number of spare strategic nuclear warheads . . . at heavy bomber bases" which it does not count as "operationally deployed." How many "spare" warheads does this Treaty permit Russia to store at its heavy bomber bases?

Your Letter of Submittal to the President speaks of "a genuine strategic partnership based on the principles of mutual security, trust, openness, cooperation and predictability." How much predictability does either Party get from provisions that allow "reduced" nuclear bombs to be stored wherever each Party pleases, and bombers to be readily convertible back to a nuclear role?

Answer. The Treaty does not restrict a Party's decisions regarding how it will implement the required reductions in strategic nuclear warheads. Consistent with this it does not address the number of "spare" warheads that either Russia or the United States is permitted to store at heavy bomber bases. The Article-by-Article Analysis notes that the United States has characterized this number as small.

Practically speaking, the fact that the Treaty is legally binding provides predictability that each Party will fulfill its commitment to reduce strategic nuclear warheads to 1,700–2,200 by December 31, 2012. It is the number of strategic nuclear warheads available for use that really matters, and this is the number that is being reduced.

If we believe Russia is not taking appropriate steps to meet the 2012 deadline, we can raise this issue in the Bilateral Implementation Commission. The issue of hypothetical "break-out" scenarios no longer has the significance it had during the Cold War when our relationship with Russia was one based on a nuclear balance of terror. We concluded before the Moscow Treaty was negotiated that we could and would safely reduce to 1,700–2,200 operationally deployed strategic nuclear warheads, regardless of what the Russians did. That said, information obtained through START's verification regime, including its data exchanges and short-notice on-site inspections, and U.S. national intelligence resources will continue over the course of the decade to add to our body of knowledge regarding the size and disposition of Russia's strategic forces and the overall status of reductions in Russia's strategic nuclear forces. Moreover, the work of the Consultative Group for Strategic Security and the Treaty's Bilateral Implementation Commission will provide transparency into Russia's reduction efforts.

*Question.* Is there any way to limit what can be done with "reduced" strategic nuclear warheads?

Will the United States press Russia to provide secure, transparent storage for "reduced" warheads?

Why not agree that "reduced" warheads will be stored some agreed distance away from the vehicles that would carry them?

Answer. The Moscow Treaty balances deep reductions with flexibility to meet the future's uncertain security environment. For the United States, the Treaty will not affect decisions that will be made with respect to force structure, launchers, or the disposition of non-operationally deployed strategic nuclear warheads.

Decisions related to these issues are left to each nation's discretion as a matter of deliberate choice. Some of the U.S. warheads removed from operationally deployed status will be scheduled for destruction; others will be used as spares and some will be stored. For example, warheads removed from Peacekeeper ICBMs as that system is deactivated will be used to modernize the Minuteman III ICBM force.

Nevertheless, many specific decisions still need to be made related to the disposition of individual types of warheads as we carry out the reductions stemming from the Nuclear Posture Review (NPR) and the Moscow Treaty. These specific decisions will be shaped by infrastructure constraints—such as limits on our capacity to dismantle warheads in a given period, by technical and operational concerns—and the capabilities that we require in balancing retention of our more modern warheads with avoiding complete dependence on the reliability of a few warhead types, and by uncertainties about future technical and strategic developments. Given the uncertain strategic environment and the fact that we are not manufacturing new warheads, the United States needs the flexibility to retain warheads to meet unforeseen contingencies. It is therefore not in the U.S. interest to limit what can be done with non-operationally deployed strategic nuclear warheads.

Although Russia's stockpile maintenance practices differ from those in the United States, as far as we can determine, the Russian position is not dissimilar to the U.S. position. Contrary to the impression created by some press reports, the Russians did not table any proposals for nuclear warhead dismantlement during the negotiations on the Moscow Treaty. Nor did either side express interest in developing the kinds of complex provisions that would be needed to verify warhead dismantlement or limits on warhead stockpiles.

In September, Secretary Rumsfeld and I are scheduled to meet with our Russian counterparts in the newly established Consultative Group for Strategic Security (CGSS). We plan to take advantage of this opportunity to discuss, among other things, ways in which we can strengthen mutual confidence and expand transparency related to U.S. and Russian nuclear weapons. We do not want to prejudge the outcome of these discussions on nuclear transparency and confidence building measures.

In addition, we intend to continue to work with Russia, under the Cooperative Threat Reduction (CTR) program, when and to the extent permitted by law, to make its warhead storage facilities more secure. Such U.S. assistance will also increase the security of the Russian warheads made excess as provided in the Moscow Treaty. This assistance increases the physical security of Russian warhead storage facilities through better fencing and alarm systems, enhances the reliability of warhead security personnel and improves the accounting for Russian nuclear warheads. (CTR assistance cannot be provided to Russia or any other country of the former Soviet Union in any year unless there has been a certification under 22 U.C.S. 5952(d) of the commitment of that country to certain courses of action. Russia was not certified in 2002, but the President has waived the certification requirements for the balance of FY 2002 under authority included in the recently enacted supplemental counterterrorism appropriations legislation.)

*Question.* What needs and opportunities will this Treaty present for U.S. assistance to Russia through the Cooperative Threat Reduction program or our non-proliferation assistance programs?

Answer. It is possible that the Russian Federation may need additional non-proliferation and threat reduction assistance as it reduces its strategic nuclear warheads under the Moscow Treaty. If requested by the Russian Federation, and subject to laws related to CTR certification, the Administration would be prepared to provide additional assistance for removing, transporting, storing, and securing nuclear warheads, disassembling warheads and storing fissile material, dismantling surplus strategic missiles, and disposing of associated launchers. The United States has already constructed a number of facilities in the Russian Federation to conduct such work under our current assistance programs, thus additional assistance would serve to take further advantage of capabilities and capacities already in place.

*Question.* The National Intelligence Council's annual report on Russian nuclear security states:

> Russia employs physical, procedural, and technical measures to secure its weapons against an external threat, but many of these measures date from the Soviet era and are not designed to counter the preeminent threat faced today-an insider who attempts unauthorized actions.

Absent U.S. assistance, would the security of stored Russian warheads be up to U.S. standards? Or would increased levels of Russian warhead storage increase the risk of diversion to rogue states or terrorists?

Answer. U.S. assistance helps to improve the security of Russia's nuclear weapons by improving their physical protection (fencing, sensors, communications); accounting (improved hardware and software); personnel reliability (better screening); and guard force capabilities (more realistic training).

These improvements are particularly important because Russia faces a difficult threat environment—political instability, terrorist threats, and insider threats resulting from financial conditions in Russia.

The total number of warheads in Russian storage facilities may increase over the next ten years, in part due to Russia's inability to sustain larger number of deployed forces. A Russian decision to increase the number of stored warheads will be governed by a number of factors related to what Russia determines is in its national security interests, including the number of warheads Russia decides to dismantle rather than store. Even if Russia decides to store additional warheads under the Moscow Treaty, however, we are confident U.S. assistance will continue to increase the security of such weapons.

*Question.* Should the United States help Russia to implement the reductions required by this treaty? Should we do so even if Russia, like the United States, chooses not to eliminate many of its warheads or delivery vehicles, but rather to store excess warheads, while keeping its bombers and MIRVed missiles in service?

Answer. The Russian Federation committed to strategic nuclear reductions under the Moscow Treaty. Its obligations are not conditioned on U.S. assistance and we are confident Russia will meet its Treaty obligations.

We provide assistance to eliminate Russian strategic delivery systems and associated infrastructure, facilitate the elimination of Russian warheads, and secure and reduce Russian nuclear material, because cooperative threat reduction efforts are in the national security interests of the United States.

Any Russian decision to store, rather than eliminate, excess warheads will be made on the basis of its assessment of Russian national security needs. Regardless of how that decision comes out, it is in our own security interests to help ensure that remaining warheads are stored as safely and securely as possible to protect them from terrorist or third-country theft.

*Question.* Should the United States help Russia to maintain tight security over the warheads it removes from delivery vehicles pursuant to this treaty? Should we do so even if Russia, like the United States, chooses not to destroy many of its warheads?

Answer. The United States is providing assistance to increase the security of all non-deployed Russian warheads. Such assistance will also increase the security of the Russian warheads made excess by the Moscow Treaty.

This assistance increases the physical security of Russian warhead storage facilities through better fencing and alarm systems, enhances the reliability of warhead security personnel and improves the accounting for Russian warheads.

Any Russian decision to store, rather than eliminate, excess warheads will be made on the basis of its assessment of Russian national security needs. Regardless of how that decision comes out, it is in our own security interests to help ensure that remaining warheads are stored as safely and securely as possible to protect them from terrorist or third-country theft.

*Question.* Should the United States offer to fund the elimination of Russian warheads and delivery systems, even though such eliminations would not be undertaken pursuant to any arms control treaty? Should we do so even if Russia builds new weapons (like the SS–27 missile), while eliminating old ones (like the much larger SS–18 and the SS–19 missiles)?

Answer. We provide assistance to help eliminate Russian strategic delivery systems, facilitate the elimination of excess Russian warheads, and secure and reduce Russian nuclear material because these cooperative threat reduction efforts are in the national security interests of the United States.

One of the original motivations behind the Cooperative Threat Reduction (CTR) assistance program was our understanding that Russia lacked the resources necessary to eliminate expeditiously the huge number of excess nuclear weapons inherited from the Soviet Union.

We continue to believe this U.S. assistance serves to increase the scope and accelerate the pace of Russian eliminations of strategic nuclear weapons. Our participation in the CTR process also helps give us confidence that Russia is carrying out its commitments.

*Question.* Has the possibility of U.S. assistance to Russia in implementing this treaty been discussed with Russian officials? If so, how have those discussions gone? Please provide the relevant portions of the negotiating record to this committee.

Have any formal or informal understandings been reached with Russia in this regard?

What plans has the Administration made for expanded assistance to help Russia deal with the weapons that it "reduces" pursuant to this Treaty?

What increased funding of Cooperative Threat Reduction and other U.S. programs will be needed for this purpose?

Answer. The possibility of further CTR assistance in implementing the Moscow Treaty has not been specifically discussed with the Russian Federation. However, the CTR program already includes funding in the outyears to support deep reductions in Russian strategic nuclear delivery systems and their associated warheads. The Administration is prepared to expand CTR assistance, as required, to support the secure transport, storage and elimination of delivery vehicles and warheads under the Moscow Treaty, although there are no requirements related to this in the Moscow Treaty.

*Question.* The Treaty does not limit tactical nuclear weapons, even though their limitation was adopted as a START III objective at the Helsinki summit of 1997. Why was this issue dropped out?

Answer. The Moscow Treaty is based on the new strategic relationship between the United States and Russia. It therefore starts from a different premise and has different objectives than previous U.S.-Russian arms control efforts.

The Moscow Treaty reflects President Bush's determination to expeditiously reduce the number of operationally deployed strategic nuclear weapons, and to reduce the time required to negotiate arms control agreements.

Thus, the Treaty focuses on reductions in strategic nuclear warheads. At the same time, we have made clear to Russia our interest in non-strategic nuclear weapons, and in particular, in greater transparency regarding those weapons. We will be pursuing these questions with Russia.

Over the last decade, the United States and Russia have both made significant reductions in their non-strategic nuclear weapons without a formal arms control agreement.

However, we are concerned about the large number of Russian tactical nuclear weapons and Russia's nuclear warhead production capability.

Both Secretary Rumsfeld and I have raised these concerns with our Russian counterparts. We put them on notice that we intend to address these issues bilaterally. We plan to pursue transparency discussions on tactical nuclear weapons as a priority matter in the Consultative Group for Strategic Security (CGSS), which will convene for the time this fall.

Many aspects of the issue of tactical nuclear weapons also involve our NATO allies and our Alliance commitments, so it is an Alliance matter in addition to a bilateral issue with Russia.

Accordingly, in the NATO-Russia channel, we will also continue to focus on developing confidence building and transparency measures for tactical nuclear weapons that complement our bilateral efforts.

In addition, ongoing Cooperative Threat Reduction (CTR) programs and the Global Partnership Initiative Against the Spread of WMD (10+10/10 initiative) will enhance the security of Russian nuclear warhead storage and add a measure of transparency.

*Question.* Wouldn't it be in our national interest to have a verifiable accounting of Russia's tactical nuclear weapons and verifiable reductions in those weapons?

How many tactical nuclear weapons do we believe Russia retains?

Doesn't the record of uncertainty regarding Russian actions since 1991 and 1992, when [Soviet and] Russian Presidents Gorbachev and Yeltsin promised massive reductions in tactical nuclear weapons, illustrate the relevance of formal agreements in this area?

Answer. As I indicated in my testimony, we continue to be concerned about the uncertainties surrounding Russian non-strategic (tactical) nuclear weapons (NSNW). Therefore, it will be important to continue to pursue transparency for NSNW. Under the 1991–1992 Presidential Nuclear Initiatives (PNIs), Washington and Moscow issued parallel unilateral statements of intent to make significant reductions in NSNW. Russia has stated that most of the weapons Gorbachev and Yeltsin pledged to eliminate have been eliminated and that it plans to complete implementation of its PNIs by 2004 contingent on "adequate financing." We believe that Moscow has fulfilled many of its pledges, but we have some concerns in this area and will press Moscow for information regarding these reductions and for their completion. A principal focus of our concern is on "loose nukes." Developing and negotiating an effective verification regime for NSNW stockpiles is neither needed nor practical at this time. Information obtained through transparency measures will help us to ascertain how best to assist Russia to secure its NSNW from proliferation threats.

With regard to your third question, the U.S. decision in 1991 to undertake a unilateral initiative on non-strategic nuclear weapons (NSNW), rather than negotiate a formal agreement was the correct decision. It was quickly reciprocated by Soviet President Gorbachev and reaffirmed, and expanded upon, by Russian President Yeltsin in January 1992. As a result, without first negotiating and concluding a complicated arms control agreement, thousands of Russian NSNW (many from non-Russian republics) were withdrawn to central storage in Russia and removed from surface ships and submarines. Unquestionably, this unilateral approach made the world much safer than if we had waited for the completion of protracted, formal arms control negotiations during this uncertain period when the Soviet Union was disintegrating.

Over the last decade, the U.S. and Russia have both continued to reduce their NSNW significantly without a formal arms control agreement.

I do not want to prejudge my discussions with Russia, but we would like greater transparency for Russian NSNW, implementation of the PNIs, and for Russia's nuclear infrastructure in general. This is for both security and nonproliferation reasons.

The United States and its NATO Allies have repeatedly expressed their concerns about the uncertainties surrounding NSNW in Russia and have called on Moscow to reaffirm the PNIs and to complete the reductions it pledged to make.

I plan to raise these concerns with my Russian counterparts in the newly formed Consultative Group for Strategic Security (CGSS).

*Question.* How many tactical nuclear weapons do we believe Russia retains?

Answer. Due to its SECRET classification, this answer has been submitted under separate cover.

*Question.* You testified that the issue of tactical nuclear weapons will be pursued in the Consultative Group for Strategic Security. Will the United States be prepared to eliminate its remaining tactical nuclear warheads or some of its non-deployed strategic nuclear warheads in return for Russia's elimination of all or nearly all of its tactical nuclear warheads?

Answer. We do not want to prejudge our discussions with Russia. That said, it is important to note that NATO is committed to retaining a credible nuclear deterrent. We must likewise recognize that Russia is unlikely to eliminate "all or nearly all of its tactical nuclear warheads" under foreseeable circumstances. Separate from the Moscow Treaty, we will be pressing for greater transparency in Russian non-strategic nuclear weapons (NSNW) and in Russia's nuclear infrastructure in general. This is directly relevant both to transparency about security-related activities and to our nonproliferation concerns about the control, safety, and security of Russian nuclear weapons and fissile material.

Since 1991, the types and numbers of NATO sub-strategic nuclear forces have been reduced by approximately 85 percent, including the elimination of entire categories of weapons. We plan to press Moscow to complete the implementation of, and provide more transparency concerning, its 1991 and 1992 Presidential Nuclear Initiatives (PNI).

It is premature to talk about further NSNW reductions. For a host of political and technical reasons, it would be difficult to subject these warheads for non-strategic weapons to treaty provisions. For example, most U.S. nuclear warheads for NSNW are designed for use with dual-capable delivery systems that are maintained primarily for non-nuclear purposes. These reasons, in fact, contributed to the decision in 1991 to employ the PNI approach of parallel unilateral initiatives rather than pursuing formal arms control negotiations.

In addition, with respect to U.S. non-strategic nuclear weapons in support of NATO, these weapons continue to play a vital role in the Alliance. Recent NATO statements have reaffirmed that the Alliance continues to place great value on U.S. nuclear forces based in Europe and committed to NATO, which provide essential political and military linkage between the European and the North American members of the Alliance. As recently as June 6, 2002, NATO Defense Ministers reaffirmed the importance of the Alliance's nuclear forces for preserving peace and preventing coercion and any kind of war.

*Question.* Will the United States be prepared to offer assistance in accounting for, maintaining the security of, or eliminating Russia's tactical nuclear weapons?

Answer. One of the original motivations for the Cooperative Threat Reduction (CTR) program was our belief that Russia lacked the resources necessary to eliminate expeditiously the huge number of excess nuclear weapons inherited from the Soviet Union and to maintain the remaining weapons as safely and securely as possible.

We continue to believe this U.S. assistance serves to increase the scope and accelerate the pace of Russian reductions in nuclear weapons.

Thus, when and to the extent permitted by law, the United States will continue to offer CTR assistance to Russia to increase the security of all of its non-deployed nuclear warheads, including tactical or sub-strategic nuclear warheads. (CTR assistance cannot be provided to Russia or any other country of the former Soviet Union in any year unless there has been a certification under 22 U.C.S. 5952(d) of the commitment of that country to certain courses of action. Russia was not certified in 2002, but the President has waived the certification requirements for the balance of FY 2002 under authority included in the recently enacted supplemental counterterrorism appropriations legislation.)

CTR assistance increases the physical security of Russian warhead storage facilities through better fencing and alarm systems, increases the capabilities of guard

forces, enhances the reliability of warhead security personnel and improves the accounting for Russian warheads.

Our assistance also facilitates the dismantlement of Russian nuclear warheads, including tactical or sub-strategic nuclear weapons being reduced under the Presidential Nuclear Initiatives (PNIs) of 1991 and 1992, by providing increased secure storage and paying for the transportation of warheads to disassembly facilities.

*Question.* What transparency measures does the Administration seek from Russia regarding the reductions required by this Treaty? What transparency measures does the Administration plan to institute so as to assure Russia that the United States is implementing the Treaty?

Answer. As was discussed in the Section 306 Report, the United States will gain transparency into the disposition of Russia's strategic nuclear warheads and the overall status of reductions in its strategic forces through our own intelligence resources, bilateral assistance programs, the START Treaty, and the work of the Consultative Group for Strategic Security (CGSS) and the Treaty's Bilateral Implementation Commission. We expect Russia to gain transparency in much the same way. We have determined that specific additional transparency measures are not needed, and will not be sought, at this time. We recognize, however, that more contacts and exchanges of information could be useful and that the Parties could decide to develop additional transparency measures in the future. The CGSS will meet in September to begin the dialogue. The Bilateral Implementation Commission will meet after the Treaty enters into force.

*Question.* What specific transparency or verification measures did each side propose during the negotiation of the treaty? Why were none of these adopted?

Answer. During the initial stages of the talks, we exchanged views on a moderate set of potential reciprocal transparency measures. Once both countries agreed that the reduction obligations being codified would preserve the flexibility for each side to take its reductions in its own way, it appeared to the U.S. that there was no immediate need to work out transparency measures applicable to this context. Among other things, START's verification measures would continue to be available until December 2009. Russia too agreed that the Moscow Treaty need not include such measures. Accordingly, no specific transparency or verification measures were negotiated.

However, as I made clear in my testimony, we are ready to discuss transparency.

*Question.* What is the meaning of Article II, which appears only to acknowledge the obvious existence of the START treaty?

Answer. The purpose of Article II is to make clear that the Moscow Treaty and the START Treaty are separate. It clarifies that the START Treaty's provisions do not extend to the Moscow Treaty, and the Moscow Treaty does not terminate, extend or in any other way affect the status of the START Treaty.

*Question.* How can START declarations and inspections be used to verify compliance with commitments that use non-START definitions or counting rules?

For example, START provided for "reentry vehicle inspections of deployed ICBMs and SLBMs to confirm that such ballistic missiles contain no more reentry vehicles than the number of warheads attributed to them." But if a Party says that the missile contains fewer reentry vehicles than the warhead attribution number, is there any obligation to allow inspectors to verify that lower number? Will that be technically feasible?

Answer. START's verification regime, including data exchanges and inspections, will continue to add to our body of knowledge over the course of the decade regarding the disposition of Russia's strategic nuclear warheads and the overall status of reductions in Russia's strategic nuclear forces.

As you point out, START provides for reentry vehicle inspections of deployed ICBMs and SLBMs to confirm that such ballistic missiles contain no more reentry vehicles than the number of warheads attributed to them. Although technically feasible, START does not require the inspected Party to allow inspectors to verify that a missile contains fewer reentry vehicles than the number of warheads attributed to missiles of that type.

The Moscow Treaty recognizes a new strategic relationship between the United States and Russia based on the understanding that we are no longer enemies and that the principles which will underpin our relationship are mutual security, trust, openness, cooperation, and predictability. This understanding played an important

role in our judgments regarding verification. Our conclusion, as we state in the report submitted in accordance with Section 306 of the Arms Control and Disarmament Act, was that, in the context of this new relationship, a Treaty with a verification regime under the Cold War paradigm was neither required nor appropriate.

*Question.* Experts have warned that the safest place to store Russian warheads might be on their missiles, in their silos—rather than in a storehouse that might be poorly secured. If Russia should announce a decision to leave its warheads on their missiles, while reducing its "deployed" warheads by disabling the missiles, how would we know that Russia was actually doing that?

Would any provisions of this treaty or of the START Treaty require Russia to show us proof of that?

Answer. Leaving warheads on missiles is not necessarily safer or more secure than housing them in a well-guarded storage facility. The nature of Russian warheads precludes their long-term storage in silos or upon missiles. As a practical matter, the high costs associated with maintaining warheads on missiles in a safe and secure manner precludes the long-term use of this technique to make reductions. Russia simply does not have the economic capability to maintain its current strategic missile force. Eliminating these systems, particularly with CTR assistance, is far more cost effective than maintaining them on missiles in their silos.

There are no provisions in the Moscow Treaty or the START Treaty that would require Russia to demonstrate how some of its missiles armed with nuclear warhead(s) had been disabled to reduce the number of strategic nuclear warheads under the Moscow Treaty. The Moscow Treaty allows the United States and Russia to reduce their respective strategic nuclear warheads by any method they choose.

Nevertheless, START's verification regime, including its data exchanges, short-notice on-site inspections, and provisions concerning telemetry, conversion and elimination, and mobile missile forces, will continue to add to our body of knowledge over the course of the decade regarding the disposition of Russia's strategic nuclear warheads and the overall status of reductions in Russia's strategic nuclear forces.

*Question.* Why did you not take the opportunity to simply extend START through 2012? Are there any circumstances in which the United States would want to exceed the START limitations, either before or after December 2009? If so, please explain.

Answer. The multilateral START Treaty could not have been extended in the context of the bilateral Moscow Treaty. The START Treaty is in place and will provide the foundation for confidence, transparency, and predictability for strategic offensive reductions. There will be ample time and opportunity over the next seven years to see how events unfold and to determine whether there will be a need to seek agreement among all five of the Parties to START. Moreover, as a result of work in the Consultative Group for Strategic Security and the Bilateral Implementation Commission, we will have a better sense of what, if any, supplementary measures we may want in place to enhance transparency and confidence regarding the Moscow Treaty reductions long before the START Treaty's current expiration date of December 5, 2009. Therefore, we saw no need to try to decide now whether and how START Treaty provisions could support our future objectives, which will undoubtedly evolve over the course of the next seven years.

While we cannot exclude the possibility that some future circumstances may warrant increases in the number of operationally deployed strategic nuclear warheads above 1,700–2,200, at the present time we do not envision a circumstance that would necessitate an increase that would require us to withdraw from the START Treaty and, subsequently, exceed the final START limits. The Nuclear Posture Review established that maintaining between 1,700 and 2,200 operationally deployed strategic nuclear warheads would fully serve U.S. national security interests now and in the future. In November 2001, President Bush announced that, consistent with our national security and that of our allies, the United States would unilaterally reduce its operationally deployed strategic nuclear warheads to that level over the next ten years. The United States would not exceed the final START limitations, which were reached by all START Parties on or before December 5, 2001, without withdrawing from the START Treaty.

*Question.* Why did you not at least extend through 2012 the verification provisions of START, for the purpose of verifying compliance with this new treaty?

Answer. The START verification regime will provide the foundation for transparency into the implementation of the Moscow Treaty. During the negotiations, the

United States and Russia did not elect to create a mechanism to extend the multilateral START Treaty in the context of the bilateral Moscow Treaty. In addition, at this time and in view of the fact that START's expiration is some seven years in the future, it was not pressing to resolve that issue during the negotiation of the Moscow Treaty. As we implement the Moscow Treaty and evaluate the information gained through START and other means, we will be in a stronger position to determine whether it would be in the interest of both Russia and the United States to extend bilaterally the verification provisions of the five-Party START Treaty beyond 2009.

*Question.* In your prepared testimony, you referred to the U.S. counting rules for warheads and declared: "This is a departure from the way in which warheads are counted under the START Treaty, but one that more accurately represents the real numbers of warheads available for use immediately or within days." This would appear to pertain only, however, if the resulting count is verifiable. Absent additional verification measures, if Russia were to adopt the U.S. counting rule for its own reductions, would the United States have greater confidence in the accuracy of that count, or of a count using START counting rules?

Answer. President Bush stated last November 13 that the United States intended to reduce its operationally deployed strategic nuclear warheads unilaterally whether or not Russia followed suit. President Putin's welcome decision to reciprocate, and the subsequent Treaty that records these unilateral reduction commitments, is a sign of our new, cooperative strategic relationship—a relationship that does not depend on our ability to verify Russian reductions.

From the outset, the objective was to reduce the number of strategic nuclear warheads to the lowest level that would best meet U.S. and Russian national security needs. The United States has stated that it will meet the 1,700 to 2,200 limit by reducing its number of "operationally deployed strategic nuclear warheads." During the negotiations, Russia suggested that it anticipated reducing warheads by eliminating or converting missiles, launchers and heavy bombers. However, Russia did not state conclusively during the negotiations how it intends to carry out its reductions. Should Russia elect to achieve the limit in this way or by using the U.S. method, the result in either case will reduce the number of strategic nuclear warheads available for use below START Treaty levels.

*Question.* Has the Administration tasked the U.S. Intelligence Community to monitor Russian compliance with the Treaty?

Will that require increased effort on their part, and are sufficient funds budgeted for that?

Answer. The National Intelligence Estimate for the Moscow Treaty, that discusses the Intelligence Community's (IC) ability to assess Russia's implementation of the Moscow Treaty, addresses this issue. While the content of this Estimate is classified, the document is available to members of the Senate. To complement the U.S. national intelligence resources, the implementation of the START Treaty will continue to add to our body of knowledge over the course of the decade regarding the disposition of Russia's strategic nuclear warheads and the overall status of reductions in Russia's strategic nuclear forces.

The question regarding sufficiency of resources for the IC to perform its monitoring tasks should be directed to the Director of Central Intelligence.

*Question.* The Joint Declaration on the New Strategic Relationship states that the START Treaty's "provisions will provide the foundation for providing confidence, transparency, and predictability in further strategic offensive reductions." Why is this statement in the Joint Declaration, rather than in the Treaty?

Does either the Treaty or the Joint Declaration require that data exchanges and inspections pursuant to the START Treaty be adjusted in any way?

Answer. The Joint Declaration is a policy document, while the Moscow Treaty is legally binding. The cited reference to START in the Joint Declaration expresses the United States' and Russia's view of the value of the START Treaty's verification regime for providing data and access relevant to each Party's understanding of activities related to the Moscow Treaty. It does not amend, or add to, the Moscow Treaty. It also did not create any new rights or obligations with respect to START, but merely recognized the effects of existing ones. Consequently, the Declaration was the appropriate place for such language.

Neither the Moscow Treaty nor the Joint Declaration requires that changes be made to any START Treaty provisions, including its data exchanges or inspection

regime. Article II of the Moscow Treaty makes clear that START continues in force unchanged by this Treaty and that the START Treaty provisions do not extend to the Moscow Treaty. The Joint Declaration also states that START remains in force in accordance with its own terms. START notifications and inspections will continue unaffected by either the Moscow Treaty or the Joint Declaration.

As I made clear in my July 9 testimony, the United States is ready to discuss additional transparency measures relevant to the Moscow Treaty. However, such measures would not change START obligations.

*Question.* How will the Administration build on the START foundation? The Joint Declaration refers to "other supplementary measures, including transparency measures, to be agreed." What measures are contemplated, and when do you expect to achieve them?

Will these measures be adopted as amendments or protocols to the Treaty, as executive agreements, or as new treaties?

Answer. One of the principal elements of the new strategic relationship between the United States and Russia is that there is no longer a need to regulate every step as we reduce our strategic nuclear warheads. START provides us with a strong foundation for transparency into reductions under the Moscow Treaty. In particular, START's verification regime will continue to add to our body of knowledge over the course of the decade regarding the disposition of Russia's strategic nuclear warheads and the overall status of reductions in Russia's strategic nuclear forces. However, until we know how Russia plans to makes its reductions and the Moscow Treaty enters into force and we acquire experience with implementing its provisions, it is premature at this point to attempt to forecast what transparency measures would be useful.

The form that any supplementary measure would take, and whether it would be transmitted to the Senate for its advice and consent, will be determined by the nature and content of that measure.

*Question.* The Joint Declaration gives the Consultative Group for Strategic Security a mandate as "the principal mechanism through which the sides ... expand transparency." What role will that group have in verification or implementation of this Treaty? How will this compare to the role of the Bilateral Implementation Commission established in Article III of the Treaty?

You testified that the Bilateral Implementation Commission would be expected "to see if we need more transparency to give us confidence" and "will be looking for new ways to enhance transparency and give us the kind of insight we need to have." What authority will the Commission have to recommend or adopt specific transparency measures?

Why wasn't this authority made clear in the Treaty itself?

Has Russia stated that it views the relative roles of the Bilateral Implementation Commission and the Consultative Group for Strategic Security in the same way that the United States does? Is that in the negotiating record? If so, please provide the relevant portions of that record to this committee.

Answer. The Administration believes that the different roles of the BIC and the CGSS are made clear in the Moscow Treaty and the Joint Declaration on the New Strategic Relationship, respectively. The Consultative Group for Strategic Security (CGSS) will be a diplomatic consultative group chaired at the foreign and defense ministerial level, with the participation of other senior officials. This group will be the principle mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.

The Bilateral Implementation Commission (BIC) will also be a diplomatic consultative forum, which will meet at least twice a year once the Moscow Treaty is in force to discuss issues related to implementation of the Treaty. The Treaty specifies that the purpose of the BIC is to assist in implementing the Treaty. The BIC thus has a narrower focus than the CGSS, and will be separate and distinct from the CGSS.

The Treaty provides no special negotiating authority for the BIC because there was no need to do so. The nature of the Moscow Treaty is such as to obviate any need for the expedited "viability and effectiveness" changes procedure that the Senate accepted as appropriate for other vastly more complex arms control treaties, such as START.

If any additional agreements are concluded, their submission to the Senate for advice and consent will depend on their nature and content.

Russia has not stated its views on the two groups' different roles.

*Question.* The Treaty does not specify any benchmarks for reductions before December 31, 2012. Why did you choose that approach? Does the United States intend to postpone a significant portion of the required reductions until the last few years before the deadline?

Answer. The absence of interim reduction levels in the Treaty means that each Party is free over the next ten years to retain the level of strategic nuclear warheads it considers necessary for its own national security, consistent with its obligation to meet the final deadline. It gives each Party greater flexibility to make reductions on a schedule that is cost-effective. This flexibility will allow us to adjust our strategic posture to respond to unforeseen contingencies such as emerging threats or system failures.

As discussed in the Department of Defense's Nuclear Posture Review submitted to Congress earlier this year, by the end of Fiscal Year 2007 (FY07) the United States plans to retire all 50 of its ten-warhead Peacekeeper ICBMs and remove four Trident submarines from strategic nuclear service. This will reduce the number of U.S. operationally deployed strategic nuclear warheads by almost 1100 warheads. The specific additional reductions that will be made to meet the Treaty limits have not yet been decided. They will be part of the development and deployment of the New Triad established by the December 2001 Nuclear Posture Review.

Moscow Treaty reductions will entail careful planning and execution on both sides. Our best judgment is that allowing ten years for this process will give both Parties time to complete these actions in a sound, responsible, and sustainable manner. We feel that the timeframe and the deadline are just what they should be. If either Party should have concerns about the other's progress towards meeting the Treaty's reduction deadline, it can raise them in the Bilateral Implementation Commission.

*Question.* Does this Treaty bar force increases before 2012, so long as such increases do not breach another treaty? Has Russia stated that it shares the U.S. interpretation of the Treaty in this regard? If so, please provide the relevant statements or portions of the negotiating record.

Answer. The Moscow Treaty does not bar force increases before 2012 as long as the required reductions are made by the December 31, 2012 reduction deadline. We have made this position clear to the Russian Federation. If either Party has concerns about the other's progress toward meeting the Treaty's reduction deadline, it can raise them in the Bilateral Implementation Commission.

There are no relevant statements in the negotiating record.

*Question.* Article I of the Treaty requires each Party to "reduce and limit strategic nuclear warheads." What are the implications of the words "reduce and limit?" Does this language bar any interim force increases?

How can we be certain that Russia understands the implications of this language as we do?

Answer. The words "reduce and limit" in Article I refer to the reductions that must be made by the December 31, 2012 deadline and the limitation (1,700–2,200 strategic nuclear warheads) that would apply in the event that the Parties were to extend the duration of the Treaty.

The Moscow Treaty does not bar force increases before 2012, as long as the December 31, 2012 reduction deadline is met. However, if either Party has concerns about the other's progress toward meeting the Treaty's reduction deadline, it can raise them in the Bilateral Implementation Commission.

We made these positions clear to the Russian Federation during the course of the negotiations.

*Question.* Is there any reason why the United States could not or should not accelerate its force reductions (for example, by removing warheads)?

Answer. The 10-year deadline for reductions under the Moscow Treaty allows flexibility for each side to implement the reductions in a manner appropriate to its own circumstances. The United States will make these reductions as part of the development and deployment of the New Triad that was established by the December 2001 Nuclear Posture Review.

Another factor is that these substantial U.S. and Russian reductions will entail careful planning and execution on both sides, and, therefore, will require considerable time to complete. Allowing ten years for this process to be completed will give both Parties time to complete these actions in a sound, responsible, and sustainable

manner. We will make our reductions consistent with our Treaty obligations and our national security requirements.

*Question.* Is there any reason why the United States could not or should not at least lower the operational status of forces slated for later reduction (for example, by changing the alert status of missile bases or the deployment patterns of submarines)?

The Helsinki summit of 1997 established a START III objective of "placement in a deactivated status of all strategic nuclear delivery vehicles which will be eliminated by START II by December 31, 2003." Why was no provision of that sort included in this Treaty?

Answer. There would be little or no benefit to lowering the operational status or launch readiness (sometimes called "dealerting") of operationally deployed strategic nuclear warheads before they are reduced, and there are a number of reasons not to do so. The State Department would defer to the Department of Defense regarding the particulars of those reasons.

In regard to the Helsinki Summit objective of early deactivation, the Russians in fact subsequently resisted taking any steps to act on that proposal. A requirement to deactivate missiles prior to reductions would have burdened both our countries with arbitrary restrictions on future force structure planning. This would be in diametric opposition to the Treaty's intention to give each Party flexibility in how it makes its reductions.

*Question.* Since the Treaty is scheduled to expire on the first day that its only force reduction requirement takes effect, how binding will it be in practice? If one Party should choose to ignore its obligation, what will the other Party be able to do about it?

If this Treaty does not really bind each Party in practice, then how does it contribute to the "trust, openness, cooperation and predictability" that you cited in your Letter of Submittal to the President?

Answer. After it enters into force, the Moscow Treaty will be a legally-binding document. Each Party must accomplish the required reductions and meet the Treaty limit by December 31, 2012. In practice, to meet this Treaty's limit, reductions on both sides will begin long before December 31, 2012. In addition, given the processes and resources involved in reconstituting forces, neither Party is going to be able to immediately reconstitute its forces after expiration of the Treaty. Moreover, we can extend the Treaty if both Parties agree to do so.

If either Party has concerns about the other's progress toward meeting the Treaty's reduction deadline, it can raise them in the Bilateral Implementation Commission. Moreover, either Party, in exercising its national sovereignty, will have the option to withdraw from the Treaty upon three months written notice to the other Party.

Though the United States, for its part, intended to make its reductions with or without a treaty, the Treaty nonetheless serves as an important, formal, and enduring demonstration of the new strategic relationship between the United States and Russia.

*Question.* The Joint Declaration on the New Strategic Relationship states a joint "intention to carry our strategic offensive reductions to the lowest possible levels" and it calls the Treaty "a major step in this direction." That implies an intent that our reductions could go still further. Is that a correct interpretation of the Joint Declaration?

What "lowest possible levels" is the Administration considering? What further reductions are most likely?

Answer. Along with all other Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968 (the NPT), we are obligated by Article VI "to pursue negotiations in good faith on effective measures related to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." The statement in the Joint Declaration of May 24, 2002, therefore, appropriately reflects this commitment, as does similar preambular language in the Moscow Treaty. The conclusion of the Moscow Treaty takes a major step in this direction by codifying the two Parties' intention to carry out reductions to the level of 1,700–2,200 strategic nuclear warheads.

The Moscow Treaty's 1,700–2,200 limit on strategic nuclear warheads represents the number of operationally deployed strategic nuclear warheads that we have con-

cluded is necessary to meet U.S. and allied security requirements. Therefore, it is also the lowest possible level the Administration is considering in the current and foreseen security environment. Reductions beyond the 1,700–2,200 level have not been planned, but the Department of Defense continually assesses the military requirement levels for strategic nuclear warheads.

The United States and Russia both intend to carry out strategic offensive reductions to the lowest levels possible, consistent with our national security requirements, alliance obligations, and reflecting the new nature of our strategic relations.

*Question.* Why are the reductions to 1,700–2,200 warheads, rather than to a narrower range? Why does the United States need 500 more operationally deployed warheads than Russia?

Answer. President Bush made it clear from the outset that he intended to reduce U.S. nuclear weapons to the lowest number consistent with U.S. and allied security requirements. Based on the Nuclear Posture Review, he determined that U.S. forces in a range of 1,700–2,200 operationally deployed strategic nuclear warheads (ODSNW) will provide the capability and flexibility necessary to counter known threats and hedge against surprise technical or other unforeseen developments.

This range is not based on Cold War paradigms or on how many more weapons we need over those possessed by any other specific country. The Department of Defense identified this range of ODSNW as the lowest number sufficient to meet U.S. national security needs now and into the foreseeable future. The President has concluded that we can safely reduce to that level over a period of time, while we watch a still uncertain world unfold before us. As outlined in the NPR, the United States had already, before negotiating the Moscow Treaty, decided to unilaterally reduce the size of its strategic nuclear forces to the level of 1,700–2,200 ODSNW. The NPR envisaged the 1,700–2,200 range of ODSNW reflected in the Treaty; nothing in either the NPR or the Treaty requires that the United States maintain 2,200 ODSNW, or that it have more ODSNW than Russia does.

*Question.* Russia is a friend and not an enemy today because of the reforms begun by former Presidents Gorbachev and Yeltsin and continued by President Putin. Nevertheless, even after completing the reductions called for in this treaty, Russia will retain enough nuclear weapons to annihilate American society. How certain are we that Russian democratization is both wide and deep enough to insure against the possibility of a return to dictatorship?

Answer. We have every reason to expect that the democratic and market reforms carried out by successive Russian governments since the late 1980's represent a fundamental break with Soviet totalitarianism.

Russia has accepted the principle of the legitimacy of political leadership based on elections, which have been largely but not completely free and fair. Basic freedoms—of speech, religion, association and assembly—are guaranteed by the Russian constitution and largely observed in practice. A nascent but vibrant civil society continues to spread and gain influence. Many national and some local media, while not completely free and independent, are able to comment critically on government policy. To be sure, authoritarian elements of state conduct persist in the Russian Government's treatment of independent media, treatment of certain non-Orthodox religious communities, issuing of questionable espionage indictments against certain journalists and researchers, and in the conduct of its military in Chechnya. However, we regard the possibility of a return to true dictatorship in Russia—whether Soviet, nationalist-xenophobic, or some other type—as remote.

*Question.* The Treaty calls for reductions in "strategic nuclear warheads," but contains no definition or counting rules for that term. In your prepared testimony, you state that the United States proposed a detailed definition of "operationally deployed strategic nuclear warheads," but failed to reach agreement with the Russians. What definition did the United States propose?

What definitions, if any, did the Russian negotiators propose?

Why was the United States unwilling to apply the START counting rules in this Treaty? What rigidities would those counting rules have imposed on U.S. reductions?

Answer. The United States proposed the definition of "operationally deployed strategic nuclear warheads" described in our Article by Article analysis and made clear this is the definition the U.S. intends to use in carrying out its obligations under Article I of the Treaty. We consider such warheads to be "reentry vehicles on ICBMs in their launchers, reentry vehicles on SLBMs in their launchers onboard sub-

marines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas at heavy bomber bases." The United States also made clear that a small number of spare strategic nuclear warheads, including spare ICBM warheads, would be located at heavy bomber bases and that the United States would not consider these warheads to be operationally deployed strategic nuclear warheads.

[THIS PARAGRAPH HAS BEEN SUBMITTED UNDER SEPARATE CLASSIFIED COVER.]

Our objective in the Moscow Treaty was to limit the number of strategic nuclear warheads available for immediate use. The concept of limiting operationally deployed strategic nuclear warheads provides a more accurate measure of this number than START counting rules while also allowing us to carry out reductions in an effective, economical manner and preserve our ability to utilize delivery systems for other purposes, including as conventional weapons platforms. This balance of interests is more appropriate given our new strategic relationship with Russia and the need to maintain flexibility to respond, if necessary, to a more fluid and unpredictable global security environment.

Strictly defined counting rules that do not reflect the actual number of warheads deployed on delivery vehicles played an important part in previous strategic arms control agreements to make accountability absolutely clear in advance. However, these counting rules came at the cost of complexity and arbitrariness.

Given the new U.S.-Russian strategic relationship, counting rules were not needed for this Treaty. Moreover, counting rules restrict flexibility. For example, attributing a number of "warheads" to each bomber based on the maximum number of nuclear weapons it can carry would have required the United States to drastically reduce the size of our strategic bomber force, although these bombers and their weapons-carrying capabilities are needed for non-nuclear missions.

An essential feature of the Treaty is to allow the United States and Russia to reduce their respective strategic nuclear warheads by any methods they may choose. While taking the important step of reducing warheads available for immediate use, we need to retain the flexibility to meet unforeseen contingencies.

*Question.* What definition or counting rules will Russia use?

Answer. In making its reductions, Russia will establish its own definition of "strategic nuclear warheads." Russia did not state conclusively during the negotiations how it intends to carry out its reductions. Our original decision to make reductions was not dependent on whether Russia reduced its own forces to the same number, and we believe Russia has compelling reasons of its own, unrelated to the Moscow Treaty, to wish to reduce to the 1,700–2,200 range.

*Question.* How can we be certain that Russia understands the meaning of the term "strategic nuclear warheads" as we do? Is there any written or unwritten agreement on definitions?

The Article-by-Article Analysis states that "Article I, by referencing the statements of both Presidents, makes clear that the Parties need not implement their reductions in an identical manner." Does this mean that each Party may use its own definition of the term "strategic nuclear warheads," or only that each Party may take different paths to achieving the required warhead numbers under a common definition? If the former interpretation pertains, then where is it made clear that each Party is required to meet only its own definition of the reduction requirement?

Has the Russian Federation ever said explicitly that the United States is free to adopt the definition and counting rules stated in your Letter of Submittal and the Article-by-Article Analysis? Or is there a difference of view between the two Parties on this matter?

What does the negotiating record say on this? Please provide to this committee the relevant portions of that record.

Answer. There is no definition of the term "strategic nuclear warheads" in the Treaty, nor is there any written or unwritten agreement on definitions elsewhere. Each Party may define the term in its own way and may reduce its strategic nuclear warheads by any method it chooses.

When the United States proposed the final formulation for Article I of the Treaty, senior U.S. officials explained that the purpose of the formulation was to give each Party the flexibility to make reductions in the manner best suited to its circumstances and the flexibility to determine the structure and composition of its strategic nuclear forces.

It was also made clear during the discussions leading to the Treaty that the United States will reduce its forces in accordance with President Bush's statement

referred to in Article I of the Treaty; i.e., that the United States would define its reductions in terms of operationally deployed strategic nuclear warheads. While Russia is under no obligation to reduce its strategic nuclear warheads in the same manner, Russia does have an obligation to reduce to 1,700–2,200 strategic nuclear warheads.

By signing the Treaty, the Russian side signaled its agreement to the flexible formulation of Article I and acceptance of the United States' intended method for implementing Article I's requirement.

*Question.* According to the Article-by-Article Analysis, U.S. negotiators noted to their Russian counterparts that the United States would interpret, for the purposes of its own reductions, operationally deployed strategic nuclear warheads as:

> . . . reentry vehicles in ICBMs in their launchers, reentry vehicles on SLBMs in their launchers onboard submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases. The United States also made clear that a small number of spare strategic nuclear warheads (including spare ICBM warheads) would be located at heavy bomber bases and that the United States would not consider these warheads to be operationally deployed strategic nuclear warheads.

Please explain the distinction, for the purposes of implementing this treaty, between a reentry vehicle and a missile warhead. Are they synonymous terms? Or can the United States equip a strategic missile such that the number of warheads would differ from the number of RV's?

Answer. Although the term "missile warhead" does not appear anywhere in the Moscow Treaty, for the purposes of implementing the Treaty, the term "warhead," as it relates to ICBMs or SLBMs, is synonymous with "reentry vehicle." In contrast, heavy bomber nuclear armaments are not technically the same as missile warheads and RVs. For Treaty purposes, however, they are included in the term "strategic nuclear warheads."

In the context of the Moscow Treaty, as the Article-by-Article makes clear, only "nuclear" reentry vehicles, as well as nuclear armaments, are subject to the 1,700–2,200 limit. Under this Treaty, once such warheads are no longer operationally deployed, they will no longer be included under that ceiling.

*Question.* How will the United States distinguish between "spare strategic nuclear warheads . . . located at heavy bomber bases," which would not count as operationally deployed strategic nuclear warheads, and "nuclear armaments . . . stored in weapons storage areas of heavy bomber bases," which would count? How many spare warheads, other than ICBM warheads, will be stored in this manner? What transparency measures is the United States prepared to offer Russia to illustrate this distinction?

Answer. No specific decisions have yet been made regarding spares other than that the United States has a requirement to locate a small number of spare strategic nuclear warheads at bomber bases. These may well vary across the life of the Treaty, depending on future force structure decisions, the assessed safety and reliability of the stockpile, and the dynamic strategic environment. We refer you to DOE and DOD for more information on this subject.

As noted in the May 24 Joint Declaration on the New Strategic Relationship, the Consultative Group for Strategic Security will be the principal mechanism through which the United States and Russia strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest. Neither Party has expresses interest in any specific types of transparency measures.

*Question.* Your Letter of Transmittal to the President and the Article-by-Article Analysis state: "In the context of this Treaty, it is clear that only 'nuclear' reentry vehicles, as well as nuclear armaments, are subject to the 1,700–2,200 limit." What non-nuclear reentry vehicles does the United States have for its strategic missiles?

How will the United States demonstrate that a reentry vehicle is non-nuclear, if one should be on a missile or at a storage site inspected or visited by a Russian on-site inspector?

Answer. This issue would only arise if a Party deployed conventional reentry vehicles on its ballistic missiles. The United States does not deploy any non-nuclear reentry vehicles on its ballistic missiles. The Moscow Treaty imposes no requirements

for demonstrations of whether reentry vehicles are non-nuclear, or for inspections or visits to storage sites.

*Question.* The START Treaty allows a Party to withdraw, after giving 6 months' notice, "if it decides that extraordinary events related to the subject of this Treaty have jeopardized its supreme interests." Why was it necessary to reduce the notice period to three months and to delete the requirement for any justification for withdrawal?

Answer. The provision allowing withdrawal on three months', rather than six months', written notice provides greater flexibility for each side to respond in a timely manner to unforeseen circumstances, whether those circumstances are technical problems in the stockpile, the emergence of new threats or other changes in the international environment.

The Moscow Treaty's formulation for withdrawal reflects the likelihood that a decision to withdraw would be prompted by causes unrelated either to the Treaty or to our bilateral relationship. We believe this formulation more appropriately reflects our much-improved strategic relationship with Russia.

However, both the withdrawal formulation typically found in Cold War arms control treaties ("if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests") and the Moscow Treaty's more general "in exercising its national sovereignty" are legally similar in that both allow each Party to determine for itself whether conditions requiring withdrawal exist.

*Question.* How likely is it that the United States will discover a need to breach these modest limits on such short notice?

Answer. Based on an extensive study by the Department of Defense of our nuclear posture, President Bush announced that the United States would reduce its operationally deployed strategic nuclear warheads to a level between 1,700–2,200 warheads. In indicating that the United States was prepared to proceed unilaterally, and inviting President Putin to implement similar reductions, President Bush made clear that the United States could do this without jeopardizing U.S. security, even without reciprocal Russian reductions. However, we cannot predict what challenges may arise within the next decade. For this reason, the withdrawal clause was carefully fashioned to allow flexibility for each side to respond to unforeseen circumstances, whether those circumstances are technical problems in the stockpile, the emergence of new threats, or other changes in the international environment.

*Question.* Does the Administration anticipate a need to withdraw from this Treaty for a lesser reason than that which is required in START?

Answer. Unlike the withdrawal formulation found in the START Treaty ("if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests"), the Moscow Treaty's more general withdrawal formulation ("in exercising its national sovereignty") is not tied to a Party's determination that extraordinary circumstances jeopardizing its supreme national interests exist. Because the new strategic relationship between the United States and Russia is based on common responsibilities and common interests rather than a nuclear balance of terror, the Cold War formulation for the withdrawal clause was not consistent with the different and more cooperative approach to reductions embodied in the Moscow Treaty.

While it is possible that a Party might need to withdraw from the Treaty because of unforeseen events, in this day and age such action would likely be for reasons completely unrelated to the bilateral relationship. Neither country can predict what security challenges may arise within the next decade. For this reason, the withdrawal clause was carefully fashioned to allow flexibility for each side to respond to unforeseen circumstances, whether those circumstances are technical problems in the stockpile, the emergence of new threats, or other changes in the international environment. This is not a "lesser" reason than that envisioned in the START withdrawal clause.

*Question.* Since the Treaty imposes no limit until December 31, 2012, when the Treaty itself will expire unless extended, why is there any need for a withdrawal provision before then?

The real impact of the new withdrawal provision would appear to be to allow a Party to announce its intent to withdraw on September 30, 2012, thus nullifying the sole reduction requirement in the Treaty, without giving—or needing—any justifica-

tion. How will a treaty with such a low standard for withdrawal produce the "genuine strategic partnership based on . . . predictability" that you forecast in your Letter of Submittal to the President?

Answer. Neither country can predict what security challenges may arise within the next decade. For this reason, the withdrawal clause was carefully fashioned to allow flexibility for each side to respond to unforeseen circumstances, whether those circumstances are technical problems in the stockpile, the emergence of new threats, or other changes in the international environment.

Because both countries signaled their intent to undertake the reductions in deployed strategic nuclear weapons that became embodied in the Treaty, the likelihood either Party would delay beginning its reductions until late in the Treaty's term, then withdraw without having met its reduction obligations, is not plausible. Reductions on both sides will begin long before December 31, 2012. If Russia is not taking appropriate steps to meet the 2012 deadline, we can raise this issue in either the Consultative Group for Strategic Security or the Bilateral Implementation Commission.

*Question.* What role will the Congress have in any decision to withdraw from this treaty?

Will the Administration agree at least to consult closely with this committee before making any such decision?

Answer. While it is the President who withdraws from treaties, the Administration intends to discuss any need to withdraw from the Treaty with the Congress, to include the Senate Foreign Relations Committee, prior to announcing any such action.

*Question.* Press reports indicate that Russian negotiators pressed for general limits on future U.S. missile defense deployments, but that this was rejected by the United States. The Russian side then reportedly sought general language in the treaty that a future U.S. national missile defense system would not threaten Russia's strategic deterrent. The United States rejected this proposal as well. Why did the United States resist the inclusion of general assurances in the treaty that any future U.S. national missile defense system would not threaten Russia's strategic nuclear deterrent?

Is there any thought that, in the future, a missile defense system may well be deployed that would threaten Russia's strategic nuclear deterrent?

Answer. The U.S. missile defense program is designed to deal with limited rogue-state missile threats. We are talking about being able to intercept handfuls, not hundreds, of missiles. U.S. missile defenses will not threaten Russia's security.

With respect to the absence of any reference to missile defense in the Moscow Treaty, the Administration's view is that missile defense deployments are necessary to deal with the emerging third world missile threat. We are not willing to agree to any limitations on our ability to counter this threat. The Russian Federation and the United States have moved beyond our Cold War relationship into a new strategic framework built on the principles of mutual security, trust, openness, cooperation and predictability rather than military confrontation. We believe that placing missile defense limitations on ourselves or the Russians in the Moscow Treaty would not have served our mutual goal of moving beyond Cold War thinking. The Administration's view is that the United States and Russia should not view their respective defense programs in terms of each other in the manner we did when we were Cold War adversaries.

While the Moscow Treaty does not address missile defense, that subject is addressed in the U.S. and Russian Presidents' May 24, 2002 joint declaration on the new strategic relationship between the United States and Russia. We agreed with Russia to implement measures aimed at strengthening confidence and increasing transparency in the missile defense area. The declaration also notes our agreement to study possible areas for missile defense cooperation.

*Question.* The sixth preambular paragraph in the Treaty cites the Joint Statement by the two Presidents on Strategic Issues of July 22, 2001, which reads:

> We agreed that major changes in the world require concrete discussions of both offensive and defensive systems. We already have some strong and tangible points of agreement. We will shortly begin intensive consultations on the interrelated subjects of offensive and defensive systems.

Why was this citation included in the Treaty? What is its legal effect?

Does the United States continue to believe that offensive and defensive systems are "interrelated subjects?"

How, if at all, will future developments regarding U.S. missile defense systems affect the implementation of this treaty? How will they affect any further reductions in, or agreements on, strategic offensive forces?

Answer. The sixth preambular paragraph recognizes the Joint Statements made by Presidents Bush and Putin in Genoa on July 22, 2001, and in Washington, DC on November 13, 2001, that detail the new basis for relations between the United States and Russia. This preambular language does not impose any restrictions or obligations relating to missile defense programs.

Offensive and defensive systems are "interrelated subjects" in that the development of effective missile defenses will reduce our dependency on strategic forces for maintaining an effective deterrent. Missile defenses will play an increasing role in the deterrence of WMD attack. What is new is that our deterrence calculus has changed. We are now working to transform our nuclear posture from one aimed at deterring a Soviet Union that no longer exists, to one that is part of a New Triad designed to deter new adversaries that may no longer be discouraged solely by the threat of U.S. nuclear retaliation. The United States and Russia acknowledge that today's security environment is fundamentally different from that during the Cold War; consequently, they are taking steps to reflect the changed nature of the strategic relationship between them, including possible areas for missile defense cooperation.

Future developments in missile defense systems are not tied to, and will not affect the implementation of, the Moscow Treaty.

The United States and Russia both intend to carry out strategic offensive reductions to the lowest levels possible, consistent with national security requirements and alliance obligations, and reflecting the new nature of our strategic relations. We believe U.S. missile defenses capable of defending the United States, its friends and allies, and our forces abroad, in conjunction with the development of the new U.S. approach to strategic deterrence and an improved relationship with the Russian Federation, will enhance the possibility for further reductions in strategic offensive forces.

*Question.* Was your testimony coordinated with the other affected departments and agencies of the Executive branch? If not, why not?

Answer. My July 9 testimony was coordinated with the other affected departments and agencies of the Executive Branch, following standard procedures for interagency coordination.

*Question.* Are there any related or side agreements with regard to this Treaty which have not been submitted to the Senate? If so: please explain and provide the relevant texts.

Answer. No side agreements of any sort exist with regard to this Treaty. The Treaty stands alone.

*Question.* Are there any significant interpretive statements made by an authorized U.S. official in connection with the negotiation of this treaty, other than those submitted to the Senate with the treaty itself, of which the Committee should be aware? If so, please explain and provide the relevant texts.

Answer. No.

# TREATY ON STRATEGIC OFFENSIVE REDUCTIONS: THE MOSCOW TREATY

**WEDNESDAY, JULY 17, 2002**

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
*Washington, DC.*

The committee met, pursuant to notice, at 2:55 p.m. in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr., [chairman] presiding.

Present: Senators Biden [presiding], Feingold, Nelson of Florida, Lugar, and Hagel.

The CHAIRMAN. The hearing will come to order.

The Committee on Foreign Relations is honored today to have the Secretary of Defense and the Chairman of the Joint Chiefs of Staff with us. It is a rare circumstance when they are here, primarily when we have treaties to consider under our constitutional responsibility.

Mr. Secretary, I was about to say it is hot in here and a hot day, you are welcome to take your coat off. But that would seem cruel, to say that today, in light of your cast.

Secretary RUMSFELD. I have got a zipper.

The CHAIRMAN. But I apologize for my shirtsleeves, but I hope you will understand.

Good afternoon, ladies and gentlemen. Today the Committee on Foreign Relations resumes consideration of the Treaty on Strategic Offensive Reductions. Last week we heard from Secretary Powell and now we have the Secretary of Defense, as I indicated, and the Chairman of the Joint Chiefs.

I expect that the committee and indeed the full Senate in my view will support this treaty as on balance I think it clearly enhances our national security. But it is our duty to our colleagues in the Senate as the authorizing committee to understand what this treaty does and what it does not do before we act on it.

The committee looks forward to hearing today from the Secretary of Defense as well as the Chairman to explain to us how this treaty will strengthen U.S. national security. They can and will explain why certain objectives for the treaty and the underlying strategic rationale for the goals set in those objectives. And I hope they will discuss how the United States plans to implement our side of the agreement, the treaty's provisions that we are signed onto, which are obviously the same as those of the Russian Federation.

On November 13, 2001, President Bush said the United States would reduce its operationally deployed nuclear strategic warheads to between 1,700 and 2,200 warheads over the next decade, which

he termed "a level fully consistent with American security." As Secretary Powell affirmed last week, this level was the result of a comprehensive review by the Department of Defense that was begun when the new administration entered office.

Mr. Secretary and General Myers, I would like you to share with us the strategic logic behind the U.S. decision to reach this 1,700 to 2,200 level. The treaty mandates this exact range of deployed warheads for both parties by 2012, despite several public statements by Russian officials who urged why we should not have gone lower, and maybe we could speak to that a little as well.

Why will this many, that is 1,700 to 2,200 operationally deployed warheads, be needed a decade from now if, as the President has written, "Russia is not an enemy; Russia is a friend"? The treaty could produce, but does not require, the actual reduction of strategic weapons and/or warheads. Both parties can retain an unlimited number of warheads in storage ready for reloading on short notice.

What are the Defense Department's plans for implementing the required reductions under this treaty? How will the United States achieve the required reductions in operationally deployed strategic warheads? How will the U.S. demonstrate these required reductions and provide transparency for Russia and vice versa, and is it even necessary? And what will the United States do with the launchers and warheads no longer operationally deployed?

The nuclear posture review and Secretary Powell's testimony outline plans for reaching levels of 3,800 deployed nuclear warheads by 2007. I hope the Secretary and General will explain today how the United States will implement, or at least their thoughts on how it will implement, the rest of the mandated reductions between 2007 and 2012.

At last week's hearing, Secretary Powell stated the administration intends to destroy some warheads removed from operational deployment, but will retain a total of 4,600 deployed or non-deployed warheads. Secretary Powell cautioned, though, that only the Secretary, Secretary Rumsfeld, can speak authoritatively to the committee on this final number, and I hope we can talk about that a little as well.

So I encourage you, Mr. Secretary, to confirm this number today and provide for us any additional details that you think are appropriate. I am also curious as to why 10 years is required for these reductions. What was the rationale behind 10 years? According to Secretary Powell, this time is necessary "to give both parties time to complete the actions in a sound, responsible, and sustainable manner."

The question is how long does it take to download a warhead that we have agreed already to reduce? What's the cost involved? Is that one of the reasons why it's stretched out over 10 years? Why not accelerate U.S. reductions required by the treaty or at least deactivate the deployed strategic warheads slated for later reduction?

The latter concept was endorsed by the United States and Russia as far back as the Helsinki Summit of 1997 as a START III objective.

Finally, I hope our witnesses will talk about how we might work with Russia to ensure that excess weapons and warheads are securely stored and, if possible, eliminated. I have long shared Senator Lugar's concern that the administration, despite its best intentions, has been unable for many months to move forward on important threat reduction projects with Russia, a subject which I'd like to explore with the Secretary as we move forward, as well as how it interfaces, if at all, with the ability to secure the downloaded weapons off of platforms to be stored by the Russians.

Surely the first and cheapest line of defense is the one we build by helping Russia secure and destroy weapons that could end up in the hands of terrorists. If this treaty leads Russia to put thousands of warheads in poorly secured storage in order to match our reserve force, then I wonder whether it will really make us as secure as it could. It seems to me we have to do all we can to keep that from happening.

Last week Senator Lugar told Secretary Powell and I: "Without Nunn-Lugar it's unlikely that the benefits of this treaty will be realized." I second that view. I also share Senator Lugar's concern that the administration, as I said, despite the best intentions, have been unable for months to move forward on important threat reduction projects in Russia. I think it is time to break the logjam and I hope that our witnesses today will leave with a renewed sense of the urgency some of us feel in that regard.

Some of us feel this is unable to be decoupled from this treaty in terms of the unintended danger that may be posed by warheads that are taken off of platforms and stored in circumstances that may not be secure.

With that, again I welcome our two witnesses and I will yield now to my friend Senator Lugar.

Senator LUGAR. Thank you very much, Mr. Chairman, for continuing the committee's review of the Moscow Treaty. Last week the committee heard valuable testimony from Secretary of State Powell and today we take the next step by hearing the views of Defense Secretary Don Rumsfeld and the Chairman of the Joint Chiefs of Staff General Richard Myers.

I join you in believing the Moscow Treaty makes an important step toward creation of a safer world. By reducing the number of operationally deployed nuclear warheads by some two-thirds, the United States and Russia continue to withdraw from the dangerous positions of the cold war. This treaty reflects the improving nature of the United States-Russian relationship.

It is not a multi-volume discourse nor a treaty including minute details of verification negotiated for years. Instead, both sides determined that the new strategic relationship permits us to move more quickly while avoiding the pitfalls foreign previous agreements, and in my opinion this is the right treaty at the right time.

Critics have pointed out that the Moscow Treaty could have been more expansive, rigid, and demanding. They point to the absence of requirements to dismantle warheads, the lack of a reduction schedule, failure to address tactical nuclear weapons as critical flaws. Negotiation of such a wide-ranging pact would have delayed the important reductions mandated by the treaty.

Russian strategic nuclear forces are declining and by 2012 reduction leaders would like for warhead levels to be less than 2,200, probably several hundred warheads lower. In fact, Moscow pushed for treaty limits of 1,500 warheads and settled for a range of 1,700 to 2,200. It would appear that Moscow is reluctant to accept the resource tradeoffs necessary to maintain a higher force.

In short, President Putin, inheriting a force structure that anticipated START II implementation and faced with continued resource constraints, decided to limit further spending on strategic forces and actively sought a new treaty to limit United States forces in a predictable manner.

Mr. Chairman, in my opinion there is only one comprehensive question that remains to be answered on the contributions this treaty will make to the United States security: Can the Russians meet treaty requirements without United States assistance? My analysis concludes that they cannot. In fact, without United States assistance provided by the Pentagon through the Nunn-Lugar Cooperative Threat Reduction program, I believe it is likely that the benefits of the treaty will be postponed and perhaps never realized.

Most Americans are pleased by reports of Nunn-Lugar assistance contributing to the deactivation of nearly 6,000 former Soviet missile warheads, more than a thousand strategic missiles, almost 100 long-range bombers, and approximately 25 strategic missile submarines, but they are concerned that, while our country is in the midst of a war on terrorism and our relationship with Russia continues to warm, the President is hamstrung by Congressional certifications.

Each year the President is required by law to certify to Congress that Russia is committed to the goals of arms control. In each of the last 9 years, previous presidents have been able to meet this certification requirement. This year the administration decided to request a waiver of certification, pointing out that unresolved concerns in the chemical and biological arenas made certifying difficult.

While the administration waits for the waiver, ongoing CTR activities may continue, but no new projects can be started and no new contracts can be finalized. In practical terms, this means that former Soviet weapons systems remain operationally deployed even after Russia has decided to dismantle them and has requested United States assistance in doing so.

Under normal circumstances, the Pentagon would hire American contractors to dismantle these weapons systems because of the clear benefits to American security. But as we wait for Congressional conference meetings to conclude on the supplemental appropriations and defense authorization bills, Russian missiles remain in silos, subs are loaded and tied to docks, millions of rounds of chemical weapons await elimination.

President Bush is seeking a long-lasting solution to this problem by requesting a permanent annual waiver so that Nunn-Lugar will never again be required to stop its important work. Unfortunately, some in both houses of Congress would prefer just a 1-year waiver or no waiver at all. Without a permanent waiver, the dismantlement of Russian systems could be delayed for 6 months or more each year.

Let me be clear. Without a permanent waiver, the permanent paralysis will reoccur in the years ahead and, to the point of our hearing today, possibly delay full implementation of the Moscow Treaty far beyond the current 10-year time period.

Given the importance of the Nunn-Lugar CTR program and the timely and complete implementation of the Moscow Treaty, I look forward to hearing from the Secretary on four specific issues: First, what steps has the Pentagon taken to ensure that Congressional defense conferees know and appreciate the need to provide the President with the permanent waiver authority he requested earlier this year?

Second, given the serious questions over the safety and security of Russian nuclear warheads, what steps is the Pentagon considering to increase American confidence that these weapons do not fall into the wrong hands? I appreciate the flexibility to treaty provides the United States in this area, but it must be matched with a renewed commitment to safeguard the Russian warheads.

Third, when Secretary of State Powell testified last week he said that "the many ongoing Cooperative Threat Reduction programs with Russia are designed to improve the safety and security of all Russian, all Russian nuclear weapons, including non-strategic nuclear weapons." This was a very important statement of policy and the first time we have heard it laid out in such stark terms.

I'm interested in learning whether the Secretary agrees with the Secretary of State's interpretation and what plans are under way to respond to the threat posed by former Soviet tactical nuclear weapons.

Fourth, last, I've introduced legislation at the encouragement of the Department of Defense authorizing Secretary Rumsfeld to utilize on an emergency and temporary basis the Nunn-Lugar program outside the former Soviet Union. Pentagon leaders with whom I have spoken have strongly supported the additional flexibility and authorization, given the war on terrorism.

The Senate bill includes this provision, but the House bill explicitly prohibits the expansion of Nunn-Lugar activity outside the former Soviet Union. Mr. Secretary, I am interested in learning what steps the Department is taking to share with members of the House the enthusiasm of the Department for the expansion authorization.

In closing, Mr. Chairman, I want to bring to your attention the Arctic Military Environmental Cooperation, or the AMEC program. This is a trilateral program between the United States, Russia, and Norway to address challenges posed by former Soviet military equipment and installations in northwest Russia. When I visited Oslo in May, every Norwegian government official we met with—and that is our Congressional delegation—expressed concern over the United States commitment to the program.

Last month Deputy Secretary of State Armitage wrote to me stating "The United States will remain an active participant in the program" and that "The State Department is committed to maintaining a leadership role in Africa."

I look forward to working with you to discuss how the new G–8 commitment on the 10 plus 10 over 10 might address the critical threats facing Norway, a valued NATO ally.

Mr. Chairman, as you know, I have committed, as you have, to the President to work to produce a resolution of ratification that will garner two-thirds Senate support needed for this treaty to enter into force. Likewise, I appreciate the treaty alone is insufficient to meet our security needs. The treaty sets the course, but Cooperative Threat Reduction and START verification procedures are needed to ensure that Russia crosses the finish line with us.

I thank you very much.

The CHAIRMAN. I thank you.

We will, with the permission of my colleagues, after we hear from the Secretary move to 10-minute rounds if that works for everyone.

Mr. Secretary, again welcome. Thank you very much for being here and the floor is yours.

**STATEMENT OF HON. DONALD H. RUMSFELD, SECRETARY OF DEFENSE**

Secretary RUMSFELD. Thank you very much, Mr. Chairman, members of the committee. I thank you for this opportunity to discuss the Moscow Treaty with the committee. I understand that the ranking member Senator Helms has just returned home from an illness and certainly we wish him well.

I know that you have spent time with Secretary Powell and I want to recognize his fine work in support of the President and that of Under Secretary Bolton and Under Secretary of Defense Doug Feith, as well as the Chairman of the Joint Chiefs of Staff, Dick Myers, who have all worked closely on these efforts.

I would like to abbreviate my remarks somewhat, the prepared remarks, and have them included in the record. I also want to apologize for the distraction of my hand waving in your face, but the surgeon tells me it should not go below my heart. So I have this Statute of Liberty pose that I have adopted. It is solely for that reason.

The CHAIRMAN. It is probably uncomfortable. It is very becoming.

Secretary RUMSFELD. Senator Lugar, there are lots of reasons to pass the 2002 supplemental, the one you mentioned to be sure, but also the fact that we are not able to pay the training for the Afghan national army, we are not able to pay the funds we owe the Pakistanis for their support in fuel and various other things, to say nothing of the needs of the men and women in the Armed Services for maintenance and overhaul and repairs and spare parts. So we are anxious to have that supplemental passed.

When President Bush took office last year, he made clear his determination to transform the Russian-American relationship, to put hostility and distrust that has been built up over so many decades behind us, and to set our two nations on a course toward greater cooperation. Some naysayers insisted that it really could not be done. They looked at his agenda, his promise to withdraw from the ABM treaty, his commitment to build defenses for friends and allies, to protect the friends and allies and ourselves from ballistic missile attack, his determination to strengthen the NATO alliance by making new allies of old adversaries, and the prediction was that the U.S. and Russia were really on a collision course.

The past year suggests what a difference a year can make. None of these dire predictions came to pass. To the contrary, the U.S.-Russian relationship is stronger today than perhaps at any time in my adult lifetime. Far from a clash over NATO expansion, the President has submitted a new NATO-Russian relationship that will permit increasing cooperation between Russia and the members of the Atlantic Alliance. Far from causing a deep chill in relations, the U.S. withdrawal from the ABM treaty was greeted in Russia with something approximating a yawn. Indeed, President Putin declared the decision to not pose a threat to Russia, which of course it does not.

Far from launching a new arms race, the U.S. and Russia have both decided to move toward historic reductions in their deployed offensive nuclear arsenals, reductions to be codified in the Moscow Treaty before your committee.

Indeed, President Putin chose to announce the Russian reductions on the very same day that President Bush announced his intention to withdraw from the ABM treaty. In little over a year, President Bush has defied the critics and set in motion a fundamental transformation in the U.S.-Russian relationship, one that is designed to benefit the people of both of our nations and indeed the world. As the record shows, it is a transformation that began before the terrible events of September 11.

In the last 12 months, the Presidents of the United States and of Russia have had probably more interaction and forged more areas of cooperation across a broader range of political, economic, and security issues than at any time. Today the U.S. and Russia are working together to develop new avenues for trade and economic cooperation. We are working together to fight terrorism and deal with new and emerging threats that will face both of our countries in this new and dangerous century. We are working together to reduce deployed offensive nuclear weapons, weapons that are a legacy of the past and which are no longer needed when Russia and the U.S. are basing our relationship on one of increasing friendship and cooperation, rather than a fear of mutual annihilation.

So these are historic changes, changes of a breadth and scale that few imagined and many openly doubted could be achieved in so short a period of time. Of course there is a good deal of work ahead and challenges to overcome, let there be no doubt. Our success is by no means assured, but we have an opportunity to build a new relationship for our peoples, a relationship that can contribute to peace and stability and prosperity for generations of Russians and Americans.

It will require a change in our thinking, thinking in the bureaucracy of both countries, thinking in the Congress and in the Duma, thinking in the press and in academic institutions. We have decades of momentum going in the opposite direction and we need to recalibrate our thinking and our approaches with respect to this relationship.

In both of our countries, there are those who are still struggling with the transition. Habits built up over many decades become ingrained and hard to break. Here in the U.S., there are some what would have preferred to see us continue the adversarial arms con-

trol negotiations of the Soviet era, where teams of lawyers drafted hundreds of pages of treaty text and each side worked to gain the upper hand, while focusing on ways to preserve a balance of nuclear terror.

That's an approach that President Bush rejected, insisting instead that we deal with Russia as we deal with other normal countries, in a spirit of friendship and cooperation.

Similarly, in Russia today there are those who are stuck in the past, who look warily at American offers of greater cooperation and friendship, preferring to keep us at arm's length. I have had many, many hours of meetings with them, as has General Myers.

There are others in Russia who want to see her embrace the future and take her rightful place in Europe through increased integration with the western industrialized democracies and by embracing political and economic freedom and the prosperity and improved standard of living, democracy peace and thriving culture that are the products of free societies. Sometimes these divergent impulses can even be found in the same people.

Russia and the United States entered this new century saddled with two legacies of the cold war, the adversarial relationship to which we had both grown accustomed and the physical manifestation of that adversarial relationship, the massive arsenals of weapons that we built up to destroy each other. In the past year we have made progress in dealing with both.

Last November at the Crawford Summit President Bush announced his intention to reduce the U.S. operationally deployed strategic nuclear warheads by some two-thirds, to between 1,700 and 2,200 weapons. Soon after that, President Putin made a similar commitment. These reductions, these proposed reductions, are a reflection of our new relationship.

When President Reagan spoke to the students at Moscow State University in 1988, he told them nations do not distrust each other because they are armed; they are armed because they distrust each other. Clearly, we do not distrust each other the way the U.S. and the Soviet Union once did.

But what is remarkable is not simply the fact of these planned reduction, but how they have happened. After a careful review, President Bush simply announced his intention to cut our stocks of operationally deployed nuclear warheads. This was the result of the nuclear posture review that we spent many months on, as you indicated in your opening remarks.

President Putin shortly thereafter did exactly the same thing. When they met in Moscow, they recorded these unilaterally announced changes in a treaty that will survive their two presidencies, the Moscow Treaty which the Senate will now consider. But it is significant that, while we consulted closely and we engaged in a process that has been open and transparent, we did not engage in the lengthy, adversarial negotiations in which the U.S. kept thousands foreign weapons it did not need as a bargaining chip and Russia did the same. We did not establish standing negotiating teams in Geneva, with armies of arms control aficionados ready to do battle over every colon and every comma.

If we had done so, we would still be negotiating today, as Senator Lugar suggested. Instead, we are moving directly toward dramatic

reductions in the ready nuclear weapons of our two countries and in clearing the way for a new relationship between our countries based on increasing trust and friendship.

If you want an illustration of how far we have come in that regard, consider: There [indicating] is the START treaty, if I can lift it. It is massive. There [indicating] is the Moscow Treaty; it is three pages. The START thank you between President Bush and Michael Gorbachev is 700 pages long and took 9 years to negotiate. The Moscow Treaty was concluded in the summer, some 6 months to negotiate, and it is 3 pages long.

Mr. Chairman, we are working toward the day when the relationship between our two countries is such that no arms control treaties will be necessary. That is how normal countries deal with each other. The U.S. and Great Britain both have nuclear weapons, yet we do not spend hundreds of hours negotiating with each other the fine details of mutual reductions on offensive weapons. We do not feel the need to preserve a balance of terror between us. We would like the relationship with Russia to move in that direction, and indeed it is.

We would have made these cuts regardless of what Russia did with its arsenal. We are making them not because we signed the treaty in Moscow, but because the fundamental transformation in the relationship with Russia means that we do not need so many deployed weapons. Russia has made a similar calculation, and the agreement we reached in Moscow was the result of those judgments, those determinations, not the cause of those judgments or determinations.

That is also why we saw no need to include detailed verification measures in the treaty. First, there simply is not any way on Earth to verify what Russia is doing with all their warheads and their weapons. Second, we do not need to. Neither side has an interest in evading the terms of the treaty since it simply codifies unilateral announced intentions and reductions, and it gives both sides broad flexibility in implementing those decisions.

Third, we saw no benefit in creating a new forum for bitter debates over compliance and enforcement. Today the last place in the world where U.S. and Russian officials still sit across a table arguing with each other is in Geneva. Our goal is to move beyond that kind of cold war animosity, not to find new ways to extend it into the twenty first century.

Similarly flawed in my view is the complaint that, because the Moscow Treaty does not contain a requirement to destroy warheads removed from the missiles and the bombers, that the cuts are reversible and therefore they are not real. Put aside for the moment the fact that no previous arms control agreement, not SALT, not START, not the INF, has required the destruction of warheads, and no one offered objections to those treaties on the basis that they did not require the reductions in warheads, the destruction of warheads.

This charge is based in my view on a flawed premise, that irreversible reductions in nuclear weapons are possible. In point of fact, there is no such thing in my view as irreversible reductions in nuclear weapons. The knowledge of how to build nuclear weapons exists. There is no possibility that that knowledge is going to

disappear from the face of the Earth. Every reduction is reversible given enough time and enough money.

Indeed, when it comes to building nuclear weapons, Russia has a distinct advantage over the United States. Today Russia can and does produce both nuclear weapons and strategic nuclear delivery vehicles. They have open, warm production lines. The U.S. does not produce either ICBM's or nuclear warheads. It has been a decade since we produced a nuclear weapon and it would likely take us the better part of a decade to begin producing some capabilities again.

In the time it would take us to redeploy decommissioned nuclear warheads, Russia could easily produce a larger number of new ones because they have an open, warm production line. But the question is why would we want to do so? Barring some unforeseen or dramatic change in the global security environment, like the sudden emergence of a hostile peer competitor on a par with the old Soviet Union, there is no reason why we would want to redeploy the warheads we are reducing.

The reason to keep rather than destroy some of those decommissioned warheads is to have them available in the event of a problem with safety or reliability in our arsenal. Since we do not have an open production line, it would be in my view simply mindless for us to destroy all of those warheads and then not having them for the backup in the event that we run into safety or reliability problems or indeed a sudden, unexpected change in the global security environment. Russia, by contrast, has less need to maintain reserve warheads since it has an active production capability.

Mr. Chairman, if we had pursued the path of traditional arms control as some suggested, we would not be proceeding with the reductions outlined in this treaty before you. Rather, we would be still at the negotiating table arguing over how to reconcile these and a dozen other asymmetries that exist between how Russia is arranged and how we are arranged. They have different geography, they have a different technical base, they have a different GNP, they have different currently deployed capabilities from the United States of America. So it ought not to be surprising that trying to make an agreement with countries that have those numerous asymmetries would be an enormously difficult thing had we not done what we did, namely to each look at our own circumstance and make the best judgment we could as to what was in the interest of our respective national securities.

For example, if we had said that we are going to pursue the traditional approach, we would have had to address those asymmetries. We would have had to try to balance Russia's active production capacity against the U.S. lack of a production capacity. Russia might have insisted that any agreement take into account the size of our economy and our ability to mobilize resources quickly to develop new production facilities.

We might have argued that Russia's proximity to rogue nations allows them to deter these regimes with tactical systems because they are many thousands of miles away from us; the United States' distance from them requires more intercontinental systems, possibly, than theater systems. This could have resulted in a mind-numbing debate over how many non-strategic systems, which was raised I believe by Senator Lugar, should equal an intercontinental

system, or open the door to a discussion of whether an agreement should include all nuclear warheads regardless of whether they are strategic or tactical.

Russian negotiators might have countered that the U.S. advantage in advanced high-tech conventional weapons should also be taken into account, and so forth ad infinitum.

But the point is this. We do not need to reconcile all those asymmetries because neither Russia nor the U.S. has an interest in taking advantage of the other by increasing its respective deployed nuclear forces. The approach we have taken is to treat Russia not as an adversary, but as a friendly power. In so doing, we have been able to preserve the benefits attributed to arms control—the dialog, the consultations, lower force levels, predictability, stability, we hope greater transparency—but we have done so without all the drawbacks—the protracted negotiations, the withholding of bargaining chips, the legalistic and adversarial process, that more often than not becomes a source of bitterness between the participants, and the extended, embittered debates over compliance and enforcement agreements.

Because Russia and the U.S. are no longer adversaries, our interests have changed. As enemies we had an interest in each other's failure. As friends we ought to have an interest in each other's success. As enemies we had an interest in keeping each other off balance. As friends we have an interest in promoting stability.

When Russia and the U.S. were adversaries, our principal focus was trying to maintain and freeze into place the balance of nuclear terror. With the recently completed nuclear posture review, the U.S. has declared that we are not interested in preserving that balance of terror with Russia. Today the threats we both face are no longer from each other. They come from new sources, and as our adversaries change our deterrence calculus must change as well.

That is why we are working to transform our nuclear posture from one aimed at deterring a Soviet Union that no longer exists to one designed to deter new adversaries, adversaries who may not be discouraged from attacking us by the threat of U.S. nuclear retaliation, just as the terrorists who struck us on September 11 were certainly not deterred by the United States' massive nuclear arsenal.

With the nuclear posture review, President Bush is taking a new approach to strategic deterrence, one that combines deep reductions in offensive nuclear forces with new conventional offensive and defensive systems more appropriate for deterring the potential adversaries we face in the twenty first century.

Some have asked why in the post-cold war world we need to maintain as many as 1,700 to 2,200 operationally deployed warheads. The fact that the Soviet threat has receded does not mean that we no longer need nuclear weapons. To the contrary, the U.S. nuclear arsenal remains an important part of our deterrent strategy and helps us to dissuade the emergence of potential or would-be peer competitors by underscoring the futility of trying to sprint toward parity with us.

Indeed, Mr. Chairman, our decision to proceed with reductions as deep as the ones outlined in the Moscow Treaty is premised on decisions to invest in a number of other critical areas, such as intel-

ligence, ballistic and cruise missile defense, and a variety of conventional weapons programs funded in our 2003 budget request.

Others have asked why there is no reduction schedule in the treaty. The answer is quite simple: flexibility. Our approach to the nuclear posture review was to recognize that we're entering a period of surprise and uncertainty, when the sudden emergence of unexpected threats will be an increasingly common feature of our security environment.

We were surprised on September 11, and let there be no doubt we will be surprised again. I was interested to note that we ought to have a healthy respect for all we do not know. When the Senate committee heard the hearing of Secretary Bob McNamara, not one Senator nor Secretary McNamara ever raised the word Vietnam. When Dick Cheney was before his committee for his Senate confirmation for Secretary of Defense, he did not, nor did the committee, raise the word Iraq.

When I appeared before the Senate Armed Service committee for confirmation hearings, no one, including Don Rumsfeld, raised the word Afghanistan. If one thinks back to the rapidity with which Iran went from being a regional power in close and intimate relationship with the United States to being led by the Ayatollah and hostile to the United States, we have to recognize that it is an uncertain world. It is not only an uncertain world, it is a world that, besides promising surprise and promising little or no warning, is a world that has weapons of mass destruction. So the penalty for not being able to cope with surprise or cope with little or no warning could be enormous.

Our intelligence has repeatedly underestimated the capabilities of different countries of concern to us. I say that not to be critical of the intelligence community. It stretches back over decades. But the fact is that it's a big world, there are a lot of closed societies, and we have historically had significant gaps in our knowledge, gaps where some significant event occurred in a country and we did not know about it, an important country that we were looking at, a significant event, and we did not know it for 2 years, 4 years, 6, 8, 10, in one case 12 years or 13 years before we became aware of that event.

Indeed, the only surprise is that so many among us are still surprised when we find that there were things happening in the world that we did not know. We have to accept that. This problem is certainly more acute in an age when the spread of weapons of mass destruction in the hands of terrorist states and potentially terrorist networks means that our margin of error is significantly less than it had been. The cost of a mistake could be not thousands of lives, but tens of thousands of lives.

Because of that smaller margin for error and the uncertainty of the future security environment, the U.S. will need flexibility. Through the Nuclear Posture Review, we determined the force levels and the flexibility that we will need to deal with that new world, and then we negotiated a treaty that allows both deep reductions in offensive weapons and the flexibility to be able to respond to sudden changes in our strategic environment should that be necessary.

We are working to develop the right mix of offensive and defensive capabilities. If we do so, we believe the result will be that nations are less likely to acquire or use nuclear weapons.

None of these changes in any way is a threat to Russia. Far from it, this new approach to deterrence should help us better contribute to peace and stability and address the new threats and challenges that we both will face in this century.

In this century, Russia and the United States both face new and different security challenges, not exactly the same, but certainly the threats of terrorism and fundamentalism and the spread of weapons of mass destruction to rogue states are common. The difference is that these are threats our two nations have in common and that we can face together, rather than threats from each other.

It means that we have entered a period when cooperation will be increasingly important to our security and our prosperity. We can work together to stop the spread of weapons of mass destruction into the hands of terrorists and we can work together to support Russia's economic transformation and deeper integration into the Euro-Atlantic community, because a prosperous Russia will not face the same pressures to sell to rogue states the tools of mass destruction. And we can work together to help Russia's transformation into a stable free market democracy.

If one were to look down from Mars, one would see that the world pretty neatly divides countries into those that are doing pretty well by their people and those that are not doing very well by their people. The countries that are doing well are the ones that have freer political systems, freer economic systems, the rule of law, transparency, predictability, and are integrated into the world economy. These are nations where there is growth and opportunity.

If Russia hopes to attract foreign capital or retain her most gifted citizens, she must provide them with a climate of economic opportunity and political freedom, a climate that is the critical foundation upon which prosperity, cultural creativity, and national greatness is built.

We in the United States can encourage Russia by working together to put the past behind us and establish bonds and friendships between our people. In the end, of course, the choice and the struggle belong to the Russian people. This treaty is by no means the foundation of that new relationship. It is just one element of a growing multi-faceted relationship between our two countries that involves not just security, but also increasing political, economic, diplomatic, and cultural and other forms of cooperation.

These reductions in the nuclear arsenal of our two countries are an important step in that process. The reductions characterized in the Moscow Treaty will help eliminate the debris of past hostility that has been blocking our way as we build a new relationship. The treaty President Bush has fashioned and the process by which he fashioned it are a model for future cooperation between our two countries. We will achieve deep reductions and enhance security of both of our countries and do so without perpetuating a cold war way of thinking that hinders our desire for better relations.

I certainly urge the Senate to advise and consent to this treaty and to approve a clean resolution of ratification. Mr. Chairman, I would be pleased to respond to questions.

[The prepared statement of Secretary Rumsfeld follows:]

PREPARED STATEMENT OF SECRETARY OF DEFENSE DONALD H. RUMSFELD

Mr. Chairman, Members of the Committee.

When President Bush took office last year, he made clear his determination to transform the Russian-American relationship—to put the hostility and distrust built up over so many decades behind us, and set our two nations on a course toward greater cooperation.

Some naysayers insisted it could not be done. They looked at his agenda—his promise to withdraw from the ABM Treaty; his commitment to build defenses to protect the U.S., its friends and allies from ballistic missile attack; his determination to strengthen the NATO Alliance by making new allies of old adversaries—and predicted that the U.S. and Russia were on a collision course.

Various commentators warned of an impending "deep chill" in U.S.-Russian relations that would make it impossible to negotiate further nuclear reductions with Russia. More than one foreign official predicted that the President's approach would "re-launch the arms race." The *Washington Post* cautioned that the President's strategy risked "making the world less rather than more secure, and ... increasing rather than assuaging tension among the United States, its allies and potential adversaries such as Russia." The *New York Times* warned his approach "may alienate the Kremlin and give rise to a dangerous new arms race with Russia ...."

WHAT A DIFFERENCE A YEAR MAKES.

None of these dire predictions came to pass. To the contrary, the U.S.-Russian relationship is stronger today than perhaps at any time in the history of our two nations.

Far from a clash over NATO expansion, we have cemented a new NATO-Russia relationship that will permit increasing cooperation between Russia and the members of the Atlantic Alliance.

Far from causing a "deep chill" in relations, the U.S. withdrawal from the ABM Treaty was greeted in Russia with something approximating a yawn. Indeed, President Putin declared the decision "does not pose a threat" to Russia.

Far from launching a new arms race, the U.S. and Russia have both decided to move toward historic reductions in their deployed offensive nuclear arsenals—reductions to be codified in the Moscow Treaty now before the Committee. Indeed, President Putin chose to announce the Russian reductions on the same day President Bush announced the U.S. intention to withdraw from the ABM Treaty.

In little over a year, President Bush has defied the critics and set in motion a fundamental transformation in U.S.-Russian relationship—one that is designed to benefit the people of both our nations, and indeed the entire world.

And the record shows that it is a transformation that began before the terrible events of September 11.

President Bush laid out his vision for a new relationship in a speech at the National Defense University on May 1 of last year. When he met President Putin for the first time a month later in Slovenia, instead of the predicted fireworks, the two presidents emerged from their discussions expressing confidence that our countries could put past animosities behind them.

Not only had the meeting far exceeded his expectations, President Putin declared, but he believed that "Russia and the United States are not enemies, do not threaten each other, and could be fully good allies." President Bush announced they had both agreed that the time had come "to move beyond suspicion and towards straight talk; beyond mutually assured destruction and toward mutually earned respect ... to address the world as it is, not as it used to be."

And over the course of the past year, they put those words into action.

In the last twelve months, the Presidents of the United States and Russia had more interaction, and forged more areas of cooperation, across a broader range of political, economic and security issues, than at any time in the history of our two nations.

Today, the United States and Russia are working together to develop new avenues of trade and economic cooperation. We are working together to fight terrorism, and deal with the new and emerging threats we will both face in this dangerous new century. And we are working together to reduce the number of deployed offensive nuclear weapons—weapons that are a legacy of the past, and which are no longer needed at a time when Russia and the U.S. are basing our relations on friendship—and cooperation, not fear of mutual annihilation.

These are historic changes—changes of a breadth and scale that few imagined, and many openly doubted, could be achieved in so short a period time.

Of course there is still a great deal of work ahead—and challenges to overcome. Our success is by no means assured. But we have an opportunity to build a new relationship for our peoples—a relationship that can contribute to peace, stability, and prosperity for generations of Russians and Americans. It is ours to grasp—or to let slip away. But let there be no doubt—it will require a change in our thinking—thinking in the bureaucracy, in the Congress, the press and in academic institutions. We have decades of momentum going in the opposite direction. We need to recalibrate our thinking and our approaches.

In both our countries, there are those who are still struggling with the transition. Tolstoy said, "everyone thinks of changing the world, but no one thinks of changing himself." There is a reason for that. Change is not easy—none of us wakes up in the morning wanting to change.

Habits built up over many decades become ingrained, and are hard to break. Here in the U.S., there are some who would have preferred to see us continue the adversarial arms control negotiations of the Soviet era—where teams of lawyers drafted hundreds of pages of treaty text, and each side worked to gain the upper hand, while focusing on ways to preserve a balance of nuclear terror. This is an approach that President Bush rejected, insisting instead that we deal with Russia as we deal with all normal countries—in a spirit of friendship, trust and cooperation.

Similarly, in Russia today there are those who are stuck in the past—who look warily at American offers of greater friendship and cooperation, preferring to keep us at arms length, while continuing to associate with the old allies of the former Soviet Union—dictatorial regimes characterized by political, religious and economic repression—the world's walking wounded.

And there are others in Russia who want to see her embrace the future and take her rightful place in Europe—through increased integration with the Western industrialized democracies, and by embracing political and economic freedom, and the prosperity, high standard of living, domestic peace and thriving culture that are the product of free societies. Sometimes these divergent impulses can be found in the same people.

Both of our nations have a choice to make—a choice between the past and the future. Neither of us can make that choice for the other. But each of us has an interest in the choice the other makes.

The question for us is: what can we, who choose the future, do to support each other?

For those of us in the business of national defense, our task is an important one: to clear away the debris of past hostility that has been blocking our path into the 21st century.

Russia and the United States entered this new century saddled with two legacies of the Cold War: the adversarial relationship to which we had both grown accustomed, and the physical manifestation of that adversarial relationship—the massive arsenals of weapons we built up to destroy each other.

In the past year, we have made progress in dealing with both.

Last November, at the Crawford Summit, President Bush announced his intention to reduce the United States' operationally deployed strategic nuclear warheads by some two-thirds—to between 1,700 and 2,200 weapons. Soon after, President Putin made a similar commitment.

These reductions are a reflection of our new relationship. When President Reagan spoke to the students at Moscow State University in 1988, he told them, "nations do not distrust each other because they are armed; they are armed because they distrust each other." Clearly, we do not distrust each other the way the U.S. and Soviet Union once did.

But what is remarkable is not simply the fact of these planned reductions, but how they have happened. After a careful review, President Bush simply announced his intention to cut our stocks of operationally-deployed nuclear warheads. President Putin did the same. When they met in Moscow, they recorded these unilaterally announced changes in a treaty that will survive their two presidencies—the Moscow Treaty which the Senate will now consider.

But it is significant that while we consulted closely, and engaged in a process that has been open and transparent, we did not engage in lengthy, adversarial negotiations in which the U.S. kept thousands of weapons it did not need as a bargaining chip, and Russia did the same. We did not establish standing negotiating teams in Geneva, with armies of arms control aficionados ready to do battle over every colon and comma.

If we had done so, we would still be negotiating today. Instead, we are moving directly toward dramatic reductions in the ready nuclear weapons of our two coun-

tries—and clearing the way for a new relationship between our countries based on increasing trust and friendship.

If you want an illustration of how far we have come in that regard, consider:

The START I Treaty, signed in 1991 by the first President Bush and Soviet President Mikhail Gorbachev, is 700 pages long, and took 9 years to negotiate.

The Moscow Treaty, concluded this summer by President Bush and President Putin, is three pages long, and took 6 months to negotiate.

The START Treaty shows how much we trusted each other in 1991.

The Moscow Treaty shows how much we trust each other today.

And, Mr. Chairman, we are working toward the day when the relationship between our two countries is such that no arms control treaties will be necessary.

That is how normal countries deal with each other. The United States and Britain both have nuclear weapons—yet we do not spend hundreds of hours negotiating the fine details of mutual reductions in our offensive systems. We do not feel the need to preserve a balance of terror between us.

We want the same for our relationship with Russia.

There are those who do not see the difference in the size of these treaties as a sign of progress. To the contrary, they would have preferred a voluminous, legalistic arms control agreement, with hundreds of pages of carefully crafted provisions and intrusive verification measures.

These critics operate from a flawed premise: that, absent such an agreement, our two countries would both try to break out of the constraints of this treaty and increase our deployed nuclear forces. Nothing could be further from the truth.

During the Cold War, the stated rationale for arms control was to constrain an arms race. But the idea of an arms race between the United States and Russia today is ludicrous. The relationship between our two countries today is such that U.S. determined—unilaterally—that deep reductions in our deployed nuclear forces are in the U.S. interest.

We would have made these cuts regardless of what Russia did with its arsenal. We are making them not because we signed a treaty in Moscow, but because the fundamental transformation in our relationship with Russia means we do not need so many deployed weapons. Russia has made a similar calculation. The agreement we reached in Moscow is the result of those determinations—not the cause of them.

That is also why we saw no need for including detailed verification measures in the treaty. First, there simply isn't any way on earth to verify what Russia is doing with all those warheads. Second, we don't need to. Neither side has an interest in evading the terms of the treaty, since it simply codifies unilaterally announced reductions—and gives both sides broad flexibility in implementing them. Third, we saw no benefit in creating a new forum for bitter debates over compliance and enforcement. Today, the last place in the world where U.S. and Russian officials still sit across a table arguing with each other is in Geneva. Our goal is to move beyond that kind of Cold War animosity—not to find new ways to extend it into the 21st century.

Similarly flawed is the complaint that, because the Moscow Treaty does not contain a requirement to destroy warheads removed from missiles or bombers, the cuts are reversible and therefore not "real." Put aside for a moment the fact that no previous arms control treaty—not SALT, START or INF—has required the destruction of warheads, and no one offered objections to them on that basis. This charge is based on a flawed premise—that irreversible reductions in nuclear weapons are possible. In point of fact, there is no such thing as an irreversible reduction in nuclear weapons. The knowledge of how to build nuclear weapons exists—and there is no possibility that knowledge will be lost. Every reduction is reversible, given enough time, and money.

Indeed, when it comes to building nuclear weapons, Russia has a distinct advantage over the U.S. Today, Russia can and does produce both nuclear weapons and strategic nuclear delivery vehicles—they have open warm production lines. The U.S. does not produce either ICBMs or nuclear warheads. It has been a decade since we produced a new nuclear weapon—and it would likely take us the better part of a decade to begin producing them again. In the time it would take us to re-deploy decommissioned nuclear warheads, Russia could easily produce a larger number of new ones.

But the question is: why would we want to do so? Barring some unforeseen and dramatic change in the global security environment—like the sudden emergence of a hostile peer competitor on par with the old Soviet Union—there is no reason why we would re-deploy the warheads we are reducing.

The reason to keep, rather than destroy, some of those decommissioned warheads is to have them available in the event of a problem with safety and reliability of our arsenal. Since we do not have a warm production line, it would be simply mind-

less for us to destroy all those warheads, and then not have them for back up in the event we run into safety and reliability problems—or a sudden, unexpected change in the global security environment. Russia, by contrast, has less need to maintain a reserve of warheads, since it has an active production capability.

Mr. Chairman, if we had pursued the path of traditional arms control, as some suggested, we would not be proceeding with the reductions outlined in the treaty before you. Rather, we would still be at the negotiating table, arguing over how to reconcile these and other asymmetries between Russia and the United States.

- We would have had to balance Russia's active production capacity against the United States' lack of one.
- Russia might have insisted that any agreement take into account the size of the U.S. economy and our ability to mobilize resources quickly to develop new production facilities.
- We might have argued that Russia's proximity to rogue nations allows them to deter these regimes with tactical systems, whereas, because they are many thousands of miles away from us, the United States' distance from them requires more intercontinental delivery systems than Russia needs.
- This could have resulted in a mind-numbing debate over how many non-strategic systems should equal an intercontinental system, or opened the door to a discussion of whether an agreement should include all nuclear warheads—including tactical warheads.
- Russian negotiators might have countered that the U.S. advantage in advanced, high-tech conventional weapons must be taken into account.

And so on and so forth, *ad infinitum.*

But the point is this: We don't need to "reconcile" all these asymmetries—because neither Russia nor the U.S. has an interest in taking advantage of the other by increasing its respective deployed nuclear forces.

The approach we have taken is to treat Russia not as an adversary, but as a friendly power. In so doing, we have been able to preserve the benefits attributed to arms control—the dialogue, consultations, lower force levels, predictability, stability, and transparency. But we have done so without all the drawbacks: the protracted negotiations; the withholding of bargaining chips; the legalistic and adversarial process that, more often than not, becomes a source of bitterness between the participants; and the extended, embittered debates over compliance and enforcement of agreements.

The U.S. and Russia are moving beyond all that. We are working to put that kind of acrimony and hostility behind us—and the adversarial process that was both a cause and effect of that hostility.

Because Russia and the United States are no longer adversaries, our interests have changed. As enemies, we had an interest in each other's failure; as friends we have an interest in each other's success. As enemies we had an interest in keeping each other off balance; as friends we have an interest in promoting stability.

When Russia and the U.S. were adversaries, our principal focus was trying to maintain and freeze into place the balance of nuclear terror. With the recently completed Nuclear Posture Review, the United States has declared that we are not interested in preserving a balance of terror with Russia. Today, the threats we both face are no long from each other—they come from new sources. And as our adversaries change, our deterrence calculus must change as well.

That is why we are working to transform our nuclear posture from one aimed at deterring a Soviet Union that no longer exists, to one designed to deter new adversaries—adversaries who may not be discouraged from attacking us by the threat of U.S. nuclear retaliation, just as the terrorists who struck us on September 11 were not deterred by the United States' massive nuclear arsenal.

With the Nuclear Posture Review, President Bush is taking a new approach to strategic deterrence—one that combines deep reductions in offensive nuclear forces, with new conventional offensive and defensive systems more appropriate for deterring the potential adversaries we face.

Taken together, this "New Triad" of offensive nuclear forces, advanced conventional capabilities, and a range of new defenses (ballistic missile defense, cruise missile defense, space defense, cyber defense) supported by a revitalized defense infrastructure, are all part of a new approach to deterrence and defense—an approach designed to increase our security, while reducing our reliance on nuclear weapons.

Some have asked why, in the post-Cold War world, we need to maintain as many as 1,700–2,200 operationally-deployed warheads? The end of the Soviet threat does not mean we no longer need nuclear weapons. To the contrary, the U.S. nuclear arsenal remains an important part of our deterrence strategy, and helps us to dis-

suade the emergence of potential or would-be peer competitors, by underscoring the futility of trying to reach parity with us.

Indeed, Mr. Chairman, our decision to proceed with reductions as deep as the ones outlined in the Moscow Treaty is premised on decisions to invest a number of other critical areas, such as intelligence, ballistic and cruise missile defense, and a variety of conventional weapons programs funded in our 2003 budget request. I urge the Senate to approve the 2003 defense budget as soon as possible.

Others have asked why there is no reduction schedule in the treaty? The answer, quite simply, is flexibility. Our approach in the Nuclear Posture Review was to recognize that we are entering a period of surprise and uncertainty, when the sudden emergence of unexpected threats will be increasingly common feature of our security environment. We were surprised on September 11—and let there be no doubt, we will be surprised again.

Our intelligence has repeatedly underestimated the capabilities of different countries of concern to us. We have historically have had gaps in our knowledge of 2, 6, 8, and in at least one case 12 or 13 years. Indeed, the only surprise is that so many among us are still surprised. This is problem is more acute in an age when the spread of weapons of mass destruction into the hands of terrorist states—and potentially terrorist networks—means that our margin of error is significantly less than it has been. The cost of a mistake could be not thousands, but tens of thousands or hundreds of thousands of lives.

Because of that smaller margin for error, and the uncertainty of the future security environment, the U.S. will need flexibility. Through the Nuclear Posture Review, we determined the force levels and the flexibility we will need to deal with that new world—and then negotiated a treaty that allows both deep reduction in offensive weapons and the flexibility to respond to sudden changes in the strategic environment.

We are working to develop the right mix of offensive and defensive capabilities. If we do so, we believe the result will be that nations are less likely to acquire or use nuclear weapons.

None of these changes is in any way a threat to Russia. Far from it, this new approach to deterrence will help us to better contribute to peace and stability, and address the new threats and challenges the United States and Russia will face in the 21st century.

In many ways; Russia now faces the most-benign security environment it has enjoyed in more than 700 years. From the 13th century up till the dawn of the 16th century, Russia was subjected to Mongol rule; in the 17th century she was invaded by Poland; in the 18th century by Sweden; in the 19th century by France; and in the 20th century by Germany. Today, for the first time in modern history, Russia is not faced with a foreign invader with its eye set on Moscow.

In the 21st century, Russia and the United States both face new and different security challenges—the threats of terrorism and fundamentalism and the spread of weapons of mass destruction to rogue states. The difference is that these are threats our two nations have in common—threats that we can face together.

This means that we have entered a period when cooperation between our two countries will be increasingly important to the security and prosperity of both our peoples. We can work together to stop the spread of weapons of mass destruction into the hands of terrorist movements and terrorist states. We can work together to support Russia's economic transformation and deeper integration into the Euro-Atlantic community—because a prosperous Russia will not face the same pressures to sell rogue states the tools of mass destruction. And we can work together to help Russia's transformation into a stable, freemarket democracy.

If one were to look down from Mars on Earth, one would see that the world divides pretty neatly into countries that are doing well and countries that are not doing well—and the countries that are doing well are the ones that have free political systems, free economic systems, rule of law, transparency and predictability, and are integrated into the world economy. These are the nations where there is growth and opportunity.

If Russia hopes to attract foreign capital, or retain her most gifted citizens, she must provide them with a climate of economic opportunity and political freedom—a climate that is the critical foundation on which prosperity, cultural creativity and national greatness are built.

We in the United States can encourage Russia—by working together to put the past behind us, establish bonds of friendship between our peoples. But, in the end, the choice, and the struggle, belong to the Russian people.

This treaty is by no means the foundation of that new relationship. It is just one element of a growing, multifaceted relationship between our two countries that in-

volves not just security, but also increasing political, economic, diplomatic, cultural and other forms of cooperation.

These reductions in the nuclear arsenals of our two countries are an important step in that process. The reductions characterized in the Moscow Treaty will help eliminate the debris of past hostility that has been blocking our way as we build a new relationship. The Treaty President Bush has fashioned—and the process by which he fashioned it—are a model for future cooperation between our two countries. We have achieved deep reductions, and enhanced the security of both our countries, without perpetuating Cold War ways of thinking that hinder our desire for better relations.

I urge the Senate to advise and consent to this treaty, and to approve a clean resolution of ratification.

I'd be pleased to answer your questions. Any questions that cannot be fully answered here, we will be pleased to answer, in classified session, or as questions for the record.

The CHAIRMAN. Thank you.

General Myers, we would invite you to make any comments you may have.

**STATEMENT OF GEN. RICHARD B. MYERS, USAF, CHAIRMAN, JOINT CHIEFS OF STAFF**

General MYERS. Thank you, Chairman Biden, Senator Lugar, distinguished members of the committee. Thank you for the opportunity to appear before you today, and I would like to join with the Secretary to extend my personal wishes for a speedy recovery for Senator Helms after his recent surgery.

It is an honor to appear before you today to discuss the Moscow Treaty. Mr. Chairman, I would request that my prepared statement be submitted for the record——

The CHAIRMAN. It will be.

General MYERS [continuing]. And I will just make a few short introductory remarks now, and then, answer any questions that you and the committee might have.

Mr. Chairman, the members of the Joint Chiefs of Staff and I all support the Moscow Treaty. We believe it provides for the long-term security interests of our Nation and we also believe that it preserves our flexibility in an uncertain strategic environment. Moreover, the treaty allows us to implement the recommendations that came out of our Nuclear Posture Review, as the Secretary has said.

As you consider the treaty's protocols, there are three key aspects that I would like to briefly comment on. First, we welcome the fact that with this treaty we will focus on operationally deployed warheads. This enables us to preserve critical conventional capabilities while we manage the reduction in strategic nuclear warheads.

Second, the 10-year implementation schedule gives us flexibility in terms of drawing down our forces. The security imperatives over the next decade may change radically from what we anticipate today.

Third, the treaty's provision that allows the U.S. to withdraw upon a 3-month notification requirement provides a hedge against sudden changes in the global strategic environment. Together these provisions enable us to adjust our strategy, if necessary, both in the short and long term to meet the Nation's security needs and they also allow us to make significant reductions in nuclear war-

heads and continue a reduction process that has been ongoing now for over 3 decades.

Perhaps most important of all, it forms the basis of a new relationship with our Russian counterparts, putting to rest, in my mind anyway, the cold war at last.

Mr. Chairman, the Secretary and I look forward to your questions.

[The prepared statement of General Myers follows:]

PREPARED STATEMENT OF GEN. RICHARD B. MYERS, USAF

It is an honor to appear before this committee and share with you the implications of the Moscow Treaty on our Nation's defense. The Joint Chiefs of Staff maintain that this treaty enhances the security of our country, and that of the world, by making a dramatic reduction in the number of deployed strategic nuclear warheads while allowing the US to retain the flexibility to hedge against future uncertainty. While the requirements of this treaty are fewer and more direct than previous arms control agreements, there are a number of key provisions to highlight.

The Treaty requires the US to reduce its strategic nuclear warheads to between 1,700 and 2,200 warheads. From current levels, this number reflects almost a two-thirds cut in our strategic arsenal. This reduction is consistent with our conclusions in the recent Nuclear Posture Review.

Furthermore, as we implement the Treaty, the US will include only those warheads that are "operationally deployed." As such, we will derive the total number of warheads from the number of warheads on Intercontinental Ballistic Missiles (ICBM) deployed in their launchers, the number of warheads on Submarine Launched Ballistic Missiles (SLBM) in their launch tubes onboard submarines, and nuclear weapons loaded on heavy bombers or stored in weapons storage areas at heavy bomber bases. We will not include the small number of spare strategic nuclear warheads located at heavy bomber bases. We also will not include the warheads associated with strategic systems that are non-operational for maintenance actions, those warheads downloaded from SLBMs or ICBMs, or those warheads nominally associated with the deactivated Peacekeeper ICBMs. As a result, under the Moscow Treaty, we can reduce the operationally deployed warheads, rather than weapon systems, allowing us to make deep reductions in our strategic warheads while maintaining conventional capabilities.

The US also benefits from the Moscow Treaty's flexibility because it allows the US to store spare warheads rather than destroy them. There are key benefits the US gains from storing the removed nuclear warheads. The US cannot replace nuclear warheads in the near- or mid-term as we are currently not manufacturing new nuclear warheads. As a result, the storage of warheads will provide the US a hedge against future strategic changes. In addition, storing nuclear warheads provides a hedge in case warhead safety or reliability becomes a concern.

It is also important to note that the Moscow Treaty recognizes that the START Treaty remains in effect. The START Treaty methodology attributes a specific number of warheads to each type of delivery system. The START methodology "counts" warheads even if the delivery platform is in maintenance. The START methodology also counts warheads even if there is not a warhead deployed in the delivery platform. Under the Moscow Treaty, the US will only count operationally deployed warheads. The US may remove a warhead to comply with the Moscow Treaty but a "notional" warhead may still be counted under the START Treaty as we fulfill our obligations under both treaties.

The Moscow Treaty also requires that the US and Russia meet the lowered force levels by December 31, 2012. This 10-year implementation deadline maximizes flexibility for both parties and provides a mid-term hedge against unforeseen events. If the strategic environment dictated, we could temporarily raise the number of deployed warheads to address an immediate concern while later still meeting the December 2012 deadline. Should such a temporary increase be necessary, however, US actions would remain within the START Treaty obligations.

Finally, the Moscow Treaty allows the US to withdraw with three months notification. This provision allows the US to exercise its national sovereignty and respond to a more dramatic change in the strategic environment.

The Moscow Treaty does not, however, include a number of protocols common to previous arms control agreements. This lack of protocols enhances our flexibility in implementing this accord. For example, the Moscow Treaty will not limit delivery

platforms nor does it require delivery platforms to be destroyed. As a result, the US will maintain a significant flexibility to adjust future force structure. This approach will allow us to remove all 50 Peacekeeper missiles. Likewise, we may modify some Trident submarines from their strategic missions and assign them to transformational missions that are more relevant to the asymmetric threats we now face. Finally, this approach will allow the US to retain heavy bombers for their conventional role. Our operations in Afghanistan demonstrated the vital capability that conventional bombers provide our Combatant Commanders.

The Moscow Treaty has no requirement for an additional inspection regime. START's comprehensive verification regime will provide the foundation for confidence, transparency and predictability in further strategic offensive reduction. And, the Moscow Treaty will not subject the US to intrusive inspections in some of our most sensitive military areas.

The Moscow Treaty allows the US to make deep reductions in strategic nuclear warheads while preserving our flexibility to meet unpredictable strategic changes. The Treaty finally puts to rest the Cold War legacy of superpower suspicion. It reflects the new relationship of trust, cooperation and friendship with an important US partner.

The CHAIRMAN. Thank you very much. We thank both of you.

As I indicated earlier, we will have 10-minute rounds. If we can keep those it would be good. I will begin.

Mr. Secretary, I thought your statement was obviously very thorough and I thought your holding up of the START treaty and the treaty, the Moscow Treaty, illustrates a significant difference in both approach and in terms of the detail and content. But you indicated, and I have your statement here, you said it is a reflection—it says: "These 3 pages it took 6 months to negotiate. This is how much we trust each other in 1991"—you held up the START treaty—"and this is how much we trust each other today," and you held up the Moscow Treaty.

Now, I do not doubt for a minute that that reflects the feeling of the administration. But one of the things that confuses me is that, as much as we trust them, you do not trust them enough for us to go forward and build a plant in Shchuchye that will allow us to destroy up to two million chemical-tipped shells, that Senator Lugar recently visited, that as I know the size of some of them, that my 9-year-old granddaughter if she was able could put in her backpack and easily carry to school, to state a ridiculous example, because we are not talking about lifting large warheads.

Senator Lugar has told us that he was told by the Russian military—and I stand corrected if I have misstated—that one of those smaller shells, if they were detonated at the Dover Speedway, which can hold up to 120,000 people, would kill all 120,000 people.

With all this trust, even though public law, the so-called Cooperative Threat Reduction Act, Public Law 103–60, section 1203[d], says "Restrictions. Assistance authorized by this section, section [a]"—that is the one that allows us to spend money to destroy their weapons—"may not be provided to any independent state of the Former Soviet Union for any year unless the President certifies to the Congress for that year that the proposed recipient is committed to each of the following."

One of the following is "committed to complying with all relevant arms control agreements."

Now, for the first time and the second opportunity for this administration, but the first time since we passed this law, you and others have advised the President that he cannot certify that the Russians are committed to complying with all relevant arms con-

trol agreements. Where is all this trust? I mean, you trust them to have a 3-page treaty instead of a 700-page treaty, but you do not trust them enough to allow us to destroy up to a million, up to two million, chemical-tipped artillery shells. You confuse me. Maybe you can enlighten me.

Secretary RUMSFELD. Let me see if I can reverse it.

The CHAIRMAN. I knew you would try.

Secretary RUMSFELD. I think using the word trust in that context is not appropriate. I think it is a question of the administration supports the waiver and it is the Congress at the present time I believe that is the impediment to the waiver. Is that not right?

The CHAIRMAN. No, it is not right. Let me be precise. You have concluded for the first time——

Secretary RUMSFELD. Oh, OK, with respect to the certification.

The CHAIRMAN. Yes.

Secretary RUMSFELD. Right, OK. First of all, I have not concluded that. Secretary Powell did, and advised the President and we were advised, and we agreed with him, that he is not in a position to make that certification. You are quite right, it is, I believe, the first time that that has happened, in recent times at least.

I think that that is an honest, direct reflection of the situation. He is simply not able to look you and the world and the Senate committee in the face and say to them and the President that we can certify that they are in fact complying with all arms agreements. Of course, you have the same kind of intelligence that we do that supports his decision.

The CHAIRMAN. Well, let me say——

Secretary RUMSFELD. Nonetheless, he asked for a waiver, and that waiver, I believe, is what is pending before the Congress.

The CHAIRMAN. But again, he does not have to certify anything other than that they are committed to comply. Now, again, if you do not think they are committed to comply with all relevant arms control agreements today, how in the hell could you sign an agreement with them that is based on so much trust in the future?

Secretary RUMSFELD. Well, I would say two things there. First of all, the agreement that was signed in Moscow was an agreement that reflected something that the President of the United States had announced that he intended to do regardless of what Russia did. If Russia decided today to say they had decided against this treaty, the United States—the President would recommend that we go forward.

He has made a judgment at the conclusion of the Nuclear Posture Review that we can go from many thousands down to 1,700 to 2,200 and still have the kind of capability that this country will need for deterrence and defense. Therefore, that issue about the treaty does not require trust.

The CHAIRMAN. I got you. But I just wonder why you talk about it then. I mean, it was dramatic, but what difference does it make? You are going to do it anyway, so the fact that it went to three pages has nothing to do with trust, does it?

Secretary RUMSFELD. Well, I think so. I think it has to do with several things. It has to do with the President's conclusion that the old arms control approach was rooted in hostility and mutual assured destruction and distrust, and the approach that he has taken

is that we ought to look at our own circumstances, put our two increase on a vector that they are going to have a more cooperative, a friendlier relationship, a more trusting relationship. I think that has been a good thing for the country and I think it has been a good thing for the world.

The CHAIRMAN. I do not disagree with that, and I do not understand why you just cannot look at it practically as well and say: Look, there are two million warheads there; they are ready to let us destroy them, and we should just go ahead and destroy them because it is clearly in our interest to do that.

Secretary RUMSFELD. Well, Senator, that would require the Secretary of State to recommend to the President something that he does not believe is a fact. He would have had to say that, I can certify to that. He concluded he could not. In my judgment he was correct. He did say that it is nonetheless important to move ahead with the program that you are describing and he asked for the waiver so that he could proceed with it.

It is not a matter of not wanting to do it. It is a matter of not wanting to certify to something that he does not believe is a fact.

The CHAIRMAN. Well, this is the first time I am aware—and again, I will not prolong this—I am aware of we change the standard of what he had to certify to. In the past we used to look for evidence, any evidence that they have violated the treaty. Now we are saying we cannot guarantee they have not. That seems to me to be a little different, but we will hopefully get into that.

Hopefully, you will use every bit of your influence to get the appropriate committees to give a permanent waiver quickly so we can get on with what is clearly in their interest, so that we do not stop this mindless situation of refusing to act in our own interest and destroy weapons that clearly are able, are more likely to be available to dissidents within Russia and/or terrorist groups.

I suspect and hope you share that view, because this is mindless, absolutely mindless. Maybe we can work together to get this permanent waiver.

Let me move to a question about the cost because my time is already up. Can you tell me, General Myers and/or Mr. Secretary, how much it is going to cost us to comply with this treaty? That is, there are costs associated with taking these warheads off the top of a missile or off a platform that is designed to fire the weapon. How much is it going to cost to do that? How many storage facilities are we going to have to build? How much is it going to cost for us to destroy these, what we decide to destroy?

I might add, my understanding is in the out year budget you are planning to build a new nuclear warhead manufacturing capability. I have been told that you want our support for that purpose. You want to construct a new warhead manufacturing capacity.

So how much is it going to cost to do these things? The reason I ask is to give us some sense of what it is going to cost the Russians to focus on how much they are going to need or not need our help. So do we have an estimate of cost?

Secretary RUMSFELD. I can give you a quick answer. The things we know we are going to do, one is to take out the 50 Peacekeepers with 10 warheads each for 500, and move 4 Trident submarines out of the strategic force and to not maintain the nuclear capabilities

on the B–1's. Those are decided. The other ways or methods that we would go from moving down from the many thousands of nuclear deployed weapons down to the 1,700 to 2,200 have not been decided. Therefore it is not possible to calculate costs on the other aspects of it.

That will be devised and developed as we move through the coming years.

The CHAIRMAN. Can you give us any sense of the cost of what you just cited is?

Secretary RUMSFELD. No, I cannot, but we will submit it for the record.

The CHAIRMAN. I would appreciate that very much.

[The information referred to above was not available when this hearing went to press.]

Secretary RUMSFELD. Do you happen to know?

General MYERS. I do not.

Secretary RUMSFELD. I do not know.

The CHAIRMAN. My time is up. I yield to the Senator from Indiana.

Secretary RUMSFELD. Oh, one other thing, with respect to the nuclear facility.

The CHAIRMAN. Yes.

Secretary RUMSFELD. The Department of Energy I believe is what you are referring to.

The CHAIRMAN. Right.

Secretary RUMSFELD. The interest that——

The CHAIRMAN. We assume you signed off on that. They seldom send us requests like that that you did not sign off on.

Secretary RUMSFELD. No, no, that is right. But I cannot tell you what the costs would be because I do not know that it has been decided. The interest is I do not believe in building a facility. I think the interest is in—at the present time I am told it would take us 2 to 3 years to produce a nuclear weapons and we have not produced a nuclear weapon in at least a decade to my knowledge.

The interest would be in reducing that down from 2 to 3 years to 1 year to 18 months, the ability to produce one.

The CHAIRMAN. No, I understand. I was just commenting on your very important emphasis on the fact that we do not possess the capability. The implication was we do not seek the capability of being able to reproduce, and I just want to make it clear that my understanding was we do seek—we do not have—seek the ability, not that we would not necessarily build it. But we seek the ability to be able to, if we choose to, build nuclear warheads.

Secretary RUMSFELD. I think that I said it technically correctly, that what we want to do is to not seek the capability to do it, but to reduce the period of time it would take us from 2 to 3 years down to 1 year to 18 months, to have the ability in the event someone in the future did decide to do it.

The CHAIRMAN. But that requires the construction of a remanufacturing facility that does not exist now. So that seems to me the need to—we can talk about that later. I am taking too much time.

Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Secretary Rumsfeld, I thought in your testimony that you made an extremely important point in several ways, that each of us has to learn to think anew about the U.S.-Russian relationship. You even suggested there may be ambivalence or contrast even in the minds of some people as they go back and forth through this.

Just tracing arms control debates that we have had in this committee, over the course of time there were many Senators who felt that no trust should be given to Russia and furthermore not a dime to help them dismantle even if the treaty required that. They just simply had a gut feeling that this was not in the best interests of our country.

You have not suggested that, really quite to the contrary. This is a very strong statement in terms of the nature of the change, and the President feels this and expresses this frequently.

When Senator Biden and I were honored to be asked to come to visit with the President, the Vice President, Condoleeza Rice, and Mr. Card over 6 weeks ago, they made this point in asking for our leadership in trying to gain assent to this treaty as rapidly as possible, and we pledged to do that. But in the course of that conversation, fresh from this experience in Russia, I mentioned to the President, as Senator Biden has suggested, that we visited the Russian chemical weapons storage facility at Shchuchye. I mention that because that is where the Pentagon wants to build a destruction facility under the Nunn-Lugar program. This facility, over the next 6 years, would drain the agent from each shell and consequently eliminate about one-seventh of the chemical weapons that are now in Russia.

Now, it is relevant to our discussion today, because we had a very big debate in the Senate a while back on the Chemical Weapons Convention. The final vote was hardly unanimous and as a matter of fact it took months to convince our colleagues to ratify the treaty.

The Russians followed suit and ratified the treaty a couple of months later. They did so under the assumption that the U.S. and others around the world would be helpful to them, because they do not have the money to destroy these weapons. Well, 5 years have passed. We are at halftime in the game because the reductions were to occur within 10 years. We are busy in our country trying to get rid of our stockpile. Unfortunately, the Russians have yet to destroy the first few pounds out of their 40,000 metric tons.

So the dilemma here is that, in this year of all years, at a moment when we are talking about the changing U.S.-Russian relationship we cannot certify they are committed to arms control. I told the President that there are some worker bees somewhere in your administration, Mr. President, who really have a different idea about this. Ms. Rice spoke up and said: Well, they are not worker bees; they are high level people.

Well, fair enough, but someone in the midst of all these negotiations really stopped the music, because the net effect of not certifying means we have stopped destroying weapons that threaten our security. You and the President speak every day about the need to deny the intersection between these materials and the terrorists. Yet at the very moment we have opportunities to continue our progress, we stop.

Now, the reasons given as I understand are: First, those four biological sites that the Russians have not given us access to, and that is correct as far as I know. I have not gotten into them. We have gotten into almost everyplace else, and these sites are an embarrassment to the Russians. The scientists are refugees reaching out for us to help them, often countermanded by their central government.

But striving for a confession is not the answer. We must work at it and push Russia bit by bit to open up and work with us. That is what we did with the chemical facilities, and I think we are into all of those facilities now.

There is almost a theological argument that the 40,000 metric tons declared is not the right figure and, by golly, somebody wants to know what the right figure is. I mention this because this is the second holdup. The assumption by the administration was that as a part of a supplemental appropriations bill you would request a waiver; or as part of the Defense Authorization Bill someone would surely include this waiver to get the President out of the certification jam.

But as we pointed out 6 weeks ago, it was not going to happen very fast, and it is not happening fast. For all sorts of other reasons, parliamentary procedure here, national security problems there, the bill is being held up.

Now, that is water over the dam. Eventually somebody will pass a bill here and the Nunn-Lugar program will restart its efforts to destroy weapons of mass destruction.

I cite this program because as we study the Moscow Treaty we need to appreciate the important role Nunn-Lugar will play. The Pentagon and the Department of State, and others, ought to try to analyze the Russian budget, to see if they can implement the treaty alone. The best estimates given to us by think tanks is that the total budget is $50 billion in dollar terms, and the defense budget about $8 billion.

As we discussed before the hearing, even if you talk about in-kind contributions and barter and you double or triple that, as compared to our $390 billion, it is a very small figure. This is one reason why an ambitious treaty, and this is one, that costs us a lot of money, just as the chemical weapons reduction is costing us a lot of money, is going to cost them money, too.

They have pledged to do the chemical thing, but nothing has happened. We are halfway in the game and nothing has occurred. All I am saying is before we go into this treaty we need to have a pretty good guideline from our administration as to how these weapons will be destroyed, how much it will cost, and how much we plan to contribute. Further, how much do we want to ask of the G–8 or Japan or the Saudis or anybody else who can help rid the world of those threats?

It is a fair question, I think, as opposed to blithely indicating that both of us unilaterally were planning to do this. The Russians have pledged to do all the chemical weapons, but they are not doing any. So this is the problem that I have with it. You cannot solve that today, but I take advantage of this hearing to simply say that this is a dimension of the treaty that we need to figure out practically and pragmatically. How do we have any hope that that

the Russians will dismantle their weapons? In addition, who do we help guard either the warheads taken off missiles or the fissile material that is extracted from the weapons. Both are expensive and both are dangerous. In terms of the war on terror both have a lot of additional problems, quite apart from arms control.

So I raise all of this simply to ask for your recognition. This is not a session of trying to determine who should have done what. The administration could say to the Congress, you should not have put all of these stipulations on the Nunn-Lugar Act, you have just created a problem for us in the administration and we are trying to overcome it. Well, fair enough.

As I say, these attitudes you talked about 10 years ago, some still prevail. I can find people in this body, in the U.S. Senate, they say not a dime for those Russians. They mistrust the whole business. They do not know what the President is thinking of in talking about a new relationship. They do not see it at all.

We see it here, at least the four of us that are talking to each other now. That is the important because you are leading the country. You are asking us for ratification. But what we are asking you for is some guidance in terms of how it gets done.

Finally, let me just conclude by saying that I believe that there are all sorts of possibilities with the Russians that come from this. I talked about the tactical nuclear weapons, and you are quite right, this does not cover all of that. But it is something we probably ought to talk about. Secretary Powell indicated as much, that he would like to talk about that. So would all of our European friends.

I mentioned the Norwegians, but this would be true of the Danes and it would be true of everybody. They are pretty close to those tactical weapons.

You have thought about this a great deal. All I am saying is, if we can get some flexibility in the Nunn-Lugar money to deal with that, plus if you should come into something in Pakistan or India or elsewhere. That was the reason your Department asked me to introduce the Nunn-Lugar expansion bill, which I did. It is in the Senate Defense bill, but the House does not understand what you see to be the urgency of flexibility of the money.

Now, if you do not need it in that form, fair enough. But it seemed to me to be a good idea that if there are targets of opportunity we seize them.

So I ask for your comment on this or all of it.

Secretary RUMSFELD. Well, Senator Lugar, there is no question but that you know from your meeting with the senior administration officials who are active on this subject that they share your concern about the security of nuclear weapons, ours as well as the Russians'.

With respect to the cooperative threat program, my recollection is we have spent something like $4 billion. Maybe it is more.

Senator LUGAR. About $4 billion over the 10 years.

Secretary RUMSFELD. And we have in the budget this year I think something between 5 and $600 million.

Senator LUGAR. And a billion for all forms.

Secretary RUMSFELD. Is that right?

Senator LUGAR. Including Energy plus State.

Secretary RUMSFELD. That is not nothing. That is a good chunk of money.

As to the—and you also mentioned what just took place, where the U.S. was involved in providing leadership on the $10 billion, the $10 billion, the $10 billion with respect to the other program.

On the theater nuclear weapons, it is a worry. The Russians unquestionably have many multiples of what we have, I mean thousands and thousands. The fact that we have a gap in our knowledge as to what that number is that is enormous tells you how little we know about what they have, what they look like, where they are located, what their security circumstance is.

Now, I have raised this subject, I believe, in every single meeting I have had with the Russians. Secretary Powell indicated in his hearing here that he is interested in the subject. We are going to be meeting with the defense minister and the foreign minister in September again and we are certainly going to have that back on the table.

We were not uncomfortable not addressing it in this current treaty. The Moscow Treaty was addressed to offensive strategic systems. Theater systems are different.

Furthermore, I do not know that we would ever want to have symmetry between the United States and Russia. Their circumstance is different and their geography is different. Their neighborhood is different. I for one would understand it if at some point we ended up learning more and gaining a greater degree of confidence as to their security and their nature, but I would be perfectly comfortable having them have a good many more than we have, simply because of the differences in our two circumstances.

So I am not looking for symmetry, but I am looking for greater transparency.

Senator LUGAR. And safety, too.

Secretary RUMSFELD. Safety, absolutely.

Senator LUGAR. As the *Wall Street Journal* pointed out a long time ago, you can cart away these tactical weapons away on a flatbed truck. This should give pause with regard to the proliferation and terrorist issues.

I thank you for your comments. The billion dollars is important. My point is that much of the money cannot be spent and time is going by, 6 weeks since we saw the President. The budget was fine, but tactically you cannot move and I wish you could. So we are trying to work together to that.

Secretary RUMSFELD. Good.

The CHAIRMAN. Translated: Help. Senator Feingold.

Senator FEINGOLD. Thank you, Mr. Chairman, for scheduling the committee's second hearing on this important treaty. I think these really have been excellent hearings and I have been pleased to be able to attend most of both of them.

I welcome Secretary Rumsfeld and General Myers. I am pleased to have the opportunity to continue today the discussion of the Moscow Treaty that this committee began last week with the Secretary of State. I believe that we covered a lot of ground in that hearing and we began to explore the concerns that I and a number of members of this committee have regarding the issues of compliance and verification, the lack of a timetable for the reductions re-

quired by the treaty, and the fact that the treaty does not require that any nuclear warheads actually be destroyed.

I would like to reiterate my view that the goal of meaningful nuclear arms reduction can only be achieved by dismantling and destroying those weapons, and I look forward to learning more about how the DOD plans to implement these reductions.

But in addition, I am also troubled by the language contained in Article IV of the treaty regarding the process by which one of the parties may withdraw from the treaty. I am concerned that either of the parties would be able to withdraw with only 3 months written notice and without a reason. As you know, Mr. Secretary and General Myers, I found the President's decision to unilaterally withdraw the United States from the 1972 Anti-Ballistic Missile Treaty to be troubling on both policy and constitutional grounds. I discussed this at some length with Secretary Powell last week and I am troubled by his contention that this administration apparently does not believe that it was required to consult with or obtain the approval of the Congress to withdraw from the ABM treaty and that such consultation and approval would not be required to withdraw from the Moscow Treaty.

The Senate has a constitutional role to play in treaty withdrawal and I am concerned that the administration is not taking seriously the role of the Senate in this process. I just have a couple of brief questions.

Senator Rumsfeld, under what specific circumstances would the administration contemplate redeploying strategic offensive nuclear weapons that had been removed from service, a warhead?

Secretary RUMSFELD. The answer I think would fall into several parts. One, one of the worrisome things that could happen is that the phone could ring and say that, Mr. Secretary, you have a responsibility for the safety and reliability of your weapons and we are sorry to tell you, but that we have got a safety problem or a reliability problem of your currently deployed weapons.

Having warheads that are available that could replace some of those questionable, potentially unsafe, potentially unreliable weapons, it seems to me is a responsibility of a President, to see that we in fact have that capability. Since we do not have an open production line, clearly the only way we could replace an unsafe or an unreliable warhead would be if we had excess warheads in reserve. So that would be an instance where you might take a warhead and deploy it.

A second possibility that one has to consider is a change in the security environment that was unexpected. We have had many, many unexpected things occur in my lifetime that were big surprises to our country of a strategic nature: changes in countries' leadership dramatically from 1 day to the next.

There is also a great deal we do not know. I cited a number of instances where our intelligence capability simply does not allow us to know all the things that are going on. We can be surprised and we have been surprised.

Third, a country could decide that they would like to try to sprint toward parity or superiority in nuclear capabilities. With not an open production line, the only way one could do anything if you decided you needed to would be from reserve warheads and

uploading. For example, if you do not have the full number of warheads on a specific missile that you could have, you could increase the number if you decided you needed that kind of a capability, either for deterrence or potentially for defense.

Senator FEINGOLD. Well, I appreciate that direct answer, and I would like to ask you if the administration will agree to consult with Congress before any directive for redeployment is issued and before any possible notification of withdrawal from this treaty is announced?

Secretary RUMSFELD. You are asking me things that are out of my lane, Senator. You know that is a Presidential decision and the Secretary of State would be the administration official who would be advising him on that. It seems to me that for the Department of Defense or the Department of Energy to do much of anything with respect to nuclear weapons we have to come to the Congress for money to do it. So to the extent there is that consultation process, obviously that takes place on a continuing basis, not with your committee, but with the committees that have jurisdiction over energy and defense.

With respect to the other aspect of it, did you say withdrawal from the treaty?

Senator FEINGOLD. Withdrawal from the treaty. Would the administration agree to consult with Congress before any decision to withdraw from this treaty is announced?

Secretary RUMSFELD. I cannot describe what decisions the President might make or what definition of consultation one might have. But there is no question but that in any event the President, just as with the ABM treaty, the President discussed that publicly. It was debated, discussed, and considered all across the globe. It was talked about with Russia on repeated occasions. It was talked about with our European allies in NATO. There were many hearings before Congress about pros and cons on that type of thing.

If that is consultation, then that is consultation. if you are talking about approval, my understanding from Secretary Powell's responses to you, which I certainly concur with, is that the administration's judgment is that that is not a constitutional requirement.

Senator FEINGOLD. I would respectfully suggest that, from the sound of it, possibly the least consultation was with the U.S. Senate and the greatest amount in other places, and that troubles me from the point of view of the role of the Senate.

The reason I asked you, although I recognize, Mr. Secretary, you do not have a direct role in this, I was not very happy with the answer I got from the distinguished Secretary of State, for whom I have tremendous admiration. But I am still not getting anything from the administration that suggests that the Senate's traditional role with regard to withdrawing from treaties means anything to the administration. So that does trouble me.

I am interested in hearing a bit more about how you plan to modify the existing arsenal of Trident missiles to comply with the Moscow Treaty and if you have an estimate of how much these modifications will cost.

Secretary RUMSFELD. We can submit that for the record, the precise cost of taking four Trident submarines and moving them out of the strategic force, just as we could with respect to the 50 Peace-

keepers, and no longer maintaining the B–1 bombers as nuclear capable. But neither the General nor I have that precise number, but it is knowable.

[The information referred to above was not available when the hearing went to press.]

Senator FEINGOLD. I look forward to receiving that.

Let me ask you, what do you plan to do with the warheads that are removed from existing Trident II missiles?

Secretary RUMSFELD. We have made no decision with respect to—well, there has been a decision. The Peacekeeper warheads are going to be used to upgrade——

General MYERS. They are going to replace aging warheads on the Minuteman systems, because they are the only ones that are compliant right now. Then those warheads will go into storage and await final dispensation—disposition, I am sorry.

Secretary RUMSFELD. My guess is they will fall into several baskets. One basket would be that you would end up putting them in a queue to be disposed of. A second would be that you might dismember them and save piece parts to the extent that some portions—I am trying to think what I can say in this forum. No, I am not going to get into that.

Senator FEINGOLD. Fair enough.

Secretary RUMSFELD. We can do it privately if you want.

Senator FEINGOLD. I appreciate the answer you did give and will pursue the rest if necessary in another setting.

What steps do you plan to take to ensure that any new Trident II missiles that are built after this treaty enters into force actually comply with the treaty?

Secretary RUMSFELD. I am sorry, I do not follow it.

Senator FEINGOLD. What do you plan to do to ensure that any new Trident II missiles that would be built after this treaty is entered into force actually comply with the treaty?

Secretary RUMSFELD. Well, the treaty sets numbers and we have no plans to build additional Trident II missiles. So since we have no plans, it could not be affected. And if we did have plans, which we do not, it would fall within the 1,700 to 2,200 and that is the only compliance that there would have to be.

Senator FEINGOLD. Thank you very much, both of you.

Secretary RUMSFELD. Yes, sir.

Senator FEINGOLD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Mr. Secretary, we have got maybe one more round here. Do you guys need a break?

Secretary RUMSFELD. No.

The CHAIRMAN. I would like to go back to this notion of the need to verify, the need not to verify. I am going to refer to this, we will know, but for the record, as the Moscow Treaty for lack of a better phrase now. You went and explained in a very lucid manner why there was really no need for verification, that we were going to go down to this number anyway, it was in our own interest to go down to this number, and we would have gone down to this number over this period of time regardless of whether or not the Russians were willing to go down to this number.

That is correct, right? Now, in the first Bush Administration, President Bush reached—President Bush's father, George the first, reached the conclusion with the advice of the military that we would do away with the tactical nuclear weapons we did away with whether or not the Russians did. We did not need them and we were going to do away with them.

Then in 1991 he and Gorbachev in separate declarations talked about the reduction in the tactical deployed nuclear weapons, and no verification.

Now, 11 years later, it has sort of reared its ugly head in a way that—and I fully agree with your assessment, by the way, that these need not be symmetric. You could see how their needs and ours are very different. It does not worry me nearly as much as that they would have more tactical weapons than we do, given their circumstance and given ours.

But it has been injected into other aspects of the debates relating to our relationship. As a matter of fact, it is one of the reasons proffered in the popular press and at the think tanks that is the reason why maybe we should not verify their keeping their commitments to arms control agreements they entered into. As you said, the numbers—we estimate the range is they have from a few thousand to 10,000. They have multiples more than we have.

We do not have any way to verify that. Yet this gap in knowledge about what they have and what they said they were going to do has led to, in some quarters at least, questions about are they on the up and up, can you trust them. It has also led to some concern about what they may be doing in the future. Maybe, are they going to build more of these things?

That has caused some difficulty for us when there were reports earlier last year and a brief controversy broke out in the press that indicated that maybe the Russians have re-introduced tactical nuclear weapons in Kaliningrad, the Russian enclave bordering the Baltic states. Again, that went to, not upsetting the apple cart, but having some strain, introducing some strain in the relationship.

So is it really—does it really not matter that you cannot verify any of this? I mean, is the fact that if we are going to go down to a number we should just go down and it does not matter? Or would we have been better off had we been able to verify or entered into some kind of agreement where we could fill in that gap in knowledge about what they have?

Secretary RUMSFELD. That is a fair question and let me answer it in several ways. First of all, the START treaty is in effect and according to its terms we do have those verification——

The CHAIRMAN. As it relates to the Moscow Treaty, yes.

Secretary RUMSFELD. Yes, so it exists and it is on a similar subject, and the verification elements there, which we both need to respond to and comply with, give us that by way of verification.

Second, we do have——

The CHAIRMAN. Let me make sure. But there is a 3-year gap there.

Secretary RUMSFELD. There is, from 2009 to 2012, exactly. But between now and 2009 it is there and there is plenty of time to sort through what we will do thereafter.

Second, we do have national technical means.

Third, we have agreed that we will meet and work through improved transparency and predictability with the Russians.

Now, will we be able to do something that is better than the START treaty? I hope so. Do we have a number of years that we can work on that? Yes. We are starting in September. So I think that that is not something that ought to in any way stand in the way of approving the treaty, it seems to me.

If I could, Mr. Chairman, I was given a piece of clarification back here that is helpful to me and I would like to get the record corrected so no one goes out with a misimpression. I had in my head not a new production facility when I was answering that question. I had in my head the ability to begin to test, and I apologize and I would like the record to show that when I said the current ability is 2 to 3 years to be able to build a weapon, I should have said to test, and I suspect some people knew that, but I am glad it was clarified, and I misspoke.

The CHAIRMAN. Marshall used to do that to us all the time, too, when he sat behind us up here.

Secretary RUMSFELD. Well, I am glad he did it to me.

That is what we are proposing may want to come down to a year to 18 months. Whoever said it was quite correct; apparently the Department of Energy is in fact struggling to build a small-scale capability weapon lab, in that process, as I believe you mentioned.

The CHAIRMAN. Yes, to construct new warheads, to actually build new warheads.

Secretary RUMSFELD. Right, to do that.

The CHAIRMAN. I appreciate the clarification.

Secretary RUMSFELD. I am also told that it was correct that, to the extent we built any new Trident II missiles, they would be within that limit. But I am advised that we may very well build some new Trident II missiles. The answer remains the same: They would have to be within the 1,700 to 2,200 limit that Senator Feingold was asking about.

The CHAIRMAN. One of the things that we have run into difficulty on in this new relationship—if you think about it, 15, 20 years from now, our grandchildren will be writing about or doing papers on or speaking about how self-evident it was that some of the sort of gaps and/or misunderstandings that exist today between the United States and Russia, that it was sort of self-evident that we should have expected.

One of those areas I think, speaking for myself, is that we have gone through a period, unrelated to the Moscow Treaty, unrelated to an arms control treaty, but related to assertions and commitments made by the head of state in Russia to a head of state in the United States as to what they might or might not be doing, for example, the Russians with Iran, with Iraq, with the transfer of technology and the like.

Often we have heard explanations that range from queries as to whether or not the political establishment controls every agency within Russia, whether or not there are some free agents out there, General, who are wearing uniforms on their side of the border, that maybe have different agendas, and so on.

The reason I give that as background is to raise this issue. It seems pretty clear that there is a consensus in the administration,

at the White House, at the Defense Department, and at the State Department, and I suspect and I believe in the intelligence community, that Mr. Putin and his government is committed to complying with arms control agreements. But my question is does the same degree of confidence exist that the rest of the Russian bureaucracy and what remains of the establishment equally as committed?

Put another way, is there concern that Putin's desire to comply may be limited somewhat by the ability to ensure their complying because of, not renegade, but different bureaucratic strongholds or lack of central control.

I wonder if you would speak to that for a minute.

Secretary RUMSFELD. Well, you are right, the discussion that you have raised is one that is fairly continuous in the intelligence community and in the governments around the world. The responses we get formally from Russia on arms control agreements is a statement by them that they obviously intend to abide by their agreements, and yet we get intelligence that suggests that there are things happening out there that are harmful, frequently in the nonproliferation area—or in the proliferation area, I should say, as opposed to nonproliferation.

Sometimes it is a difference of view and sometimes there are things happening maybe that are the result of either government tolerance or a lack of awareness of something that is happening. I suspect that it crosses the full spectrum. In some instances, I suspect that there are things that are quite purposeful and believed to be by some definition inside the line, although that is not where I would put them. In other cases it may be a wink and a nod. In still other cases it may be totally unwitting.

But there is no question but that there are a lot of very smart, capable Russian scientists, systems integrators, mathematicians, weapons developers, missile developers, who are of interest to other countries in the world who have appetite for acquiring weapons of mass destruction and the ability to deliver them.

The CHAIRMAN. Well, my time is up, but if my colleague will allow me just to finish this one point. Did our desire not to have more stringent verification regimes as it related to our systems play any part in not seeking additional verification capability beyond START I provisions that exist that could apply to the Moscow Treaty?

Secretary RUMSFELD. The answer is flat no. Indeed, we have repeatedly raised verification and transparency and predictability issues and the cold war mind set felt that there simply was not time to do that; it is so laborious and difficult and thick.

The CHAIRMAN. They—you mean the cold war mind set in Russia, I see.

Secretary RUMSFELD. Not in everyone's mind.

The CHAIRMAN. No, no.

Secretary RUMSFELD. In the group of people who we needed cooperation from.

The CHAIRMAN. The people who have to sign off, OK.

Secretary RUMSFELD. As a result, we had to put that off, and that is fair enough. But I still believe we will end up having serious discussions about this and we may even find better ways.

The reason for transparency is that it develops confidence, and the United States is not going to do anything with respect to our activities that are going to be adverse to Russia's interests. Therefore we have an interest in transparency.

The CHAIRMAN. The only reason I asked the question, it related to the second to the last paragraph in your statement, General Myers, where you say, "the Moscow Treaty will not subject the U.S. to intrusive inspections in some of our most sensitive military areas," which implies that there are certain inspections that you would view to be as against our interests, inspections you were determined to avoid. That is why I asked the question.

Secretary RUMSFELD. We just never got to that point.

General MYERS. We never got to that point, where that became an issue. But I can tell you that personally, and as the Secretary will say as well, that we pushed hard on a verification regime. We were trying to get some action there and it just never materialized.

The CHAIRMAN. Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Secretary Rumsfeld, in your prepared statement you mention that,

> In the twenty first century both Russia and the United States face new and different security challenges: the threats of terrorism and fundamentalism, the spread of weapons of mass destruction and rogue states. The difference is that these are threats that our two nations have in common, threats we can face together.

Then you point out that this means we have entered a new period of cooperation increasingly important to the security and prosperity of our countries, and proceed to point out that we can work with Russia to help their transformation to a stable free market democracy.

These are extremely important points and I appreciate your outlining this; because essentially it reflects, as the President has pointed out, President Putin's success in moving closer to the West.

So there is no posturing here about the fact that Russia's fate lies in integration with us and Europe. This has been closest in terms of the energy industry in Russia, where there has been extraordinary cooperation that has alleviated OPEC or Iraqi threats. So we have some concrete manifestations of this in the practical world.

You also point out that this means that we are proceeding with these reductions as deep as these, because of a decision to invest in a number of other critical areas, such as intelligence, ballistic and cruise missile defense, and a variety of conventional weapons in our 2003 budget, and urge once again the Senate to approve that budget.

I think those are good reasons. I believe Russia has made a similar decision. Russia has indicated that they do not have the money to maintain all of these weapons and that they have other priorities.

I still get back to the point, that in terms of our consideration, we need to know how much money it will cost to implement this treaty. My own view is that this is going to be a very expensive

proposition on both sides. That is not a reason for rejecting the treaty. It is just a recognition that there are going to be some obligations here that Congress ought to understand over a 10-year period of time. These are the terms in which we discuss these budgets now and we need to know that.

So that this should not be a question of replacing intelligence or other items that the Defense Department is asking for, but a recognition that it will cost some money. I hope there is an analysis, classified or unclassified, hopefully unclassified, as to the risks to our countries, Russia and the United States, of not doing anything with these nuclear weapons.

The reason I ask this, and I raised this in the hearing with Secretary Powell, when I went into a vault at one of these nuclear warhead storage sites and saw warheads lying as if in tombs. Each had little histories of when they were constructed, what maintenance they had had, even, as I was told by the Russians, some idea of how long they would remain stable and safe.

Then there was a more sinister thought that came to mind, was there a point at which if the maintenance has not been adequate, or there have been gaps in the upkeep, there could be accidents. Consequently, there are impelling reasons why Russians would want to get rid of some of these warheads, at least some that seem to be less stable than others.

Outside that bunker where we saw them, you have 30 miles of roadway to the train station. The station was well guarded. But the road could pose a threat, and that is how the warheads will be moved to deactivate or perform maintenance on them.

But I keep getting back to the nitty-gritty problem practically of what do we do. It is not just numbers. These are rather dangerous weapons, even if deconstructed, that could kill a lot of Russians and Americans.

I have always been assured that the U.S. maintains all of ours to a point that there is not a danger of the warheads becoming unsafe. I hope that is the case, and I trust everybody every day is concerned about this. But it is one reason for getting rid of thousands of warheads you do not need, because they clearly are simply dangerous to the country and to the rest of the world.

But if you do dismantle them, then the problem of getting rid of the fissile material poses a whole set of new problems in terms of transportation, storage, or downgrading. New agreements have been made by this administration with the Russians to purchase highly enriched uranium to burn in our reactors.

But this is a very serious subject, which comes back to the treaty, because if the warheads are just left somewhere, the fissile material is not an immediate problem. If they are disassembled you do. In either case, this is subject to theft or misappropriation by somebody in a renegade state or Russia.

So my point is once again to try to get more testimony from the administration on costs, on the plans of really how this works, as best you can lay it out. Now, in your testimony you said, well, we want flexibility, and I do not disagree with that. Maybe some years the Russians want to get rid of a thousand of these and others 500. It may be the same for us in terms of our timetable and our budget and so forth.

But at the end of the day, we are talking about a 10-year period of time in which this has to get done. So it seems to me useful to have an analysis of how it happens and how we have some assurance that it will happens. This is the import of the treaty.

Do you have any further comment about this?

Secretary RUMSFELD. Well, a few comments, Senator, and maybe General Myers would like to maybe chime in on this.

The Russians have, the Soviets and their successors the Russians, have had a pattern of not building, developing, nuclear weapons with the same life of our nuclear weapons. We all know that. They have a shorter life.

They also have a pattern of on a dispersed basis moving warheads on and off and into the shop for repair and review and consideration. We do not know—I think this is correct, but at least I do not know, but I do not think we know, the number of weapons they can produce a year. We do not know the number of weapons that they have in the queue for destruction at any given time. We do not know the number that they can destroy in any given year. We do not know the extent to which they can dismember these and use piece parts for various aspects of new production. And we do not know what the remainder is, that is to say what is left over.

There is a great deal we do not know. They are not leaning forward to discuss these things with us. They have parcelled out information that they felt would be appropriate for them to parcel out, but they have kept in a great deal of information.

As you properly point out, Russia's economy is probably the size of Holland's, but they have the weapons of the old Soviet Union. It is an anomaly. They have an outflow of brain power. Their task is to create an environment that is hospitable to investment and enterprise.

The power of that, if they can get their economy—and they have had good growth in the last 2 to 3 years. If they can keep that economy going, the value of that in terms of their financial capabilities will dwarf any assistance we can give them. So our real interest is in getting them to turn West and be integrated into the European, Atlantic European world, and have people want to invest there.

Money is fungible. To the extent we give them money, they do not have to spend their money to do what we are doing with respect to weapons destruction. So the real question is how do you get a net increase of dollars, whether it is ours or theirs, going toward the elimination of a lot of question marks that we currently have?

What we need to do is, I think as you are suggesting, we have got to pursue it, we have to recognize it. But the reality is that simply because those weapons exist does not make them dangerous. It is the security of those weapons until they are destroyed that becomes the critical element. It seems to me—and I know you have addressed this directly as well—that we also need to address the management and security of that process, accepting the reality that it is going to take a good chunk of time to undo what it took decades to buildup.

Senator LUGAR. I generally agree with that, although I am just querying the problem the even the reality of the weapons, quite

apart from their security, is a problem. That is, they may be secure, but they might have an accident or may destruct. That is subject to some technical analysis and I ask your folks to take a look at that, because that is another dimension of urgency.

Secretary RUMSFELD. I am worried also about what they are selling to Iran and Iraq and the People's Republic of China and other countries in terms of high performance capabilities, military capabilities.

Senator LUGAR. This is beyond the treaty, but it gets at least to the general line of thinking I have been pursuing. That is, essentially we must have some idea, some rudimentary idea of expenses, plan of how this is going to happen. They may not be totally forthcoming, but, for example, with the chemical weapons business it was very difficult to get a handle on what was going to happen until President Putin decided to cut through his own bureaucracy and appointed Dr. Pak to coordinate the whole process. He had authority coming from President Putin himself to ride herd over the chemical weapons business.

We now have access; we see everything, touch them, count them. I think this can occur as we get working with the Russians on the nuclear side. If they understand we are serious, that we have got some money and some investment and, more importantly, American contractors, they will open up. As you know, 85 percent of the Cooperative Threat Reduction money goes to American firms to go over there and implement all of this. As a result, we have a very good idea of what is going on piece by piece.

Now, that offends some Russian military people, who say, why in the world did we ever invite all these people into our facilities. Well, there is a lot left to this, but as a practical matter the people there are Americans and they do a good job.

I am arguing that the dismantlement probably will not happen on the Russians' side without a lot of assistance from us.

Secretary RUMSFELD. Senator, not to naysay anything you have said, I would like to add another thought which ought to be a part of the record. That is, if there is a lot we do not know about their nuclear capabilities and numbers and production capabilities and destruction capabilities, there is even more we do not know about their chemical and biological programs.

Senator LUGAR. A lot.

Secretary RUMSFELD. They have been very, very, very tight. The things we do know are what we know. They are the things they show us. And there may be a few things that we know we do not know, but there are a pile of things we do not even know we do not know, because we keep systematically learning more as we go along.

Senator LUGAR. But by having a persistent program, we are likely to know more. Each year more in fact is revealed in cooperation. Given the overall thrust of your testimony and the President's that this is the theme of this, how we work together against terrorists, against the threats together, there is some optimism, which you clearly express, and that is going to be the basis for ratification of this treaty. This is a different era, even given all the phobias and realities that you have expressed so well.

I thank you again for coming today and this testimony.

Secretary RUMSFELD. Thank you, Senator.

The CHAIRMAN. I have a few more questions if I may.

By the way, there are things we do know, and we know, because we know them, we should do something about them.

But General Myers, let me ask you. Last week one of your predecessors, the Secretary of State, said, when he was asked by one of our colleagues about MIRVed warheads and whether or not by not going to a START III and going to a Moscow Treaty we had foregone what had been sort of one of the Holy Grails of the Defense Department, which was to get Moscow or Russia, the Soviet Union before that, to dismantle their MIRVed systems.

Secretary Powell said, speaking about what the administration told Putin: "You can do whatever you think you have to do for your security. You can MIRV your missiles, you can keep more. Do what you think you need to do. That is what we know we need and we are going to this level."

From a strictly military standpoint, are you comfortable with the fact that it does not matter to us whether or not they keep MIRVed warheads—I mean, excuse me, MIRVed platforms or single warhead platforms, from a military standpoint? I know they are not our enemy. I know they are our friend. But I also know the only reason we keep this many missiles right now is because they have that many. If the Lord almighty came down and sat in the middle of this room and said, I guarantee you folks that the Russians do not have a single solitary nuclear warhead, your Single Integrated Operations Plan (SIOP) would change significantly. I hope it would, unless you have taken leave of your senses.

So it does have something to do with what they have. What I am trying to get at is, does it—from a military standpoint you have got to plan the worst case scenario. You cannot base everything on trust. Does it matter whether or not they keep their SS–18's and destroy their single warhead missiles?

Tell me from your planning standpoint?

General MYERS. Mr. Chairman, this is something we discussed with the Commander of the Strategic Command and with the Joint Chiefs of Staff along with many other items. I think our conclusion was that it really does not matter, that we are very comfortable with the range of warheads of 1,700 to 2,200 that was decided upon as that flowed out of the Nuclear Posture Review and the rest of what went with the Nuclear Posture Review, some of which we discussed today, but the new triad, if you will, with offensive weapons, not just nuclear but other capabilities, with defenses, with infrastructure, the intelligence, the command and control, the things that we talked about, that we are comfortable with our capability to defend this Nation, and what another country has is of interest, of course, and we will have to plan for that, but where we are—we are not worried about it. Where we are, we are confident we can defend the country.

The CHAIRMAN. For 30 years you guys have been trying to train fellows like me as we have gone over, year after year, to learn about strategic doctrine and what we should be looking for. We used to, and your shop used to talk about, the most destabilizing weapons are MIRVed warheads because they necessarily are the first targets and that then creates a circumstance where those pos-

sessing them are in a position, knowing they would be targeted first, to launch on warning.

Also, I have gotten—over the last 8 years, as we all have— very insightful briefings on our lack of confidence in their early warning systems and our concern that, at some point, they may conclude that they might be under attack when in fact they were not because their systems are inadequate, and therefore it sets that whole scenario in place that these are destabilizing.

But I am reassured that you are not worried about that any more, at least not worried about it in the sense that you have multiple ways in which to deal with it, you think.

General MYERS. That is correct.

The CHAIRMAN. But I just tell you I still am. But I am not a military man, so I feel good knowing you are not.

Let me ask you about the SIOP if I may, and obviously I know I cannot—by SIOP, for the audience, the Single Integrated Operations Plan, which translated means the targets that we feel we have to target in order to be assured that we would prevail in an exchange.

My recollection is—and I literally do not have it before me, but my recollection is that back with Clinton and Gorbachev they talked about getting down to a level that was in, for a projected START III, in the 2,300 range, and that the last time there was a real top to bottom review of the SIOP was in the mid-nineties.

So my question is is the reason why we did not think we could go lower than 1,700, is it because that we think there are that many targets and redundancy we need in Russia if things went bad? Explain to me the rationale here of the relationship of the SIOP to the 1,700 to 2,200 level, and has there been a review of the SIOP since the mid-nineties.

General MYERS. Yes, there absolutely has. In fact, the Secretary and I spent considerable time reviewing the SIOP. I think we started that last year, and we have got another major review ongoing.

The CHAIRMAN. Does it take into account the reduction of forces from 6,000 or so deployed to 17 to 22 for the Russians, or does it assume the Russians possessing 6,000 deployed for up to the next 10 years?

General MYERS. Without going into an area we ought to do in another setting, I think——

The CHAIRMAN. Well, maybe, with the consent of my colleague, I think we should arrange for that in 407 at a later date. But I am anxious to know the thinking. I am not looking for the target list. I am just trying to figure out.

General MYERS. The relationship, I think, and it goes back to the Nuclear Posture Review, where instead of being threat-based and having to cover certain countries, that we looked at the capabilities that we want to have as the United States and are these capabilities we have, are they sufficient to deter and dissuade and, if it comes to conflict, can we prevail.

Those were the notions that go into all our planning, and that is the new triad, the offensive forces, of which the nuclear piece is now just one piece. There are other forces we think about. Of course, we talk about the defenses and the infrastructure.

So in that respect, there is not a direct correlation between this number of 1,700 to 2,200, as I understand your question, there is not a direct correlation between that and any of our nuclear plans. They are much more capabilities-based than threat-based.

Now, of course any planning function like this, to change from the way we used to think, from the old-think to the new-think takes time. So it takes time to transition to a new way of thinking. What we are really talking about here is the essence of transformation, because what we are talking about is a cultural change: how do we think, how do people think, about this problem? I think that all goes back to the Nuclear Posture Review and that flowed into the Moscow Treaty now, and I think that embodies it.

The CHAIRMAN. I think that makes sense, to deter and dissuade. But I am trying to figure out with this new relation, who are we deterring and dissuading?

Secretary RUMSFELD. I think it would be a mistake to leave the impression that I think your question could, that either the SIOP or the 1,700 to 2,200 is premised on Russia. The reality is we live in the world, there is a security environment. Russia exists and has capabilities to be sure, but so does the People's Republic of China, and they are increasing their defense budget and they are increasing their nuclear capabilities purposefully. There are other countries that have—pardon me?

The CHAIRMAN. Are they not in multiples of 10 right now, Mr. Secretary?

Secretary RUMSFELD. Very low, very low.

The CHAIRMAN. You know, 2,200.

Secretary RUMSFELD. I understand. I am coming to that.

There is the deterrent aspect. To the extent you lower down so low that it looks like some country can in fact sprint and get up to a level, then the deterrent effect of having your capability is probably less persuasive. The 1,700 to 2,200 down from many thousands clearly is a reflection of all of those things and not any single country. I think it is fair to say it is both a recognition of capabilities that exist, of trends that are taking place, of uncertainties, and in addition of a desire to have a deterrent effect.

There is no question in my mind that weakness is provocative, and if we were to go down to some very low level some country might decide that that is an area of weakness, an asymmetry that they could take advantage of. We do not want to create that interest on anybody's part, which is—we think 17, as low as 1,700 to 2,200 sounds, from where we have been, it is still, as you point out, a non-trivial number.

The CHAIRMAN. A thousand is a non-trivial number.

But at any rate, I think we should probably pursue this. I have a couple more questions I want to ask at this point. But as you suggest, this may not be the forum. This is probably not the forum to do it.

Let me just take a quick look here and I will not keep you much longer.

Secretary RUMSFELD. Could I come to the 4,600 number you raised?

The CHAIRMAN. Yes, that would be very good, if you would.

Secretary RUMSFELD. I think you had discussed this with Secretary Powell.

The CHAIRMAN. Secretary Powell raised it. We did not raise the number.

The CHAIRMAN. Right. I would like to say that there is no magic to that number. We have not come to a conclusion as to the numbers that would be appropriate to not be destroyed, that are not currently deployed on offensive strategic nuclear weapons. I think the number 4,600 was a fallout of a theoretical number that you might be able to upload on the platforms that you might have, depending if you make a certain set of assumptions as to what you would do between now and 10 years from now.

Those would only be assumptions. Therefore, I think that we ought not to get 4,600 chipped into concrete.

The CHAIRMAN. OK. Let me ask you, let us assume that Putin becomes seized with the notion that security of these weapons and these warheads is of great concern to him and concludes that they are, quite frankly, safer staying on the platforms and disabling the weapons. Would that be compliant with the treaty?

In other words, if you have refused to take—let us just take an extreme example. He concludes that he is going to decommission one SS–18 by decommissioning the platform, the SS–18, and leaving the warheads on, because it would make it a whole heck of a lot harder for any terrorist to get hold of and cart out an SS–18 with 10 warheads on it than it would to have 10 warheads be stored in a facility.

Would they be in compliance?

Secretary RUMSFELD. It is not an issue that I think is likely to occur, needless to say. But were it to occur, I think one would have to look at what we consider to be an offensively deployed nuclear strategic weapon. It would be hard to characterize a disabled platform with active warheads as an offensively deployed strategic nuclear capability.

The CHAIRMAN. So it might comply theoretically if they did that, I see. I am just trying to get, just to get a sense here of the parameters here.

Now, was there a reason other than the hope or the prospect or the belief that everything would be done by 2009, was there a reason why you did not try to fill in a verification piece between 2009 and 2012? I know we do not expect it, but it is for financial, political, subversive, any reasons available, the Russians could be in compliance with the treaty by not doing a single solitary thing, not disabling a single warhead, to the year 2010, and then tell us that they have disabled them all between 2010 and 2011 and 2012. But other than national technical means, there is no verification regime in place during that period that would——

Secretary RUMSFELD. From 2009 to 2012.

The CHAIRMAN. From 2009 to 2012.

Is there a reason why you did not try to put one in? Was it the expectation that we would be done by then?

Secretary RUMSFELD. No, no. We did try. In other words, we did have a whole series of meetings, at the Feith and Bolton levels, at the Rumsfeld and Sergei Ivanov and at Colin's level with Igor

Ivanov. We had a series of meetings and, for whatever reason, just getting what we got done consumed the time.

We raised it. We pushed it. We are interested in it, in greater transparency and predictability, and we have alerted them and they are fully aware of it. We are going to be raising right back up again in September.

The CHAIRMAN. This is a welcome transformation, but to have Bolton and Feith trusting like this is really amazing. This is an epiphany. These are the same guys who spent hours of my time beating my brains out about why we were going to take all those in the intermediate range ballistic missile treaty, they were going to hide all those missiles in garages and roll them back out. Even Mr. Billingslea behind you was worried about that stuff.

Now, heck, we are going to sign a treaty and we are not even worried if we are going to be able to verify for 3 years, and we do not question why they will not be willing to let us verify. I think that is what I call being born again.

Secretary RUMSFELD. Well, I do not know that. I think that it is important to realize that we spent months and months and months looking at the new security environment in the Nuclear Posture Review effort. We had all the senior military and civilian leadership. The President participated on a number of occasions. People from the National Security Council staff did, Secretary Powell did.

We worked through that and we came to a conclusion that it was in the best interest of the United States of America to go to 1,700 to 2,200. Now, we were ready and are ready today to do that regardless of this treaty. Therefore, it is not a matter of trust in that sense.

The CHAIRMAN. Got you.

Secretary RUMSFELD. Because we are ready to do that.

The CHAIRMAN. I keep getting confused by you always going back and talking about how we trust them. That is the part that is confusing me.

OK. I really, the only questions I have relate to, not again whether or not we should ratify this treaty. It's so that I understand where you all are going, because, as some press person said to me, well, Biden, if you have these concerns about these things that could happen, why are you for the treaty?

I said, you know, it is kind of a little like my car breaking down in the desert 20 miles from out of town, out of the nearest town, and someone comes along and says, hey, look, I can give you a ride for four miles. It will get me four miles closer. I am for it. This gets us four miles closer or whatever. So I am for it, but I hope it is not the end of the ride. I hope we are going to be doing more and I expect that you may attempt in terms of transparency and other things.

There is one last question. I promise this will be the last one. Is there any sense—and you may not be able to answer this or want to answer. But is there any sense that, to the degree that we are transparent about doing what we say we are going to do anyway, that that will encourage and/or put pressure on them to be more transparent about what they need not at the moment be transparent about, that they are moving in the direction the treaty calls for?

Do you see any correlation there? And if you do, what are the things that we are likely to do to demonstrate that transparency? And if you do not, then it does not matter. I am just kind of curious.

Secretary RUMSFELD. We are probably as transparent as any nation on Earth.

The CHAIRMAN. We are, I know. I am just asking about the treaty.

Secretary RUMSFELD. Part of it is intentional and part of it is not.

The CHAIRMAN. I am seeking the intentional part.

Secretary RUMSFELD. I understand.

I do not know the answer to the question. I suspect not. That is to say, I do not think that if we were unilaterally even more transparent than we already are that we would necessarily get a sympathetic reaction to that. I think that what we are seeing happen in our time is a country going from a communist dictatorship, an empire, to a much smaller country, that is trying to navigate from serfdom to communism to something that will be different and that will enable them to connect with the rest of the world in a rational way.

Whether they will stay on that vector I do not know. I hope and pray that they do. There are people in the country who would like that to be the case, and there are people in the country who would not. I personally think that to the extent they are more successful economically rather than less successful, they have a greater chance of going in the right direction, and to the extent they end up knitting themselves to our country and to Western Europe and to freer political and economic systems they are more likely to begin to behave in a way that is trustworthy.

I think that to go from a system that was totally untrustworthy and secret and doing things underground and behind cloaks as a way of life to something where they let the sunshine in is not something someone does in 5 minutes, nor should we expect it. Our hope is that they will continue on the vector they are on, and I do believe they are on that vector, and if they stay on it it will be a terrific accomplishment for them and for the countries that are trying to help them do that.

The CHAIRMAN. That is a good note to end up, because I concur with your hope and the way you stated it.

Senator, do you have any closing comment or question?

Senator LUGAR. No.

The CHAIRMAN. Gentlemen, I thank you very much for being here. Mr. Secretary, I may—if the time permits, we may very well ask, and it need not require you, but obviously it would be enhanced if you were there, prior to our final vote on this, which we hope will be timely and we will move this expeditiously, is possibly have a relatively short session, an hour or 2, in S–407 on some of the things we could not discuss here, although I am not sure that is necessary.

Again, I thank you and your staffs for a very useful presentation.

We are adjourned. [Whereupon, at 5:11 p.m., the committee was adjourned.]

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RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD TO SECRETARY RUMSFELD AND GENERAL MYERS BY THE COMMITTEE

*Question.* Under current plans, what will happen to the deployed warheads that are currently associated with delivery systems that are already slated to be moved out of the deployed force? If these warheads will replace others in the deployed force, what will happen to the warheads that they replace?

How many strategic nuclear warheads does the United States anticipate having on December 31, 2012, and how will they be divided between deployed warheads and the various levels of reserve?

Answer. Fifty Peacekeeper ICBMs will be deactivated under current plans. As they are removed from their silos, some of their more modern W87 warheads will be transitioned to certain Minuteman III ICBMs in a single-RV configuration. As the W87s are installed, the older W62 warheads will be removed from Minuteman missiles and retired. The United States also plans on removing four Trident submarines from strategic service.

Overall, some warheads that are to be removed from strategic systems will be used as spares, and some will be stored, and others will be scheduled for destruction.

Under the Moscow Treaty, the aggregate number of U.S. operationally deployed strategic nuclear warheads will not exceed 2,200 warheads on December 31, 2012. We have not determined at this time precisely the number of warheads or the composition of the 2012 strategic nuclear force. Starting in 2003, periodic assessments will be conducted in order to determine an optimum force posture for operational deployment as well as our requirements for a responsive capability. Other non-operationally deployed warhead requirements will depend on the progress made in restoring the nuclear weapons infrastructure and the ability of the Stockpile Stewardship Program to sustain the safety and reliability of the nuclear weapons stockpile.

TIME LINE FOR FORCE REDUCTIONS

*Question.* What is the Administration's time line for force reductions?

What options are being considered for reductions after 2007?

Will those reductions require doing away with one or more elements of the strategic forces "triad" of ICBMs, SLBMs and airborne warheads?

If so, when would you anticipate making that decision?

Answer. As the first step in reducing strategic nuclear warheads, the United States plans to deactivate 50 Peacekeeper ICBMs from operational service, remove four Trident submarines from strategic service, and no longer maintain the capability to return the B–1 to nuclear service. In addition, Trident D–5 and Minuteman missiles will be downloaded and some bombs removed from missile bases to reduce the operationally deployed strategic force to approximately 3,800 weapons by 2007.

Specific decisions about U.S. forces beyond 2007 have not been made. It is now anticipated that reductions beyond 2007 will involve decreasing the number of operationally deployed strategic nuclear warheads on ballistic missiles and lowering the number of operationally deployed warheads at heavy bomber bases. These plans, however, will be periodically assessed, and may evolve over time.

To meet the nation's defense goals in the 21st century, the, offensive strike leg of the New Triad (as outlined in the Nuclear Posture Review) will encompass more than the Cold War triad of intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and long-range nuclear armed bombers. It will also involve the addition of advanced conventional strike capabilities. ICBMs, SLBMs, bombers and nuclear weapons will all continue to play a vital role in the offensive strike leg of the New Triad. The other two legs of the New Triad are defenses and a revitalized defense infrastructure.

REDUCTIONS IN THIS TREATY

*Question.* Why are the reductions in this treaty to be to 1,700 to 2,200 warheads, rather than to a narrower range? Why does the United States need 500 more operationally deployed warheads than Russia?

As total warheads go down, isn't it important not to have too great a difference between each Party's strategic force levels?

Answer. President Bush made it clear from the outset that he intended to reduce U.S. operationally deployed strategic nuclear warheads (ODSNW) to the lowest number consistent with U.S. national security requirements and our commitments to our allies. Based on the Nuclear Posture Review (NPR), he determined that U.S. forces in a range of 1,700 to 2,200 ODSNW will provide the flexibility and capability necessary to counter known threats and hedge against technical surprises or improvements, or other unforeseen developments.

This range is not based on Cold War paradigms or on how many weapons we need over those possessed by any other specific country. The Department of Defense identified this range of ODSNW as the lowest number sufficient to meet U.S. national security needs now and into the foreseeable future. The President has concluded that we can safely reduce to that level over a period of time. Based on the NPR, the United States had already decided, before negotiating the Moscow Treaty, to reduce unilaterally the size of its strategic nuclear forces to the level of 1,700–2,200 ODSNW. The NPR envisaged the 1,700–2,200 range of ODSNW reflected in the treaty; nothing in either the NPR or the treaty requires the United States to have 500 more ODSNW than Russia does.

It is important to realize that we have entered into a new relationship with Russia that is no longer adversarial. Consequently, the United States nuclear force structure is not determined by an immediate threat from Russia. U.S. and Russian strategic decisions are based on the different security circumstances of each country. Seeking numerical parity with Russia is a vestige of the Cold War arms control approach.

REVISED SIOP GUIDANCE

*Question.* Has the current Administration revised the guidance on which the SIOP is based? If not, is such a revision planned or ongoing?

Given the new U.S.-Russian relationship, what is the likelihood that revised guidance would change either the nature of the target set or the extent of required destruction of targets in a manner that would permit the Joint Chiefs of Staff to recommend gradual reductions to still lower strategic force levels than those required by the treaty?

Answer. The Administration is in the process of revising the guidance on which the SIOP is based. The Department of Defense presented a new defense strategy in its 2001 Quadrennial Defense Review (QDR). The QDR responded to President Bush's call for a strategy that addresses today's threats while preparing the Department to meet future challenges. Nuclear forces have an important role to play in this new defense strategy. The number, composition and character of nuclear forces under this strategy reflect the reality that the Cold War is over and that the role of these forces has changed in important ways.

The new defense strategy employs a capabilities-based approach to planning. It replaces the traditional threat-based approach that focused on specific adversaries or regions of the world. Nuclear force planning will employ the same capabilities-based approach.

The Moscow Treaty's 1,700–2,200 limit on strategic nuclear warheads represents the number of operationally deployed strategic nuclear warheads that we have concluded is necessary to meet U.S. and allied security requirements. Therefore, it is also the lowest possible level the Administration is considering in the current and foreseen security environment. Reductions below the 1,700–2,200 level have not been planned, but the Department of Defense continually assesses the military requirement levels for strategic nuclear warheads.

CONTINGENCIES THAT DRIVE U.S. FORCE PLANNING

*Question.* Please elaborate on the future contingencies that drive U.S. force planning. What other nuclear-armed and potentially hostile countries present large numbers of targets that the United States would need to hold at risk to an extent

requiring 1,700–2,200 operationally deployed warheads and thousands more in an active reserve?

Answer. In a fluid security environment, the precise nuclear force level necessary for the future cannot be predicted with certainty. The goal of reducing, over the next decade, the U.S. operationally deployed strategic nuclear force to the range of between 1,700 and 2,200 warheads provides a degree of flexibility necessary to accommodate changes in the security environment that could affect U.S. strategic nuclear force requirements. The capability-based requirements imposed on the force to assure, dissuade, deter, and defeat adversaries are not additive. The nuclear forces required to support these goals are affected by a number of factors:

- an assurance-related requirement for U.S. nuclear forces that they be judged second to none;
- the force structure needed to provide options to halt the drawdown or to allow redeployment of warheads to enforce the goals of deterrence and dissuasion;
- the number and types of targets to be held at risk for deterrence; and
- the forces needed to defeat adversaries across a spectrum of conflicts and scenarios.

The number of operationally deployed strategic nuclear forces necessary to support these goals cannot be predicted precisely. Viewed from today, however, the range established by the President provides the flexibility and responsiveness necessary to meet the nation's defense policy goals.

HELPING RUSSIA IMPLEMENT REDUCTIONS

*Question.* Should the United States help Russia to implement the reductions required by this treaty?

Should we do so even if Russia, like the United States, chooses not to eliminate many of its warheads or delivery vehicles, but rather to store excess warheads, while keeping its bombers and MIRVed missiles in service?

Answer. The Russian Federation committed to strategic nuclear reductions under the Moscow Treaty. Its obligations are not conditioned on U.S. assistance and we are confident Russia will meet its Treaty obligations.

We provide assistance to eliminate Russian strategic delivery systems, facilitate the elimination of excess Russian warheads, and secure and reduce Russian nuclear material, because cooperative threat reduction efforts are in the national security interests of the United States.

Any Russian decision to store, rather than eliminate, excess warheads will be made on the basis of Russia's own assessment of its national security needs. Regardless of how that decision comes out, it is in our security interests to help ensure that remaining warheads are stored as safely and securely as possible to protect them from terrorist or third-country theft.

RUSSIAN SECURITY OVER REMOVED WARHEADS

*Question.* Should the United States help Russia to maintain tight security over the warheads it removes pursuant to this treaty?

Should we do so even if Russia, like the United States, chooses not to destroy many of its warheads?

Answer. The United States is providing assistance to increase the security of nondeployed Russian warheads. Such assistance will also increase the security of the Russian warheads made excess by the Moscow Treaty.

This assistance increases the physical security of Russian warhead storage facilities through better fencing and alarm systems, enhances the reliability of warhead security personnel and improves the accounting for Russian nuclear warheads.

Any Russian decision to store, rather than eliminate, excess warheads will be made on the basis of Russia's own assessment of its national security needs. Regardless of how that decision comes out, it is in our security interests to help ensure that remaining warheads are stored as safely and securely as possible to protect them from terrorist or third-country theft.

SECURING/ELIMINATING RUSSIAN TACTICAL NUCLEAR WEAPONS

*Question.* Do you agree with Secretary Powell that the United States should assist in securing—and, if Russia agrees, in eliminating—Russian tactical nuclear warheads?

Answer. Secretary Powell indicated that the United States is concerned, from a proliferation standpoint, about Russia's tactical nuclear weapons. One of the original motivations for the Cooperative Threat Reduction (CTR) program was our belief that Russia lacked the resources necessary to eliminate expeditiously the huge number of excess nuclear weapons inherited from the Soviet Union and to maintain the remaining weapons as safely and securely as possible.

We continue to believe that U.S. assistance serves to increase the scope and accelerate the pace of Russian reductions in nuclear weapons.

Thus, when and to the extent permitted by law, the United States will continue to offer CTR assistance to Russia to increase the security of its non-deployed nuclear warheads, including tactical or sub-strategic nuclear warheads.

CTR assistance increases the physical security of Russian warhead storage facilities by providing better fencing and alarm systems, increasing the capabilities of guard forces, enhancing the reliability of warhead security personnel, and improving the accounting for Russian warheads.

Our assistance also facilitates the dismantlement of Russian nuclear warheads, including tactical or sub-strategic nuclear weapons being reduced under the Presidential Nuclear Initiatives (PNIs) of 1991 and 1992, by providing more secure storage and paying for the secure transportation of warheads to disassembly facilities.

RISKS ASSOCIATED WITH RUSSIAN RETENTION OF MIRV'ED ICBM'S

*Question.* Any Russian retention of MIRVed ICBMs as a result of the treaty could increase the risk of a war being caused by mistake, especially given the degraded state of Russia's missile warning network. What steps is the Administration taking to minimize that risk?

What further steps do you advocate?

Answer. The Moscow Treaty in no way affects Russia's right or ability to retain MIRVed ICBMs. However, Russia's MIRVed ICBMs are old with relatively little remaining life span and Russia cannot MIRV the SS–27 under the START Treaty. Regardless of whether Russia retains a small number or SS–18 or SS–19 ICBMs or builds a new MIRVed missile, Russia's deployment of MIRVed ICBMs has little impact on U.S. national security. The issue of Russian MIRVed ICBMs was considered in the December 2001 Nuclear Posture Review and during the treaty negotiations. Since neither the United States and its allies nor Russia view our strategic relationship as adversarial, we no longer view Russian deployment of MIRVed ICBMs as destabilizing to this new strategic relationship.

If Russia retains MIRVed ICBMs, it would require fewer missiles to deploy 1,700–2,200 strategic warheads than if each ICBM carried only one warhead. However, we do not believe that Russia will retain its current inventory of MIRVed ICBMs. Russia is already deactivating its 10-warhead rail-mobile SS–24 force for age and safety reasons and the force should cease to exist in the last half of this decade. We expect that most of the SS–18 heavy ICBMs and six-warhead SS–19 ICBMs will reach the end of their service life and be retired by 2012.

The concern about instability due to MIRVed ICBMs is a Cold War perspective, based on mutually assured destruction calculations and "use-or-lose" theories. Since neither side now fears attack by the other, the level of alert and the risk of a reflexive strike are reduced. Today we do not believe the risk of an accident is determined by how many warheads are deployed on ICBMs. Nor do we believe that MIRVed ICBMs are inherently "destabilizing." Therefore, the United States no longer feels threatened by how Russia structures its strategic nuclear forces.

Under the Moscow Treaty, we will retain a nuclear force sufficiently flexible for our national security and our commitments to allies. Additionally, we will continue to work with Russia to better understand their planning process and intentions. We expect that continued improvement in our relationship with Russia will provide greater transparency into the strategic capabilities and intentions of each Party.

SPARE STRATEGIC NUCLEAR WARHEADS

*Question.* In testimony of July 25, 2002, before the Armed Services Committee, Secretary Rumsfeld said that U.S. airborne nuclear weapons "near a bomber base

would be considered operationally deployed." General Myers said, "we will count as operationally deployed those weapons that are kept on the base with the bombers in the weapons storage areas." The Secretary of State's Letter of Submittal to the President and the Article-by-Article Analysis of the treaty state, however, that "a small number of spare strategic nuclear warheads . . . are located at heavy bomber bases. The United States does not consider these spares to be operationally deployed strategic nuclear warheads."

Will "a small number of spare strategic nuclear warheads . . . located at heavy bomber bases" be viewed as operationally deployed or not?

Aside from the small number of spare warheads, will airborne nuclear weapons "near a bomber base . . . be considered operationally deployed," as stated by Secretary Rumsfeld, or only "those weapons that are kept on the base . . . in the weapons storage areas," as stated by General Myers?

What are the distinguishing characteristics, if any, that differentiate these spare strategic nuclear warheads from other warheads co-located at the same bases?

Answer. Only nuclear warheads loaded on bombers, and those stored in weapons storage areas of heavy bomber bases (except for a small number of spares as discussed below), are considered to be operationally deployed.

Spares are necessary to keep operational force levels constant while allowing for weapons to be taken off line for periodic maintenance. For this reason, a number of spare strategic bomber-deliverable nuclear warheads will continue to be located at heavy bomber bases. These weapons will not be considered to be part of the operationally deployed force. There are no physical characteristics that distinguish the spares from operationally deployed weapons.

### LEGAL INTERPRETATION REGARDING THE ROLE OF THE BILATERAL IMPLEMENTATION COMMISSION

*Question.* At the Committee's hearing of July 9, 2002, Secretary Powell testified that the Bilateral Implementation Commission "will meet twice a year, or more often as necessary, to see how we are doing . . . to see if we need more transparency to give us confidence." At the Senate Armed Services Committee hearing of July 25, 2002, however, Secretary Rumsfeld said that this commission "is really not a negotiating forum; it is more of a forum to monitor implementation of the treaty as such." Secretary Rumsfeld said that the Consultative Group for Strategic Security, established by the Joint Declaration of May 24, "would discuss issues like . . . transparency, predictability, [and] verification." Please provide an authoritative statement of the Administration's legal interpretation regarding the role of the Bilateral Implementation Commission in considering the need for transparency or verification and in recommending or adopting measures to address such a need.

Answer. As provided in the Joint Declaration of 24 May 2002, the Consultative Group on Strategic Security (CGSS), to be co-chaired by myself and Secretary Powell and our Russian counterparts, will be the principal mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.

Consistent with both my own and Secretary Powell's statements, the Bilateral Implementation Commission (BIC) will also be a diplomatic consultative forum, which will meet at least twice a year once the Moscow Treaty is in force to discuss issues related to implementation of the treaty. The treaty specifies that the purpose of the BIC is to assist in implementing the treaty. The BIC thus has a narrower focus than the CGSS, and will be separate and distinct from the CGSS.

### TRANSPARENCY MEASURES REGARDING REQUIRED REDUCTIONS

*Question.* What transparency measures does the Administration seek from Russia regarding the reductions required by this treaty? What transparency measures does the Administration plan to institute so as to assure Russia that the United States is implementing the treaty?

General Myers testified that, "the Moscow Treaty will not subject the U.S. to intrusive inspections in some of our most sensitive military areas." When additional verification or transparency measures are discussed with Russia, what inspections will the U.S. armed forces want particularly to avoid?

Answer. One of the principal elements of the new strategic relationship between the United States and Russia is that there is no longer a need to regulate every step as we reduce our strategic nuclear warheads. START provides us with a strong foundation for transparency into reductions under the Moscow Treaty. In particular,

START's verification regime will continue to add to our body of knowledge over the course of the decade regarding the disposition of Russia's strategic nuclear warheads and the overall status of reductions in Russia's strategic nuclear forces. However, until we know how Russia plans to make its reductions and the Moscow Treaty enters into force and we acquire experience with implementing its provisions, it is premature at this point to attempt to forecast what transparency measures would be useful. We intend to discuss this subject with the Russians.

In terms of my statement regarding "intrusive inspections in some of our most sensitive military areas," I was referring to facilities where nuclear warhead production, assembly, disassembly or maintenance operations take place. Inspections of such facilities would not provide transparency regarding the number of U.S. operationally deployed strategic nuclear warheads.

U.S. INSPECTIONS OF RUSSIAN FACILITIES

*Question.* In response to a question regarding verification, Secretary Rumsfeld stated: "First of all, the START treaty is in effect, and according to its terms, we do have those verification [measures]." Is the Defense Threat Reduction Agency (DTRA) currently capable of making full and effective use of the inspection opportunities offered by the START treaty? Or are there shortfalls in operational or personnel resources that limit the number, size, or effectiveness of U.S. inspections of Russian facilities?

What will be done to assure that DTRA has all the resources needed to maximize the number and effectiveness of START inspections?

Answer. DTRA has the resources needed to support the full exercise of United States inspection rights under START. Full funding and staffing are available for this mission. Moscow Treaty implementation will not entail any substantial additional resource requirements for DTRA, given that it does not include any additional inspection or transparency provisions.

REDUCTIONS OUTLINED IN THE MOSCOW TREATY

*Question.* Secretary Rumsfeld testified that "our decision to proceed with reductions as deep as the ones outlined in the Moscow Treaty is premised on decisions to invest in a number of other critical areas, such as intelligence, ballistic and cruise missile defense . . ." In the Senate Armed Services Committee hearing of July 25, he engaged in the following dialogue with Senator Inhofe:

> SENATOR INHOFE. Now, if for some reason the United States does not deploy a missile defense system, will we still be able to comply with the reductions that are stated in the Moscow Treaty?
>
> SECRETARY RUMSFELD. Senator, that's a good question, it's a question that's probably not knowable until as we move along . . .

Please provide an authoritative statement of the Administration's legal interpretation regarding the question of whether the obligation to comply with this treaty applies even if the United States does not deploy a missile defense system.

Answer. Consistent with its obligations under the Moscow Treaty the United States must reduce and limit its strategic nuclear warheads so that by December 31, 2012, the aggregate number of such warheads does not exceed 1,700–2,200 whether or not it deploys a missile defense system.

My exchange with Senator Inhofe merely noted that our decision to undertake such deep reductions was predicated, in part, on the assumption that we would deploy missile defenses.

COSTS AND STEPS INVOLVED WITH THE MOSCOW TREATY

*Question.* What costs will the United States incur or avoid by taking the steps required under this treaty? Does the treaty require any steps which the Department of Defense had not already planned?

Answer. The Moscow Treaty codifies a prior unilateral decision by President Bush to reduce operationally deployed strategic nuclear warheads (ODSNW) to 1,700–2,200 by 2012. The treaty imposes no specific reduction procedures or timelines that affect the costs of making these reductions. Once the treaty enters into force, therefore, the U.S. will neither incur nor avoid additional costs related to making reductions, beyond what the Department of Defense had already planned.

Since the United States plans to make reductions to 1,700–2,200 operationally deployed strategic nuclear warheads primarily by downloading, the costs associated with this will probably be relatively minor. We do not plan to dismantle delivery systems using expensive procedures from previous arms control treaties. However, because U.S. reduction plans through 2012 have not been finalized, it is not possible to predict accurately the ultimate costs associated with these reductions. However, since President Bush had previously stated the U.S. intention to unilaterally reduce its ODSNW to the 1,700–2,200 warhead level, these reduction costs would have been incurred even without the negotiation of the Moscow Treaty.

EFFECTS OF AN ADDITIONAL 12 TRIDENT II MISSILES

*Question.* The Administration fiscal year 2003 budget includes a request for funding to assemble an additional 12 TRIDENT II missiles. How does adding to our TRIDENT II arsenal square with the goals we are trying to achieve under this treaty? What subtractions from the number of operationally deployed TRIDENT II warheads or from elsewhere in our nuclear arsenal do you plan to offset newly-assembled TRIDENT II missiles? How (and at what cost, if any) will you ensure that TRIDENT II's, including any newly-assembled missiles, comply with the treaty?

Answer. A fundamental U.S. objective in negotiating the Moscow Treaty was to preserve our flexibility to implement our future force structure, as prescribed by the 2001 Nuclear Posture Review (NPR). The planned force structure for 2012, in part, comprises 14 TRIDENT SSBNs armed with the TRIDENT II (D–5) missiles. The additional D–5 missiles are not for the purpose of increasing the number of missiles in operationally deployed submarine launch tubes; rather they are needed to prevent a shortage of missiles from flight testing requirements in the next decade.

The Moscow Treaty counts nuclear warheads, not delivery systems; therefore, there is no correlation between the assembly of TRIDENT II (D–5) missiles and the Moscow Treaty limit of 1,700–2,200 nuclear warheads. For the United States, only warheads that are operationally deployed will be subject to the 1,700–2,200 limit. The United States made it clear in the negotiations that operationally deployed strategic nuclear warheads are reentry vehicles loaded on Intercontinental Ballistic Missiles (ICBMs) in their launchers, reentry vehicles loaded on Submarine-Launched Ballistic Missiles (SLBMs) in their launch tubes onboard submarines (SSBNs), and nuclear armaments loaded on heavy bombers or stored in weapon storage areas. Only warheads on those TRIDENT missiles deployed in the submarine launch tubes count against Moscow Treaty limits. TRIDENT II missiles present no unique compliance issues.

PROJECTED COSTS OF THE VARIOUS OPTIONS

*Question.* What are the projected costs of the various options the United States may choose in order to reach a level of 1,700 to 2,200 operationally deployed strategic nuclear warheads by December 31, 2012?

Answer. The United States currently plans to complete strategic nuclear reductions in phases. As the first step in the process, the United States has decided to retire its 50 Peacekeeper ICBMs, to remove 4 Trident submarines from strategic service, and to no longer maintain the capability to return the B–1 bomber force to nuclear service. This will reduce the number of U.S. operationally deployed strategic nuclear warheads by almost 1,100 warheads by 2007. The specific additional reductions that will be made to meet the 2012 Treaty limits have not yet been decided, and thus, projected costs have not been determined.

PROJECTED COSTS OF STORAGE AND ELIMINATION OF WARHEADS

*Question.* What are the projected costs if all of the U.S. warheads taken out of operational deployment to meet the Treaty's reduction requirement are placed in storage—with, say, half those warheads maintained in readiness for a speedy re-armament?

What are the projected costs if all of these warheads are eliminated, or if half are eliminated? Please include (and list) in this analysis the impact of warhead eliminations on the costs associated with the Department of Energy's requirements for warhead re-manufacturing and tritium production.

Answer. The Department does plan to maintain the ability to increase the number of operationally deployed warheads to enable a response to unforeseen cir-

cumstances. One additional cost of maintaining these weapons is represented by the unit cost of furnishing tritium to each of these weapons. These costs are best estimated by the National Nuclear Security Administration (NNSA).

The per-unit cost to perform the dismantlement process is unique to each warhead type depending on the complexity of the dismantlement process for the warhead in question. Additionally, dismantlement costs cannot be taken in isolation. Calculations must factor other ongoing production activity (e.g., repairs, warhead refurbishments) and the desired dismantlement rates, all within the context of a fixed industrial capacity.

At present, dismantlement activity is relatively high (W56, W79, with B53 and some B61s planned for the future) in relation to projections later in the decade where three refurbishments are planned to begin. Currently, one refurbishment (W87) is ongoing along with some dismantlements (W56, W79, with B53s and some B61s planned for the future). Three additional refurbishments (B61, W76, W80) are scheduled to begin later in the decade. Dismantlement activity represents an opportunity cost that is used to level the workload using the planned retirement of the W62 warheads from the Minuteman ICBM. Future decisions on other retirements may add to the dismantlement queue later in the decade, and well into the next decade.

It should be noted that dismantling warheads is far more costly than storing the warheads. Dismantling all warheads downloaded as a result of the Moscow Treaty not only would eliminate our responsive capability without an evaluation of the risk of doing so, but would also undercut a number of stockpile maintenance options aimed at preserving reliability in the absence of the ability to produce replacement warheads. Moreover, dismantlement of downloaded warheads would preclude the opportunity to equip the Minuteman ICBM with the more modern warhead from the Peacekeeper missile when it is deactivated in FY 06.

Other factors to consider in considering any hypothetical dismantlements are the capacity at the Pantex Plant, the availability of safe and secure transportation, and the capacity to store fissile components at facilities such as Y–12 near Oak Ridge in Tennessee. The workload at Pantex has declined over the last decade reflecting down-sizing initiatives. During this time, improvements in the safety and security of Pantex operations have been made. In order to accommodate the planned refurbishment workload, plans are in place to expand the capacity of Pantex operations this decade in order to accommodate the planned assembly and disassembly capacity at Pantex. The NNSA is best qualified to discuss costs and capacities to support various stockpile operations.

PROJECTED COSTS OF POSSIBLE VERIFICATION AND TRANSPARENCY MEASURES

*Question.* What are the projected costs of possible verification and transparency measures, beyond those utilized under the START Treaty, that may be incurred in association with this treaty? (One example of such a measure might be the separation of spare warheads from non-deployed warheads currently co-located at heavy bomber bases. Another might be transparency measures regarding the storage and/or dismantlement of U.S. warheads.)

Answer. The Moscow Treaty includes no verification or transparency measures. Therefore, there are no costs associated with verification and transparency measures beyond those associated with the START Treaty. Because we do not know at this time whether any additional transparency measures might prove useful, it is not possible to anticipate potential costs to implement them.

PROJECTED COSTS OF INCREASING U.S. ASSISTANCE

*Question.* What are the projected costs of increasing U.S. assistance under the Cooperative Threat Reduction program and/or nonproliferation assistance programs to help Russia eliminate warheads that are removed from deployment pursuant to this treaty and secure any resulting fissile material?

How will these projected costs change if Russia stores its downloaded warheads and U.S. assistance focuses on the security of the warheads?

Answer. We do not have a basis for estimating the cost of assisting Russia in eliminating warheads removed pursuant to the treaty. The United States has, to date, not engaged in programs to provide this kind of assistance because the Russian Federation has not requested assistance, nor has Russia exhibited a willingness to allow the access required to implement such assistance activities.

We expect to complete construction of the Fissile Material Storage Facility at Mayak, Russia in 2003. This facility will be able to safely and securely store the fissile material extracted from more than 12,000 nuclear warheads.

We currently are working with the Russian Federation to identify all the nuclear weapons storage facilities that it expects to retain during its drawdown of nuclear forces and to develop a plan for U.S. programs (DoD and DoE) to assist Russia in enhancing the security of these facilities. Once this effort is concluded, we will have a better idea of the anticipated costs of securing Russian warheads, including those downloaded pursuant to the treaty. Initial projections for DoD's participation in this effort over the next five years indicate a total cost of approximately $800 million.

PROJECTED COSTS OF MAINTAINING A READY CAPABILITY FOR RE-CONVERTING TO NUCLEAR MISSIONS

*Question.* What are the projected costs of maintaining a ready capability for reconverting to nuclear missions those U.S. strategic bombers and ballistic missile submarines that are converted to non-nuclear missions? What are the alternative costs of eliminating these delivery vehicles or converting them irreversibly to conventional missions?

Answer. A fundamental U.S. objective in negotiating the Moscow Treaty was to preserve our flexibility to implement the Nuclear Posture Review (NPR) and its prescribed force structure. Thus, it is imperative to preserve the capability of nuclear-capable bombers to deliver conventional weapons and vice-versa. The 76 B–52H bombers and 21 B–2 bombers that will make up the bomber portion of the NPR force structure must be able to carry out both nuclear and conventional missions.

The B–1 bomber, on the other hand, was removed from a nuclear role in 1997 and is now only used to conduct conventional operations. The NPR concluded that it is no longer necessary to maintain the ability to return the B–1 force to nuclear service. There is no intention of maintaining a ready capability for reconverting B–1 bombers to nuclear missions.

By 2007, four Trident submarines will have been removed from strategic service and modified to perform a conventional cruise missile role. We have no intention of maintaining a ready capability for re-modifying these U.S. ballistic missile submarines to nuclear missions.

The four strategic submarines and the B–1 bombers will be an integral part of our conventional force capability. As such, we do not plan on their elimination. Given enough time and money any delivery platform can be modified to carry any weapon. However, over time the costs to convert back to nuclear weapon carriage will rise as modifications are put in that are not nuclear certified.

COSTS INCURRED/AVOIDED TO REDUCE U.S. OPERATIONALLY DEPLOYED WARHEADS

*Question.* What costs would be incurred or avoided if the United States were to reduce its operationally deployed warheads to a level of 1,700 to 2,200 by 2007, instead of 2012?

Answer. The President has approved specific reductions in all three legs of the Triad to be completed by 2007. Additional steps to be taken in subsequent years, including missile downloading and lowering the number of operationally deployed weapons at heavy bomber bases, will be decided subsequently. The cost to the Department of Defense of operating a missile with fewer warheads will be almost the same as that of operating a fully loaded missile. Downloaded warheads that will be maintained as part of the responsive capability will require about the same expenditure as when they were operationally deployed. Therefore, the cost of accelerating missile downloading from 2012 to 2007 would not yield significant cost savings.

COSTS INCURRED/AVOIDED FOR THE U.S. TO LOWER THE OPERATIONAL STATUS OF FORCES SCHEDULED FOR REDUCTION BY 2007

*Question.* What costs would be incurred or avoided if the United States, within 1–2 years of the treaty's entry into force, were to lower the operational status of forces scheduled for reduction by 2007?

Answer: The reductions in operationally deployed strategic nuclear weapons are planned through a phased program that begins in Fiscal Year 2003. The Peacekeeper ICBM will start to be deactivated from strategic service on 1 October, 2002. The deactivation will take three years to complete because of equipment, personnel

and safety reasons. The four ballistic missile submarines that are to be modified for cruise missile carriage are scheduled in accordance with shipyard workloads. Two of the SSBNs to be modified will begin their modification in early FY03 and the last two will begin in early FY04. The directive to not retain a nuclear capability for the B–1 bombers has already been issued. Further reductions by 2007 are planned to be accomplished by the downloading of ballistic missiles or through removal of bomber weapons from weapon storage areas at the bomber bases. Thus, since these deactivation and modification actions are already planned, the operational status of the missile systems downloaded and that of the bombers will not have to be changed to reach the 2007 goal.

# TREATY ON STRATEGIC OFFENSIVE REDUCTIONS: THE MOSCOW TREATY

**TUESDAY, JULY 23, 2002**

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
*Washington, DC.*

The committee met, pursuant to notice, at 10:30 a.m. in room SD–419, Dirksen Senate Office Building, Hon. Richard G. Lugar [presiding].

Present: Senators Lugar and Biden.

Senator LUGAR. This hearing of the Senate Foreign Relations Committee is called to order. Our Chairman is temporarily delayed because of train difficulties. He will be here very shortly. We will have a roll call vote of the Senate at 10:45, and therefore will declare a recess during that period, and the Chairman has asked me to start the hearing this morning, which I will by greeting our first distinguished panel, and I will give an opening statement and the Chairman will undoubtedly want to give his statement upon his arrival.7

I begin by thanking Chairman Biden for continuing our review of the Moscow Treaty. I join him in our hope that we may vote on ratification of the treaty prior to the end of this year. At our first hearing on the treaty, Secretary of State Colin Powell emphasized the differences in the Moscow Treaty and arms control agreements concluded at the height of the cold war. He pointed out this treaty is taking place in the midst of a new strategic relationship, and that we are no longer enemies but allies in the war on terrorism.

Last week, Secretary of Defense Don Rumsfeld and Chairman of the Joint Chiefs of Staff, Richard Myers, outlined the treaty's strategic rationale and the flexibility it provides both sides in responding to future contingencies and threats. Today we look forward to testimony from a well-respected group of former Government officials with tremendous experience in arms control and dismantlement matters.

Former Senator Sam Nunn was a leader on defense and military issues during his long tenure on the Armed Services Committee. He was my partner in the development of the Nunn-Lugar cooperative threat reduction program, and continues to make extraordinarily valuable contributions to nonproliferation and arms control as vice chairman of the Nuclear Threat Initiative.

General Gene Habiger was Commander of the United States Strategic Command, and dedicated a significant amount of his time and energy to improving relations with his Russian counterparts. He was a pioneer in expanding military-to-military contacts into

the strategic arena, and was the first American entrusted with a visit to a Russian nuclear warhead storage facility.

Ken Adelman was Director of the Arms Control & Disarmament Agency in the Reagan administration. His experience will provide the committee with an important perspective on how bilateral arms control negotiations and goals have changed in the last decade.

I have concluded the Moscow Treaty takes an important step toward a safer world. The United States and Russia pledged to reduce operationally deployed strategic nuclear warheads to a level of between 1,700 and 2,200 by December 31, 2012. This is a tremendous accomplishment that deserves the full support of the U.S. Senate and the Russian Duma. The treaty recognizes that the U.S.-Russian relationship has turned a corner. The treaty did not take years to negotiate, only a fraction of length of the multi-volume text created at the height of the cold war.

Some point out that the treaty could have been more expansive, rigid, and demanding, but this treaty does not seek to be an answer to all the challenges we face. The Moscow Treaty charts a course toward greater security for both the United States and Russia, but without United States assistance, Russia is unlikely to meet its obligations under the treaty, and without U.S. assistance the benefits of the treaty may be postponed or never realized.

These hearings on the Moscow Treaty have offered excellent opportunities to discuss the significant difference between negotiating and ratifying treaties and observing actual results from treaty implementation. For example, the Chemical Weapons Convention was ratified by the United States and Russia 5 years ago, with both countries pledging to destroy all chemical weapons in 10 years.

Virtually none of Russia's 40,000 metric tons has been destroyed to date. United States-Russian cooperation to destroy all of the chemically filled nerve gas cells at Shchuchye remain stalled by congressional requirements, and the administration has now succeeded in gaining waiver authority even in the midst of a war on terrorism and the horrendous danger posed by small shell proliferation. At precisely the same time the Nunn-Lugar program is needed to help fulfill the goals of the treaty, it has been sidelined by congressionally inspired certification requirements.

Each year, the President is required by law to certify to Congress that Russia is, "committed to the goals of arms control." This year, the administration requested a waiver to this condition, pointing out that unresolved concerns in the chemical and biological arenas made this certification difficult. In the meantime, while existing Nunn-Lugar activities may continue. No new projects can be started, no new contracts can be finalized.

I am hoping the Congress will pass the supplemental appropriation bill this week. It contains a waiver to permit Nunn-Lugar activities to continue important work through the end of the fiscal year. If passed, this will represent a good first step, but a complete answer must include permanent annual waiver as requested by the President.

Just this morning, I have obtained a substantial list of Nunn-Lugar projects that can begin immediately upon Presidential signature of the supplemental appropriation bill, which I have stated I hope will happen this week. They include design installed security

enhancements at 10 nuclear weapons storage sites pending access agreements, installation of nuclear warhead automated inventory control and management system, and provide equipment to enhance responsiveness and reliability of guards at nuclear weapons storage facilities, begin elimination of two strategic missile submarines and 30 submarine-launched ballistic missiles, begin elimination of SS–24 rail mobile and SS–25 rail mobile ICBMs and launchers, set up interim storage for spent fuel from dismantled strategic missile submarines, deploy verification equipment to ensure that nuclear material being stored at Mayak, fissile material storage facility comes from dismantled warheads, begin construction of facilities to safely burn missile propellant motors and destroy solid fuel from ICBM's and SLBM's.

These are a small part of the activities that may start, and we have utilized this hearing once again to alert those at the Department of Defense to be ready for the President's signature, but it does illustrate the point I am trying to make that without there being United States assistance through the cooperative threat reduction program, whatever happens in the Moscow Treaty may never be implemented, and the need to get through the waiver process or the congressional requirements is of the essence for anything to happen.

Without a permanent waiver Russian implementation of key reductions under the Moscow Treaty could be suspended for more than 6 months this year. We are already at July 23 of this particular fiscal year, and with all these activities stalled, to have that with the Moscow Treaty every year would make the 10 years a much longer period of time.

I thank the Chairman for holding the hearing. I will await his testimony, and at this point I suspect, given the fact that we are 5 minutes away from the vote, and without trying to truncate anyone's testimony, we will declare the recess and have the votes. the Chairman will reappear and proceed at that point, and so I would ask for the patience of the witnesses and the audience, and the understanding of the Senate schedule. For the moment, the hearing is recessed, and we will come back again after the roll call vote. [Recess.]

Senator LUGAR. The committee will come to order again. The roll call vote was postponed until 11, so as a result we will proceed with the testimony by our distinguished witnesses. It is a privilege to call first of all on Hon. Sam Nunn, co-chair, chief executive officer of the Nuclear Threat Initiative, Washington, D.C. Senator Nunn.

## STATEMENT OF HON. SAM NUNN, CO-CHAIR AND CHIEF EXECUTIVE OFFICER, NUCLEAR THREAT INITIATIVE

Senator NUNN. Mr. Chairman, I must say I do have some recollection and sympathy with having to make roll call votes. As a matter of fact, when I woke up this morning I was dreaming I was about to miss a roll call vote, so you never get over it. The bells are with you forever once you have been part of it.

I am truly delighted and honored to come before my friends and former colleagues to offer my views on the Treaty on Strategic Offensive Reduction, and I am particularly delighted and honored to

be here with my fellow panelist, Gene Habiger, Ken Adelman, people that I have known and admired for many, many years, and I look forward very much to hearing their testimony and to engaging in dialog with the committee.

Mr. Chairman, I support this treaty. I believe it deserves ratification by the Senate without any crippling amendments. The treaty and the accompanying joint statement from my perspective provide a remarkable foundation for a totally different kind of relationship between the United States and Russia, so I congratulate President Bush and his team and President Putin and his team for the warm spirit behind this short but very important document.

This treaty is unlike any I have ever read. If brevity is the soul of wit, as Shakespeare has written, then this treaty must be one of the wittiest pieces of statesmanship since Benjamin Franklin was appointed Ambassador to France. I would call it a good faith treaty. It expresses and relies upon good faith in our common interest and the common vision of our leaders.

Mr. Chairman, I see the value in writing a short, flexible treaty that lays out numerical commitments on both sides. I see the upside of avoiding years of tedious negotiation and months of congressional hearings on every aspect of verification and, of course, as you well know, that has been the past record of difficult treaties, but there is another side to a good faith treaty.

If it is not followed with other substantive actions it will become irrelevant at best and counterproductive at worst. Indeed, the treaty's legal commitment, if you are looking at it strictly legally for actions by both sides, that legal commitment endures only for a stated hour on a single day 10 years in the future, so obviously the spirit of the treaty is far more important than its legal requirements.

History's view of this treaty will be written as the sequels unfold. What matters most is what happens next. As members of the committee know very well, concerns have been raised that the treaty includes no benchmarks for progress or mechanism for verification, no timetable for reductions, no obligations to eliminate warheads, launches, or silos.

Now, I hope these issues are intended to be addressed in the future in the Bilateral Implementation Commission and in the Consultative Group for Strategic Security. Both groups, in my view, are very important under this treaty. For instance, I understand on good authority that the United States sought reciprocal transparency on warheads associated with our deployed strategic bomber force. I hope that in the future the United States will put forward a comprehensive transparency proposal that includes all of our operationally deployed systems, and at this time Russia will respond constructively to that suggestion.

I also believe the U.S. Department of Defense should develop and make public at their earliest possible date their own plans for reducing our operationally deployed forces under this treaty, and I would urge the Russians to do the same. Tactical nuclear weapons, as you well know, Senator Lugar, are under another piece of unaddressed business. I put them in that category. These weapons have never been covered in arms control treaties. We can only guess at the numbers in each other's inventories, as well as the lo-

cations, yet these are the nuclear weapons most attractive to terrorists, even more valuable to them than fissile material, and much more portable than strategic warheads.

The United States and Russia should insist on accurate accounting and adequate safeguards for tactical nuclear weapons, including most importantly a baseline inventory of these weapons with sufficient transparency to assure each other that these weapons are being handled in a safe and secure manner.

Mr. Chairman, as you well know, if we do not have a baseline inventory, and if we do not know how many weapons the Russians have, and we hope they know, but certainly there is no way to know if one is missing if you do not know how many you have to begin with. Let us suppose hypothetically a terrorist tactical weapon was detonated in an American or a Russian city. Would either of our two nations today be able to confidently determine its origin in a timely fashion? Could good relations survive this horror if the fundamental question of weapon origin remained unanswered?

In the recent movie that came out, "The Sum of All Fears," they detected the origin very quickly. I hope we are as good as the movie folks, but I think we need a lot of work in that arena, and we need it with the Russians.

From my perspective, the questions I have raised are not reasons to amend the treaty or reject the treaty. They are reasons to build-up the treaty. The goal of stability would be substantially advanced by both sides in dismantling a large number of nuclear weapons from each nation's stockpile, actually destroying those weapons. In my view such steps would dramatically increase the value of the treaty and the psychology of the treaty as it affects other nations around the globe and their own plans for the future.

The next step that I believe the administration should address with Russia, an issue that from my perspective may well be more important to stability and security than the number of nuclear weapons, is our nuclear posture, the high alert status of our arsenals that gives our two countries the capacity for a rapid massive nuclear attack that would incinerate our nations and end the world as we know it.

For those unaccustomed to Dr. Strangelovian thinking, it might help to imagine it on a rather simple scale. Let us imagine there are two families, bitter enemies, but now declared friends. They continue, however, to have six high-powered lethal automatic weapons, each loaded, ready to fire, finger on the trigger and aimed to kill. Imagine you are one of these neighbors, and you wanted to diffuse the danger, and so you said to your counterpart, let's reduce the number of weapons we have from 6 down to 2, 10 years from now. In the meantime, we will both keep our weapons loaded, ready to fire, with our fingers on the trigger.

Mr. Chairman, that is basically our current agreement with Russia, but I add very quickly the spirit of this agreement opens many doors. The United States and Russia have thousands of nuclear weapons on high alert, ready to launch within minutes, essentially a very similar posture to the one we had throughout the cold war, bombers being, of course, the exception, but that was changed a number of years ago.

Today, this posture increases the risk it was designed to reduce. Why? Because Russia can no longer afford to keep its nuclear subs at sea or its land-based missiles mobile and invulnerable. This reduces Russia's confidence that its nuclear weapons can survive a first strike, which means it is more likely to launch its nuclear missiles on warning, a warning that would come from a Russian warning system that is seriously eroded and, in my opinion, more prone to mistakes.

That is why I strongly believe that the next step our two nations must take is to ease our fingers away from the nuclear trigger. We do not need launch readiness rates of a few minutes to protect ourselves. Increased decision time would give each President, Russia and U.S., time to make sure all of their fail safes have time to work, and that they have time to do everything possible to avoid a world-ending mistake.

This concern is not mine alone. As President Bush has said, "the United States should remove as many weapons as possible from high alert, hair-trigger status. For two nations at peace, keeping so many weapons on high alert may create unacceptable risk of accidental or unauthorized launch. As President, I will ask for an assessment of what we can safely do to lower the alert status of our forces."

I believe both Presidents should order their defense and military leaders, in joint consultation and collaboration—and I have talked to my friend Gene Habiger about this, and he believes getting the private sector developers in would be a great help, and I certainly concur in that expert view, but anyway, we would have joint consultation and collaboration to devise changes in the operational status of their nuclear forces, and would reduce toward zero the risk of accidental launch or miscalculation, and provide increased launch decision time for each President.

The bottom line, Mr. Chairman, I do not believe it is acceptable, 10, 12 years after the cold war, when we are declaring ourselves in very clear language friends and partners and allies, even, in some language, for us to have pretty much the same posture vis-à-vis each other in terms of high alert, quick prompt launch as we did before the end of the cold war.

We could begin by ordering an immediate operational stand-down of weapons on both sides that are now scheduled for reductions. This is not beyond our capacity. A similar step was taken in 1991, at the very end of the cold war, by President George Herbert Walker Bush, who directed the immediate stand-down of all U.S. strategic bombers and all intercontinental ballistic missiles scheduled for deactivation under the START I treaty.

Also, Mr. Chairman, both sides could accelerate efforts to work together to improve Russia's early warning capabilities, which have eroded, both radars and satellites. Now, we have made a lot of moves in that direction beginning several years ago, but it stymied, and I think the two Presidents, with their relationships, should untangle the bureaucracy and move forward in that important area.

Another way to address this issue, which would require study, but I believe it deserves a great deal of study in the short term, and I think it has a huge potential impact, and that is to utilize technology to establish an early warning network by placing a suite

of sensors outside of each missile silo so that each side would know immediately if the other launched its ICBM's. Certainly there would be technical challenges, but the technology is here now, and I think that ought to be looked at very seriously by both sides.

Let me address another crucial issue that is now in the hands of Congress regarding the Nunn-Lugar program, and Mr. Chairman, I concur with every word of your opening statement on that, I think absolutely critical challenge that the Congress faces right now. Under this treaty, whether the warheads are removed and destroyed or removed and stored, we have a strong security interest in helping Russia keep warheads and materials safe and secure and out of dangerous hands, particularly out of terrorists' hands.

In light of this, Mr. Chairman, I want to express my profound concern that much of the vital work being done in Russia to protect America from a nuclear catastrophe is being put on hold at a very strange and inopportune time, because the administration has not been able to certify Russia's commitment to comply with arms control agreements.

I appreciate very much the work that you, Senator Lugar, have done on this, as well as Senator Biden. I know that the two of you have met with the President, I have read about that, as well as Senators Levin, Domenici, and others. This is absolutely crucial, and I think that without a permanent waiver we are going to face the same problem year-in and year-out. When we ought to be on a real racing program to get rid of these weapons, we will be spending 6 months of every year debating whether that waiver will be granted and under what conditions.

Whatever our differences with Russia over its arms control commitments, suspending efforts to reduce the nuclear threat to the United States should not be viewed as leverage, and is not the answer. To me, getting this program in forward gear is a top priority in homeland defense, because homeland defense begins in securing these weapons and materials that could find their way to our shores unless we lock them up in a secure fashion, with the cooperation of others, far from our own shores. This is essential in preventing catastrophic terrorism against America, so I strongly urge the Congress to grant the President's request for a permanent annual waiver without delay.

Finally, Mr. Chairman, I believe the United States and Russia should launch and lead a global coalition against catastrophic terrorism. The gravest danger in the world today remains the threats from nuclear, biological, and chemical weapons, but the gravest threat to U.S. security and the most likely is not by a nation-State but rather from terrorists like the Al Qaeda group. The chain of worldwide security is only as strong as the link at its weakest, worst-defended site, which is sometimes no more than an underpaid, unarmed guard sitting inside a chain link fence. This means the United States and Russia are in a new arms race. This time, we are on the same side. Terrorists in certain States are racing to acquire weapons of mass destruction, not just nuclear but chemical and biological. We ought to be racing together to stop them.

A global coalition against catastrophic terrorism must be based on the central security realities of the new century. First, our greatest dangers are threats all nations face together, and no na-

tion can solve on its own. Second, the most likely, most immediate threat is terrorist use of weapons of mass destruction. Third, the best way to address this threat is to keep terrorists from acquiring nuclear, biological, and chemical weapons or materials.

Fourth, the most effective, least-expensive way to prevent nuclear, biological, and chemical terrorism is to secure nuclear, biological, and chemical weapons and materials at the source. Acquiring weapons and materials is the hardest step for terrorists to take and the easiest step for us to stop. By contrast, every subsequent step in the process is easier for terrorists to take and harder for us to stop. That is why defense against catastrophic terrorism and, in my view, homeland defense must begin with securing weapons and materials in every country and every facility that has them. Obviously, this takes cooperation around the globe.

Members of the global coalition against catastrophic terrorism would include every nation that has something to safeguard or that can make a contribution to safeguarding it, including Europe, Japan, China, India, Pakistan, and the many nations that host research reactors using weapons-grade fuel, and I am told there are over 50 of those.

Each member should make a contribution to the coalition's activities commensurate with its capabilities and its traditions. For nuclear weapons, the coalition should agree to best practices, protecting all fissile material everywhere as though it were a bomb, because it could be.

Coalition members could also agree to come to one another's aid, define materials lost or stolen, and to clean up if a radiological disaster occurred, and to help with the human tragedy of that.

For bioterrorism, the coalition would develop best practices for safeguarding dangerous animal and plant pathogens, develop public health surveillance methods to detect bioterrorism in its early stages, and by the way, this is also needed notwithstanding, and even if there were no bioterrorism threat, because of global public health and infectious disease, so we have a chance to do something in both arenas in a very big way, as well as perform cooperative research in vaccines, treatment, forensics, and decontamination.

Mr. Chairman, in closing, I applaud President Bush's leadership and success in achieving a commitment by the G–8 leaders to establish a global partnership against catastrophic terrorism, and in combining $10 billion from the United States over the next 10 years, and $10 billion from our G–8 partners, to help reduce this risk worldwide, from nuclear, chemical, and biological weapons and materials. The G–8 announcement in my view is an important step toward building a global coalition, and we must now focus on the implementation of this important work, and Senator Lugar, I know you have talked about this over and over and over again for the last year, year-and-a-half, 2 years, and I know that you must have been as thrilled as I was to see that G–8 announcement coming out. It did not get much play, but I thought it was the most important part of the G–8 conference, but we know in the past that G–8 announcements do not always get implemented, so we have a long way to go and a lot of work to do.

The relations between the Presidents of Russia and the United States are warm. Our perception of our common interest is closer

than it has been since World War II. We must build on this new strategic relationship to improve our security. To the extent that the treaty of Moscow propels our two countries in this direction, it will be an historic turning point in our relations. If we fail to build on this treaty, the treaty of Moscow will be seen by history as one written and signed because it was quick and easy, but which reflected no deep commitment to thinking anew, but if the treaty serves as a catalyst to usher in and accelerate a new strategic relationship that leads to greater security for both nations and for all people, then the decision to speedily negotiate and sign the Treaty on Strategic Offensive Reductions may be seen as one of the most important steps in the history of U.S.-Russian relations and in promoting world security.

Thank you, Mr. Chairman. I would ask that my entire statement—there is a much longer version—be part of the record.

Senator LUGAR. Without objection, it will be included in full.

[The prepared statement of Senator Nunn follows:]

PREPARED STATEMENT OF SENATOR SAM NUNN

Mr. Chairman and members of the Committee, it's an honor to come before my friends and former colleagues today to offer my views on the Treaty on Strategic Offensive Reductions, and also to discuss the opportunities the U.S. and Russia have to build on this Treaty to make our two nations and our citizens more secure.

Mr. Chairman, I support this Treaty. I believe it deserves ratification by the Senate without any crippling amendments. The Treaty and the accompanying joint statement provide a remarkable foundation for a totally different relationship between the United States and Russia. In the joint statement, there are calls for cooperation in almost every sphere of U.S-Russian relations that you could possibly imagine—except perhaps joint celebrations of Thanksgiving and Christmas. It points us in the right direction. It gives us momentum. I congratulate President Bush and his team, as well as President Putin and his team, for the warm spirit behind this short, but important, document.

This Treaty is unlike any I have ever read. If brevity is the soul of wit, as Shakespeare has written, then this Treaty may be one of the wittiest pieces of statesmanship since Benjamin Franklin was appointed Ambassador to France.

I would call it a "good-faith Treaty." It expresses—and relies upon—good faith in our common interests and the common vision of our leaders.

Mr. Chairman, I see the value in writing a short, flexible Treaty that lays out a numerical commitment on both sides. I see the upside of avoiding years of tedious negotiations and months of Congressional hearings on every aspect of verification.

But there is another side to a "good faith treaty." If it is not followed with other substantive actions, it will become irrelevant at best—counterproductive at worse. A good faith treaty, without any follow-up, means that if relations improve, the two sides may not need it. If relations turn bad, the two sides may not honor it. Indeed, the Treaty's legal commitment for actions by both sides endures for only a stated hour on a single day ten years in the future, so the spirit of the Treaty is far more important than its legal requirements.

History's view of this Treaty will be written as the sequels unfold. What matters most is what happens next. We must capitalize on the current good will between our leaders and our countries to make decisive and enduring changes that will benefit our mutual long-term security. This means acting boldly while relations are good—by building a platform of joint activities that are of mutual benefit and can survive even if relations turn bad. This will also help reduce the chances that the relationship will turn bad.

As members of the Committee know very well, concerns have been raised that the Treaty includes no benchmarks for progress or mechanism for verification, no timetable for reductions, no obligation to eliminate any warheads. I hope these issues are intended to be addressed in the bilateral implementation commission.

For instance, I understand on good authority that the United States sought reciprocal transparency on warheads associated with our deployed strategic bomber force. I hope that in the future, the U.S. will put forth a comprehensive transparency proposal that includes all of out operationally deployed systems and that Russia will respond constructively.

There are also concerns on the question of verification and mileposts. Unless there are subsequent agreements or understandings, the lack of mileposts, combined with the lack of any verification in the last three years of the Treaty (because of START I expiration) could provoke uncertainty and suspicion as the day of the Treaty's legal compliance draws near. The U.S. Department of Defense should develop and make public at the earliest possible date its own plans for reducing our "operationally deployed" forces under this Treaty, and I urge Russia to do the same.

The Treaty includes no obligation to eliminate warheads, launchers or silos. The Administration has defended the absence of warhead elimination by pointing out that no earlier Treaty called for destruction of warheads. While this is true, it is also true that earlier treaties were not signed at a time when nuclear weapons and materials were as vulnerable to terrorists. Nor were earlier treaties signed at a time when we were helping Russia safeguard and destroy nuclear weapons. And it is also true that Presidents Clinton and Yeltsin in Helsinki in 1997 agreed to a framework for START III negotiations that did call for the "destruction of strategic nuclear warheads to promote the irreversibility of deep reductions." So these questions are being appropriately raised by you, Senator Biden, and you, Senator Lugar, as well as other members of the Committee.

Finally, tactical nuclear weapons are another piece of unaddressed business. Tactical nuclear weapons have never been covered in arms control treaties. We can only guess at the numbers in each other's inventories as well as the locations. Yet these are the nuclear weapons most attractive to terrorists—even more valuable to them than fissile material and much more portable than strategic warheads. The United States and Russia should insist on accurate accounting and adequate safeguards for tactical nuclear weapons, including a baseline inventory of these weapons with sufficient transparency to assure each other that these weapons are being handled in a safe and secure manner. This type of agreement may be hard to achieve, but it is difficult for me to envision keeping the "U.S.-Russian/Bush-Putin positive spirit" for the duration of this Treaty unless we deal with the tactical nuclear weapons question. One hypothetical illustration, Mr. Chairman: Suppose a terrorist tactical weapon was detonated in an American or Russian city—would either of our two nations be able to confidently determine its origin in a timely fashion? Could good relations survive this horror if the fundamental question of weapon origin remained unanswered? Or worse, what if the isotopic fingerprint of that weapon showed it to be of Russian origin? I submit that it would be far better to prevent the catastrophe by cooperation on tactical nuclear weapons beginning now and to work together to be able to answer this question accurately and quickly if, God forbid, a weapon is missing or if the event occurs.

From my perspective, the questions I have raised are not reasons to amend the Treaty or reject the Treaty; they are reasons to build upon it. I believe that both Presidents should work to see that the Treaty they have signed will be supplemented by additional agreements to ensure the transparency, mutual confidence, and stability that will make these reductions a positive turning point, not a diplomatic footnote. The goal of stability would be substantially advanced by both sides dismantling a large number of nuclear weapons from each nation's stockpile. In my view, such steps would dramatically increase the value of the Treaty.

The next step that I believe the Administration should address with Russia (an issue that may well be more important to stability and security than the number of nuclear weapons) is our nuclear posture—the high-alert status of our arsenals that gives our two countries the capacity for a rapid, massive, nuclear attack that would incinerate our nations and end the world as we know it.

In a period of good relations, it is hard to illustrate the imperative of making changes to reduce the risk of today's U.S.-Russian nuclear posture, and analogies normally miss the mark, but let me try. For those unaccustomed to Dr. Strangelove thinking, it might help to imagine that two former enemies—now declared friends—continue to have six high-powered, lethal automatic weapons, each loaded, ready to fire, finger on the trigger, and aimed to kill.

Imagine you were one of these neighbors and you wanted to defuse the danger, so you said to your counterpart: Let's reduce the number of weapons we have from six down to two—ten years from now. In the meantime, we will both keep our weapons loaded, ready to fire, with our fingers on the triggers. That's basically our current agreement with Russia, but the spirit of the agreement opens many doors.

The United States and Russia have thousands of nuclear weapons on high alert, ready to launch within minutes—essentially the same posture we had throughout the Cold War.

In those days, there was a grim logic to keeping forces on high alert. Everything about military culture demands alertness and readiness. But we are now in a different world, and we must think anew. Today, this posture increases the risk it was

designed to reduce. U.S. capability and capacity for a rapid, massive strike may well increase the chance of a Russian mistake. Why? Because Russia can no longer afford to keep its nuclear subs at sea or its land-based missiles mobile and invulnerable. This reduces Russia's confidence that its nuclear weapons can survive a first strike, which means it is more likely to launch its nuclear missiles on warning—a warning that would come from a Russian warning system that is seriously eroded, and in my opinion—more prone to mistakes.

That is why I strongly believe that the next step our two nations must take has to be to ease our fingers away from the nuclear trigger. It's too easy for a trigger finger to slip; too easy to think you see the other person's trigger finger begin to squeeze. In that sense, there is a great risk to our current posture. And that risk comes with very little reward. Today we don't need launch readiness rates of a few minutes to protect ourselves. I believe that with our robust and survivable nuclear forces we could deter an attack with forces that can respond in a few hours, days or even weeks. Increased decision time would give our Presidents time to deliberate on the momentous decision to obliterate another nation and make sure all of their fail-safes have time to work and that we have done everything possible to avoid a world-ending mistake. So today, Mr. Chairman, I do not believe that our continued Cold War operational status adds to our deterrence or enhances either side's security; it does, however, increase the chance of a catastrophic accident made from too little information and too little time.

This concern is not mine alone. It is President Bush's as well, as he expressed it more than two years ago when he was still a candidate for President. In a speech in Washington, where he declared his plan to pursue the lower possible number of nuclear weapons consistent with national security, he said: "In addition, the United States should remove as many weapons as possible from high-alert, hair-trigger status. For two nations at peace, keeping so many weapons on high alert may create unacceptable risks of accidental or unauthorized launch. As President, I will ask for an assessment of what we can safely do to lower the alert status of our forces."

President Bush has worked to fulfill his pledge to reduce the number of nuclear warheads. I hope he will now move expeditiously to undo what he has called "another unnecessary vestige of Cold War confrontation" and "remove as many weapons as possible from high-alert, hair-trigger status."

I believe both Presidents should order their defense and military leaders, in joint consultation and collaboration, to devise changes in the operational status of their nuclear forces that would reduce toward zero the risk of accidental launch or miscalculation and provide increased launch decision time for each President.

Both sides could increase decision time by eliminating the prompt launch readiness requirement for as many forces as possible, getting these weapons off hair trigger. We could begin by ordering an immediate operational stand-down of the weapons on both sides that are now scheduled for reductions. This is not beyond our capacity. A similar step was taken in 1991 at the very end of the Cold War by President George Herbert Walker Bush, who directed the immediate stand-down of all U.S. strategic bombers and all intercontinental ballistic missiles (ICBMs) scheduled for deactivation under the START I Treaty.

There are a number of other options that could be considered. I am well aware that each option demands careful review, but I believe there are a few things we can do readily to improve the situation.

Both sides could accelerate efforts to work together to improve Russia's eroded early warning capabilities, both by radar and satellites. The Joint Early Warning Center in Moscow, announced at the Clinton-Putin summit in June of 2000, is still not operational. This center would give Russians access to U.S. early warning data and could be a huge confidence builder. Here the Russians have been dragging their feet for inexplicable reasons. President Putin must cut through his own bureaucracy on this one and make it happen. A second way to address this issue would be to establish an early warning network by placing a suite of sensors outside each missile silo so that each side would know immediately if the other launched its intercontinental ballistic missiles (ICBMs).

The Nuclear Threat Initiative has commissioned the RAND Corporation to study these and other issues in further detail and their analysis will be available in the coming months.

Expanding nuclear decision time may require force structure changes, deployment changes, and other approaches. It is sure to be a complicated undertaking, but I believe that expanding decision time in the event of a nuclear crisis may do more to reduce the risk of a catastrophe between the U.S. and Russia than reducing the absolute number of weapons. Presidents Bush and Putin said in their joint statement that our nations are "committed to developing a relationship based on friendship, cooperation, common values, trust, openness, and predictability." If we were smart

enough at the height of the Cold War to be able to begin reducing nuclear weapons in a verifiable way, surely in the second decade after the end of the Cold War, we can find a way to expand decision time with no loss of security. The two Presidents should leave the details for joint expert study, but give a clear order that decision time for U.S. and Russian leaders must be increased.

Whether these warheads are removed and destroyed or removed and stored, we have a strong security interest in helping Russia keep warheads and materials safe and secure and out of dangerous hands.

In light of this, Mr. Chairman, I want to express my profound concern that much of the vital work being done to protect America from a nuclear catastrophe is being put on hold because the Administration has not been able to certify Russia's commitment to comply with arms control agreements. I believe that Russia should fully implement its strong verbal commitments to comply with all of its treaty obligations. At the same time, I strongly support President Bush's request to Congress to grant a permanent annual waiver so that the Nunn-Lugar program can continue its work.

As my friend and colleague Senator Lugar put it so vividly at a meeting of this committee two weeks ago: "There are submarines awaiting destruction at the Kola peninsula; regiments of SS–18s, loaded with 10 warheads a piece awaiting destruction in Siberia, two million rounds of chemical weapons awaiting elimination at Shchuchye," but Congress is forcing us to delay our plans to hire American contractors to dismantle these Russian weapons because it has not yet granted President Bush's request.

Whatever our differences with Russia over its arms control commitments, suspending efforts to reduce the nuclear threat to the United States should not be viewed as leverage and is not the answer. To me, getting this program in forward gear is a top priority in preventing catastrophic terrorism and providing homeland security. I urge the Congress to grant the President's request for a permanent annual waiver without delay.

Finally, Mr. Chairman, the United States and Russia must not only reduce numbers, address operational status, and supplement the Treaty with agreements that will enhance transparency, irreversibility and stability; our two nations must also launch a Global Coalition against Catastrophic Terrorism.

While it's still true after fifty years that the gravest danger in the world remains the threats from nuclear, biological and chemical weapons, today, the gravest threat to U.S. security is not by a nation state but rather from terrorists like al Qaeda. The chain of worldwide security is only as strong as the link at the weakest, worst-defended site, which is sometimes no more than an underpaid, unarmed guard sitting inside a chain-linked fence. This means that the United States and Russia are in a new arms race. This time, we are on the same side. Terrorists and certain states are racing to acquire weapons of mass destruction, and we ought to be racing together to stop them.

A Global Coalition against Catastrophic Terrorism must be based on the central security realities of our new century: First, the greatest dangers are threats all nations face together and no nation can solve on its own. Second: The most likely, most immediate threat is terrorist use of weapons of mass destruction. Third: The best way to address the threat is to keep terrorists from acquiring nuclear, biological and chemical weapons.

Fourth, the most effective, least expensive way to prevent nuclear, biological and chemical terrorism is to secure nuclear, biological and chemical weapons and materials at the source. Acquiring weapons and materials is the hardest step for the terrorists to take, and the easiest step for us to stop. By contrast, every subsequent step in the process is easier for the terrorists to take and harder for us to stop. Once they gain access to materials, they've completed the most difficult step. That is why defense against catastrophic terrorism must begin with securing weapons and materials in every country and every facility that has them.

Members of the Global Coalition against Catastrophic Terrorism would include every nation that has something to safeguard or that can make a contribution to safeguarding it, including Europe, Japan, China, India, Pakistan and the many nations that host research reactors using weapons-grade fuel. All nations, however much they might differ over policies on the nuclear arsenals possessed by governments, should recognize a clear, shared interest in unifying to keep weapons of mass destruction away from terrorists.

Each member should make a contribution to the coalition's activities commensurate with its capabilities and traditions. As with the coalition against al Qaeda, this one would extend its reach to wherever in the world the means for terrorism using weapons of mass destruction can be found. Nations in the coalition would cooperate

to combat such terrorism in all phases—prevention, detection, protection, interdiction and response.

For nuclear weapons, the coalition would agree to best practices for protecting all fissile material everywhere, as though it were a bomb. Assistance could be offered to those who need help meeting the standards. Coalition members could also agree to come to one another's aid to find materials lost or seized, and to clean up if a radiological disaster occurred.

For bioterrorism, the coalition would develop best practices for safeguarding dangerous animal and plant pathogens, develop public health surveillance methods to detect bioterrorism in its early stages (thereby also making a needed contribution to global public health) and perform cooperative research in vaccines, treatments, forensics and decontamination.

I applaud President Bush's leadership and success in achieving a commitment by the G–8 leaders to establish a global partnership against catastrophic terrorism and combining $10 billion from the U.S. and $10 billion from our G–8 partners over a 10-year period to help reduce the risk worldwide from nuclear, biological, and chemical weapons. The new global partnership will support "specific cooperation projects, initially in Russia, to address non-proliferation, disarmament, counter-terrorism, and nuclear safety issues." Priority concerns include "destruction of chemical weapons, the dismantlement of decommissioned nuclear submarines, the disposition of fissile materials and the employment of former weapons scientists." The G–8 announcement is an important step toward building a global coalition, and we must focus now on implementation of this important work.

The relations between the Presidents of Russia and the United States are warm. Our perception of our common interest is closer than it has been since World War II. We must build on this new strategic relationship to improve our security.

Mr. Chairman, President Putin said on his visit last fall to the United States: "People expect U.S. and Russian politicians to leave behind double standards, empty suspicions and hidden goals and engage in an open, direct, and fruitful dialogue .... The Cold War must no longer hold us by the sleeve." The Cold War will continue to hold us by the sleeve until we make deep and lasting cuts in our strategic warheads; make the Treaty's regime more transparent and verifiable; change our force postures and give our leaders more decision time; promptly account for, secure and eventually eliminate tactical nuclear weapons; and work together more closely to safeguard nuclear, biological, and chemical weapons and materials—not only in Russia, but everywhere in the world, including the U.S.

To the extent that the Treaty of Moscow propels our two countries in this direction, it will be an historic turning point in our relations. Certainly, President Bush and President Putin understand this. The accompanying joint statement established the "Consultative Group for Strategic Security," to be chaired by Secretaries Powell and Rumsfeld and Ministers Sergei Ivanov and Igor Ivanov. As the statement says: "This group will be the principal mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest."

The first meeting of the group will take place in September in New York during the United Nations General Assembly. Secretary Powell said in his testimony here two weeks ago that in these discussions, he and Secretary Rumsfeld will press their counterparts on the issue of tactical nuclear weapons. In my "field of dreams," I hope that there will also be an order from both President Bush and President Putin to increase decision time. Finally, I hope they will address the need on both sides to dedicate more time, energy, and resources to build a Global Coalition against Catastrophic Terrorism by preventing terrorists from acquiring weapons of mass destruction and by coordinating our actions if, God forbid, they do.

The success of the Treaty will depend on the success of these follow-up discussions and actions. The items I have outlined today—reducing our strategic warheads; making the Treaty's regime more transparent and verifiable; changing our force postures to increase decision time; addressing tactical nuclear weapons; and working together more closely to launch a Global Coalition against Catastrophic Terrorism to safeguard nuclear, biological, and chemical weapons and material—will test and define this "new strategic relationship."

If we fail to build on this Treaty, the Treaty of Moscow will be seen by history as one written and signed because it was quick and easy, but which reflected no deep commitment to thinking anew. But if the Treaty serves as a catalyst to usher in and accelerate a new strategic relationship that leads to greater security for both nations and all people—then the decision to speedily negotiate and sign the Treaty on Strategic Offensive Reductions may be seen as one of the most important steps in the history of U.S.-Russian relations and in promoting world security.

Senator LUGAR. At this point, the vote has started. I will proceed to vote. Senator Biden may in fact be voting now and may commence the hearing very shortly. Otherwise, I will do so upon a quick return. We ask once again the patience of the witnesses and our audience, and we are recessed for a few minutes. [Recess.]

The CHAIRMAN. (presiding) The hearing will come back to order. Let me begin in a way that is not a good thing to do, and that is by apologizing for being late. As they say in the trade, as Senator Nunn will remember, I was necessarily absent, and it was necessary, and I do apologize.

I understand, Senator Lugar, that Senator Nunn has already testified. General Habiger, maybe you could go next, and then we will go to Mr. Adelman.

**STATEMENT OF GEN. EUGENE E. HABIGER, USAF (RET.), FORMER COMMANDER, U.S. STRATEGIC COMMAND, UNITED STATES AIR FORCE**

General HABIGER. Mr. Chairman, members of the committee, thank you very much for giving me this opportunity to offer my views on the treaty Presidents Bush and Putin signed in Moscow this last May. I hope you will also give me a moment to express my broad view of our nuclear security agenda not explicitly addressed in the treaty.

If I may, I would like to begin with a bit of background which may explain, I hope, how I have come to hold my views. As an Air Force pilot, I spent a significant part of my career sitting on B–52 bombers loaded with nuclear weapons. I flew combat missions in Vietnam. When the Berlin Wall came down, I unfortunately was a Brigadier General in the Pentagon slaving away on programming issues and the first round of base closures, BRAC. In 1996, I had the great honor and privilege to become the Commander in Chief of our U.S. Strategic Command, responsible for commanding all U.S. strategic nuclear forces.

In my first month on the job, I was astonished to discover that Congress had constrained our Commander in Chief, the President, and myself by directing legislatively that no change in our nuclear force levels could be taken until Russia ratified START II, so you can imagine, Mr. Chairman, that I see the treaty signed this May as a major breakthrough from the old encrusted mind set of suspicion. The United States came to this treaty with a set of a number of strategic weapons we understood were needed for our security and we were prepared to move to that number with or without Russia. Russia believed that it was in its interest to move toward the same number, and that is how we came to conclude the treaty.

Secretary Powell said it best in his remarks before you earlier this month, "the treaty transitions us from a strategic rivalry to a genuine strategic partnership based on the principles of mutual security, trust, openness, cooperation, and predictability. It is a new approach for a new era." At the same time, Senator Nunn has said this is a good faith treaty. It was built on good faith, but it cannot be sustained by good faith that built it. It needs to be nourished by new acts of good faith, acts of greater openness and transparency.

Good faith will grow if we can convince one another that we do not seek advantage but security, and we cannot find security through secrecy and suspicion, but through transparency and trust. Words are never enough. Only through transparency can former enemies convince themselves that we wish them well and mean them no harm.

I make this claim from experience. In 1996, the year I became Commander in Chief of the Strategic Command, I met in Moscow with my Russian counterpart, General Igor Sergeyev, Commander of the Russian Strategic Rocket Forces. We became so engrossed in conversation on this, our very first meeting, that we forgot about time and unfortunately arrived 30 minutes late for our meeting with our respective bosses, Secretary Bill Perry and his Russian counterpart.

After our meeting, I invited General Sergeyev to come visit me at Strategic Command at Offutt Air Force Base, Nebraska. We spent 6 days together. I showed him our missile base. I showed him our headquarters command post. Most importantly, I took him to one of our nuclear weapons storage facilities at F. E. Warren Air Force Base in Cheyenne, Wyoming.

That was the first time a Russian had ever been in one of our nuclear weapons storage areas. That was the first time a Russian had ever seen an operational United States nuclear weapon, and I took him there for a very explicit purpose. In our conversations in Moscow, he had told me that he was having trouble convincing members of the Russian Duma to vote on START II. As you recall, START II required both sides to go to single warheaded ICBM. The Russian Duma was concerned that the U.S. would be able to upload additional warhead on those Minuteman III's.

I took General Sergeyev into that weapons storage area. I showed him the new bulkhead and the way that single warhead would lie on top of that warhead. When he had seen that warhead, again the first time in history a Russian had ever seen an operational weapon, he said to me, Gene, that was the most valuable thing you could have done. I have seen that the Americans are telling the truth. I gave General Sergeyev great confidence, and he did, in fact, persuade the Duma that their fears were unfounded. That confidence could not have come without openness.

Let me tell you one more story about our trip. When Russian Generals generally visit us in the United States, or any high-ranking military officer, we generally give them a gift. Well, we conducted a little bit of intelligence on General Sergeyev and discovered that he was a great, great fan of Michael Jordan, so we contacted Michael Jordan's office, 2 days later received in the meal an NBA basketball with the words, General Sergeyev, best wishes, Michael Jordan. I can tell you that when we presented that basketball to General Sergeyev, there were tears in his eyes.

Six months later, I was a guest of my Russian counterpart in a nuclear weapons storage site at a rail-mobile SS–24 base at Kostroma, about 300 kilometers northeast of Moscow. They took me into a nuclear weapons storage area. Mr. Chairman, that is the first time an American had ever seen an operational Russian warhead. I talked to the security people guarding the facility. Every one of my questions were answered.

Following that meeting, General Yakovlev, who replaced General Sergeyev, who subsequently moved on to become the Minister of Defense, General Yakovlev and I agreed to share security experts, because the Russians had some good ideas on how they were doing their business, and we had applied much more technology than they had. We did exchange security experts.

I am taking up the committee's valuable time to tell these stories, because I believe that even the best treaties and agreements cannot accomplish their purpose unless they are matched with transparency. Trust is not a static thing. It has to be built by many actions, and can be destroyed by one. It must be extended gradually, but can be withdrawn instantly. In the end, trust must be fulfilled by transparency which shows the trust is well-placed.

The treaty signed by Presidents Bush and Putin is premised on trust, but let me review five steps I believe we can take in this crime of greater trust that will make a long-term difference in our security, and let me emphasize up front that these steps are not necessarily required to be part of the treaty.

First, you need to build confidence that both sides are honoring treaty commitments. This requires a system of verification tailored to the specific treaty. Even more important, the verification protocols should be developed by the operators themselves. This is more of a nuts and bolts issue than it is a policy issue, and it requires a nuts and bolts solution that must lead the policy. The operators know all the games and the tricks. They know what you would need to see to be satisfied in order to get a complete picture.

As you recall, Mr. Chairman, I made the same plea before you and this committee in May 1999, when I testified before you on the ABM treaty.

Second, as Senator Nunn has said, we may have to find a way to move more weapons off alert status and give leaders more decision time. This is a very difficult challenge. In the past, we have relied on the military establishment and the arms control community for ways to reduce the alert status, and they have not done very well. They have not done very well because they are not the experts.

I would strongly, strongly recommend that the teams working on this matter be led in large measure by the people who actually build the weapons themselves. They built them, they understand them, and they are key to designing the system to take weapons off alert status in ways that make sense, are transparent but not intrusive, and do not compromise our security.

I recommend that the President begin by ordering an immediate stand-down of the nuclear forces we plan to reduce under the treaty. This includes four Ohio class Trident submarines, and all 50 Peacekeepers. This would advance our own security and help build confidence in our intentions.

Third. We and the Russians should agree to destroy a significant number of warheads planned for reduction under the treaty. Obviously, I am limited in what I can say in an open hearing, but if I were able to present in an open forum the facts on how many warheads we already have in reserve, the logic would not survive the light of day.

We have more than enough warheads in our active reserve to guard against all contingencies. There is no valid reason to further increase the warheads in that reserve as we reduce under this treaty. We should instead be identifying weapons we do not need, and begin destroying them. This is not as simplistic as it may appear, since most of our dismantlement capability was eliminated in the mid-1990's.

Fourth, we should also develop a transparency regime with the Russians to give both sides confidence that the weapons are actually being destroyed. I would strongly recommend that the Russians be allowed to see our production dismantlement facility at Pantex in Texas, in exchange for reciprocal inspection at Russian sites.

The sensitivity of these sites in my view is vastly overstated. The fear has always been that the inspectors would be able to pick up on the design engineering of the warheads. My official response is, so what? The Russians do not need our warhead information. They will not gain anything significant from seeing the actual warhead itself. This kind of secrecy gains us nothing in security, and costs us plenty in confidence.

Fifth, and finally, the Russians have made tremendous progress in openness, but there are indeed pockets of secrecy that are completely out of step with the new environment, and the greatest zone of secrecy relates to tactical nuclear weapons. Our unclassified intelligence estimates of the Russian tactical nuclear weapons stockpile is in the range of 12,000 to 18,000 weapons. That is way too many, and the range is dangerously wide. We need a signed agreement on these weapons, one that will help us count them, secure them, monitor them, and begin to eliminate them. These are the nuclear weapons attractive to terrorists. We need to move on this issue immediately.

Mr. Chairman, there is only one thing in the world that can destroy the United States of America today, and that is the Russian nuclear warheads. That is why this treaty and all these follow-on steps I have outlined are so essential to our security.

But we no longer live in a bipolar world. Of all the concerns I had while I was Commander in Chief of our Strategic Command, my foremost concern then, as it is now, was a terrorist event using a nuclear device. Mr. Chairman, you may remember on September 11, when there was believed to be a threat against the White House, President Bush flew on Air Force One to Offutt Air Force Base in Omaha, Nebraska, the headquarters of our nuclear forces.

The point was made plainly by the President's arrival there that day that the power and value of nuclear weapons is changing. Our nuclear weapons could no longer defend us against terrorists, but their acquiring nuclear weapons could be catastrophic for us. That is why, in this era, it is important not only to reduce the numbers of nuclear weapons, but also to reduce the spread and reliance on nuclear weapons around the world, including the United States.

I strongly endorse a global coalition against catastrophic terrorism led by the United States and Russia, something Senator Nunn and Senator Lugar have many times proposed. The terrorist threat in my view is the greatest nuclear threat we face. Confronting it will require unprecedented cooperation between the

United States and Russia, but also among U.S., Russia, and virtually all other nations.

Yet if the world's strongest nuclear power should increase our reliance on nuclear weapons, it will increase fear and suspicion among other nations, and will undercut the cooperation we need to defend the United States against nuclear terrorism, and also to fulfill the promise of the treaty Presidents Bush and Putin signed in May. I urge Congress, I urge the administration to move with speed and purpose to make the most of this moment.

Mr. Chairman, I want the children of tomorrow to know about nuclear missiles on alert, huge stockpiles of warheads, and unknown numbers of tactical nuclear weapons, but I want them to read about it in history books, not newspapers.

Thank you for your time, and I would like to submit my entire statement for the record.

The CHAIRMAN. Thank you, General. Your entire statement will be placed in the record.

[The prepared statement of General Habiger follows:]

PREPARED STATEMENT OF GEN. EUGENE HABIGER USAF (RET.)

Mr. Chairman and Members of the Committee: Thank you very much for giving me the opportunity to offer my views on the Treaty Presidents Bush and Putin signed in Moscow this May. I hope you will also give me a moment to express my broad view of our nuclear security agenda not explicitly addressed in the Treaty.

If I may, I would like to begin with a bit of background, which may explain, I hope, how I have come to hold the views I do. I believe I have the proud distinction of being one of the very few four-star generals in the history of the US Air Force who started his military career as an enlisted man in the Army.

As an Air Force pilot, I spent a significant part of my career sitting strip alert with B–52 bombers loaded with nuclear weapons. I flew combat missions in Viet Nam. When the Berlin Wall came down, I was a brigadier general in the Pentagon, slaving away on programming issues and the first round of base closures with BRAC. In 1996, I became Commander in Chief of the Strategic Command, responsible for commanding all U.S. strategic nuclear forces.

In my first month on the job, I was astonished to discover that Congress had constrained our Commander in Chief and his Commanders in the field by legislatively directing that no change in force levels or operational conditions of our forces could be taken until Russia ratified START II.

So you can imagine, Mr. Chairman, that I see the Treaty signed this May as a breakthrough from an old encrusted mindset of suspicion. The United States came to this Treaty with a set number of strategic weapons we understood we needed for our security, and we were prepared to move to that number—with or without Russia. Russia believed it was in its interest to move toward the same number, and that's how we came to conclude the Treaty. Secretary Powell said it best in his remarks before you earlier this month—"The treaty transitions us from strategic rivalry to a genuine strategic partnership based on the principles of mutual security, trust, openness, cooperation, and predictability." It is a new approach for a new era, and I welcome it.

At the same time, as Senator Nunn has said, this is a good-faith treaty. It was built on good faith, but it can't be sustained by the good faith that built it. It needs to be nourished by new acts of good faith—acts of greater openness and transparency.

Good faith will grow if we can convince one another that we do not seek advantage, but security. And we cannot find security through secrecy and suspicion, but through transparency and trust. Words are never enough. Only through transparency can former enemies convince themselves that we wish them well and mean them no harm.

I make this claim from experience. In 1996, the year I became Commander in Chief of the Strategic Command, I met in Moscow with my Russian counterpart General Igor Sergeyev, commander of the Russian Strategic Rocket Forces. We became so engrossed in conversation that we forgot the time and arrived 30 minutes

late for a meeting with our respective bosses, the American and Russian Ministers of Defense.

After our meetings, I invited him to come visit me at the Strategic Command at Offutt Air Force Base in Nebraska, headquarters of the Strategic Command. We spent six days together—about 10–12 hours a day. I showed him a missile base. I showed him my headquarters command post. Most important, I think, I took him to one of our nuclear weapons storage facilities at F.E. Warren Air Force Base in Cheyenne, Wyoming. That was the first time that a Russian has ever been in one of our weapons storage areas.

I took him there for a very explicit purpose. In our conversations in Moscow, he had told me that he could not convince members of the Duma to vote to ratify START II. You'll recall that START II required both sides to convert all their missiles to single-warhead missiles. Russia, at the time, relied very heavily on multiple warhead missiles. They were reluctant to convert, and suspicious that we might cheat. They had special concerns, because they understood that if they went over to the START II regime, they were going to have single-warhead missiles that could in no way take on more warheads. But they were concerned about our minuteman missiles—that we would convert them to single warheads, but the moment anything got tense, we would quickly put two additional warheads back on, which would give us a very distinct advantage.

So out at F.E. Warren, I showed him the missile itself—up close and in person. And I showed him how, when we put a new bulkhead on the missile, there was no way to have any more than one warhead on it. When we were done, he said: "Gene, that was the most valuable thing you could have done. I have seen that the Americans are telling the truth." When he saw that, it gave him great confidence that he could persuade the Duma that their fears were unfounded. That confidence could not have come without openness.

Let me tell you one more story about that trip. Under my leadership, spying on the Russians was done only for the noblest purposes. And we were able to gather reliable intelligence that General Sergeyev was a huge fan of Michael Jordan. We were able to contact MJ's office, and received just in time a package we were able to hand to our VIP visitor—an official NBA basketball, signed: "General Sergeyev: Best wishes, Michael Jordan." It doesn't conform to our stereotypes, but I can tell you the Commander of the Russian Strategic Rocket Forces was so touched he almost cried.

Six months later, I was the guest of my Russian counterpart at a nuclear weapons storage site at a rail-mobile SS–24 missile base at Kostroma, a little more than 300 kilometers northeast of Moscow. I went into a nuclear weapons storage bunker and saw an operational nuclear weapon—eight of them, actually, on an SS–24 upper stage missile. I talked to the security people who were guarding the facility, and every one of my questions were answered. Following that meeting, General Yakovlev (who had replaced General Sergeyev, who had become Minister of Defense) and I agreed to an exchange of security officers who traveled to missile bases and reviewed in depth the procedures and technical applications we each use in our nuclear weapons storage areas.

I'm taking up the committee's valuable time to tell these stories, because I believe that even the best-written treaties and agreements cannot accomplish their purpose unless they're matched with transparency. Trust is not a static thing. It has to be built by many actions and can be destroyed by one. It must be extended gradually, but can be withdrawn instantly. In the end, trust must be fulfilled by transparency—which shows the trust is well-placed.

The Treaty signed by Presidents Bush and Putin is premised on trust. But let me review five steps I believe we can take—in this climate of greater trust—that will make a long-term difference in our security. Let me emphasize up front that these steps are not necessarily required to be part of the treaty.

> First: We need to build confidence that both sides are honoring Treaty commitments. This requires a system of verification tailored to this specific Treaty. Even more important, the verification protocols should be developed by the operators themselves. This is more of a nuts and bolts issue than it is a policy issue and it requires a nuts and bolts solution that must lead the policy. The operators know all the games and the tricks. They know what they would need to see to be satisfied that they were getting a complete picture, and they would know how to design the protocol to get the most transparency with the least intrusion. As you may recall, Mr. Chairman, I made this same plea before this committee in March 1999, while testifying on the ABM Treaty.

Second: As Senator Nunn has said, we have to find a way to move more nuclear weapons off alert status, and give leaders more decision time in a crisis. This is a very difficult challenge. In the past, we have relied on the military establishment and arms control community for ways to reduce the alert status, and they have not provided viable options. I would strongly recommend that the teams working on this matter be led in large measure by the people who build the weapons systems. They built them; they understand them, and they are the key to designing a system that moves weapons off alert status in ways that make sense, are transparent but non-intrusive, and do not compromise our security.

I recommend that the President begin by ordering an immediate stand down of the nuclear forces we plan to reduce under the Treaty. This includes four Ohio Class (Trident) submarines and all 50 Peacekeepers. This would advance our own security and help build confidence in our intentions. If the premise of the Treaty is correct—that we have embarked with the Russians on a new strategic relationship—then we should be prepared to demonstrate "good faith" by standing these forces down immediately, and not making that contingent on Russian action in advance. At the same time, the Russians should understand that the warm climate in our relations could quickly turn cold if a stand down on the US side is not matched by a stand down on the Russian side.

Third: We and the Russians should agree to destroy a significant number of the warheads planned for reduction under the Treaty. The view is just anachronistic that we have to keep thousands of weapons in reserve as a hedge against a downturn in US-Russia relations. Obviously, I am limited in what I can say in an open hearing, but if I were able to present in an open forum the facts on how many warheads we already have in reserve—that logic would not survive the light of day. We have more than enough warheads in our active reserve to guard against all contingencies. There is no valid reason to further increase the warheads in that reserve as we reduce under this Treaty. We should instead be identifying weapons we don't need, and begin destroying them. This is not as simplistic as it may appear since most of our dismantlement capability was eliminated in the mid-1990's.

Fourth: We should also develop a transparency regime with the Russians to give both sides confidence that the weapons are actually being destroyed. I would strongly recommend that the Russians be allowed to see our production/dismantlement facility (Pantex) in exchange for reciprocal inspections at the Russian sites. The sensitivity of these sites, in my view, is vastly overstated. The fear has always been that the inspectors would be able to pick up on the design engineering of the warheads. My official response to that is: "so what?" The Russians don't need our warhead information. They won't gain anything from seeing the design. They are not going to rush out saying: "Wow, we should build weapons with that design feature." This kind of secrecy gains us nothing in security and costs us plenty in confidence. Those fears are borne of suspicions that were irrational even in their own time, and their time is past. We should invite Russian inspectors to verify dismantlement, provided the Russians invite us in return.

Fifth: Russians have made tremendous progress in openness, but there are pockets of secrecy that are completely out of step with the new environment, and the greatest zone of secrecy relates to tactical nuclear weapons. Our unclassified intelligence estimates of the Russia's tactical nuclear weapons arsenal is in the range of 12,000–18,000. That's way too many, and the range is dangerously wide. We need a signed agreement on these weapons—one that will help us count them, secure them, monitor them, and begin to eliminate them. These are the nuclear weapons attractive to terrorists. We need to move on this issue immediately. Specifically, when Secretaries Powell and Rumsfeld meet with their counterparts, I would hope they come away with a commitment to take action on this issue, and a confidence-building plan to exchange visits to tactical nuclear weapon storage facilities. It would create the momentum we need toward a resolution of this dangerous issue.

Mr. Chairman, There is only one thing in the world that can destroy the United States of America today—and that is Russian nuclear warheads. That is why this Treaty and all these follow-on steps I've enumerated are so essential to our security. But we no longer live in a bi-polar world. Of all the concerns I had while I was com-

mander-in-chief of the strategic command, my foremost concern was a terrorist event using a nuclear device. It still is.

Mr. Chairman, you may remember on September 11, when there was believed to be a threat against the White House, President Bush flew on Air Force One into Offutt Air Force Base in Omaha, Nebraska—the headquarters of US nuclear forces. The point was made plainly by the President's arrival there that day that the power and value of nuclear weapons is changing: our nuclear weapons could not defend us against them; but their acquiring nuclear weapons could be catastrophic for us.

That is why, in this era, it is important not only to reduce the numbers of nuclear weapons, but also to reduce the spread and the reliance on nuclear weapons around the world—including with the United States.

Unfortunately, some in the Bush Administration have been considering and openly discussing steps that would take us in the opposite direction—expanding options for nuclear attacks, widening the number of targeted nations, and developing new nuclear weapons variants. While each of these ideas may have a plausible military rationale, their collective effect is to suggest that the nation with the world's most powerful conventional forces is actually increasing its reliance on nuclear forces. If we believe we need nuclear weapons to defend ourselves against weaker nations, weaker nations will surely believe that they need nuclear weapons to defend themselves against us. This view could accelerate the phenomenon that threatens America most—the spread of nuclear, biological, and chemical weapons in the world.

I strongly endorse a global coalition against catastrophic terrorism, led by the United States and Russia—something Senator Nunn and Senator Lugar have many times proposed. The terrorist threat, in my view, is the greatest nuclear threat we face. Confronting it will require unprecedented cooperation—between the United States and Russia, but also among the US, Russia, and virtually all other nations. Yet if the world's strongest nuclear power should increase our reliance on nuclear weapons, it will increase fear and suspicion among other nations and will undercut the cooperation we need to defend the US against nuclear terrorism, and also to fulfill the promise of the Treaty Presidents Bush and Putin signed in Moscow in May.

I urge Congress and the Administration to move with speed and purpose to make the most of this moment. I want the children of tomorrow to know about nuclear missiles on alert, huge stockpiles of warheads, poorly guarded weapons materials, and unknown numbers of tactical nuclear weapons. But I want them to read about it in the history books, not the newspapers. Thank you very much.

The CHAIRMAN. Ken, welcome.

**STATEMENT OF HON. KEN ADELMAN, FORMER DIRECTOR OF THE ARMS CONTROL AND DISARMAMENT AGENCY, HOST OF DEFENSECENTRAL.COM**

Mr. ADELMAN. Thank you very much. As Henry VIII said on one of his later marriages, I will be brief.

It is a great pleasure to return to the distinguished committee to testify in favor of an arms control treaty, much as I was honored to do in the historic INF treaty during the Reagan administration. When first testifying before this committee I did not have reading glasses, and had not started dying my hair white, as I have now.

It is a special privilege to be on a panel with a man I admire so deeply, Senator Sam Nunn. Given his sharp and inquisitive mind, I find it far more enjoyable to be sitting beside him as a panel colleague than to sit before him as a committee witness. I know that General Habiger has served his Nation admirably, and recognize him as the obvious brains behind a recent *Washington Post* Op-Ed which he co-authored with some former Government types.

I applaud President Bush and his foreign policy team on negotiating the Moscow Treaty, and expect the Senate, and urge the Senate, to give it quick and unqualified ratification. The treaty may be the last strategic arms accord. The culmination of 30 years of an arms control process, it will dramatically reduce strategic nuclear

weapons and increase stability, and it reinforces a key fact of U.S. foreign policy, that resolve, even, or especially in the face of harsh criticism, can pay off handsomely.

When I first entered the specialized, arcane world of arms control in 1976 while serving in the Pentagon, and then in 1979, when working with Don Rumsfeld to help draft his Senate testimony before this very committee opposing ratification of SALT II, we heard warnings that rejecting that arms control treaty would trigger a new arms race, and plunge our relations with the Soviet Union. A veritable flock resembled Chicken Little, and cried out with predictions of utter disaster.

When I joined the Reagan administration, the Chicken Little response to President Reagan's zero option to eliminate all INF missiles claimed that proposal would trigger, yes, a new arms race, and plunge relations with the Soviet Union.

Similar, even louder cackling was heard when President Reagan demanded a 50-percent cut in Soviet heavy missiles, SS–18, at the outset of the new START talks in 1982. A year later, cries, mostly from Europe, but also from Americans, claimed that our installing GLCMS and Pershing IIs in Europe in 1983 would trigger a new arms race and plunge relations with the Soviet Union. When we refused to accept the nuclear freeze, because President Reagan sought not nuclear status quo but deep reductions in nuclear weapons, the criticism was loud again.

After the Reagan administration, those who championed complete independence of Lithuania, and especially Ukraine, from the Soviet Union, were warned of disastrous consequences if such freedom was given to these Soviet Republics.

Critics of the Clinton administration claimed that its noble effort to expand NATO membership would, yes, lead to the same dreadful consequences.

During this Bush administration, dread warnings came first on the administration's intention to proceed full blast on missile defense, but these by-then experienced doomsdayers found full voice in their near hysterical warnings of dire consequences if we withdrew from the ABM treaty. I dare say such cries were even uttered in this room. When President Bush announced the U.S. withdrawal from the ABM treaty, the deafening cackling in Washington and New York was greeted by a deafening silence in Moscow and St. Petersburg.

Many critics now focus on the administration's plan to get rid of the world's No. 1 threat, the vile regime of Saddam Hussein. Cries are being heard that liberating Iraq would infuriate our closest allies, ignite that volatile Arab street, prove militarily daunting if not overstretching, and spark worldwide resentment, if not universal condemnation. They instead advocate "more responsible" diplomatic and economic moves, presumably a diplomatic demarche, or an address to the U.N. General Assembly to sorely embarrass Saddam Hussein, a loosening of economic sanctions to bring about his long-hidden statesmanship, or international inspectors to assure his responsible behavior.

Sometimes I just wonder how many times such critics can resort to the same fearmongering which proved wrong time and time again. Yet, Mr. Chairman, learning curves in Washington or on

public policy generally can be remarkably flat. There is scant scorekeeping or even awareness of what has worked, determination to proceed ahead in pursuit of clear and explainable U.S. national interest, and what has not worked, conforming to conventional wisdom in the parlors around the European Union, the Arab League, or some foreign policy self-styled experts.

The world would be far more dangerous, even than it is today, had the fearmongering conventional wisdom prevailed in the nine instances I just cited—scrapping SALT II, proposing the zero option for INF, demanding a 50-percent cut in Soviet heavy missiles and Soviet throw weight, deploying INS systems in Europe, rejecting a nuclear freeze, championing independence for Lithuania and Ukraine, supporting NATO expansion, pursuing vigorous missile defense, and scrapping the ABM treaty.

I hope that members of this committee can recognize some lessons learned from Chicken Little when considering the next great action for world stability and protection of Americans, liberating the Iraqi people. That move should happen very, very soon.

Mr. Chairman, happily, there has been a nice learning curve evident in the Moscow Treaty now before you. This neat, tidy treaty of three pages was negotiated in a mere 6 months, a far cry from the most recent strategic arms control pact ratified START I, which ran 700 pages and was negotiated over 9 years.

Personally, I have to admit that I had hoped that the three-page Moscow Treaty would be precisely three pages shorter. Russia and America are now not enemies but strategic partners in essential ways. Hence our two countries can fruitfully pursue arms control without agreements. As explained in an article I wrote 18 years ago in the now yellowed pages of Foreign Affairs journal, this process, which will become the process generally implemented under the Moscow Treaty, entails individual parallel policies by the U.S. and Russia on both offensive systems, strategic nuclear weapons, and defensive systems.

Each country can enhance its strategic stability and reduce its nuclear arms in close consultation with each other, but without the old elaborate agreements to restrict and confuse them. The treaty's three pages sketch the mandated outcome—1,700 to 2,200 strategic nuclear warheads—and the process to be pursued. While seeming novel, after 30 years of agonizing negotiations in Geneva, this less elaborate approach actually takes arms control back to basics.

It began with Winston Churchill in 1933, with the world in thrall of naval arms control and naval arms accords before Hitler broke them all. Winston Churchill told the House of Commons that he preferred these practical moves. Churchill believed that greater advance and progress toward a reducing of arms would be in a reciprocal manner, rather than around the tables in Geneva, and he goes on, in my full statement, for some wonderful quotes on that.

Winston Churchill proved most prescient. Throughout the seventies and the eighties obsolete strategic weapons were maintained in the U.S. arsenal for added leverage in the formal arms negotiations.

That is a very good story that the General has just told us, and it is quite sad. The same dynamic presumably operated on the Soviet side. So both superpowers kept unwanted nuclear weapons in

operation solely because of arms control. And this bizarre practice, as the General has said, was even mandated by the U.S. Congress in 1996, I believe he said.

While retaining both nuclear forces at stunning heights, the formal arms bargaining proceeded in slow motion. It was even slower than President Eisenhower predicted in 1956. As we know, the limited test ban treaty took 8 years to conclude, SALT II more than 7 years, and it was never even ratified. INF, that all of us in the Reagan administration worked so hard on, consumed 6 years, START I took 9 years, and again, the Moscow Treaty took 6 months, being much faster and more practical. The newer three-page-or-less arms control process generally avoids the mortal political sin of overpromising, and this has been a big sin in arms control throughout this process.

The hoopla began with arms control overpromising in 1963, when President Kennedy trumpeted the Limited Test Ban Treaty, which really did nothing for strategic stability. He said about it, it was a key step in man's effort to escape from the darkening prospect of more destruction.

Mr. Chairman, I know that you personally and members of our committee have raised concerns over the lack of formal verification provisions in the Moscow Treaty. I find this acceptable, even a positive advantage, for several factors.

First and foremost, the lack of detailed treaty provisions on strategic weapons minutiae will free up U.S. intelligence agencies to focus on more serious matters like detecting and destroying international terrorist networks, or the weapons of mass destruction facilities in Iraq. For decades, the CIA and its sister institutions poured staggering resources to verify totally inconsequential treaty limitations which lacked any bearing to overall strategic stability.

Second, judgments made on Soviet or Russian compliance can be made without any verification provisions whatsoever. We know that the USSR violated the Biological Weapons Convention, even though that Convention totally lacks any verification provisions. We reached this conclusion when the USSR was a closed society, and it is far easier to monitor treaty compliance in a fairly open society, as Russia has become.

Third, the verification provisions of START I will be in effect until 2009. And fourth, verification without enforcement has long been quite vapid and frustrating. We of the Reagan administration declared that Moscow was clearly violating the ABM treaty by building the Krasnoyarsk radar, something I personally was honored to hear when Soviet Foreign Minister Edward Shevardnadze admitted this violation to President Reagan during a White House lunch I was honored to be at in 1987.

Before then, we informed this committee, the Senate Intelligence Committee, indeed, the whole Congress of this and other Soviet arms violations, yet we could actually do nothing about them except complain. U.S.-Soviet arms accords were, by definition, unenforceable.

Let me conclude, Mr. Chairman, by addressing two further issues. First, as Senator Nunn explained so nicely, the Moscow Treaty does not solve all nuclear problems in Russia. No treaty could. But this does not mean that the treaty does not solve some

nuclear problems. The issues Senator Nunn advocates, and Senator Lugar started our hearing with, remain among the most far-sighted, urgent, and wise steps taken by any two Senators in the U.S. Senate in the post cold war era. I support them heartily, but meanwhile urge quick ratification of the Moscow Treaty.

Second, let me use the Nunn model to humbly advocate further action for this committee to consider in arms control. Fourteen years ago, I began pushing for Moscow and Washington together to introduce and champion an international INF accord, intermediate nuclear force accord. The key provisions, which Mikhail Gorbachev and Ronald Reagan signed in December 1987 to eliminate all intermediate range ballistic missiles capable of carrying nuclear weapons, should now be open to all nations.

Together, American and Russian officials should urge that all other countries sign up and implement the INF accord. The same moral force which has helped stem nuclear weapons proliferation after that treaty, the Nonproliferation Treaty adopted in 1968, not solving the problem completely, that we know, but making the situation markedly better than it would have been, can work as well with an international INF treaty, and with banning intermediate ballistic missiles.

If, Mr. Chairman, weapons of mass destruction carried on ballistic missiles are among the greatest threats facing America and all democratic civilized nations, as I believe they are, then surely an internationalized INF treaty would help to make the world safer.

Again, I applaud the results of the Bush administration. I appreciate your giving me the opportunity to testify on behalf of the Moscow Treaty.

The CHAIRMAN. Ken, it is good to know that, although you are wearing glasses and changed your hair, you have not changed.

Let me ask you, General, can you give us a sense of the comparative security for nuclear weapons that existed in the United States and in Russia as of your last access to that information?

General HABIGER. Yes, Mr. Chairman, I would be happy to do that. The Russian military takes very seriously their special trust to guard and protect their nuclear assets. They have a number of protocols they use. Some of them, interestingly enough, are very similar to ours.

We have a personnel reliability program where we ensure that people who take certain kind of medications do not have access to nuclear weapons, people who have alcohol or drug problems do not have access to nuclear weapons. They have a similar series of protocols.

We have a two-person policy in this country, that to gain access to critical nuclear weapon components two people have to be in place, two trained, knowledgeable, responsible people. In Russia, three individuals have to be present for such an event to take place.

In the United States, a Wing Commander, a Colonel or Brigadier General can authorize the movement of a nuclear warhead. In the Russian military, in the Strategic Rocket Forces, the Chief of Staff, a two-start General in Moscow has to approve the movement of a nuclear warhead.

The biggest difference I see is that we have applied much more in the way of technology. As we came out of the Vietnam War, we saw that manpower is very expensive, and so we moved to the area of high tech kinds of devices, where the Russians are still very manpower-intensive, lots of guards, lots of guard stations, lots of roving patrols. We have gotten away from that only because we could not afford it and technology was available to us.

I make those points on the military side, and I have great confidence that the Russian military is guarding those weapons. As I said, I got to see a number of nuclear weapons facilities in Russia, both Air Force, Rocket Forces, and Navy, and I also, to give Senators Nunn and Lugar a bit of a plug here, saw the results of their efforts with the application of technology with television sensors and satellite ports and that sort of thing.

The CHAIRMAN. Is it the same for tactical nuclear weapons?

General HABIGER. No, sir. The tactical nuclear weapons, the Russians again have not given us access to those facilities where tactical nuclear weapons are stored, or—where they are stored. The other element is in the area of MINATOM, where they are responsible for the fissile material itself. I do not have great confidence in that area, Mr. Chairman, and that has obviously been an area the Department of Energy has been very much involved with, and Senators Nunn and Lugar are very much involved in, but the tactical nuke, Mr. Chairman, if I could emphasize one point, we need to get on with getting tactical nuclear weapons on the table from a verification, security, dismantlement, inventory, the whole range. We must get on with it.

The CHAIRMAN. What additional facilities, if any, will we have to construct as we dismantle the required number of warheads, decommission these platforms? What kind of additional storage facilities will we need if we are going to keep them, and/or what will we have to spend if we conclude we are going to destroy them?

General HABIGER. In the area of storage, my last data point is about 3 years old, but Mr. Chairman, as I understand it, we do have the storage capability. Where we must employ and expend resources would be in dismantlement. As I indicate in my statement, a major portion of our dismantlement capability was eliminated in the mid 1990's. That will be a sizable investment, because we go to great lengths to ensure the security and safety, and safety is a primary concern.

The CHAIRMAN. To make sure we're talking about the same thing, would you define what you mean by dismantlement?

General HABIGER. I am talking about a facility we have at Pantex near Amarillo, Texas. It is a facility in which we have bunkers, work areas where very highly trained technicians dismantle warheads using very sophisticated tools and checklists, the verification procedures. Those facilities would have to be upgraded. Some of the facilities that were taken offline are going to have to be put back online. I could not give you an exact number, but I would encourage you to get with the Department of Energy and ask them, and it is a little disconcerting, if I could, Mr. Chairman, that the Department of Energy is advocating building, as I recall, over the next 5 or 7 years investing $10 billion in a facility for the

production of new nuclear weapons, but we are not looking at improving——

The CHAIRMAN. That was my next question. What would the rationale be, from your perspective as a former commander of these forces, for building new nuclear weapons?

General HABIGER. Mr. Chairman, I advocated and was the champion for the development of a new weapon, but of a modified B–61, Mod 11 we called it. That is a weapon that—we called it a bunker buster. That was the M–61, or the B–61 weapon in which we just put it in a different casing that would allow it to burrow up to 100 meters of some of the hardest terrain known on the face of the planet.

Mr. Chairman, in my view, I cannot in any way justify from my professional expertise and experience the expenditure of $10 billion for the development of a new weapon in the United States inventory when we have the B–61 Mod 11.

The CHAIRMAN. Now, you indicated that we went from manpower to technology because we could not afford it. Our numbers on Russian defense spending vary slightly, but considerably less than $10 billion a year is being spent by Russia on its military, all of its military needs. If we cannot afford the manpower, why do you have the degree of confidence you seem to have about the protection afforded nuclear facilities weapons in Russia?

General HABIGER. What I was exposed to, Mr. Chairman, again I went to a total, as I recall, six different nuclear weapons facilities. The guards, the military guards that guarded those facilities were an elite force. They were highly trained. I saw the training facility at Suratov. It was an enclosed enclave of 3,500 people, a closed city, if you will. I saw the chemical, biological, and nuclear training. They put on a demonstration for me both there and at Ingalls Air Force Base, which was a nuclear bomber base about 50 kilometers away.

Yes, it was a show, just like we would put on a show for trying to show our capability to our Russian counterparts, but this force is an elite force. They are specially trained. They are not the run-of-the-mill infantry person you would expect to see in a regular outfit.

The CHAIRMAN. I have a last question, and then I will yield to my colleagues and then come back to ask just a few more questions to each of the other panelists.

You indicated, I thought, in your statement that verification was of some consequence as it related to this treaty. Explain to me again the need for the ability to verify compliance with the provisions of this three-page treaty.

General HABIGER. Yes, sir. I talked about verification in a couple of different venues. I talked about, as we go toward verification, that we get the operators involved.

The CHAIRMAN. Is verification itself relevant? Does it matter? I do not think Ken thinks it matters a whole lot.

General HABIGER. I do not think it matters a whole lot, but it matters, and there should be some in this——

The CHAIRMAN. Not to be a wise guy, but why does it matter?

General HABIGER. Well, in order to foster that trust and openness, and let me give you an example. The Russians took me into

a naval nuclear weapons storage facility at one of the nuclear bases, and they took me and they showed me the facility, the safeguards, the procedures, and I went into a vault where there were probably 100 containers, and I was asked—as we were getting ready to leave I asked a number of questions about inventory control, temperature, humidity, that sort of thing, how the seals were used, that sort of thing, and as we were walking out my Russian naval counterpart turned to me and said, hey, Habiger, don't you want to see one of these? I said, no, I don't want to see one of the warheads. You have told me all I need to know.

So I was not there to actually look at warheads, necessarily, but just to have some, not so much an appreciation, but to have the knowledge that what I was being told was valid, and I think that is the point. I do not think we have to get a jar of beans out and count them, is what I am trying to tell you, Senator.

The CHAIRMAN. Thank you. Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Senator Nunn, you made the point in various other fora about de-alerting, and furthermore about the potential erosion of the early warning capabilities in Russia. Would you amplify that further? Why should we believe that things have deteriorated in Russia with regard to early warning capabilities? What implications does that have? What anecdotal or actual cases have indicated dangers of that sort?

Senator NUNN. Senator Lugar, it is my belief that the Soviet—rather, the Russian radar compared to the old Soviet and the Russian satellites compared to the old Soviet have eroded very significantly. I have not been updated by the intelligence community for some time. I would suggest that this committee should at some point be updated as to our intelligence community's assessment of how much of the time the Russians may be blind in terms of a possible attack.

I have sat through probably, at least 2 decades of hearings with our own military, many of them closed, about our confidence in being able to respond to a first strike back when we felt the Soviets had advantage with their heavy missiles and throw-weight MIRV's and so forth, at least for a first strike posture, and I believe that having sat through those I understand something about how the military would react in this country if we felt we were blinded by inadequate satellites and radars, and that we might in effect be caught with our missiles on the ground with a first strike.

Now, we perhaps have moved through that whole era. I hope we have. I hope that is no longer the mentality, but my view of it is, with conservative military leaders responsible for assuring their political leaders that they can in all cases respond to an attack on their missile fields, there is a strong propensity to move toward quicker launch when you do not have confidence that you have got adequate warning. That propensity is what I call a hair trigger, meaning that you launch on warning, rather than wait until your missiles are hit.

Now, if those warning systems are not good warning systems, if they are capable of making mistakes, if the Russians are blind for a good bit of the time in a period of confrontation, which is not impossible in the future, in some kind of period of confrontation like

a bombing of Serbia that occurred a few years ago, the rush for the airport, when the Russians were sending their troops, those kinds of things are not impossible in the future, even with changed relationships. I can see where the confluence of events might make the odds less than we would want them to be that a terrible, almost world-ending mistake could be made.

Now, I do not know what the odds are of that happening, perhaps 1,000 to 1 against it, but if the odds are 1,000 to 1 against it, I think, given the consequences, we ought to strive for 1 million to 1, and if they are 1 million to 1, they ought to be 10 million, because we are talking about something that could end the world in terms of catastrophe, therefore our force posture has some bearing on that.

We both have, I think, far too many systems on hair trigger, and I fear that the Russians may have moved much more down the road toward launch on warning, rather than launch after certainty of attack. That is what bothers me, and I believe the experts on both sides can get together our military leadership, as General Habiger said, some of the people who built the systems, and try to figure out ways to give our two leaders more decision time.

I do not know, I have not been briefed on this recently. In the old days it was a few minutes each President might have had to be able to determine whether to launch before being hit. Today it may be more in our case. I think it probably is much more in our case, probably less in the Russians' case, because they can no longer move their submarines out. They do not have the invulnerability with their land-based systems moving out on mobile missiles, therefore they have less warning time than they probably did during the cold war, from their perspective.

We probably have substantially more, because of change in our posture and the Russians, so I am contending that our operational systems today are no longer relevant to the biggest threat, and that is the threat of accident, not the threat of intentional all-out launch. I think that threat has faded in great manner since the cold war, and I think the threat of some kind of accident has gone up, whatever the odds, and therefore we ought to reexamine our operational posture and part of that would be the alert systems, part of it is where submarines are postured, part of it might be with sensors in both Russian and U.S. fields on a reciprocal basis, so there would be no danger in either one's eyes of a sneak attack.

There are a lot of ways to do it. We in our foundation, the NTI Foundation, have commissioned a study by Rand which should be coming out in the next several months where they are going to examine a number of options. These are not things that—Ken, don't get excited. We are not going to have a treaty on this, but we are talking about informal type agreements and arrangements that could greatly reduce whatever the dangers are.

The CHAIRMAN. Ken may change on that. He used to be "trust but verify." He does not care about the "verify" any more, so he may change.

Senator LUGAR. But the study that NTI has commissioned will give suggestions to the Russians and to us as to how to improve or extend the current hair trigger alert status both sides maintain.

Senator NUNN. We felt that the Rand group was probably the best, because they had had so much experience over the years, and we asked them to look at each one of the options that people have suggested, including the sensor option, including the stationing of subs where they are, so that they would be further from the shores of each country, then you have obviously got more warning time, including working with the Russians on warning systems and their satellite systems, which the Clinton administration offered to do.

I think here the Russians have the ball in their court and have fumbled it. They have not been willing to work with us, and I do not know why they would not want us to help them improve their warning systems, but I guess my fundamental premise in this day and time, it is in our fundamental security interests for the Russians to have accurate warning, and to have more warning time.

I have said, not completely facetiously, given the whole sweep of U.S.-Russian-Soviet history, that I would like for both leaders to have a chance, if they had been out to a cocktail party and had a few drinks and some General walks in and says, you have got 4 minutes to decide whether to blow up your adversary before we get hit, I would like for them to have a chance to have a cup of coffee, a black cup of coffee and walk around the block and get a little fresh air, so if their warning time now is 10 minutes, I would like for them to have 20 minutes, and if it is 20, I think we ought to go for 30, and if it is 30, we ought to go for an hour, and when it gets to be an hour, we go for a week, and then between the two superpowers in the nuclear sense we would be arriving at a point where nuclear weapons were not as relevant. I believe that kind of what I call horizontal efforts in the decision time arena is more likely to make fundamental changes than the absolute reduction of numbers, although numbers are important also.

Senator LUGAR. Well, I thank you for that statement. I think it is important. The movie you cited, "The Sum of All Fears," has a scenario in which the Russians are about to launch a nuclear attack. The movie plot ultimately leads to a standing down of Russian forces. Although in the movie the origin of the weapon is established, and as you point out, given tactical weapons, we may not be so fortunate. These are important points to raise in these hearings, because essentially there are disconnects in the strategic logic.

Secretary Rumsfeld testified very strongly that we have turned a corner in relations with the Russians. This treaty signals an entirely new era of understanding. Secretary Powell agrees with this characterization, as does the President.

The Russians clearly, as both of us know, have wanted to get rid of nuclear weapons by the hundreds if not thousands for years. They have no need for them, and they long ago came to that conclusion. Under these circumstances, the maintenance of hair trigger alert is not consistent with the treaty we are talking about, or the era.

Leaving aside that, what Senator Biden and I have found also to be inconsistent is the fact that the Russians in the Chemical Weapons Convention debate first of all were skeptical that we would ever ratify the treaty. When we did, there was some pressure upon them to take action, but clearly the Duma debate identified the

need for a lot of international help if they were ever to lasso 40,000 metric tons, which they declared.

Now they have gotten a lot of help from us, and more recently other countries have pledged to help. Our country made the decision to ratify Chemical Weapons Convention and to get the Russians to comply. Why? Because they have the largest stockpiles of chemical weapons. Recently, these threats have returned to the fore in the context of the war against terrorism. Today a country need not develop chemical weapons. They can just develop a method of stealing it and take it.

But in the midst of all of this, I am concerned that we have taken our eye off the ball. Treaties are not self-executing, and as a matter of fact, in the case of the Chemical Weapons Convention on the Russian side, nothing has happened in terms of destruction of the weapons. They are still there, all the same threats.

This comes, I think, as a surprise to many members of the administration. As Senator Biden and I have visited with them, they are negotiating new treaties but sort of lost track of whatever happened 5 years ago to the last one. It is tremendously important, that somebody physically destroys something, secures it, or takes action that has some effectiveness. These things do not happen automatically. This is why we have been so tedious in pointing out that without waiver authority the President does not have the power to assist Russia in meeting their requirements under the Chemical Weapons Convention or the Moscow Treaty.

I think we have much more urgency on this committee than elsewhere in our Government regarding treaty implementation. Hopefully, by talking about it tediously, hearing by hearing, finally somebody may do something, and we may be back on track.

I make this point simply because we talk about these treaties in a grand sense, and we all agree that this is an achievement and it probably is going to help the world, but only if physically something happens. That is, if a weapon is secured, or destroyed, or laid aside. There is no assurance, as we have seen from our own experience, that these things necessarily will happen even after we have ratified the treaty and celebrated our achievement. This worries me a lot, and that is why I appreciate the testimony of General Habiger, who has given five excellent suggestions of action steps we ought to take.

You have raised, Senator Nunn, once again the dangerous nature of our alert status. I believe it is tremendously important. I just wanted to take the time for this dialog to say that I think these hearings have been very important in offering fora in which some of these issues might be illuminated, both for our benefit as well as the administration.

This has created a dialog. I have heard administration witnesses say they had to conduct research to find out what is going on these days in the Nunn-Lugar program, and that is useful, and it is useful for us to do so.

I have exhausted my time, and probably the witnesses.

Senator NUNN. Senator Lugar, if I could just make one comment on the chemical weapons storage, no one could go to Shchuchye, the place that you and I went recently, and you have been before, no one could see those 1,979,000 artillery shells, about the size that

would fit into a briefcase, full of nerve gas, sitting on rows in dilapidated buildings where you would not put your nice cow, let alone chemical weapon, and not come to the conclusion that we and the whole world need to get on the business as quickly as possible to help them destroy those chemical munitions which each artillery shell were told was enough to kill, if properly distributed, over 180,000 people, enough at that one base to kill everybody on the face of the earth 46 times over, and we are caught up in bureaucratic delays between the U.S. and Russia which I think need to be immediately broken through with our two Presidents.

You have been saying this for a long time. I have been saying it for a long time. Until you see it, you cannot really appreciate it.

Senator LUGAR. And likewise, the solution to the threats stored at Shchuchye is important. The Nunn-Lugar program is ready to begin construction of a facility to take these shells one at a time, and to extract the Sarin gas from the 1,971,000 weapons. It will take 6 years. It is not rocket science, but it is tedious, but one by one, you eliminate the threats capable of killing some 180,000 people each.

Now, that is serious as far as I am concerned, and somehow bureaucratically in our own Government we have managed to tie ourselves up so we cannot destroy the first one. I think this is indefensible. So this is why we keep raising the issue at each hearing, because even while we are talking in grand schemes about nuclear warheads coming down, the fact is, we are in a war against terror, and most of these nuclear warheads are not portable. Those 85-millimeter shells certainly are, and that is why all of this, I think, has to be seen in context of how alert we are in the technical aspects of what we do and how we are affected.

Senator NUNN. I completely agree.

The CHAIRMAN. As usual, both of you guys are much more diplomatic than I am. I am more like Ken Adelman, and it is not bureaucratic, it is a policy decision that has been made. And it was an incredibly horrendous policy decision that has been made, and with all the king's horses and all the king's men, so far we have not been able to get any sense of urgency downtown.

Senator NUNN. You are talking about certification, Mr. Chairman?

The CHAIRMAN. That is right. Thank you both for continuing to raise this. I think this is the single most significant contribution that could be made that is real, immediate, and consequential. Now, let me yield to my friend from Florida.

Senator NELSON. Mr. Chairman, I share your passion and I share the diplomatic skills of the Senator from Indiana in saying that the policy is indefensible that we are not destroying these weapons, and I thank you for the education that you continually give me as a member of this committee.

General how did we get to the figure of 1,700 to 2,200?

General HABIGER. Senator Nelson, it was not difficult. As we, in my tenure in the spring of 1997, supplied to my boss, the Secretary of Defense, a number 2,000, 2,500 for START III, as I understand it, without getting into a level of detail that would be inappropriate here, they took out the phantom weapons.

At any given time over the next 10 or 12 years we will have two ballistic missile submarines in dry dock. Under old protocols the warheads would be counted. Those submarines are in dry dock for a period of up to 2 years.

We have bombers, B–2 bombers that are in heavy maintenance depot status for several months. Those weapons were counted, and as I understand it, those phantom warheads were taken out, and that is how we got the 1,700 to 2,200.

Senator NELSON. Secretary Powell testified a couple of weeks ago that independently the administration had made the decision that 1,700 was the number that they would need to be able to defend the interest of the United States. Now, how does that comport with what you jut said?

General HABIGER. Well, when we came up with the number 2,000 to 2,500, the way we characterized that number back in 1997 was that at 2,000 you had a much higher risk to this country than 2,500.

What we did, Senator Nelson, is, we looked at what we thought the target subset of Russia would be in the year 2007, as I recall. We looked at the guidance that comes down to a series of protocols beginning with a Presidential decision directive signed out by the President, and it goes to the Office of Secretary of Defense, the Joint Staff, finally to Strategic Command, and we said, OK, at 2,000 you are going to have moderate risk, you are going to have lesser risk at 2,500, and we said the range is somewhere between those two points, but embedded in the 2,000 to 2,500 were the phantom weapons I just mentioned to you, and so again, as I understand it, nothing has changed except those phantom weapons have been taken out of the equation.

Senator NELSON. A while ago you mentioned the bunker buster. Were you referring to one that was already developed, or one that the administration is proposing to develop now?

General HABIGER. One the administration is proposing to develop now.

Senator NELSON. And you support that?

General HABIGER. No, I do not. We have a weapon that was developed—as a matter of fact, it went operational, as I recall, in 1997, late 1997, that is called the B–61, Mod 11. It was not a new weapon. It was a modification of an existing weapon to allow us, using a relatively low yield nuclear weapons, to take out deeply buried targets.

Senator NELSON. So that is in the inventory now?

General HABIGER. Yes, sir.

Senator NELSON. And you testified earlier that can penetrate very hard terrain, all the way down to, I think you said 100 meters.

General HABIGER. Yes, sir.

Senator NELSON. Senator Nunn, the international initiative on the G–8 global partnership is calling for $10 billion in assistance from the U.S. over the next 10 years, and $10 billion from the G–8 nations, and when you and Mr. Cutler came and testified to us you all had testified that you thought it was going to be needed in the range of about $30 billion. Can you help us understand what we ought to be doing there?

Senator NUNN. Well, first I view this G–8 conference statement, as I mentioned in my statement, as a very, very positive big step forward, No. 1 because this administration implicitly and I think almost explicitly acknowledged that we are going to have to continue for the next 10 years to work on this problem, and they implicitly pledged themselves $1 billion a year, which I take it is a continuation of this program that we are now, encompassing in broad terms are now calling Nunn-Lugar.

The second thing is, the Europeans have been contributing very small amounts; so if they fulfill that promise of "up to $10 billion," up to could mean a dollar to $10 billion, so a big space there, but if we can have some follow-through on that and get the European political system to understand this threat is to them also, and get some support behind their leadership, then you have got another $10 billion, and that is $20 billion that would apply.

How does that compare to the $30 billion that the Baker-Cutler report mentioned that they believed would be required in the next 10 years? It is two-thirds of it. It is not enough, but it is a major step. Twenty is a lot closer to 30 than 10, and 20 is a lot closer, obviously, than where we were, and so we are making progress. I think we need to get a lot of other countries involved, and this global coalition against catastrophic terrorism that Senator Lugar and I have been preaching about around the world has got to be part of that, and so there are a lot of other countries that need to join in, but that's just the nuclear side. We have got to do a lot more on the biological and chemical side that is just beginning.

In terms of the biological dangers we are probably right now where we were 30 years ago in terms of even realization compared to the nuclear, and this one is far more complicated, because it is out in the industry, and the same materials that can be horror weapons also can save huge numbers of lives, and so we cannot stifle the scientific community. We are going to have to really, really work hard on that one.

To begin with, it is more education and understanding than it is absolute money, but down the road it will be resources, too. We are going to have to have best practices. We are going to have to have peer reviews out there in the private sector. We are going to have to have an unprecedented degree of cooperation between the private sector and the public sector in this country and around the globe.

So progress is being made. We have a long way to go.

The CHAIRMAN. If you would yield on that one point, Sam, you may find this interesting but not at all surprising. Dick and I hosted our parliamentary colleagues in the NATO Assembly group, the chairs of their Armed Services and Foreign Relations Committees at a luncheon just 2 weeks ago, and I must tell you, I was startled at how totally unaware these very informed counterparts were—and these were not just freshman back benchers. These were people whom we have known for years, many of whom are your personal friends.

They were astounded by what they heard when—I think I may have embarrassed Dick—I asked Senator Lugar to stand up and repeat his description again of what he had seen. So I think you are right about part of this being an education program. It seems to

me this should also be part of Head-of-State leadership in various countries, because it astounded me how little they knew, the same people who are incredibly informed on the detail of force structures, incredibly informed about all the other aspects of defense/foreign policy questions. I was somewhat shaken by what they were unaware of.

Senator NUNN. I would agree, Mr. Chairman, completely. We at the foundation called NTI realize completely this is primarily governmental in terms of what has to happen, but we have gotten a coalition of think tanks together where we are funding about 14 think tanks around the world, mainly in Europe, Russia, the United States, to work together to basically first grasp the significance of the threat and describe it analytically, and then to educate policymakers. That is not the whole answer. We think it will make a difference.

I am spending a lot of time on that myself. John Hamre used to be Deputy Secretary of Defense, Kirk Campbell, who was over in the Defense Department, they are working on it.

The CHAIRMAN. I guess what I am just trying to say to you is, I just cannot underscore enough how important I think what you are doing is, because without informing people, it is difficult to justify the amounts of money that all of us in this room know we need to deal with this most urgent problem. But I am convinced this is one of those things that when you see it, when you understand it, it is so compelling, I think it will be the least difficult appropriation that will be required in our various parliaments. I apologize for interrupting, but it was on point at the time, and I would yield back to my colleague from Florida.

Senator NUNN. I hope Senator Lugar will be able to show this committee at some point some of the videos that were taken out on the recent trip and other trips, because if you could put together about a 1/2 hour video and get the attention of the committee and actually see physically what we are talking about, it would make an awful lot of difference, and Lugar goes on—his junkets go to the most God-forsaken places on the face of the earth. Don't sign onto one unless you really want to work, but it is, I think, very educational, and I think that kind of visual demonstration would be helpful.

Senator NELSON. Thank you, Mr. Chairman. We have been talking about the need to destroy these nuclear warheads. We have been talking about the need to get our arms around all of the tactical nuclear weapons. What about the fissionable material in the Soviet Union. Can you enlighten the committee on how we ought to approach that?

Senator NUNN. Well, my order of priority would be the United States and Russia getting their own houses in order to begin with, and that would involve getting on top of this whole question of materials, nuclear, chemical, and biological.

We have made a lot of progress in helping the Russians, and I say helping them, because it is their materials. They have to end up doing most of it. We cannot do it for them, but we have helped them with resources, and we have guided them in terms of making this a big priority, which I think they completely agree with, but

the bottom line is, after 10 years we have got about 40 percent of it under what we would call adequate security.

When I say it, I mean materials, fissile materials that are not in weapons, that are under MINATOM, not under the military, the Ministry of Atomic Energy, and so the good news is we have helped them secure to our, what we think are high standards about 40 percent, meaning about 60 percent is not yet up to those standards.

It does not mean that there is not some security attached to it. It means it is not adequate security, not when you consider a small amount of that material could make a nuclear weapon that could blow up a city if it was in the hands of terrorists, and not when you consider that many times the people who guard those programs have not gone through the same personnel reliability that is so critical in all of this area, and the same thing would apply to chemical and biological, particularly the biological side.

We are just beginning to work with the Russians on that one, and that is part of what Senator Lugar and I have been talking about is the global coalition, the U.S. and Russia should lead it. We need to put our own houses in order as an example, but not wait for that to be completed and ask other countries to join us all over the globe if they have any nuclear materials.

Senator Nelson, there are over 50 countries in the world that have research reactors that are not used for weapons, but they have weapons-grade material that could be used to build a nuclear weapon. In fact, you could produce many, many nuclear weapons from the nuclear material in research reactors, which in most cases are nowhere near the security standards that we need.

For instance, there was—there was and is nuclear material in downtown Belgrade. The Russians in the period of time when we were bombing Belgrade, and they were so upset about it, did have the presence of mind, I am told, to call us and tell us where that was located so we would not hit it with a weapon, so we have got that situation in many countries around the globe, and IAEA is doing an inventory now at our request—NTI is funding it—to try to give us a complete list of where that material is, where it is located, and I think Governments have to step up to the plate and get that under lock and key and secure as quickly as humanly possible.

Senator NELSON. Thank you, Mr. Chairman.

The CHAIRMAN. I would say to my former colleague, I set up a closed briefing in the Capitol and asked the laboratories to come in and speak to our colleagues, and the head of one of the laboratories said, if anyone thinks—and I am paraphrasing. This is close to a quote—if anyone thinks it is easy to construct home-made nuclear device, they are wrong. If anyone thinks it is not possible to do it, they are even more wrong.

And I am not revealing any classified information when I say that the laboratories have spent a good deal of time making judgments about what is feasible for a relatively informed terrorist organization to do relative to the construction, not of a dirty bomb—that is a radiological bomb that could cause very little human damage, but catastrophic economic damage, but a nuclear device.

Actually, I think it may be the only time in history it has ever been done, I asked them to show us such a device, and it is

chilling. The hardest part is making sure the design is correct, but that is possible, and the second even more difficult piece is having the fissile material, but it does not take a lot. It does not take a lot, and I think we are wasting so much time.

Senator NELSON. That is why I asked the question.

The CHAIRMAN. I know, and I just think it is important.

Senator NELSON. Because I was chilled, too, Mr. Chairman.

The CHAIRMAN. I only have one more question. Ken, Sam has suggested, as has Senator Lugar, that, and if they have not, I would suggest it not on their behalf, but I would suggest it in the name of their program, the Nunn-Lugar program, that we extend this program to the Moscow Treaty. Even though it may be classified when we get it, I do not have an answer from the Defense Department to a question I posed. There is a formal request, and they have acknowledged they will respond to it.

I asked what would the cost—that is what I was getting at with the General, what will the cost be to the United States of America to comply with the Moscow Treaty, assuming that we destroy some of the warheads and we have others stored in facilities that are available for substitution and/or reloading into operational platforms.

But whatever the number is, it is significant. It is not a small number, and as Senator Lugar has pointed out so many times here, you have a clear desire on the part of the Russians to at least comply, to an extent, well beyond what they have with the Chemical Weapons Convention, and—at least arguably from their perspective—an inability to do it, either financially or technologically, and we may find ourselves, some of us think, absent considerable help from the United States, in a similar situation with this treaty when our successors are sitting here 3, 5, 7, 9 years down the road, and we ask how much progress the Russians have made, resulting as a consequence of our own national technical means, or a START I verification regime, which will be in effect until the last 3 years of this treaty, or with new regimes that the administration anticipates in an unspecified way we will arrive at with the Russians, along the line suggested by the General and more open with one another and transparent about how we are moving, we may very well find ourselves 9 years down the road and there are still a whole lot of weapons deployed well beyond the range or the 1,700 to 2,200 level.

That is a very long preamble to a short question. In your support of the Nunn-Lugar activities, do you think we should, assuming we can gain the consensus and the money, broaden that program to cover the Moscow Treaty if, in fact, it is determined by the administration that the Russian will is present but the capacity to implement the treaty is not?

Mr. ADELMAN. Yes, if by that you mean the activities under the Moscow Treaty and not amending the Moscow Treaty. Obviously, amending the Moscow Treaty in that manner would open it up for a vote by the Russian parliament on that, but the activities, yes. When I last tuned into the Nunn-Lugar programs that were so wonderful at the beginning of the first Bush administration, it seemed to me that while the intent of Congress was stupendous, and especially of these two Senators, that the way that the pro-

gram was being administered was breaking up the task a lot. I was involved in some effort to look at a systems approach to have a one-person or one-agency responsible for the whole objective, and then subcontract for all kinds of particular activities.

And it seems to me if you applied that same effort to something like this, and say here is where you are now, in 10 years you will have to be at the minimum 2,200. That means you have to get into all the kinds of things that the systems integrators do so well in the United States and probably do so poorly in Russia and help them with the whole thing. But that does not mean sending over cutters. It does not mean sending over this, that, and the other in a million little hardware parts.

It means having someone in overall responsibility under the Nunn-Lugar process. You would also solve the problem that I think Sam Nunn talked about during his testimony, which was quite brilliant, that when you look at the legal obligations of this treaty, it is an hour long. What happens in the year 2012. There is no legal obligation until you get to that hour.

So if you had a program of systems integration with a game plan on this, at least you have a measure along the way of how you are doing to get to the hour.

The CHAIRMAN. That is the very point Senator Lugar and I raised with respect to the administration officials *ad nauseam* when they were here, and they indicated that was not a concern, and this was all going to be OK, and I think they may be right.

Mr. ADELMAN. They may be right. But if you listen to Senator Lugar on the Chemical Weapons Convention you do not get any warm, fuzzy feeling.

The CHAIRMAN. I have no confidence. I am just acknowledging the possibility.

Mr. ADELMAN. I talked in my testimony about track records. You have a track record here on Russian compliance, which is not comforting.

The CHAIRMAN. I was quite frankly discouraged by what appeared to be—and this may be unfair—the lack of thinking here. Now, maybe they have thought it through in a lot more detail than they were prepared to express here.

Senator NUNN. The good news, Mr. Chairman, there is no way you can breach the treaty except for 1 hour, and therefore we do not have to spend very much money verifying it, because there is nothing to verify, but it is a good spirit here, and I think that good spirit can bring huge results, and that is a part of it I think we ought to keep in mind.

Mr. ADELMAN. The longer I stay with Senator Nunn and listen to him, that kind of good news is really good news compared to the subjects he is usually talking about which scare the dickens out of all of us, and justifiably so.

Senator you are looking for good news wherever you can find it.

The CHAIRMAN. I would like, with your permission, to submit some questions for the record—and I will not burden you. I have two or three questions, rather than keep you any longer, that I would like to submit to you all. If over the next week or 10 days you could answer them for the record, I would appreciate it very much.

OK, gentlemen, thank you very, very much for your testimony. We appreciate it. Thank you, and we will recess for 3 minutes. [Recess.]

The CHAIRMAN. The hearing will come to order. I welcome you all. I would ask that my statement be placed in the record as if read, and as they say in my business, a very brief point of personal privilege by way of explanation. There is a little bit of a dilemma. My elderly father is in difficult physical circumstances, and that caused me to come a little late, and I needed to recess there for a moment to take a phone call, and for that I apologize.

But we also now have our second panel of witnesses. Father Drew Christiansen, of the Society of Jesus, the Jesuits, and the International Affairs Counselor to the U.S. Conference of Catholic Bishops, Mr. Dimitri Simes, president of the Nixon Center—I beg your pardon.

Father CHRISTIANSEN. He was here and had to leave.

The CHAIRMAN. I apologize to him. I will send him a note to that effect.

Mr. Christopher Paine, co-director of the Nuclear Warhead Elimination and Nonproliferation Project of the Natural Resources Defense Council, and Mr. Frank Gaffney, who has been here many times before, president of the Center for Security Policy. I will say more about these witnesses later, but in the interest of time I will place most of that in the record now, and maybe if you are willing we could hear your testimony in the order you have been introduced.

Father.

## STATEMENT OF FATHER DREW CHRISTIANSEN, S.J., COUNSELOR, INTERNATIONAL AFFAIRS, U.S. CONFERENCE OF CATHOLIC BISHOPS

Father CHRISTIANSEN. Thank you, Mr. Chairman. It is a privilege to be invited here today to address the moral dimensions of this important treaty. I speak on behalf of the United States Conference of Catholic Bishops, which has addressed the ethical dimensions of U.S. nuclear policy many times and in considerable detail in the past 3 decades.

I also speak as an ethicist who has studied, taught, and written about the ethics of war and peace for many years. The United States Conference of Catholic Bishops welcomes the new Treaty on Strategic Nuclear Weapons and prays that it will not be seen as an end but as one of many steps that must be taken if we are to achieve the goal of a mutual verifiable global ban on nuclear weapons.

Our perspective on this treaty is derived from our moral analysis of the nuclear predicament which has faced the world for more than a half century. The moral assessment begins with a judgment that nuclear weapons, their use and threatened use posed unique moral challenges, particularly to the just war traditions, norms of discrimination, and proportionality.

While we have not condemned every conceivable use of nuclear weapons *a priori* we have categorically condemned counter-population attacks and have opposed doctrines that are based on fight-

ing and winning a limited nuclear war, and those that entail the first use of nuclear weapons.

In short, we have strongly objected to policies and practices that would blur the distinction between nuclear and conventional weapons, or would erode the fragile barrier against their use. In fact, in 1993, the bishops in their 10th anniversary peace statement, *The Harvest of Justice is Sown in Peace,* said, "we abhor any use of nuclear weapons." Given the moral problems associated with the use of nuclear weapons, the Bishops offered a strictly conditioned moral acceptance of deterrence.

In their 1983 pastoral letter on this subject, *The Challenge of Peace,* the Bishops judged that nuclear deterrence may be morally acceptable as long as it is limited to deterring nuclear use by others, sufficiency, not a nuclear superiority is its goal, and it is to be used as a step on the way toward progressive disarmament.

This basic two-fold judgment, moral opposition to most every conceivable use of nuclear weapons, and a strictly conditioned moral acceptance of nuclear deterrence, shapes our perspective on the Moscow Treaty and its implications for U.S. nuclear policy.

Today, the threat of global nuclear war may seem more remote than at any time in the nuclear age, but we face a different but still dangerous period in which the use of nuclear weapons remains a significant threat. The end of the cold war has changed the nuclear question in three ways. First, nuclear weapons are still an integral component of U.S. security policies, but they are no longer and should not be at the center of these policies or of international relations. During the cold war, a dominant concern was the ethics of nuclear weapons.

Today, this concern, while still critically important, must be considered in the context of a more fundamental question of the ethical foundations of political order. How do we achieve a just and stable political order so that nations will no longer rely on nuclear weapons for their security?

Second, our Nation, together with other nuclear powers, has new opportunities to take steps toward progressive nuclear disarmament. If during the cold war the first task was to stop the growth of already bloated nuclear arsenals, today the moral task is to proceed with deeper cuts and ultimately to ban these weapons entirely.

Third, the threat of global nuclear war now seems remote, but the use of nuclear weapons by accident, by terrorists, or in a regional conflict remains a significant threat. Mutual restraint, international cooperation, and leadership by example are particularly important if the United States is to address effectively the very real threat that nuclear weapons still represent.

Just as the nuclear powers must prevent nuclear war, so they, with the rest of the international community, bear a heavy moral responsibility to stop the spread of nuclear, biological, and chemical weapons. The Moscow Treaty is a welcome step, insofar as it reflects and is a product of these dramatic changes in the world, after the end of the cold war.

It takes place in the context of significantly improved relations between Russia and the United States, and is an example of the mutually reinforcing connection between progress in political rela-

tionships and progress in arms control. It makes deep cuts in existing nuclear arsenals after years of stalled negotiations. It is an example of the useful role that independent initiatives such as the U.S. commitment to unilateral cuts last year, the role that they can play in moving forward the arms reduction process.

Finally, it is and should be an effort to address concerns about accidental use and proliferation by helping Russia dismantle and make more secure its nuclear weapons complex.

While we welcome the new treaty and the President's stated commitment to seek ways to escape mutually assured destruction, we are concerned the United States planning and policies keep pace with the dramatic changes in world politics since the end of the cold war and move away from reliance on nuclear weapons as a central part of our Nation's military doctrine. The following issues are of particular importance.

Further cuts in nuclear weapons—we disagree with those who claim that this agreement represents the lowest level our Nation can or should go in reducing its nuclear stockpiles. Even when this agreement is fully implemented 10 years from now, Russia and the United States will still have thousands of deployed nuclear weapons and thousands more held in reserve for possible future use. Much deeper, more irreversible cuts in both strategic and tactical weapons are both possible and necessary.

As the Bishops said in their 1993 statement, *The Harvest of Justice is Sown in Peace,* the eventual elimination of nuclear weapons is more than a moral ideal. It should be a policy goal. More dramatic progress in arms control and disarmament is the only basis for the continued moral legitimacy of deterrence.

The use of nuclear weapons—given our moral assessment of nuclear weapons, we oppose the continued readiness of the United States to use nuclear weapons, especially against nonnuclear threats, and the potential development of new weapons for this purpose. As I mentioned earlier, we have long held that a minimum nuclear deterrent may be justified only to deter the use of nuclear weapons. It is long past time for the United States to commit itself never to use nuclear weapons first, to reject unequivocally proposals to use nuclear weapons to deter nonnuclear threats, and to reinforce the fragile barrier against nuclear use.

Ratification of the test ban treaty—we urge the President to support the ratification of the Comprehensive Test Ban Treaty. An end to nuclear testing is one essential step in escaping the moral predicament posed by nuclear deterrence. Moreover, the United States cannot credibly urge other nations to forego these weapons if it is not even willing to ratify a treaty to stop testing its own nuclear weapons.

Threat reduction—more must be done to assist nuclear nations, particularly Russia, in dismantling and safeguarding the nuclear weapons and nuclear materials. The thousands of tactical nuclear weapons that are not covered by existing arrangements are of particular concern.

Finally, this treaty and U.S. nuclear policy generally must be connected to the special responsibility of the United States and other nuclear powers to use their influence and resources to lead in the construction of a more just and stable international order.

An essential part of the international order must be a cooperative security framework that reverses the proliferation of nuclear weapons, guarantees the security of nonnuclear States, and seeks to develop and employ alternatives to war.

The United States and other nations should take the necessary measures to help ensure the development of stable, democratic Governments in nations which have nuclear weapons or might seek to obtain them. Our Nation should lead in the challenging task of envisaging a future rooted in peace with new global structures of mediation and conflict resolution with a world that has moved beyond nuclear weapons.

Thank you, Mr. Chairman. I am grateful you have given us this opportunity to testify to the committee.

The CHAIRMAN. Thank you, Father.

Mr. Paine.

**STATEMENT OF CHRISTOPHER E. PAINE, CO-DIRECTOR, NUCLEAR WARHEAD ELIMINATION AND NONPROLIFERATION PROJECT, NATURAL RESOURCES DEFENSE COUNCIL**

Mr. PAINE. Thank you, Mr. Chairman. I believe that the committee staff has my full statement, and I would like to summarize it.

The CHAIRMAN. Would you mind pulling the microphone close up?

Mr. PAINE. Thank you for this opportunity to testify today and to present the views and concerns of the Natural Resources Defense Council regarding the proposed Moscow Treaty. I also chair the board of the Los Alamos Study Group, which is a small nonprofit think tank in Santa Fe, New Mexico, that is an independent source of information and analysis about nuclear weapons, research and radioactive contamination at Los Alamos, and the study group has asked me to state they concur in the testimony I am going to present today.

We are not persuaded that the document which lies before you rises to the level of what the legal profession would call a legally cognizable treaty obligation. That is, an agreement with binding, self-evident reciprocal obligations such that an impartial authority or the parties themselves can reasonably ascertain their mutual obligations and ensure compliance.

Whatever the treaty's immediate political value to Presidents Putin and Bush, as a legally binding agreement, it is a sham, a mere memorandum of conversation masquerading as a treaty, and that raises the question of whether the Senate can or should ratify the treaty in its present form without the addition of significant binding conditions to cure the most serious defects.

Lest we forget, a treaty once ratified becomes part of the law of the land, and no Senator or committee of Senators should knowingly vote for a law that is so flawed in its construction that its essential mandates cannot be divined, adjudicated, or enforced. Mr. Chairman, the present agreement brings to mind that old nostrum that was once very popular with some of our Republican friends, a bad treaty is worse than having no treaty at all. It may actually be quite apt in this case.

Unfortunately, as we have discussed, the legal deficiencies in this agreement are just the surface manifestation of a much deeper problem. This administration is abandoning binding, verified nuclear arms control agreements as a tool of American diplomacy. It is systematically replacing cooperative approaches to security based on verified mutual or multilateral arms prohibitions and constraints with unilateral military preparedness and preemptive strike planning. We saw it first with the President's rejection of the Comprehensive Test Ban Treaty, an agreement that Russia and all our allies have ratified.

Then came the unilateral withdrawal from the ABM treaty, and now this, the jettisoning of predictability, verifiability, irreversibility, and mutual accountability as objectives in our nuclear relationship with Russia in favor of obtaining increased unilateral flexibility for the U.S. nuclear force posture, which of course translates into increased nuclear flexibility for Russia's nuclear forces as well. It is a stunningly bad tradeoff.

As a consequence of these misplaced priorities, the Moscow Treaty imposes no limitation whatsoever on the current or future size of U.S. and Russian nuclear forces and warhead stockpiles; nor does it require improvements in cooperative monitoring and storage for tens of thousands of nondeployed Russian warheads, warhead components, and stocks of nuclear weapon usable materials. All categories of nuclear warheads and delivery systems are left uncontrolled, including tactical nuclear systems.

Even the treaty's sole purported limit on operationally deployed strategic warheads turns out to be hollow, a public relations stunt that actually expires the very moment it enters into force.

Mr. Chairman, this agreement does not require the destruction of a single Russian or U.S. missile silo, strategic bomber, submarine, missile, warhead, or nuclear warhead component. It does nothing to move Russia or the United States down the road toward deep verified nuclear force reductions or toward verified warhead elimination and eventual nuclear disarmament. It therefore very clearly does not fulfill the U.S. obligation under Article 6 of the Nonproliferation Treaty to engage in good faith negotiations on effective measures relating to nuclear disarmament.

This treaty is clearly not an effective measure as described by its own proponents, and certainly it is not effective within the meaning of the NPT. Even a cursory reading, Mr. Chairman, of the administration's Nuclear Posture Review will convince you that this agreement was not undertaken as a good faith step toward nuclear disarmament.

One would have thought after September 11 that reducing nuclear proliferation risk from Russia would have leapt to the forefront of the Bush administration's nuclear arms control agenda, but achieving meaningful verified controls on Russia's nuclear arsenal requires extensive American reciprocity and, despite all the talk about a new U.S.-Russian relationship, the administration remains transfixed with the possibilities inherent in the unilateral use of U.S. global nuclear strike capabilities to deter and combat proliferation.

Mr. Chairman, this new element of our nuclear posture—planning the use of U.S. weapons of mass destruction to preempt the

possible use of WMD by other nations—wreaks havoc with our nuclear nonproliferation obligations and assurances, and only validates and encourages other nations in their quest for similarly destructive deterrent and war-fighting capabilities.

Let me outline briefly the major difficulties with this treaty.

The effective date of the treaty's only constraint, a reduction to 2,200 10 years hence, in what President Bush calls operationally deployed strategic warheads, precisely coincides with the treaty's expiration, and in my prepared statement I go into some detail on this. I have concluded that this one portion of the treaty, the only effective part of it, never enters into force. It never becomes binding. I think this is a matter for the attention of your legislative counsel.

The question you should pose is this: Does the Moscow Treaty actually contain any legally binding obligations on the parties to do anything? My own personal view is that it does not, and that the intent of the treaty expressed in the preamble, "to implement significant reductions in strategic arms," is not borne out in the binding articles. Obviously, as a supporter of deep nuclear arms reductions I am eager to be proven wrong, but I am not betting on it.

As you have noted, Mr. Chairman, in previous hearings, the treaty lacks verification and inspection provisions of any kind. A decade ago this month you offered condition 8 to the START I treaty, the START I treaty resolution of ratification which was adopted and remains binding on the President. This condition reads as follows:

> Inasmuch as the prospect of loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures to monitor the number of nuclear stockpile weapons on the territory of the parties to this treaty, and the location and inventory of facilities on the territory of the parties capable of producing or processing significant quantities of fissile material.

I wish we had done that in the last 10 years, Senator. You were very right to offer that provision, and we would have been far ahead of the game now in dealing with the threat of nuclear terrorism if those controls were in effect.

Now, it is obvious that the Moscow Treaty makes no provision for the measures outlined in the Biden condition. It is unclear from the testimony received to date whether the administration even sought to establish such reciprocal arrangement in connection with this treaty, as the condition required.

The committee has received a variety of conflicting responses on the verification question. Secretary Rumsfeld testified he saw no need to include detailed verification procedures in this treaty, because there simply is not any way on earth to verify what Russia is doing with all their warheads and their weapons.

But General Myers testified that we pushed hard on the verification regime trying to get some action there, and it just never materialized. On the other hand, the General's prepared statement suggested that a virtue of the Moscow Treaty is that it will not subject the U.S. to intrusive inspections in some of our most sensitive military areas.

Secretary Powell testified that START I verification procedures would give us transparency as they go below the START level, but he did not explain how this would apply, if, in fact, at all, to the problem of monitoring Russia's nuclear stockpile.

At another point in the transcript, Secretary Powell stated that this treaty has nothing to do with the problem of loose nukes and materials flowing to Iraq, which he claimed was being dealt with under Nunn-Lugar debt reduction efforts.

Mr. Chairman, I would point out that the Nunn-Lugar program did not originate in a void but, rather, came into being to help Russia and the other new states of the Former Soviet Union carry out their START I and NPT commitments. There obviously has to be further U.S.-Russian agreement of some kind on comprehensive threat reduction in order to expand the scope and effectiveness of the Nunn-Lugar program.

The Moscow Treaty provides no real basis for expanding this effort, despite all the good words that have been spoken today. I doubt that verifying the future force loadings on Russian strategic bombers and missiles was what Senators Nunn and Lugar had in mind when they began this program.

There are sufficient inconsistencies in the hearing record for the committee to be very concerned. To sort this out, I think you need to obtain the negotiating record of the discussions concerning verification.

By radically condensing or, more accurately, skipping the treaty negotiation process, the administration's approach clearly has the short-term political benefit of appearing to achieve more rapid progress than the previous formal START negotiating process, but I wonder if the President understands that the Moscow Treaty is actually START III Lite, that is, the 2,500 warhead limit from the 1997 Clinton-Yeltsin Helsinki Accord, modified by some accounting gimmicks to exclude several hundred warheads associated with strategic systems in overhaul.

Third, the treaty lacks any interim reduction milestones for assessing compliance. The treaty permits either side to do nothing, or even to increase its operational deployed strategic theater and tactical nuclear forces for a period of 10 years prior to this evanescent culminating moment of simultaneous compliance combined with dissolution of the treaty.

The administration officials who have come before the committee have all said that this President does not care and will not care how many warheads Russia deploys. Even if Russia were to stick its 6,000 at the START I level, Secretary Powell testified that the President would say, fine, I am safe with 1,700 to 2,200, so do what you think you have to do.

But Mr. Chairman, a future President might not be comfortable with that. Members of this body might not be comfortable with that. Depending on when and where Russia rolled out these addi-

tional weapons, some of our European allies, Japan or China might not be comfortable with that, and their responses could easily rebound on our own and on global security.

President Bush may think that his own comfort level, buttressed by thousands of potentially deployable nuclear weapons that he plans to keep in reserve, would remain undisturbed, but this Nation's and the world's comfort level might not. They may not look at it that way, and that is precisely why the Constitution requires the advice and consent process, so that treaties reflect more than the personal predilections of the President.

Furthermore, I simply do not believe Secretary Powell's testimony on this point, however well-intentioned it might be. Certainly no modern Republican President, indeed no President of either party has ever withstood the political pressures that would ensue from the development of such a nuclear disparity between the U.S. and a foreign power.

As you recall, Mr. Chairman, even the whiff of nuclear parity America experienced at the hands of the Soviets in the late 1970's caused a near meltdown in Republican circles, and Secretary Rumsfeld has attested to the opposite position, which is that if any nation tried to sprint toward parity or superiority in nuclear capabilities with the U.S., that the response would come from our reserve warheads and uploading either for deterrence or defense. So in other words, the Joint Chiefs might not feel safe with 1,700 to 2,200 warheads.

There is no agreed definition or common understanding of what is being reduced. The treaty simply cites two statements which are disparate and do not refer to the same force structures or categories of weapons.

The CHAIRMAN. Could you begin to summarize?

Mr. PAINE. So President Putin talked about further drastic irreversible and verifiable reductions, and we know what the President talked about, reductions in operationally deployed strategic warheads. Those are not the same things.

The Moscow Treaty does not require the elimination of a single missile silo or submarine, nuclear warhead, or bomb. The treaty has an exceedingly permissive withdrawal clause, and I think that needs to be attended to. To fix the treaty, Senator, we recommend a number of conditions, and let me just summarize those.

I think the first condition would be to direct the President to achieve a peacetime ceiling of 1,700 operationally deployed strategic weapons within 5 years. The current reduction schedule, or lack of it, is way too loose.

A second condition would direct the President to bring down the active U.S. nuclear reserve stockpile to 1,000 weapons or less within 5 years, and either verifiably store or retire and dismantle inactive stockpile weapons.

A third condition would direct the President to reduce the total stockpile of nuclear weapons in the custody of the Department of Defense to 3,500 weapons within 5 years.

Condition 4 would force a choice, in Secretary Powell's term, "pressurize the system" to choose between verified component storage or demilitarization and disposal.

And finally, require the Senate's advice and consent to exercise the withdrawal clause.

With the addition of these conditions, the administration's memo treaty could be made minimally acceptable, and we then could support its ratification. Without significant conditions like those I have outlined, we believe the treaty is for all practical purposes meaningless. In that event, in order to avoid further damage to the integrity of the U.S. treaty process, we could not support ratification of the Moscow Treaty.

Thank you.

[The prepared statement of Mr. Paine follows:]

PREPARED STATEMENT OF CHRISTOPHER E. PAINE

Mr. Chairman, members of the Committee, the Natural Resources Defense Council appreciates this opportunity to present its views and concerns regarding the proposed "Moscow Treaty" on Strategic Offensive Reductions. I also chair the board of the Los Alamos Study Group, a small non-profit think-tank in Santa Fe, N.M. that is an independent source of information and analysis about nuclear weapons research and radioactive contamination at Los Alamos National Laboratory. The Study Group has asked me to state that they concur in the testimony I will present today.

We are not persuaded that the document which lies before you rises to the level of what the legal profession would call a "legally cognizable" treaty obligation—that is, an agreement with binding, self-evident reciprocal obligations, such that an impartial authority, or the parties themselves, can reasonably ascertain these mutual obligations and adjudicate compliance.

Whatever the treaty's immediate political value to Presidents Putin and Bush, as a legally binding agreement it is a sham, a mere "memorandum of conversation" masquerading as a treaty. And that raises the question of whether the Senate can or should ratify the treaty in its present form, without the addition of significant binding conditions to cure the most serious defects.

Lest we forget, a treaty once ratified becomes part of the law of the land, and no Senator, or committee of Senators, should knowingly vote for a law that is so flawed in its construction that its essential mandates cannot be divined, adjudicated, or enforced.

Mr. Chairman, the present agreement brings to mind an old nostrum that was once very popular with some of our Republican friends: "A bad treaty is worse than having no treaty at all." It may actually be quite apt in this case.

Unfortunately, the legal deficiencies in this agreement are just the surface manifestation of a much deeper problem. Mr. Chairman, this Administration is abandoning binding, verified nuclear arms control agreements as a tool of American diplomacy. It is systematically replacing cooperative approaches to security, based on verified mutual or multilateral arms prohibitions and constraints, with unilateral military preparedness and preemptive strike planning.

We saw it first with the President's rejection of the CTBT, an agreement that Russia and all our allies have ratified. Then came the unilateral US withdrawal from the ABM Treaty. And now this—the jettisoning of predictability, verifiability, irreversibility and mutual accountability as objectives in our nuclear relationship with Russia, in favor of increased unilateral flexibility for the US nuclear force posture, which of course translates into increased nuclear flexibility for Russia's nuclear forces as well.

It's a stunningly bad tradeoff. As a consequence of these misplaced priorities, the Moscow Treaty imposes no limitation whatsoever on the current or future size of U.S. and Russian nuclear forces and warhead stockpiles. Nor does it require improvements in cooperative monitoring and secure storage for tens of thousands of non-deployed Russian warheads, warhead components, and stocks of nuclear-weapon-usable materials.

All categories of nuclear warheads and delivery systems are left uncontrolled, including tactical nuclear systems. Even the treaty's sole purported limit, on "operationally deployed strategic warheads" turns out to be hollow, a public relations stunt that expires the moment it enters into force.

Mr. Chairman, this agreement does not require the destruction of a single Russian or U.S. missile silo, strategic bomber, submarine, missile, warhead, or nuclear

warhead component. It does nothing to move Russia or the United States down the road toward deep verified nuclear force reductions, verified warhead elimination, and eventual nuclear disarmament. It therefore very clearly does not fulfill the U.S. obligation under Article VI of the Nonproliferation Treaty to engage in "good faith" negotiations on "effective measures" relating to nuclear disarmament.

This treaty is clearly not an "effective measure" within the meaning of the NPT, Mr. Chairman, and even a cursory reading of the Administration's Nuclear Posture Review will convince you that this agreement was not undertaken as a "good faith" step toward nuclear disarmament.

One would have thought, after Sept. 11, that reducing nuclear proliferation risks from Russia would have leapt to the forefront of the Bush Administration's nuclear arms control agenda. But achieving meaningful verified controls on Russia's nuclear arsenal requires extensive American reciprocity, and despite all the talk about a new US-Russian partnership, the Administration remains transfixed with the possibilities inherent in the unilateral use of US global nuclear strike capabilities to deter and combat proliferation.

Mr. Chairman, this new element of our nuclear posture—planning the use of US weapons of mass destruction to preempt the possible use of WMD by other nations—wreaks havoc with our nuclear nonproliferation obligations and assurances, and only validates and encourages other nations in their quest for similarly destructive deterrent and war-fighting capabilities.

Let me outline the most salient problems with the Moscow Treaty:

*(1) The effective date of the treaty's only constraint—a reduction to 2,200 ten years hence in what President Bush calls "operationally deployed strategic warheads"—precisely coincides with the treaty's expiration.*

Article I of the treaty states that a reduction to 2,200 "strategic nuclear warheads" shall occur "by December 31, 2012." The Administration's "Article-by-Article Analysis" submitted with the treaty explains:

> The Moscow Treaty does not provide for sublimits or interim reduction levels or require a Party to reach the final reduction level prior to December 31, 2012. Therefore, prior to December 31, 2012 each Party is free to maintain whatever level of strategic nuclear warheads it deems appropriate . . ."

However, Article IV provides that the treaty "shall remain in force until December 31, 2012 . . ." According to Webster's Third International, Unabridged, the use of "until" indicates "continuance(as of an action, condition, or state) up to a particular time." In other words, at 12 am on December 31, the treaty is no longer in force, but this is precisely the moment when the 2,200 warhead limitation is slated to take effect.

Before the only obligation in the treaty becomes legally binding on the parties, the treaty expires. Truly, this is the kind of arms control "treaty" that even Saddam Hussein could love.

It is also a matter for the attention of your legislative counsel. In light of the aforementioned facts, the question you should pose to them is this: "Does the Moscow Treaty actually contain any legally binding obligation on the parties to do anything?"

My own personal view is that it does not, and that the intent of the treaty expressed in the preamble—"to implement significant reductions in strategic arms"—is not borne out in the binding articles. Obviously, as a supporter of deep nuclear arms reductions, I'm eager to be proven wrong.

*(2) The treaty lacks verification and inspection provisions of any kind.*

Mr. Chairman, exactly a decade ago this month, you offered Condition 8 to the START I Treaty Resolution of Ratification, which was adopted and remains binding on the President. This condition reads as follows:

> In as much as the prospect of the loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the United States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures, to monitor—
>
> (A) the numbers of nuclear stockpile weapons on the territory of the Parties to this Treaty; and
>
> (B) the location and inventory of facilities on the territory of the parties to this treaty capable of producing or processing significant quantities of fissile material.

Now it's obvious, Mr. Chairman, that the Moscow Treaty makes no provision for the measures outlined in the Biden Condition. It is unclear, from the testimony received to date, whether the Administration even sought to establish such reciprocal arrangements in connection with the current treaty, as the condition requires.

The committee has received a variety of conflicting responses on this point:

- Secretary Rumsfeld testified, "We saw no need to include detailed verification procedures in this treaty" because "there simply isn't any way on Earth to verify what Russia is doing with all their warheads and their weapons."
- But General Myers testified, "we pushed hard on a verification regime . . . trying to get some action there, and it just never materialized."
- On the other hand, the general's prepared statement suggested that a virtue of the Moscow Treaty is that "it will not subject the U.S. to intrusive inspections in some of our most sensitive military areas."
- Secretary Powell testified that START I verification procedures "would give us transparency as we go below the START level," but he did not explain how this would apply to problem of monitoring Russia's nuclear stockpiles.
- At another point in the transcript, Secretary Powell states: "This treaty has nothing to do with the problem" of loose nukes and materials flowing to Iraq," which he claimed was "being dealt with under Nunn-Lugar comprehensive threat reduction efforts."

Mr. Chairman, I would point out that the Nunn-Lugar program did not originate in a void, but rather came into being to help Russia and the other new states of the former Soviet Union carry out their START I and NPT commitments. There obviously has to further US-Russian agreement of some kind on "comprehensive threat reduction" in order to expand the scope and effectiveness of the Nunn-Lugar program. The Moscow Treaty provides no real basis for expanding this effort. I doubt that verifying the future force loadings on Russian strategic bombers and missiles was what Senators Nunn and Lugar had in mind when they began this program.

There are sufficient inconsistencies in the hearing record for the Committee to be concerned. To sort this out, I think you will need to obtain the negotiating record of the discussions concerning verification. What is the real explanation for the lack of progress on this front?

One prong of the Bush Administration's strategy for burying negotiated arms control has been to publicly profess a commitment, not to verification, but to increased "transparency," by which they apparently mean a kind of informal, anemic substitute for negotiated, mandatory, reciprocal, and intrusive verification.

The Moscow Treaty's lack of any verification provisions appears designed to cater to, or perhaps hide behind, the traditional Russian penchant for nuclear secrecy, a penchant shared in no small degree by the President's own national security team.

The Bush team has deftly implemented their new approach by unilaterally announcing—indeed virtually dictating—that the two sides pursue ill-defined unilateral reductions, rather than a negotiated treaty containing clear, specific reciprocal obligations, and the specific modalities to verify them.

By radically condensing, or more accurately skipping, the treaty negotiating process, this approach has the short-term political benefit of appearing to achieve more rapid "progress" than the previous formal START negotiating process.

But this too is an illusion. Unless this committee and the full Senate intervenes, the Moscow Treaty will clearly permit larger strategic nuclear arsenals, over a longer period of time, than those contemplated in the agreed Helsinki framework for START III, and much larger arsenals than would have ensued from a good faith, serious arms reduction negotiations between the parties.

Given all the effusive hype from his subordinates, I wonder if the President understands that his Moscow Treaty is actually "START III-Lite"—that is, the 2500 warhead limit from the 1997 Clinton-Yeltsin Helsinki accord, modified by some accounting gimmicks to exclude several hundred warheads associated with strategic systems in overhaul.

In the context of this agreement, the 1,700 number defining the low end of the range of operational deployments is meaningless—pure window dressing, added only to help Putin narrow the public relations gap with Russia's proposal for a 1500 warhead limit, and to create the political illusion that President Bush is a more daring risk taker for peace than Bill Clinton.

Despite these maneuvers, the unfortunate fact remains that under the Moscow Treaty, America's and other nations' nuclear security remains unpredictably in the hands of Vladimir Putin and his successors, unmediated by any firm, long-term treaty obligations to reduce, monitor, secure, or destroy Russia's nuclear arms.

*(3) The treaty lacks any interim reduction milestones for assessing compliance.*

The treaty permits either side to do nothing, or even to increase its operationally deployed strategic, theater, and tactical nuclear forces, for a period often years prior to the evanescent culminating moment of simultaneous compliance-cum-dissolution.

As a purely legal matter, the treaty as now written would permit either or both sides to simply invoke President Bush's counting rules and declare, at 1 minute to midnight on Dec. 30th, 2012, that the necessary fraction of its force to be compliant with the 2,200 warhead limit had just entered overhaul, and was therefore not part of the "operationally deployed" force. A few seconds, minutes, days, or weeks later, this rather substantial force could emerge from overhaul and threaten someone.

Now, for the political and financial reasons stated by Secretaries Powell and Rumsfeld, I'm not expecting that this is an immediate concern, but it is certainly possible under the terms of the agreement, and it sets a terrible precedent that the treaty contains no intrinsic safeguards against it.

And it certainly raises the question, will all of the Bush Administration's future arms control endeavors be this devoid of substance, provided of course, that there are such further endeavors—a prospect that this treaty certainly leads one to doubt.

The Administration officials who have come before this Committee have all said that this President doesn't and won't care how many warheads Russia deploys. Even if Russia were to stick at 6000, the START I level, Secretary Powell testified that the President would say, "Fine, I'm safe with 1,700 to 2,200, so do what you think you have to do."

But, Mr. Chairman, a future President might not be comfortable with that. Members of this body might not be comfortable with that. Depending on when and where Russia rolled out these additional weapons, some of our European allies, Japan, or China might not be comfortable with that, and their responses could easily rebound on our own and global security.

President Bush may think that his own comfort level, buttressed by the thousands of potentially deployable nuclear weapons he plans to keep in reserve, would remain undisturbed, but the nation's and the world's might not, and that's precisely why the Constitution requires the advise and consent process, so that treaties reflect more than the personal predilections of Presidents.

Furthermore, I simply don't believe Secretary Powell's testimony on this point, however well—intentioned it might be. Certainly no modern Republican president—indeed no President of either Party—has ever withstood the political pressures that would ensue from the development of such a nuclear disparity between the U.S. and a foreign power.

Even the whiff of nuclear parity America experienced at the hands of the Soviets in the late 1970's caused a near meltdown in Republican circles.

More to the point, if one were to take the Secretary's statement at face value, there would be no need for the large nuclear "responsive force" outlined in the Nuclear Posture Review.

In fact, Secretary Rumsfeld attested to quite the opposite position, when he stated that in the event a country decided to "try to sprint toward parity or superiority in nuclear capabilities," the US response would come from "reserve warheads and uploading ... either for deterrence or defense." In other words, the Joint Chiefs might well feel "safe with 1,700 to 2,200" operationally deployed warheads.

*(4) There is no agreed definition or common understanding of what is being reduced.*

Article I of the treaty states that the United States will implement it along the lines stated by President Bush on November 13, 2001, that is, by reducing "operationally deployed strategic nuclear warheads," a category that the U.S. side says excludes warheads associated with strategic delivery systems in overhaul and "spare strategic nuclear warheads (including spare ICBM warheads) located at heavy bomber bases."

Article I also states that Russia will implement it based on two broad statements by President Putin in November–December of 2001, in which he referred to Russia's readiness to "legally formalize the agreements that have been reached on further drastic, irreversible, and verifiable reductions in strategic offensive arms, which we believe should be at the level of 1500–2,200 nuclear warheads for each side."

Putin's sentiment is reiterated in the Preamble, which says the Parties are "committed to implementing significant reductions in strategic offensive arms." As clearly evidenced by the testimony the Committee has already received to date, the present Administration does not consider the reductions called for in this agreement to be "irreversible,"—Secretary Rumsfeld has attacked the very notion of irreversibility—or as applying to "strategic offensive arms," a term that has historically included strategic nuclear delivery vehicles and their associated launchers.

So right out of the box, this treaty is so loosely crafted that, if either party were ever to regard the other's compliance as a serious concern, the text carries within it obvious seeds for significant future discord.

*(5) The Moscow Treaty does not require the elimination of a single missile silo, submarine, missile, bomber, nuclear warhead or bomb.*

It also permits unlimited production of new nuclear warheads of all types, unlimited deployment of new tactical nuclear weapon systems, and (after START expires in 2009) unlimited production and deployment of new strategic delivery systems. In what respect, then, does the treaty itself—as opposed to the unilateral actions that each party may (or may not) take in conjunction with it—make the world a safer, more predictable, more proliferation-resistant place? I can't see that the treaty as currently drafted does anything to advance those goals.

The Treaty erodes the very concept of negotiated binding arms control treaties as a means of reducing the nuclear threat and enhancing international security.

The Bush team clearly prefers the freedom to modernize and deploy nuclear weapons as it sees fit over efforts to strengthen international norms against the possession and use of such weapons. In the Moscow Treaty it has sacrificed the important arms control goals of predictability, verifiability, and warhead accountability to achieve a degree of unilateral nuclear flexibility that this nation does not need, and will never have occasion to use, either as a deterrent threat or for defense.

For example, under the Moscow Treaty, the Bush Administration plans to deactivate the MX/Peacekeeper ICBMs in phases over a three-year period beginning October 1, 2002. It will withdraw them in conjunction with introducing upgraded Trident II missiles into the Pacific fleet, thereby ensuring that there will be no degradation in US "hard target kill capability" against our newfound friends in Russia.

The Administration's plans call for the MX missile silos to be retained, rather than destroyed as specified in the START II Treaty. MX missile stages will also be retained, and the 500-plus W87 warheads shifted to the Minuteman III ICBM Force, which is in the midst of being rebuilt and modernized at a cost of some $6 billion.

Between now and 2013, the Pentagon will spend at least another $10.4 billion on the Trident II system, including an additional 115 Trident II missiles ($4.3 billion) and modernizing guidance systems and missile electronics ($4 billion).

Four of the current Trident ballistic missile submarines will be converted—at a cost that will surely be in the billion dollar range—to each carry up to 154 conventional cruise missiles, but after December 5, 2009, these launchers would no longer be accountable under START, and nothing in the Moscow Treaty prohibits their future use in a nuclear role.

*(6) The treaty has an exceedingly permissive withdrawal clause.*

In place of the usual six months advance notice of withdrawal, and an accompanying required statement to the parties of the extraordinary events that have jeopardized its supreme national interests, we find that each party to the Moscow Treaty may "exercise its national sovereignty" and withdraw from the treaty upon three months written notice.

While this is hardly a major issue for a treaty that is so poorly constructed that it arguably has no cognizable legal obligation, it sets a poor precedent, reinforcing the broader message that the United States no longer takes its arms control obligations seriously.

According to the administration's article-by-article analysis, this formulation was chosen to "allow greater flexibility for each Party to respond to unforeseen circumstances." Again, this is a formulation that would no doubt play well in Iraq and North Korea. Fortunately, neither country has been allowed by the international community to dispose of its international arms control obligations merely by asserting its national sovereignty. And neither should the United States.

Mr. Chairman, you and Senator Helms requested a nuclear arms reduction treaty, and instead the Administration has sent you a one-and-half page memo, referencing vague unilateral statements of the two leaders, which is missing everything one would rightfully expect in an arms control treaty, and is self-nullifying to boot.

We have to ask ourselves, why would anyone consciously and deliberately choose to draft a treaty in this manner? Is this Mr. Bolton's idea of an inside joke—just one more opportunity to get his digs in against the proponents of negotiated arms control agreements and the rule of law in the international sphere. If so, it's too cute by half.

To give you my own gut reaction, Mr. Chairman, I think that what the Administration has done with this treaty demeans the whole treaty-making process, and makes this nation look foolish before the community of nations. I feel a deep sense of discouragement that the Executive Branch can't summon the political will to do

a better job, using the preventive tools of diplomacy and cooperative verification to reduce the threats of nuclear proliferation and terrorism. And I suspect that a lot of people in this town and around the country are similarly discouraged by what is taking place.

This treaty is not worthy of being ratified in its present form. To make it minimally acceptable, the committee is going to have to perform major reconstructive surgery via the Resolution of Ratification.

In between bouts of self-congratulation for producing such a minuscule treaty, and its frequent swipes at negotiated arms control agreements, the Administration is missing the larger point. Since the Gorbachev era, nuclear arms control and nonproliferation concerns have essentially merged. Secretary Rumsfeld and others continue to use "Cold War arms control" as a whipping boy, as though they've only just discovered that the issue of fine-tuning the nuclear strategic balance is no longer relevant.

After 1989 and the ensuing disintegration of the Warsaw Pact threat to Europe, the military justification for maintaining a wholly separate, insulated strategic arms control forum steadily eroded. From a national security perspective, the central arms control problem became, and remains today, controlling and reducing the total universe of nuclear weapons—strategic, theater, and tactical—as well as the fissile materials used to manufacture them, not just in Russia and the U.S., but around the globe.

The September 11 attacks have reinforced a particularly urgent dimension of this problem—keeping these weapons and materials out of the hands of black marketers, terrorist organizations, and proliferant states. We need to stop wasting time and get on with the important work of building the elements of an international cooperative regime to do that.

From this unified perspective, which we believe is the correct one, it's readily apparent that it is the Administration that is clinging to an anachronistic approach—that is, a narrow strategic agreement, much narrower even than START, addressing only the subcategory of "operationally deployed strategic warheads."

This is an agreement whose only discernible rationale is to satisfy current and future US nuclear targeting requirements and this Administration's desire for permanent US nuclear dominance. In Secretary Rumsfeld's words, the high US nuclear force levels allowed under this treaty "helps us to dissuade the emergence of potential or would-be competitors by underscoring the futility of trying to sprint towards parity with us." But a more immediate and plausible explanation for the 2,200 warhead number can be found in STRATCOM's continuing SIOP targeting of Russia.

When it comes to reducing the threat posed by nuclear weapons, Mr. Chairman, less is not more. Less is less. Less verification, less cooperative inspection, less warhead and launcher destruction, and less accountability mean less security.

The Administration only seems interested in ratcheting up the rhetoric, and the weapons, to deal with the proliferation problem after the weapons and materials have fallen into the wrong hands, rather than dealing with the problem at the source, by building bilateral and multilateral elimination-and-control regimes that would make it increasingly difficult for bad actors to get their hands on weapons of mass destruction.

FIXING THE TREATY

Mr. Chairman, how should the Senate respond to these serious deficiencies in the Moscow Treaty?

One approach would be for the committee to inform the President that the treaty he has submitted fails to meet the Senate's minimum standards and expectations for an arms control agreement, and invite him to do better.

While NRDC does not prefer this course of action, we perceive no serious downside risks to our relations with Russia from failing to recommend this treaty now to the full Senate. The Administration itself has testified that the treaty simply memorializes what the two Presidents have unilaterally pledged to do anyway, making it largely an afterthought crafted for opinion management purposes in both countries.

We're told that armed with the recommendations of the Nuclear Posture Review, President Bush doesn't even care how many nuclear warheads the Russians deploy, and we hear that STRATCOM has never been happier with the paper performance of US nuclear forces against Russia's declining target base.

As for President Putin, he is, as we all know, a very cool customer who has no track record or particular interest in nuclear arms control. But one thing he does know is that it is untenable economically for Russia to compete militarily with the United States, so he has wisely opted out of the nuclear parity-superiority game,

and left the Bush Administration to arms race with itself, which it is, regrettably, doing.

But it's also clear that Russia would have preferred lower and more predictable levels of strategic nuclear forces than those included in this agreement, and getting to lower levels is not likely to happen if you simply kick this agreement back to the White House.

Moreover, knowing the predilections of President Bush and his political team, we would very quickly hear a great hue and cry about how the Senate is obstructing the President's bold initiative to liquidate the legacy of the Cold War, and few Democrats are going to want to pitch the President that political softball as we head into the mid-term elections.

Our chief concern, however, is that the Bush Administration would seize upon an outright rejection of the treaty as an excuse to ditch the remainder of the nuclear nonproliferation agenda in Russia, such as better controls on Russian tactical warhead inventories, and reciprocal verification of nuclear warhead storage, dismantlement, and disposition of the fissile material components.

So the preferred course of action, we believe, is for the Committee to proceed with its due diligence investigation of what this treaty means and what its portends for the future of US and Russian nuclear forces and the broader security environment in the world, and then transmit it for consideration by the full Senate with whatever conditions are required to make it a minimally acceptable, verifiable instrument of nuclear arms reduction and nonproliferation.

In this connection, I draw the Committee's attention to Secretary Powell's responses to the concerns members expressed regarding the still high levels of operationally deployed and reserve nuclear forces permitted by the treaty, and the lack of reduction milestones that could provide way-points for verifying the implementation of the treaty.

The Secretary testified that the Moscow Treaty "allows you to have as many warheads as you want," but that it had nonetheless "pressurized the system to take the first step in elimination of a warhead, and that's to get it off the bomber and get it off the top of a missile." It was now up to the Congress, he noted, to determine the subsequent pace and extent of US nuclear stockpile reductions and dismantlement.

Mr. Chairman, that stance clears the decks of a lot of the arguments that used to clutter debates about weapons systems and nuclear arms treaty ratification. Remember all those arguments we used to hear about "bargaining chips," "maintaining our negotiating leverage," and "not undercutting our arms negotiators in Geneva." We are pleased that the long-time opponents of arms control agree that these arguments are no longer relevant. We never thought they were.

Within the ten-year reductions framework of the treaty, the Senate should feel free to condition its consent to ratification upon the President's implementation of accelerated interim reduction milestones and cooperative verification measures that will inject increased predictability and accountability into the nuclear arms reduction process over the next decade.

Let me outline a set of suggested conditions that NRDC and the Study Group believe will accomplish these objectives.

First, we are not aware of any compelling justification for taking ten years to reach the level of 2,200 operationally deployed warheads, only to have that limit expire. This trajectory is far too open-ended, and signals no U.S. commitment at all to the broader nonproliferation and disarmament objectives embodied in US obligations under the Nonproliferation Treaty.

While we do not for a moment accept the need for the US to maintain preemptive nuclear strike options against terrorist organizations or their state sponsors, let us stipulate for the sake of argument that such a need might exist in the dangerous world in which we live. Sustaining capabilities for this mission cannot justify the maintenance of 3800 operationally deployed strategic weapons until 2007, or even 2,200 warheads in 2012.

In fact, the warheads for the nuclear counter-terror mission will more likely be drawn from the nonstrategic stockpile, and like the nuclear armed sea-launched cruise missiles, these need not even be operationally deployed, but rather part of a very small "responsive force." In other words, a nuclear hedge against WMD terrorism, should we elect to maintain one, is not dependent on the size of the operationally deployed strategic force.

So we can foresee no valid objection to moving down more swiftly than contemplated by the Nuclear Posture Review and the permissive terms of the treaty that's wrapped around it.

*Condition 1: Direct the President to achieve a peacetime ceiling of 1,700 operationally deployed strategic weapons within five years.*

This ceiling should be achieved not later than December 31, 2007, and not exceeded thereafter, unless the President certifies to Congress that an adversary, or hostile coalition of adversaries, is deploying or preparing to deploy more operational strategic nuclear weapons than deployed by the United States, or that the United States faces an imminent danger of nuclear attack, the deterrence of which requires the operational deployment by the United States of a larger number of strategic weapons.

*Condition 2: Direct the President to bring down the active US nuclear reserve stockpile to 1000 weapons or less within five years, and either verifiably store or retire and dismantle inactive stockpile weapons.*

We believe there is an urgent need for both countries, but especially Russia, to reduce the future security risks, strategic uncertainties, and financial costs associated with the maintenance and storage of large stocks of nuclear weapons in an operationally ready reserve status.

We recommend a condition that directs the President to take all steps necessary to ensure that, beginning October 1, 2007, the active US nuclear reserve stockpile does not exceed 1000 total warheads and bombs; and that all inactive stockpile weapons in DoD custody are either:

(a) stored in secure facilities subject to periodic US-Russian bilateral cooperative monitoring measures, or

(b) retired from the DoD stockpile, transferred to NNSA custody, and dismantled, or scheduled for dismantlement, prior to December 31, 2012, the date the treaty expires.

This condition should also direct the President to ensure that the Department of Defense and the National Nuclear Security Administration put in place, and continue implementing in good faith, an effective US–Russia cooperative nuclear threat reduction program that affords both nations reciprocal confidence that they are pursuing parallel reductions in reserve nuclear stockpiles—including tactical weapons—to significantly lower levels.

We agree with the Secretary of Defense that numerical parity between the two sides in each reserve warhead category—whether tactical, theater, or strategic—is not a requirement.

We believe a suitable annual waiver for this condition can be devised, and invoked in the event the President's certifies that vigorous good-faith efforts to implement bilateral verification arrangements with Russia have failed to establish a credible upper limit, consistent with US security and global strategic stability, on the number of active nuclear reserve stockpile weapons retained by Russia. The waiver could also be invoked if the President certifies that another specific and credible threat to national security has emerged that requires the retention and maintenance of a US active reserve stockpile larger than 1000 weapons.

*Condition 3: Direct the President to reduce the total stockpile of nuclear weapons in the custody of the Department of Defense to 3500 weapons within five years.*

This condition, with waiver provisions similar to the preceding condition, would direct the President to take all necessary steps to ensure that after September 30, 2007, the total active and inactive stockpile of nuclear weapons in the custody of the Department of Defense does not exceed 3500 weapons of all types, strategic and non-strategic. This condition would cap the total US nuclear stockpile five years hence at a bit more than a third of the total number of US weapons currently planned for retention under the Bush Nuclear Posture Review.

*Condition 4: "Pressurize" a Choice Between Verified Component Storage or Demilitarization and Disposal.*

This condition would be designed, in Secretary Powell's phrase, to "pressurize the system" to make a choice: either implement long-term but transparent storage of dismantled US and Russian weapon components under cooperative monitoring arrangements, or pursue prompt conversion of such excess components into spent nuclear fuel elements or other proliferation resistant, environmentally protective forms so that they can be safeguarded by the IAEA and ultimately placed in a permanent underground repository. One way or another, all excess weapon-usable nuclear material should be brought as rapidly as possible under some form of monitored secure storage.

*Condition 5: Annual Cooperative Monitoring Report*

In view of the threat posed to the United States, and other future targets of terrorist attack, from the seizure or clandestine theft by terrorists of a nuclear weapon, weapon component, or weapon quantity of fissile material, this condition would direct the President to prepare a report to Congress, on or before March 1, 2003, and annually thereafter, on the progress of Executive Branch negotiations with Russia, and potentially other parties, such as the International Atomic Energy Agency, to achieve cooperative bilateral, multilateral, or international monitoring of Russian, U.S., and other nuclear weapon stockpiles, including the secure storage, dismantlement and ultimate disposition of all warheads and weapon-usable fissile materials not associated with operationally-deployed launchers or delivery system.

*Condition 6: Requirement for Senate Advice and Consent to Exercise Withdrawal Clause.*

This condition would simply state that in order to give notice of and exercise the U.S. right of withdrawal under Article IV of the Treaty, the President must obtain the advice and consent of the Senate.

The Constitution is silent on the relative prerogatives of the President and the Senate with respect to the termination, as opposed to the ratification, of US treaty commitments. That appears to leave the President bound to observe the will of the Senate as expressed in each individual case. When the Senate has circumscribed the President's freedom-of-action by a expressing a prior interest in the matter, either via statute, sense-of-the Senate resolution, or a resolution of ratification, it would appear the President may not act alone to terminate a treaty.

The testimony provided to the Committee clearly indicates that absent such a condition, the current President would not seek the Senate's advice and consent to withdraw from this treaty, and the Judicial Branch could well affirm his authority in this instance.

This condition is also badly needed now to demonstrate to the rest of the world that, despite this President's unilateral withdrawal from the ABM Treaty, the United States government takes it arms control undertakings seriously, and will not lightly withdraw from them.

*Conclusion*

With the addition of these six conditions, the Administration's "Memo Treaty" could be made minimally acceptable, and we could then support its ratification. Without them, we believe the treaty is, for all practical purposes, meaningless. In that case, in order to avoid further damage to the integrity of the U.S. treaty process, we could not support ratification of the Moscow Treaty.

POSTSCRIPT: A DEFENSE OF NUCLEAR ARMS CONTROL AGREEMENTS

I share the Chairman's amazement at the sudden epiphany experienced by some of our Republican colleagues who, well into the post-Soviet era, continued to press the case for the most stringent arms control verification requirements and the most rigorous assessments of Russian compliance, only recently decertifying Russia from expanded Nunn-Lugar assistance because of ostensible compliance concerns.

Now, somewhere on the road from the Crawford Summit, these gentlemen, like St. Paul of Tarsus, came upon a Burning Bush, and verily, they have flip-flopped.

The very people who just a few years ago were loading up the START II Resolution of Ratification with all manner of verification and compliance issues, and who attacked the massive Comprehensive Test Ban Treaty monitoring system as insufficient, are now saying they're comfortable trusting President Bush's pal Putin, a tough-as-nails former KGB agent who exercises authoritarian rule over a not very open or democratic Russia, with a considerable assist from the KGB's successor, the FSB.

For decades, the advocates of US nuclear superiority devised esoteric treaty evasion scenarios, and then insisted on the most stringent verification requirements, as a way of fending-off limits on the US nuclear posture that they believed would unduly restrain US nuclear war-fighting capabilities, limit "flexible" nuclear response options, or more generally, "erode the credibility of the US nuclear deterrent."

Basically, they used the verification issue as a club to beat back arms control.

But Mikhail Gorbachev's unexpected idealism, and the rapid disintegration of the Soviet empire in the early 90's, opened new political possibilities—here, in Russia, and around the globe—for more far-reaching nuclear arms limitations, such as a Comprehensive Test Ban Treaty, a cutoff in the production of fissile materials for weapons, and verified dismantlement of warhead stockpiles.

There were even proposals from well-known establishment figures, such as INF negotiator Paul Nitze and then House Armed Services Committee Chairman Les Aspin, suggesting that "denuking" the US military posture and the global elimination of nuclear arsenals would be in the US national security interest. The government of Australia, a close ally, sponsored a high level international commission in 1995–96 that studied this question and reached agreement on practical interim steps toward global nuclear weapons elimination.

To reliably stifle arms control agreements in this new environment, the die-hard aficionados of nuclear first use threats and so-called credible nuclear deterrence can no longer count on knee-jerk levels of East-West distrust, or supposedly inexorable nuclear "requirements" for deterring "Soviet aggression," to carry the day against arms control.

So they have been driven to adopt a new strategy, which, I will concede, is politically quite clever, but also deeply cynical and terribly shortsighted. The new approach is simply to declare the entire arms control process obsolete, and to belittle it publicly as a needlessly adversarial vestige of the Cold War.

This misguided approach consistently confuses cause and effect. The arms control process itself was not a major, or even minor cause, of the adversarial relationship between the USSR and the United States, but rather this process reflected, as one might reasonably expect, the up and downs and stresses of the broader US–Soviet relationship.

Our fundamentally opposed ideologies and geo-political interests, and the imperatives of massive nuclear weapon complexes whose very raison d'etre resided in constantly improving capabilities for the preemptive annihilation of the opposing side, were the proximate causes of this adversarial relationship—not the arms control process itself.

As the Secretary of Defense well knows, it was the quest for relative military advantage within the nominal framework of rough nuclear parity between the two sides that lent a particularly adversarial quality to the strategic offensive arms negotiations.

Now that U.S. and Russian interests are more closely aligned, the logical conclusion I draw is that the U.S. and Russian cooperative arms control efforts could accomplish much more than they did during the Cold War. How ironic that the U.S. government has chosen this moment to throw in the towel on arms control.

The CHAIRMAN. Thank you very much.

Mr. Gaffney.

## STATEMENT OF FRANK J. GAFFNEY, JR., PRESIDENT AND CEO, CENTER FOR SECURITY POLICY, WASHINGTON, D.C.

Mr. GAFFNEY. Thank you very much. It is a pleasure to be here with you. I am only sorry that it is on a day when you are clearly confronting some very difficult personal choices. I lost my father under similar circumstances last fall, and my thoughts are with you and your family.

I appreciate having the opportunity to put my entire statement in the record. There is material I will not be able to cover in detail here, of course. I would like to cover a couple of points, though, quickly, to explain or at least describe why I, despite my general hostility to arms control as we have known it and practiced it, I find myself supporting this treaty, and I hasten to say, Mr. Chairman, lest you think that I am mellowing in my old age, this is, I believe, really a reflection of what I consider to be the positive aspects of this treaty that are informed by and that reflect the many hard lessons we should have learned about the practice of arms control to this point.

I think it is impossible, really, to understand the virtues of the Moscow Treaty without an understanding of those hard lessons, and I would like to just spend a minute talking about them. It is, I think, the central defect of the traditional approach to arms control that agreements were of necessity forged between what my

friend Richard Perle has called good guys, nations whose democratic systems of Government and respect for the rule of law assure that they would abide by such accords, preeminent among them, of course, our own country, and the bad guys, the despotic and often dangerous regimes whose arms we most were concerned with.

The latter, of course, have neither a free press, an independent legislature, nor any other mechanism capable of assuring governmental performance and accountability. Worse yet, their rulers are not only contemptuous of the very concept of the rule of law they typically perceive the attachment of their western interlocutors to this principle as evidence of weakness to be exploited at will.

The inherently defective character of the agreements, the Faustian deals, if you will, that were struck with such totalitarians and despots I am afraid gave rise inexorably to problematic policies and behavior on the part of successive U.S. Governments under both Republican and Democratic administrations.

I have elaborated on these at some length in my prepared testimony, but they include, in my view, the legitimation of odious regimes, the subordination of compliance concerns to trade and political considerations, the promotion of unverifiable agreements, the failure to enforce violated arms control treaties, the training of bad guys in the art of cheating, and I think in some cases at the very least the sort of what I have called the placebo effect, whereby we thought something had been accomplished when, in fact, by and large it had not, and that our reductions made pursuant to these treaties were unintentionally and certainly unwisely, as a result, unilateral, or asymmetric at least with respect to the other parties.

Now, I recognize, Mr. Chairman, that such statements would have for many years been considered heretical and, indeed, some on this committee may still regard them as such, yet I believe that any Senator who rigorously considers our historical experience with arms control agreements must acknowledge that their value is undermined, if not wholly negated, by the nature of these accords and their implementation, and I think the ABM treaty was a case in point.

Until last month, the U.S. continued faithfully to adhere to the treaty that denied it any national defense against missile attack, even though the strategic circumstances had changed dramatically and in important respects negatively since 1972. President Bush fortunately, I think, saw the necessity of exercising under those changed circumstances our right to withdraw, in light of the jeopardy to our supreme interests.

I believe, however, that it is going to take us sometime to recover from the folly of having adhered to that treaty for so long, an idea that in the near term, perhaps even in the very near term, we may reap the whirlwind from that vulnerability. Specifically, Mr. Chairman, you may have seen as well reports to the effect that the Taliban—the Taliban—had as many as 100 Scud missiles squirreled away some place.

Now, I have not seen any reports indicating that our forces or anybody else's have found such weapons, even one, and destroyed them. It is conceivable, as a result, that through this device, perhaps passed through Pakistani intelligence that previously was very closely tied to the Taliban, a Scud missile could fall into the

hands of an Al Qaeda and be put aboard a ship, and be launched from somewhere not far off-shore the coast of the United States, which would, of course, put population centers in places like Delaware and, indeed, most of the main population centers of the United States, very much in harm's way.

I believe this problem was properly identified 4 years ago, as you may know, by the Rumsfeld commission, which described the danger of the sea launch of shorter range ballistic missiles as a near-term threat that would rapidly collapse what we had been given to believe would be a much longer period before longer range missiles would emerge in enemies' hands. This requires, in my judgment, the most expeditious possible deployment.

I commend the President for having exercised the right to withdraw from the treaty, but we now need to get on with deploying things, and in my testimony I talk a little bit about how I think that can be done most efficiently, most effectively, and I find myself at least in agreement with something you have said in the past, Mr. Chairman, about the utility of using sea-based platforms to accomplish such a defense, particularly useful, I think, against the kind of sea-based threats that I was just talking about.

If the President had not exercised our right to withdraw from a treaty that had clearly outlived whatever usefulness it might have had, no deployment, of course, of any national missile defense would have been permitted, and it can be argued that had he not accomplished a withdrawal in the way he had, the domestic and international costs of taking that necessary if, unfortunately, somewhat insufficient step might have been considerably higher, which brings us, of course, to the present treaty.

It seems fair to me to describe this accord as the price President Bush felt compelled to pay to minimize Russian objections to the ending of the ABM treaty regime. It was clearly a step that President Bush took reluctantly, and I think rightly so. I believe he was correct in his previous position, both as candidate and in the early months of his presidency, that it was undesirable to forge yet another treaty with a Government that was no longer of a kind that we used to fear, that we used to negotiate such treaties with during the cold war.

Now, having said that, I am not quite as sanguine as Mr. Bush appears to be about the future direction of the Putin Government, let alone that of his successors. Still, in my view, the President was right to argue that the changed character of the relationship between the United States and Russia meant that it was no longer appropriate or desirable to pursue bilateral cold war style arms control agreements with the Russians.

I would very strongly suggest that the alternative approach that the President favored initially, of leaving it up to us to determine the size, the composition of our forces, since we do not at the moment fear a Russian strategic threat, would indeed be preferable to even the relatively loose structure that this treaty applies.

I also, Mr. Chairman, must tell you that I would personally prefer to see the United States retain a larger number of nuclear forces than the 1,700 to 2,200 called for by this treaty over the next decade for several reasons. First, nuclear deterrence is an art, not a science. I think of it as an insurance policy, and it is very difficult

to calibrate exactly what it will take to deter. In fact, as Bill Perry once said, famously, it is not even clear that we can deter some of our adversaries, but I think erring on the side of caution is wise.

Second, we face growing uncertainty about the reliability of our deterrent. It has been 10 years since we last tested our existing weapons systems, some of which are now at or even beyond the end of their design lives. The absence of periodic underground nuclear testing ensures that these uncertainties about reliability, about problems that we have already encountered, about fixes that we have already applied in the hopes that they will take care of the problems we have already encountered, are only going to increase, and that has particular implications. As we go to lower numbers we will have in all likelihood fewer types of weapons, the redlining of any one of which as a result of problems could create magnified difficulties for us.

Third, I believe it is ill-advised to reduce our nuclear forces to anything approaching what could be the point where other nations, most especially China, may feel tempted to buildup their arsenals in the hope of achieving something approximating superpower status.

Let me just say a few words if I may, Mr. Chairman, about why I think the treaty warrants Senate support. While I would have preferred very much to have the United States not commit itself to such a treaty, I think it represents the closest thing to a no-treaty treaty imaginable. This is a source of criticism, but I think it is actually an attribute.

The CHAIRMAN. I think that is the first agreement you and Mr. Paine may have ever had.

Mr. GAFFNEY. I think that the qualities that are deemed by some of its critics to be liabilities are actually attributes. Quickly, I think the fact that it is little more than a joint statement of intentions enables us to depart from the fiction that bilateral negotiations have produced a new and indispensable pillar of international law. This is not that, and happily I think we do not need that.

Second, there is no pretense made of verifying the treaty of Moscow. It is up to the parties to observe their unilateral undertakings. I think that is appropriate under the circumstances and, certainly given the costs associated with trying to verify what is still likely to be an unverifiable arrangement.

Third, the treaty does not require either the United States or Russia to dismantle those nuclear weapons removed from deployed status. As I said, I think that is a very good thing insofar as we may need over the next decade, for reasons like those outlined above, to increase the size and/or the composition of our alert forces. This is most easily, most cheaply, most quickly likely done by reusing reserve inventory should that be needed.

This is, of course, a source of criticism. I think, frankly, though, the fact that we have no idea how many nuclear weapons the Russians have actually produced and squirreled away over the years makes any other arrangement folly in the extreme. The danger of Russian loose nukes, as we have been talking about all morning, is real. It is a fact of life, and it is going to remain so irrespective of what happens to the portion of the Kremlin stockpile that we know about. If anything, the larger problem in this regard would

appear to arise from weapons the Soviets and, more recently, the Russians have entirely concealed from us.

Finally, the United States can withdraw from the treaty of Moscow on only 3 months' notice. I think it would only do so under the arrangement that its supreme interests were jeopardized, but it does not even have to meet that standard. I think such flexibility is not only highly desirable, but potentially of vital importance to our national security.

If I may conclude, Mr. Chairman, by just saying a word about where I think we should go from here, learning, as I think we have begun to, at least many of us, certainly the administration, some of the hard lessons from past experience with arms control.

In the context of a bilateral U.S.-Russian relationship no longer characterized by the Kremlin's ruthless authoritarian rule at home and its adamant hostility to this country and its interests abroad, it seems to me in formal understandings, frameworks, and arrangements between Washington and Moscow that modulate in some of the ways that we have been discussing here today, nuclear and, for that matter, other military relationships are worth a try. They are certainly much to be preferred over seriously defective traditional arms control agreements.

Not surprisingly, dealing with the threat posed by nations still unambiguously hostile to the United States and bent on acquiring and perhaps using weapons capable of inflicting great harm on this country requires a different approach. The most promising and probably the only effective one appears to be that aimed at changing the character of the rogue State regimes that pose such a threat.

As it happens, the rogue States and their friends are also implicated, as you know, to varying degrees in harboring, training, and otherwise supporting terrorist organizations. The President and his administration have made no secret of their determination to pursue regime change, as you have also spoken about, in Iraq and perhaps elsewhere as one option for waging the war precipitated by the September 11 attacks. To the extent that this option is, in fact, exercised, the effect could be highly salutary both with respect to the fights against terrorism and against the proliferation of dangerous armaments.

To be sure, as again you have addressed in talking about the hearings you are going to have shortly on Iraq, changing entrenched tyrannical regimes is not an easy task. It requires a coordinated political, diplomatic, military, and economic strategy to weaken, delegitimize, and finally to end the ruling elite's tyranny. Fortunately, if properly conceived and pursued, such efforts should enjoy the support of those who have at least as much reason to desire change as do the people and Government of the United States, namely, the people whose lives and liberties are being brutally suppressed by despotic regimes.

With those subject populations as potential allies, the feasibility and facility of American-led efforts to effect regime change can be greatly enhanced and a new and probably far more effective approach established for controlling threatening arms around the world.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Gaffney follows:]

PREPARED STATEMENT OF FRANK J. GAFFNEY, JR.

THE TREATY OF MOSCOW AND THE END OF ARMS CONTROL AS WE HAVE KNOWN IT

I appreciate this opportunity to contribute to the deliberations of this committee and the full Senate concerning the Treaty of Moscow recently concluded between the United States and the Russian Federation.

Mr. Chairman, I find myself cast for today's hearing in the role of the designated proponent of the new treaty. As you know, advocacy of arms control agreements has not exactly been my stock-in-trade over the past twenty-four years. I want to assure you that the fact that I do support the Treaty of Moscow is less a sign that I am mellowing in my old age than it is evidence that this accord has been informed by, and reflects, the many hard lessons learned about the practice of arms control to date.

In my view, it is not possible fully to appreciate the virtues of the Treaty of Rome without an understanding of those hard lessons and, at the risk of digressing from the desired discussion of the former, I hope you will allow me briefly to address the latter.

*"Good Guys"* vs. *"Bad Guys"*

The central defect of the traditional approach to arms control was the fact that agreements were forged between one or more nations whose democratic systems of government and respect for the rule of law assured that they would abide by such accords and one or more despotic regimes.

The latter have neither a free press, an independent legislature nor any other mechanism capable of assuring governmental performance and accountability. Worse yet, their rulers are not only contemptuous of the very concept of the rule of law; they typically perceive the attachment of their Western interlocutors to this principle as evidence of weakness to be exploited at will.

In October 1999, following the Senate's historic vote opposing the ratification of President Clinton's Comprehensive Test Ban Treaty (CTBT), my colleague and one-time superior at the Department of Defense, former Assistant Secretary Richard Perle, described this underlying phenomenon as follows:

> One of the things that . . . is fundamentally flawed in the . . . [traditional] approach to arms control—and particularly these very large global agreements involving 150 or more states—is that they put together in the same regime the "good guys"and the "bad guys," if I can use those terms, the proliferators as well as the people who are trying to stop proliferation. It's like the police entering into an agreement with the criminals, and we will all agree to be bound by the same code of behavior.

*The Consequences of Faustian Deals*

The inherently defective character of such Faustian deals struck with totalitarians and other despots gave rise inexorably to problematic policies and behavior on the part of successive U.S. governments (under both Republican and Democratic administrations) and Western democracies more generally. Such policies and behavior in turn rendered the arms control agreements of the past four decades vastly less constructive—to put it charitably—than their advocates would have us believe.

In most cases, whether we are honest enough to admit it or not, these accords have actually proven to be snares and delusions. Time after time, the American military capabilities in question turned out to have been unwisely as well as unintentionally diminished unilaterally or asymmetrically relative to those of the other party or parties.

For many years, such statements have been considered to be heretical. Some on this Committee may still regard them as such. Yet, I believe that any Senator who rigorously considers our historical experience with arms control agreements must acknowledge that their value was undermined, if not wholly negated, by the following:

The Legitimation of Odious Regimes

An ineluctable by-product of negotiating with those whose arms are most worrisome (notably, the likes of the Soviet Union, Communist China, and their rogue state clients) was that totalitarian regimes were treated as, if not moral equivalents of the United States and its fellow Western democracies, then certainly as reliable "partners for peace."

It is hard to overstate the insidiousness of this practice. Well-founded inhibitions to relations with such regimes in other areas—typically involving trade ties—were usually an early casualty. These, in turn, created additional pressures to normalize relations between the despots and the "civilized world," and opportunities for the former to foster and exploit divisions between members of the latter.

Consider for example the 1968 Nuclear Non-Proliferation Treaty (NPT). Among the states parties to that accord are countries who have long pursued the development and acquisition of nuclear weapons, notwithstanding their obligations under the NPT to forego such activities and capabilities (among their other weapons of mass destruction programs).

These countries, notably Iran, Iraq and North Korea, have skillfully—if cynically—exploited their membership in the Nuclear Non-Proliferation Treaty and the International Atomic Energy Agency (IAEA) created by that treaty for the purpose, among other things, of monitoring compliance with its terms. Unfortunately, the rogue states have not only garnered legitimacy from the international community by their nominal participation in the NPT. As will be discussed below, they have benefited in other ways, as well.

The Subordination of Compliance Concerns to Trade and Political Considerations

There is an important corollary to the delusion that arms control transforms rogue states into reliable "partners." It involves the notion that the goal of limiting dangerous armaments is better served if a country that violates its commitments nonetheless remains in "the process" than otherwise.

The concern is that holding the violators accountable could jeopardize what might remain of their selective adherence to whatever constraints that government still observes. Perhaps, "the treaty regime," itself could become a casualty. A further disincentive arises in the form of concerns that the commercial and/or political relations facilitated, or at least rationalized, by arms control accords with "bad guy" countries could become unsupportable if the violators were called to account.

As a result, when confronted with evidence of non-compliance, "good guy" countries usually prefer to negotiate new agreements rather than to seek to punish the perpetrators. Notably, the Clinton Administration renegotiated or permitted the de facto mutation of agreements so as to legitimate (or at least paper over) non-compliant activities. Cases in point include the Conventional Forces in Europe, START II and the Intermediate-Range Nuclear Forces Treaties, which were modified in ways that substantially diminish their benefits and add to their costs to the United States.

This practice has the effect not only of minimizing any costs for violating arms control treaties. It actually effectively encourages such violations insofar as the perpetrators quickly discern that they are able to continue to receive the benefits of trade and political ties, notwithstanding their engaging in prohibited behavior.

The Promotion of Unverifiable Agreements

Worse yet, such considerations often contribute materially to the inherent unverifiability of most arms control agreements. Partly, this is a result of the determination of the "bad guys" not to agree to monitoring and inspection arrangements that have any appreciable chance of penetrating the secrecy of their priority weapons programs and other covert activities. Such arrangements, however, often also reflect the desire of at least some Western democracies to ensure that there can never be indisputable grounds for punishing violators with whom they are—or would like to be—doing business.

Consider, for example, the Comprehensive Test Ban Treaty (CTBT). When the CTBT was presented to the Senate, the Clinton Administration contended that it was "effectively verifiable." This term was meant to obfuscate an unpalatable reality, as it had been when applied by previous administrations to arms control treaties they had produced: All underground nuclear testing would not actually be detectable—a fact that the President and his subordinates were subsequently obliged to acknowledge. They nonetheless insisted that any testing that would "undermine our nuclear deterrent" would be picked up by U.S. and/or international monitoring systems.

The rejection of the CTBT by a majority of the U.S. Senate, however, was based in part on the conclusion that the treaty did not even meet this modest test of "effective" verification, to say nothing of it being genuinely verifiable.

The Undermining of "Verification"

When pressed, proponents of traditional arms control agreements have often fallen back on the argument that even less-than-verifiable treaties will afford more and better information concerning the programs of other states parties than would otherwise be available to the United States.

Again, the Clinton Administration's efforts to sell the Comprehensive Test Ban Treaty are illustrative of the phenomenon. The party line was that "The treaty will also strengthen our ability to monitor if other countries are engaged in suspicious activities through global chains of sensors and on-site inspections, both of which the treaty provides for." In fact, it is far from clear that the Nation is—on net—better off as a result of the data-sharing, on-site inspection and other "verification" provisions of the CTBT and other arms control agreements than it would have been without them.

This is, in part, due to the nature of the institutions established by multilateral and bilateral agreements to effect and evaluate data exchanges, conduct on-site inspections, etc. about which I will have more to say in a moment. Of relevance to the present subject, however, is the fact that the sharing of American intelligence with organizations like the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Comprehensive Test Ban Treaty Organization can result in the compromise of sensitive U.S. "sources and methods"—actually contributing to a dumbing-down of what we know about the target county and its doings.

As mentioned above, moreover, political considerations can and frequently do influence (read, distort) judgments about the nature of such activities and their incompatibility with the treaty in question. The belief that the international norm-making "process" and its products must not be put at risk by findings of violations has been exacerbated time and again by the generally inadequate nature of verification arrangements.

Another factor is often at work, however: a phenomenon psychologists call "cognitive dissonance." In laymen's language, this means an unwillingness to perceive what we would prefer did not exist. Official cognitive dissonance frequently translates into an unconscious, if not a deliberate, effort on the part of Western intelligence communities and policy-makers to dumb-down, mischaracterize or simply ignore evidence of non-compliant activities. While hardly unique to arms control, this practice has a particularly corrosive effect on the integrity and utility of any disarmament agreement as an instrument of the West's security.

The Failure to Enforce Violated Arms Control Treaties

Unfortunately, the problem with traditional arms control is not limited to difficulties with making bilateral or multilateral agreements truly verifiable and then fully utilizing such monitoring techniques as are available to verify adherence to such treaties. The same factors that contribute to the negotiation of accords that cannot be verified and that cause the "good guy" states simply to ignore evidence of noncompliant behavior—or to paper it over with further negotiations and promises of better behavior on the part of the perpetrator—undermine any appetite for enforcement of violated arms control agreements.

In his landmark essay on the subject entitled "After Detection, What?," which appeared in in *Foreign Affairs* magazine in 1961, Dr. Fred Iklé—who went on to serve as Director of the Arms Control and Disarmament Agency and Under Secretary of Defense for Policy—noted that the problem was not merely one of uncovering prohibited activities, but of what to do when they were discovered.

Regrettably, the international community has failed this test repeatedly over the years since Dr. Iklé first addressed it. Sometimes it has done so because the United States and/or other leading Western states found, as noted above, commercial or strategic interests would be unacceptably harmed by attempting to punish the violator. Even more pernicious has been the contention that the arms control "process" itself was too important to permit the violated agreement to be jeopardized, perhaps to the point of its wholesale collapse and the unraveling of the so-called "international norms" that it supposedly created. On this basis, virtually any noncompliant behavior could be overlooked.

At the end of the day, there is as a practical matter no workable enforcement mechanism for arms control treaties. "Bad guy" countries understand and exploit this reality to their advantage. In 1989, Saddam Hussein got away with murder, literally, when an international conclave called to address his clear-cut violation of the 1925 protocol banning first-use of chemical weapons in Iran and against the Kurds could not bring itself even to cite Iraq by name, let alone to punish its despot in any way for his crimes.

The Training of "Bad Guys" in the Art of Cheating

In addition to certain prerogatives "bad guy" nations enjoy by virtue of being states parties—for example, an ability under certain treaties to exercise some control over where and when on-site inspections occur and their scope—traditional arms control agreements are susceptible to another, particularly perverse abuse:

Multilateral institutions established to monitor arms control accords (*e.g.*, the NPT's International Atomic Energy Agency and the CWC's Organization for the Prohibition of Chemical Weapons) wind up giving advanced courses in deception techniques to personnel from nations that wish to deceive them.

I am sure that the Committee is familiar with a relevant anecdote told by David Kay, the UN's former chief inspector in Iraq after the Gulf War. Mr. Kay recounts how, after protracted efforts failed to ferret out information about Saddam's covert nuclear weapons program—which was illegal under the NPT, an Iraqi official finally confirmed its existence. In an animated interview, as the official provided detailed information about the program's scope, he delighted in describing the success the Iraqi government had in fooling IAEA inspectors into believing that no such program existed. When Dr. Kay asked his interlocutor how he was able so skillfully to spoof the Agency, the Iraqi responded gleefully that it had been easy to do since he had been trained as an IAEA inspector. Similar training is now being done by those responsible for monitoring the CWC and CTBT.

The Enabling of Cheating

In addition to training inspectors from countries likely to abuse the information gleaned from the experience, an increasingly popular feature of traditional arms control has been what amounts to a bribe to induce "bad guy" regimes to become states parties. If they do so, developed nations promise to transfer equipment and know-how to developing countries—even though such items can then be diverted for prohibited purposes.

The first such bribe was inspired by President Eisenhower's "Atoms for Peace" proposal and integrated into the Nuclear Non-Proliferation Treaty. Unfortunately, these arrangements have offered a cover under which nations who desire to cheat can obtain material assistance that enables them to pursue covert programs with virtual impunity. Such treaty provisions also afford cover to countries who wish—for strategic and/or commercial reasons—to supply dual-use technology. Notably, Russia, China and France have done so incessantly, offering their rogue state clients tremendous assistance in acquiring not only nuclear power but "the Bomb."

Unfortunately, as with the technologies associated with the Atoms for Peace program, the application of the technologies and the skills associated with commercial chemical enterprises is directly relevant to chemical weapons development and production. The effect of the Chemical Weapons Convention's counterpart section—which Dr. Iklé sarcastically dubbed the "Chemicals for Peace" provision—is likely to prove every bit as pernicious as has been the case with the bribe made in the nuclear context: Such well-meaning but naive initiatives wind up contributing to proliferation, not serving as a real impediment to it.

The "Placebo Effect"

The aforementioned problems would be troubling enough if they merely meant that the arms control agreements signed by the United States and other peace-loving nations did not have the intended, and desired, effect on "bad guy" countries that threaten the peace. Unfortunately, it is now the case that prospective enemies are not only equipped with capabilities they were supposed to be denied. Worse yet, the U.S. and its Western allies are without capabilities they should have, and surely would have, had but for what I call the "placebo effect"—the false sense of security typically induced by arms control treaties that are not actually helpful.

A prime example of arms control's placebo effect was the upshot of the 1972 Anti-Ballistic Missile (ABM) Treaty. As you know, Mr. Chairman, that accord was supposed to preclude the deployment of territorial (or strategic) missile defenses by either the United States or the Soviet Union at a time when the two countries' long-range missiles constituted the only real threat to each others' security. By so doing, Washington sought to create conditions under which both parties would agree to make significant reductions in the offensive forces in place at the time of the ABM Treaty's signature.

This was not merely a hope on the part of the Nixon Administration. In a unilateral statement issued to the Soviets and subsequently incorporated in the ratification package submitted to the Senate, U.S. adherence to the Treaty was formally conditioned on such offensive force reductions being achieved within five-years' time.

Of course, no such thing happened. Soviet (and American) strategic force levels actually increased significantly from 1972 levels during that period and the decade that followed. In the absence of territorial defenses proscribed by the ABM Treaty, the threat posed to the United States can only be said to have increased dramatically. In addition, there is now convincing evidence that the former Soviet Union covertly deployed a credible, territorial anti-missile system of precisely the sort prohibited by the ABM Treaty. Until very recently, the placebo effect nonetheless in-

duced successive U.S. government's to refrain from building missile defenses for the American people.

*The Bush Decision on Missile Defense*

Fortunately, it became clear to President Bush that the strategic conditions of today—which include an array of emerging, menacing Chinese and rogue state missile capabilities unimaginable in the 1970s—meant that the defenselessness required by the ABM Treaty jeopardized the United States' "supreme interests," justifying his legal withdrawal from that accord pursuant to its Article XV.

Under the best of circumstances, however, it will take some time to rectify the strategic conditions created by the ABM Treaty—an America unprotected against even a single ballistic missile-borne weapon of mass destruction. I am particularly concerned that, given our present, complete vulnerability, such an attack may come in the very near future—not from intercontinental-range ballistic missiles but from shorter-range ones that are in the inventories of every state-sponsor of terror on the planet.

For instance, a United Nations study reportedly concluded recently that the Taliban had as many as 100 Scud-class ballistic missiles. If true, since no one has reported coming across any in Afghanistan, let alone destroying such weapons, al-Qaeda operatives may have acquired one or more. Alternatively, Saddam Hussein may have decided to part with one of his Scuds that have gone missing since the end of Operation Desert Storm. Or the Iranians might be willing to do so now that they are beginning—with Russian, Chinese and North Korean help—to master the art of medium-range missilery. Or perhaps the North Koreans would be willing to cut out the middle-man and sell one of their Scud knock-offs, or maybe even a 1,300 kilometer No Dong to a terrorist organization.

If terrorists were able to launch such missiles from ships off the American coastline, they could—in the absence of any U.S. missile defense—reliably deliver weapons of mass destruction on most of the Nation's largest population centers. While such a feat might seem exotic compared to simply detonating a weapon in a harbor, it would not actually require great technical expertise. In fact, the United States demonstrated that ballistic missiles could be fired from surface ships four decades ago. And just as we are right to be concerned about the more prosaic yet deadly uses to which terrorists might put ships, there is little doubt that they would be able to secure the use as a missile-launching platform of at least one properly configured vessel out of the roughly 25,000 ships at sea on any given day.

A recent analysis of this possibility performed by the Institute for Foreign Policy Analysis offers a sense of what the consequences might be for major U.S. population centers within range of a 15-kiloton (roughly Hiroshima-sized) atomic bomb aboard a 300-kilometer Scud-B missile launched off an American coast. IFPA's scenarios considered missile attacks on New York City, Boston, Philadelphia, Washington, D.C., Norfolk, Miami, Houston, San Diego, Hollywood/Los Angeles, San Francisco and Seattle.

The analysis suggests, for example, that New York would experience nearly 2 million killed instantly, an additional 2 million seriously injured; most buildings within a 1-mile radius of the attack's Ground Zero would be destroyed with a majority of those within a 3-mile radius heavily damaged. Other cities would experience corresponding levels of devastation.

Could one or more of these scenarios eventuate? Unfortunately, they could. In fact, concern about just such a prospect was expressed four years ago by a bipartisan, congressionally chartered commission under the able leadership of the man who now serves as our Secretary of Defense, Donald Rumsfeld. Asked by Congress to assess the danger of ballistic missile attack on the United States, the blue-ribbon Rumsfeld Commission declared:

> Sea-launch of shorter-range ballistic missiles ... could enable [an enemy] to pose a direct territorial threat to the U.S. sooner than it could by waiting to develop an intercontinental-range ballistic missile for launch from its own territory. Sea-launching could also permit it to target a larger area of the U.S. than would a missile fired from its home territory.

What Secretary Rumsfeld and his colleagues warned of in 1998 must, if anything, be an even more acute concern today.

*Needed: A Near-Term Deployment of Missile Defenses*

I give President Bush great credit for grasping the necessity of ending America's vulnerability to this and other kinds of missile attack by significantly increasing missile defense-related funding and by withdrawing from the 1972 Anti-Ballistic

Missile Treaty that prohibited the United States from developing, testing or fielding strategic missile defenses.

I am concerned, however, that the Administration has yet to take the steps necessary to begin as soon as possible the deployment of such anti-missile systems. That reality is all the more unacceptable insofar as U.S. policy—established by Congress and signed into law in 1999 by President Clinton—is to deploy a missile defense for the United States *"as soon as is technologically possible."* This direction was further reinforced on the day the ABM Treaty lapsed when Mr. Bush declared that "I am committed to deploying a missile defense system as soon as possible to protect the American people and our deployed forces against the growing threats we face." (Emphasis added.)

If President Bush is serious about ensuring that the law of the land and his personal commitments are promptly satisfied in light of the present and growing missile threat, he must direct the most urgent possible deployment of anti-missile weapons. This will mean augmenting the capabilities of the Alaska ground-based missile defense test bed/prototype system that is supposed to be constructed over the next two years. If done properly, the augmentation can also serve to offset some of the Alaska system's inherent weaknesses.

Clearly, the most cost-effective and—if properly executed—the nearest-term such augmentation would involve sea-based capabilities using the Navy's existing Aegis fleet air defense assets. If accorded the proper priority and resources, populated areas in proximity to American coasts, forward-deployed U.S. forces and this country's allies could begin to come under a limited naval missile defense umbrella before the end of the President's first term. (In fact, had the advice of the Heritage Foundation been followed since 1995, when a blue-ribbon commission it sponsored first called for withdrawal from the ABM Treaty and pursuit of Aegis-evolved missile defenses, such protection would likely have been put into place before now.)

That said, if the President had not exercised our right to withdraw from a treaty that had clearly outlived whatever usefulness it might have had, no deployment of any national missile defense would have been permitted. And, it can be argued, had he not accomplished our withdrawal in the way he had, the domestic and international costs of taking that necessary—if insufficient—step might have been considerably higher.

*The Treaty of Moscow*

Which brings us, finally, to the Treaty of Moscow. It seems fair to describe this accord as the price President Bush felt compelled to pay to minimize Russian objections to the ending of the ABM Treaty regime. It was clearly a step Mr. Bush took reluctantly. As a candidate and during his first months in office he had, repeatedly maintained that—in light of the fact that the former Soviet Union was no longer ruled by a hostile, despotic regime—there was no need for another arms control treaty to govern strategic force reductions that both parties had decided unilaterally to undertake.

I believe that judgment was correct. I am not quite as sanguine as Mr. Bush appears to be about the future direction of the Putin government, let alone that of its successors. Still, in my view, the President was right to argue that the changed character of the relationship between the United States and Russia meant that it was no longer appropriate or desirable to pursue bilateral Cold War-style arms control agreements.

Such an ad hoc arrangement also had the virtue of avoiding many of the pitfalls I have just described. We would not have to worry about legitimating as a "partner for peace" a regime that turns out to be more "bad guy" than "good guy." Political and trade considerations would not wind up encouraging the adoption of unverifiable or otherwise defective provisions. And we would not be confronted with the problem of refusing to recognize or respond effectively to noncompliance.

In particular, I agree with the core of the President's policy: The two nations should, pursue adjustments to their nuclear postures that they deem necessary in a global security environment in which the principal threats each faces emanate from other quarters. Under present and foreseeable circumstances, they certainly should not be some governed by some arbitrary arrangement negotiated on the basis of mirror-imaged force structures or destructive capabilities. For the United States, this would mean determining a level and mix of strategic forces that are sufficiently flexible, modern, safe and effective to deal with a dynamic threats of today and tomorrow.

*What Kind of Deterrent?*

As a candidate, Governor Bush declared that he believed the right level was considerably lower than even the Clinton Administration had been exploring in its

START III negotiations with the Russians. Not surprisingly, the Nuclear Posture Review conducted after Mr. Bush won the White House reached a similar conclusion and he committed the Nation to reducing our strategic force structure to between 1,700 and 2,200 deployed weapons within a decade.

Personally, I would prefer to see the United States retain a larger number of such weapons for several reasons, including the following:

- First, *nuclear deterrence is an art, not a science.* We cannot be sure what will deter the adversaries we face in the future, if indeed they are deterrable at all. I am of the view that our nuclear posture is an insurance policy, a necessary ingredient in a comprehensive defense posture. While we cannot, accordingly, rely upon it exclusively—hence the need for, among other things conventional forces and homeland security (including missile defense), we should err on the side of caution, retaining more insurance against uncertainty rather than less.
- Second, *we face growing uncertainty about the reliability of our deterrent.* It has been ten years since we last conducted a realistic underground nuclear detonation. In the course of the intervening period, we have experienced a growing number of technical problems with our nuclear arsenal. We can not have absolute certitude that we fully understand the gravity of these problems, that those identified to date are the only ones afflicting weapons approaching (or, in some cases, exceeding) the end of their design lives, or that we have engineered fixes that will work.

  In the absence of periodic underground nuclear testing, these uncertainties are only going to increase. And, as the number of types of weapons in a significantly smaller stockpile declines, the consequences of having to "red-line" a weapon for safety or reliability reasons will have a magnified—and potentially dangerous—effect on deterrence.
- Third, *I believe it ill-advised to reduce our nuclear forces to anything approaching what could be the point where other nations, most especially China, may feel tempted to build up their arsenals in the hope of achieving something approximating superpower status.* If developments in Russia prove less positive than we hope, the fact that the Kremlin may wind up having substantially larger numbers of strategic as well as tactical arms than the United States could prove inconvenient, or worse.

*Why the Treaty of Moscow Warrants Senate Support*

For these all these reasons, I would very much have preferred that the United States not commit itself to yet another strategic arms treaty with the Kremlin. The Treaty of Moscow represents, however, the closest thing imaginable to a no-treaty treaty, and I am prepared to support it as the price for securing at last the end of the vulnerability imposed by the Anti-Ballistic Missile Treaty.

Indeed, it is the very qualities to which proponents of arms control most strenuously object that are, in my estimation, this accord's most redeeming qualities:

- *The Treaty of Moscow is little more than a joint statement of intentions.* As such, it departs from the fiction that bilateral negotiations have produced a new and indispensable pillar of international law. In its brevity and simplicity, the Treaty reflects a wholly different spirit than the absurdly detailed contracts between the United States and the Soviet Union, which were always entered into with the knowledge that the latter was unlikely fully to honor the laboriously crafted terms.
- *No pretense is made of verifying the Treaty of Moscow.* It is up to the parties to observe their unilateral undertakings. If they do not, it will not matter because the security of each nation is defined not by the threat posed by the other but by the adequacy of their military and non-military capabilities to contend with the dangers emanating from other quarters.
- *The Treaty does not require either the United States or Russia to dismantle those nuclear weapons removed from deployed status.* This is a very good thing insofar as we may need over the next decade, for reasons like those outlined above, to increase the size and/or composition of our alert forces. Having a reserve inventory to draw upon is likely to be the fastest and least expensive way to do it. The presence of such a capability, moreover, may serve to dissuade would-be peer-competitors from trying to rival our deterrent power.

  Of course, the critics tend to cite the decision not to require dismantling as a serious deficiency of the Treaty of Rome. Truth be told, they seem most upset about the prospect that the US. thus retains the option to reconstitute its nuclear forces. But their stated objection concerns the possibility that, in the absence of U.S.-monitored dismantling, Russian warheads will become—once sepa-

rated from their delivery systems—prone to diversion, in whole or in part, to nuclear wannabe states or even terrorist groups.

The truth of the matter, however, is that we have no idea how many nuclear weapons the Russians have actually produced and squirreled away over the years. As a result, the danger of Russian "loose nukes" is real and a fact of life, irrespective of what happens to the portion of the Kremlin's stockpile that e know about. If anything, the larger problem in this regard would appear to arise from weapons that first the Soviets and more recently the Russians have entirely concealed from us.

This reality makes all the more unsupportable the costs associated with a monitored dismantling program—i.e., intrusive inspections of highly sensitive U.S. nuclear facilities and insights into American weapons designs that involve data that is properly and by law carefully restricted.

- Finally, *the United States can withdraw from the Treaty of Moscow on only three-months notice.* To do so, it need not assert that its "supreme interests" are being jeopardized by further adherence. While that would almost certainly be the case, the grounds for doing so would, under the Treaty's terms, require the Nation to do nothing more than "exercis[e] its national sovereignty." As I have indicated elsewhere in this testimony, I believe such flexibility is not only highly desirable but potentially of vital importance to our national security.

*Regime Change as a Means of Arms Control*

If I may, Mr. Chairman, I would like to conclude with a few words about where we should go from here with respect to arms control.

As I have previously noted, in the context of a bilateral U.S.-Russian relationship no longer characterized by the Kremlin's ruthless authoritarian rule at home and its adamant hostility to this country and its interests abroad, informal understandings, frameworks and arrangements between Washington and Moscow appear to be worth a try. Certainly they are much to be preferred over seriously defective traditional arms control agreements.

Not surprisingly, dealing with the threat posed by nations still unambiguously hostile to the United States and bent on acquiring, and perhaps using, weapons capable of inflicting great harm on this country requires a different approach. The most promising—and probably the only effective—one appears to be that aimed at changing the character of the rogue state regimes that pose such a threat.

It is no coincidence the regimes that are currently working hardest to attain and proliferate weapons of mass destruction are the same regimes that are the most tyrannical. These include: Iran, Iraq, Syria, Libya, North Korea, Cuba, Sudan, Algeria and the People's Republic of China. (Russia deserves special mention in this regard, even though its government is not an authoritarian one at the moment, since it is both continuing to conduct secretive WMD programs and to contribute aggressively to the proliferation of related technology and delivery systems to some or all of the aforementioned, among others.)

By contrast, governments that most respect freedom, democracy and human rights tend to maintain the greatest transparency in their weapons programs and generally play a constructive role in combating the proliferation of dangerous weapons. France and Germany are notable exceptions with regard to the latter. Entities operating from their soil have been among the most egregious suppliers to some of the above-named regimes.

As it happens, the rogue states and their friends are also implicated to varying degrees in harboring, training or otherwise supporting terrorist organizations. The Bush Administration has made no secret of its determination to pursue regime change as one option for waging the war precipitated by the September 11th terrorist attacks on the United States. To the extent that this option is in fact exercised, the effect could be highly salutary both with respect to the fights against terrorism and against the proliferation of dangerous armaments.

To be sure, changing entrenched, tyrannical regimes is not an easy task. It requires a coordinated political, diplomatic, military and economic strategy to weaken, to delegitimize and, finally, to end the ruling elites' tyranny.

Fortunately, if properly conceived and pursued, such efforts should enjoy the support of those who have at least as much reason to desire change as do the people and government of the United States—namely, the people whose lives and liberties are being brutally suppressed by their despotic regimes. With those subject populations as potential allies, the feasibility and facility of American-led efforts to effect regime change can be greatly enhanced and a new and probably far more effective approach established for controlling threatening arms around the world.

The CHAIRMAN. Thank you very much.

Let me begin with you, Mr. Gaffney. The administration in its public statements and testimony have really given a very rosy picture of the relationship between the United States and Russia.

Secretary Rumsfeld said because Russia and the United States are no longer adversaries, our interests have changed. As enemies, we had an interest in each other's failure, as friends, we have an interest in each other's success, and that change in atmospherics is offered as one of the rationales why we need not have any verification regime of any consequence. This view seems to be at odds with what you have cited as illicit Russian activities regarding chemical and biological weapons proliferation with Iran, human rights abuses in Chechnya, arms sales to China. How do you square these two things?

Mr. GAFFNEY. I think as I said in my testimony there is reason to be somewhat less sanguine than I think the administration is at the moment that everything is supposed to turn out well in Russia.

I do think that what the President is trying to do is to the maximum extent we can, foster in Russia the changed attitudes toward the United States and the encouragement to—if you will, the kind of regime change there as well, obviously not in the same sense as Saddam Hussein, but changing the character of the Government that we have known and loathed for so many years, and encouraging the forces within Russia today that are I think resistant to some of the impulses that we see of a reversion to authoritarianism.

I am very concerned, as I think I heard here this morning, about Russian noncompliance with its arms control obligations. I am very concerned about Russian armaments to China, of weapons that were designed in the Soviet era and for that matter in the Russian era to kill Americans. I think these are very troubling developments, and the human rights issues and others that you have mentioned.

I think these argue, Mr. Chairman, for a clear-eyed view, a hopefulness and an encouragement to the right sorts of change, and a hedging of our bets. What I am simply saying is, I do not think that arms control as we have known it has actually hedged our bets.

I think it has proven in case after case, especially the Soviet and Russian cases, to be the gravest disappointment that has left us worse off than before, so I square the circle by saying, be realistic, appreciate what this treaty does is leave us flexibility to respond if things do not work out the way we hope they will, but to create—particularly in a climate where we were trying to do something rather audacious, as you know, to withdraw from the ABM treaty and begin defending this country against missile threats in a way that did not greatly aggravate the internal dynamics within the Russian Federation that might have moved it rather more in the direction of aggressive, unfriendly behavior.

The CHAIRMAN. You have written extensively and spoken about, for lack of a better phrase, my phrase, not yours, how low we could go, and you have indicated in the past, as recently as a year ago, that we should not go below 3,500 warheads, which are the START II levels. Does it matter to you whether or not they are deployed,

3,500, or that we have 3,500 warheads, 2,000 of which may be deployed and 1,500 with ready reload capacity?

Does that matter in your equation, given the testimony here from the Chairman of the Joint Chiefs was that in terms of the SIOP and regardless of what the Russians would do, we were going to go to 1,700 to 2,200 deployed warheads, and the only reason for stockpiling did not relate to Russia, but to the potential breakout in other countries of nuclear arsenals.

Do you buy that argument?

Mr. GAFFNEY. Well, I would not try to psychoanalyze the minds of the Joint Chiefs of Staff on this. I would just speak for myself. My strong conviction, Mr. Chairman, is that for the deterrent to be worth having at all, it has to be credible, and I believe that that argues for having a number of weapons on the one hand, and a quality of weapons on the other that is seen by hopefully all-comers as dissuasive.

I do not know whether the right number is 3,500 or 6,000, or 1,700 to 2,200. My own feeling is what we ought to have are weapons that are as safe as we know how to make them, are as reliable as we know how to make them, and are as appropriate to the kinds of targets that we have to contend with, and that is something we are not able to do right now, Mr. Chairman, as a result of the ban on testing, among other things.

The CHAIRMAN. Well, my distinct impression, after hearing testimony from the administration, was that they fully anticipated reaching the 2,200 level or below, well below the 10 years, that they were looking at that in a much nearer term, and when I raised the issue, they indicated that it did not really matter whether there was parity with Russia. They did not say this—I am speaking hypothetically—that we could get to 2,200 by the year 2006, and Russia not make a single move until the year 2009, 2010, and that did not bother them at all. Would this asymmetry, which would be the first time it existed, matter strategically?

Mr. GAFFNEY. I think it matters if Russia goes bad, and I think one of the reasons why you would like to make sure that you have got the ability, both within the arrangement, whether it is a unilateral statement or a treaty, to be able to respond, is if it goes bad you may wish to have some higher number than you currently have.

Again, Mr. Chairman, I think it is important to really focus on the quality of the weapons we have, and there is a danger here of saying, well, this number is the right number, or if so many of them are nondeployed, that will be—as important as anything is that we need that they are as reliable and as effective as we know how to make them. That, I think is as important as these other considerations, and my personal preference, Mr. Chairman, I would like to have the United States have more nuclear weapons than anybody else on the planet. I mean, that is just sort of where I come from as a matter of philosophy, as I said, the insurance policy.

The decision of the administration as to how fast they are going to come down and to what levels they are ultimately going to come down, my guess is they will adjust those, depending on the circumstances that prevail over the next few years.

The CHAIRMAN. Mr. Paine, do I understand you to say that if, in fact, the Senate were to attach the six or so conditions that you recommend, that you would be supportive of the treaty?

Mr. PAINE. Yes, absolutely, and it does not even have to be these exact same conditions. But I think the treaty now is a skeleton with no meat on it.

The CHAIRMAN. How do you respond to the assertion made, I think in a fairly articulate manner, by the Secretary of State? Granted it was a different tone expressed by the Secretary of Defense, at least as I read it.

The Secretary of State basically makes the following argument, and this is my characterization, but as I get it he makes the following argument: This treaty is not much, but what it does do, it does put us on a glide path not so much in terms of the total number of nuclear weapons we have, but in terms of a relationship with the Russians whereby we said to them, look, basically we are going to go to deployment levels we need to go to, we hope you will go there, too.

We think if both our nations start down this road we will develop additional transparencies. As we move in this direction, this is going to build confidence. We are going to get ourselves to a point that this is not the last, but only the beginning of a new series of agreements with the Russians relative to all nuclear weapons, that will even get into tactical nukes down the road, and that this is more of an exercise of building confidence than it is anything else.

Now, that is my characterization, not his, but that is how I read what he was saying, and I may be wrong. I may get a phone call when this is over saying, "Joe, that is not my position." That is how I read it. If we do not get the conditions that you recommend, or even any remotely like them, and we vote this treaty down, what is the effect, do you believe, on the relationship with Russia and with Putin?

Because we seem to, and I think it is a constant failing on our part, Democrat and Republican Presidents alike, attach the prospects of our bilateral relations to individuals rather than institutions, and that is necessarily the case in some instances, because the institutions are not worthy of attaching anything to. Talk to me a little bit about what consequences, if any, you think flow from a Senate rejection of this treaty.

Mr. PAINE. First, I guess I would say that I do not see the process being carried out that Secretary Powell hinted at in his testimony that this would be the first of more significant agreements. I think the Secretary of Defense testified that he hoped it would be the last, and that if Russia became a normal country it would assuredly be the last, so I think there is a problem there.

I think the Secretary was trying to create the impression that this would start a glide path that would then lead to further agreements, and I do not believe that is the case. I just think that there was some spin there, and maybe some hope. I think that the purposes of this agreement, to the extent that it means anything, have already been accomplished. There was a treaty-signing in Moscow, and an issuance of press releases and parallel unilateral statements about where the two countries think they are going.

My comments go to the integrity of the treaty process.

The CHAIRMAN. I got that. What I am trying to get at is, what happens in the event of a Senate rejection?

Mr. PAINE. I think that for the Senate to ratify this clean just sends a terrible message and corrupts our own processes, our own processes of Government. I do not think Putin will be disturbed in the least if this committee sent a letter to him and the President explaining why what they did does not meet the basic threshold standards for turning a treaty into U.S. law.

The CHAIRMAN. To state it another way, you have no concern about a no vote, a failure to ratify?

Mr. PAINE. I do have a concern about no vote. As I testified, our preferred course of action is to get this treaty into force and effect, whatever that means, basically by getting some conditions into force.

The CHAIRMAN. I got that. I just want to be sure, and by the way, I share many of your views, and it will come as no surprise to anyone on the panel. I do not feel as strongly as you do. I do think that just merely having weapons not deployed is better than, and even stockpiling, is better than having weapons deployed and with stockpiling.

But what I am trying to get to is the realistic prospect of what is likely to happen if, in fact, there is a rejection, unless there is a bipartisan willingness, and I do not know that it exists, I do not know that it does not, to deal with some reservations or conditionality to this treaty.

Then we are left with one of two options. I go to the Majority Leader recommending he never bring the treaty up, like my Republican friends did on many treaties, and so there is never a vote on the treaty, or second, we go and we bring the treaty up, and it does not get the required supermajority, so therefore the treaty is not ratified. Now it goes back to the desk. It does not mean it is dead, but the fact is, it is not ratified, and it seems to me that the rest of the world is fairly sophisticated about what this treaty means.

I do not find them particularly thinking it is going to do particularly much, but I find, with the world leaders with whom I have had the occasion to discuss this, or with foreign ministers, the treaty is basically viewed as well, you guys are making nice with one another, this is a positive thing, and let us just hope, as Father Christiansen said, it is the first step, not the last step, and whether it takes the form of a written statement, assuming, "Russia does not go bad," to use Frank's phrase, I think that was the phrase. We may not need treaties, but we will do what we have done with our allies. We will have transparencies that exist that maybe do not have to be ratified, but in fact develop, and that is kind of where I think most people are on this treaty, with notable exceptions.

So I just am trying to—and it is almost unfair to ask you the question, because you do not want to answer that it would be a bad idea to vote the treaty down, because then you might undercut the argument that we need these conditions, so I understand that, but I really do think it is worth thinking about. If there is an attempt to put conditions on and they fail, we do not get the conditions voted on. Then if that decision is made, then is it still worth bring-

ing the treaty up, or ratifying the treaty, and that is really the basic question I have for you.

Mr. PAINE. I would have to think about this more and consult other people within NRDC, but my feeling is——

The CHAIRMAN. That is fair enough.

Mr. PAINE. My feeling is, at that point I guess I would rather see it demoted to an executive agreement, and then it could be passed by simple majorities in both Houses, like the 1970s Interim Agreement, and we could move on. I think the Senate has special responsibilities, and the processes are special, and the consideration is supposed to be serious, and I feel the submission of this treaty has demeaned the whole process, Senator.

The CHAIRMAN. I understand that. What I do not understand, and I will submit these in writing, is, as I said, I share your concern about what the treaty does not do, and how, if, in fact, some additional things do not happen, it could—maybe it is too strong, but it would make a mockery of the notion of treaties and what they are supposed to mean, but I am not sure that the conditions you have laid out remedy that flaw.

Let me be precise, if I may, and I will not keep you. The reporter, the poor guy is not going to get any lunch either. He is supposed to be out of here by 2:15, because he is supposed to be at the Appropriations Committee at 2:30.

But to just give you one example, you suggest that we direct the President to achieve a peacetime ceiling of 1,700 operationally deployed weapons within 5 years, and you go on to say, this ceiling should be achieved by no later than 2007, not exceeded thereafter unless the President certifies an adversarial hostile condition has arisen, et cetera. How did you arrive at the 5 years? Was that just an arbitrary date you picked?

Mr. PAINE. No. It is basically, I was trying to stay on the same original timetable as the START III framework agreement.

The CHAIRMAN. I see.

Mr. PAINE. I did not want us to slip backward, Senator.

The CHAIRMAN. And you called for an active reserve of no more than 1,000 stockpiled warheads. Was there anything in particular that led you to choose that number? I am not trying to be argumentative.

Mr. PAINE. That is an arbitrary number. It is just considerably smaller than what they are planning to maintain.

The CHAIRMAN. The one thing that I am, as a matter of principle, not sure I agree with you on is that we write into a treaty the requirement that the Senate provide the advice and consent to withdraw from the treaty, and that may have occurred in the past, but I cannot think of any treaty where we have ever done that—and that does not mean we should not.

Mr. PAINE. My instigation for that, Senator, is I believe it was Justice Powell in the Taiwan case with President Carter who said that, had the Senate voiced a definitive opinion either through joint resolution or some other statute, that it would have been much more difficult for the President to unilaterally withdraw. In other words, I think the constitutional situation is that it is on a case by case basis, and if the Senate wants to assert its prerogatives, it has to do that prior to the President's taking action.

The CHAIRMAN. It does. I was just making a broader statement that as a matter of principle I do not think we have done that before.

Father, I have a number of questions for you. I am going to submit a couple in writing, but I would like to ask you one now, and we will let the reporter go and all of you go.

You indicate that more dramatic progress in arms control and disarmament is the only basis for the continued moral legitimacy of deterrence. Put another way, if Secretary Rumsfeld was right when he said this is the end of all treaties, then I assume the conference's position would change, if you thought that was the U.S.'s position.

Father CHRISTIANSEN. The conference's position is that it is a conditional acceptance of deterrence. Deterrence is accepted on the condition that there is progress toward nuclear disarmament, yes, but that is a matter of assessing the various stages that take place, but if there is going to be no more, yes, deterrence would become immoral from our point of view.

I mean, I think there is a real risk of underestimating the nuclear risk to the United States in a situation that the perdures of mutually assured destruction is a kind of strategic balance, and on the other hand, the risks in terms of proliferation, and even just generally in terms of having nuclear weapons available.

The CHAIRMAN. Well, gentlemen, again, I appreciate your indulgence in the way this schedule has rolled out here, and I know I have taken you well beyond the time you anticipated being here. With your permission, I will—and I promise it will be no more than four questions, and maybe not that many—submit to you questions in writing for the record.

I do appreciate your testimony, and again my public apologies to Mr. Simes for not being able to get started to meet his schedule.

The CHAIRMAN. With that, we will adjourn the hearing. Thank you all very much.

[Whereupon, at 2:15 p.m., the committee adjourned.]

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RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD TO HON. SAM NUNN BY THE COMMITTEE

*Question.* How will the implementation of the Treaty on Strategic Offensive Reductions impact on the Cooperative Threat Reduction program and other U.S. nuclear nonproliferation efforts? Will it place new demands on these programs?

Answer. U.S. Cooperative Threat Reduction officials indicate they have scaled current and future year budgets for destroying strategic nuclear delivery systems and securing associated warhead transports to take the Treaty of Moscow reductions into account. Therefore, although the Treaty will place new demands on these programs, I understand that these demands have already been incorporated into program plans.

Since the Treaty establishes no requirements for destroying warheads, the degree to which requirements would increase for securing and ultimately disposing of fissile material removed from nuclear warheads will be determined by unilateral Russian decisions, not directly attributable to the Treaty. Should Russia decide to increase warhead dismantlement, secure storage of additional plutonium and highly enriched uranium will be required; it is likely that the Mayak Fissile Material Storage Facility, expected to begin storing fissile material early next year, can accommodate significantly more material than the 25 metric tons currently envisioned without any significant modifications. Similarly, additional excess plutonium and highly enriched uranium may be available for disposition under current programs to use them as

fuel for civilian nuclear power plants. For plutonium, total U.S. assistance toward the capital and operational costs of disposition facilities in Russia has not yet been determined. For highly enriched uranium, disposition via blend-down and use as reactor fuel is effected under a commercial deal which would need to be expanded or accelerated, or a separate arrangement created. To the degree that additional excess uranium is blended down at rates exceeding the commercial fuel market's ability to use it, U.S. government funding may be required in the form of a loan or partial payment of costs associated with storing the blended-down uranium prior to sale.

While any of these additional expenses would not be a direct result of the Treaty's implementation, prudent planning and availability of adequate resources could provide incentives for Russia to dismantle warheads, in the knowledge that any additional material would be securely managed.

*Question.* In a May 21, 2002 *Washington Post* op-ed, General Habiger, former Secretary of Defense William Perry, and you discussed the importance of "an accurate accounting and adequate safeguards for tactical nuclear weapons, including a baseline inventory of these weapons and reciprocal monitoring." This treaty does not include any provisions on tactical nuclear weapons.

- How can the U.S. and Russia best move forward in seeking to inventory and possibly reduce Russia's stockpile of tactical nuclear weapons?
- How willing should the U.S. be to consider tradeoffs in our tactical or strategic nuclear forces to achieve the latter objective?
- How could the U.S. best help prevent theft or diversion of small tactical nuclear weapons or of their fissile material?

Answer. The best way to prevent theft or diversion of tactical nuclear weapons (or their materials) is to ensure that they are inventoried, accounted for, and tightly secured. Today, we have little insight into the number or security conditions of tactical nuclear weapons in Russia. Neither the U.S. nor Russia has provided the other with baseline information on the numbers and types of nuclear weapons in its inventory. Nor has such information been required under previous arms agreements.

The President should work with the President of Russia, as a matter of the highest diplomatic priority, to ensure an accurate accounting of each nation's strategic and non-strategic nuclear weapons, as well as on achieving agreed monitoring mechanisms to assure the accounting and security of such weapons. Since strategic warheads are not easily differentiated from tactical nuclear warheads, the accounting and security mechanisms must address both categories of weapons in order to be effective.

Although I believe the accounting and security of these warheads to be the highest security priority, both Presidents could further strengthen security by committing to the dismantlement of strategic and non-strategic nuclear weapons that are excess to their security requirements. A schedule for the dismantlement of these weapons over the next ten years should be set forth at the earliest possible date.

*Question.* In the same op-ed, your co-authors and you assert: "Both presidents should pledge that the treaty they are signing will be supplemented by additional agreements to ensure transparency, verifiability, irreversibility, and stability."

- How do you assess the absence of any provisions on transparency and verification in this Treaty? Do you accept the position expressed by some Administration officials that there was no way to make this Treaty verifiable?
- How might the Treaty's omission of verification and transparency provisions affect strategic stability between the U.S. and Russia?
- What sort of transparency and verifiability agreements do you believe would be most practicable?

Answer. Transparency into the implementation of force reductions on both sides will be important to ensure that nuclear dangers are being reduced, and to maintaining and building upon the growing relationship of trust between the U.S. and Russia.

I believe the President should seek to further develop with Russia agreed mechanisms designed to allow both the U.S. and Russia to monitor progress in the implementation of force reductions. The President has already committed to the establishment of a "Consultative Group for Strategic Security" as well as a Bilateral Implementation Committee for the Treaty. He should seek to use both of these groups, as appropriate, to reach agreement with Russia on monitoring and transparency provisions.

I would further urge as a first step in the process of implementing reductions called for by the Treaty, that both Presidents develop and make public their plans and schedules for achieving the force reductions called for by the Treaty at the earliest possible date.

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RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED FOR THE RECORD TO GENERAL HABIGER BY THE COMMITTEE

*Question.* If the United States chooses to retain a large number of strategic nuclear warheads in reserve, Russia my take parallel steps. Do you believe that the Russians have adequate storage for the warheads and bombs they will be removing from operational deployment under the provisions of this treaty?

Answer. I do not have enough data to give a definite answer. As I indicated in my testimony, I saw several military nuclear weapons storage sites, however, I saw no indication of excess capacity.

*Question.* Do you think that, if necessary, Russia could construct one or more storage facilities at the same time they were downloading nuclear weapons from their bombers and missiles, without U.S. technical or financial assistance?

Answer. I do not think that the Russians would be able to construct one or more storage facilities without financial assistance. The military services have demonstrated that they have the technical capability.

*Question.* Are there any reasons why we could not safely lower the operational status of strategic nuclear forces slated for later reduction under the provisions of this treaty, for example, by changing the alert status of missile bases or the deployment patterns of submarines?

Answer. I do not advocate lowering the operational status of nuclear forces slated for later reduction. I strongly support taking those Peacekeeper missiles and Ohio Class submarines totally off alert status.

*Question.* Do you think that some non-deployed Russian warheads would be best kept on their ICBMs in silos, with the warheads and/or missiles modified so that the missiles cannot be launched without a major effort visible to spy satellites? If that is the case, is there an easy way to modify the missiles so that they cannot be fired?

Answer. As I indicated in my testimony, recommendations regarding lowered alert status should be developed by the manufacturers who built those systems and not the military or arms control communities.

*Question.* As the United States implements the provisions of this treaty, it may choose to place as many as 2,400 strategic nuclear warheads, if not a greater number, into active reserve storage.

Administration officials contend that because Russia retains the capability to manufacture nuclear weapons, and because the United States currently lacks a remanufacturing assembly line, we have to keep a large reserve in case we find a fault in out deployed warheads. What is your view?

Answer. Our country's capacity to dismantle nuclear weapons has been seriously degraded since the mid-1990s. It makes sense to place those warheads associated with the retirement of the Peacekeeper and Ohio Class submarines into our strategic reserve because they are the most modern and have incorporated the most up-to-date safety technology. However, an overall cap should be placed on the number of nuclear weapons in our reserve inventory. We should aggressively begin dismantling the older weapons.

# TREATY ON STRATEGIC OFFENSIVE REDUCTIONS: THE MOSCOW TREATY

**Thursday, September 12, 2002**

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
*Washington, D.C.*

The committee met, pursuant to notice, at 3:10 p.m. in room SD–419, Dirksen Senate Office Building, Hon. Joseph R. Biden, Jr. [Chairman] Presiding.

Present: Senators Biden [presiding], Lugar, and Hagel.

The CHAIRMAN. The hearing will come to order. I am doing this all too often lately. I apologize to the witnesses and I apologize to my colleagues for being late. I just told Senator Lugar, any time we are doing a hearing jointly together and I am necessarily delayed, he need not wait for me, notwithstanding this division in party here.

Today the Committee on Foreign Relations holds its fourth hearing on the Treaty on Strategic Offensive Reductions, known as the Moscow Treaty. We have some very important witnesses. Our Moscow Treaty witnesses in July included, among others, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, former Senator Nunn, former STRATCOM Commander General Habiger, and Kenneth Adelman.

Today's hearing features six very distinguished people:

Dr. William Perry of Stanford University, the former Secretary of Defense and such an incredible asset to this country and to both sides of the aisle that we still seek his advice;

Dr. Fred Iklé probably has testified before this committee as many times as I have sat in this chair, and we are delighted to have him here. He is at the Center for Strategic and International Studies, and is the former Under Secretary of Defense and Director of the Arms Control and Disarmament Agency;

Dr. John Holdren, a physicist from Harvard University who chairs the Committee on International Security and Arms Control at the National Academy of Sciences;

Dr. Rose Gottemoeller of the Carnegie Endowment for International Peace, a former Deputy Under-Secretary of Energy who has worked on U.S. threat reduction and nonproliferation programs in Russia;

Ambassador James Goodby of the Brookings Institution who has negotiated with Russia on strategic arms treaties, the Nunn-Lugar program, and possible warhead dismantlement; and

Mr. Henry Sokolski, Executive Director of the Nonproliferation Policy Education Center, who worked on the nonproliferation ac-

count for Secretary of Defense Dick Cheney in the first Bush Administration.

We are pleased to welcome all of you. Without going any further into my opening statement, I ask unanimous consent in the interest of time that the remainder of my statement be placed in the record, and I will at this point yield to my friend Senator Lugar for an opening statement.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

The Moscow Treaty is an important step toward a more secure world. But the Treaty is far different from strategic arms control agreements of the past.

- We used to worry that a nuclear war could begin with one side responding to erroneous missile warning data by launching its multiple-warhead ICBMs, because they were vulnerable to attack. Now the Administration says that no war is possible with Russia, so there is no cause for concern if Russia keeps its 10-warhead ICBMs that the first President Bush worked so hard to ban.
- We used to worry about Russian force levels. Now the Administration says we will reduce our strategic forces no matter what Russia does, so no verification is needed.
- We used to try to avoid compliance disputes. Now each Party may define for itself what it must reduce; the United States will use a new definition; and Russia has yet to decide on a definition.
- We used to seek irreversible force reductions. Now we will reduce our strategic forces to what were once the projected START III levels—but keep the ability to rebuild our forces to above the START II level.

What should Americans make of this new world? What should the Administration do to make sure this 3-page treaty increases America's security?

Can the Senate help ensure that the treaty leads to a more stable future in which the United States and Russia continue to move away from strategic competition and the threat of war?

Back in July, Sam Nunn, the former chairman of the Senate Armed Services Committee, recommended that the Administration publish a schedule of reductions and build transparency into our reductions of airborne weapons.

He also called for an accounting and safeguards regime for tactical nuclear weapons.

Senator Nunn proposed dismantling a large number of nuclear weapons on each side. He recommended reducing the high alert status of U.S. and Russian strategic forces, as President Bush had suggested during his campaign.

And he endorsed raising tactical nuclear weapons in the new U.S.-Russia Consultative Group for Strategic Security.

General Habiger called for transparency. He described showing the head of Russia's Strategic Rocket Forces that we could not quickly add warheads to single-warhead Minuteman missiles. The Russian general told him, "that was the most valuable thing you could have done. I have seen that the Americans are telling the truth."

General Habiger recommends a transparency regime designed by each side's military and weapon system experts. He also favors immediately standing down those U.S. forces that are slated for reduction by 2007.

And the former STRATCOM commander favors warhead dismantlement, with a bilateral transparency regime—even if the Russians learn some of our nuclear secrets in the process.

Ladies and gentlemen, those are intriguing proposals. They are not as far-reaching as some ideas we have heard, like deeper and faster reductions, or limits on the size of our warhead reserve. Even so, they give us a lot of food for thought.

But the Nunn and Habiger proposals won't get very far unless they gain bipartisan support. And that's where today's witnesses come in. You are our reality check.

Some of you have technical expertise on warhead dismantlement. Some have negotiated with Russians and have a sense of what Cooperative Threat Reduction can do. Some have worked with our own military and nuclear establishments, and know the limits of what they will do.

How realistic are the calls to dismantle warheads transparently? Can we really do that without endangering our national security?

What is a logical Russian *quid pro quo,* given that they—unlike us—periodically dismantle and re-manufacture all their warheads?

What steps should the Senate take, and the Administration embrace, to make this Treaty succeed? How can we best build on the foundation that this Treaty provides for a new era in U.S.-Russian relations?

That's a daunting set of questions, but I think our witnesses are up to the task of helping us to find the answers. I look forward to engaging with you all.

The CHAIRMAN. Senator Lugar, if you have an opening statement, the floor is yours.

Senator LUGAR. Well, thank you very much, Mr. Chairman.

As the Chairman has pointed out, we will hold our fourth and final hearing on the Moscow Treaty today. On June 10 the Chairman and I met with President Bush to discuss Senate consideration of this treaty and we committed to moving the treaty forward in a responsible, bipartisan and expeditious manner. I want to thank publicly Senator Biden and his staff for working closely with Senator Helms' staff and with mine to construct what I believe has been a comprehensive examination of the agreement and its implementation.

Each of the committee hearings has embraced one common theme: Is Russia capable of meeting the timetable of its obligations under the treaty on its own? The answer from our witnesses has been no, that without United States assistance Russia cannot make the necessary reductions by 2012, and the primary vehicle for cooperation in reducing weapons levels set by the Moscow Treaty and addressing the resulting threat posed by de-mated warheads will be the Nunn-Lugar Cooperative Threat Reduction program.

Without this program's prompt utilization, it is never likely or is not likely the benefits of the treaty will be realized, or at least at best they will be postponed.

My concerns about timely treaty implementation are compounded by the impasse we have faced over the summer with regard to the certification process associated with Cooperative Threat Reduction. Each year our President is required by law to certify to Congress that Russia is committed to the goals of arms control. This year the administration requested a waiver to this condition, pointing out that unresolved concerns in the chemical and biological arenas made such certification difficult.

But from April 16 to August 9, the Nunn-Lugar program was stalled because no new projects could be started and no new contracts could be finalized absent invocation of a waiver to the certification requirement. Many do not realize the breadth of projects that were put on hold while we awaited passage of a supplementary appropriation bill and a temporary waiver.

I would cite just three: installation of security enhancements at ten nuclear weapons storage sites, elimination of two strategic missile submarines and 30 submarine-launched ballistic missiles, elimination of SS–24 rail-mobile and SS–25 road-mobile ICBMs and launchers, among others. Truly, these projects were in the national security interest of the United States. Unfortunately, they were delayed as we worked our way through our own bureaucratic process in this country.

Many will say that the situation was indeed unfortunate, but the problems are behind us. This is true for exactly 18 more days. The waiver authority the President utilized to restart Nunn-Lugar was contained in the supplemental appropriation bill and that expires on September 30. Again, U.S. national security will suffer the effects of these conditions without remedial action before that date.

President Bush has requested permanent annual waiver authority to eliminate nuclear, chemical, and biological weapons once and for all. But there are some in Congress who would prefer just a 1-year waiver or no waiver at all, and without a permanent waiver the President will be forced to suspend dismantlement assistance each year pending Congressional authority to the President to waive the requirement.

This could lead to delays, as we saw this year, of up to 6 months or more. And without permanent waiver authority, Russian implementation of key reductions under the Moscow Treaty could be suspended for more than 6 months each year—each year—while Congress considers granting the President additional waiver authority. To say the least, this could make the Moscow Treaty much longer than a 10-year situation.

I recently returned from a 9-day trip to the Russian Federation to visit the Nunn-Lugar dismantlement sites and I met with the Russian Defense Minister, Mr. Ivanov, and President Putin's National Security Adviser former Marshall Sergeyev. Each indicated that he would testify before the Duma on this treaty early next month in October. They both predicted that the treaty would face limited opposition and would be approved in Russia.

I am hopeful the Senate will do likewise. But I have no doubt that the Duma will make clear that the pace of Russian implementation of the reductions called for in the treaty will be dependent on outside assistance, as was the case when the Duma ratified the Chemical Weapons Convention. As we discussed in previous hearings, after 5 years very, very little has occurred with regard to the convention, despite the obligations of both sides to destroy all chemical weapons in 10 years. That is, little has occurred on the Russian side.

Today's witnesses bring a unique perspective to the committee's examination of the treaty. Former Secretary of Defense Bill Perry is well known for his expertise in arms control and nonproliferation. He is one of the Cooperative Threat Reduction program's greatest champions, now at Stanford and throughout his tenure at the Pentagon.

I remember well the valued testimony and guidance Fred Iklé offered the committee in the early 1990s as we grappled with the construction of our nonproliferation programs and policies.

John Holdren, Rose Gottemoeller, James Goodby, and Henry Sokolski have all played influential roles in the implementation of these important efforts and I look forward to hearing their thoughts on the future of the program in light of the Moscow Treaty.

I thank you again, Mr. Chairman, for the expeditious way and the fair way we have had these hearings.

The CHAIRMAN. Thank you.

Senator Hagel, did you want to say anything?

Senator HAGEL. No, that is all right.

The CHAIRMAN. Secretary Perry.

**STATEMENT OF HON. WILLIAM J. PERRY, BERBERIAN PROFESSOR AND SENIOR FELLOW, INSTITUTE FOR INTERNATIONAL STUDIES, STANFORD UNIVERSITY**

Mr. PERRY. Thank you very much, Mr. Chairman. I will go immediately to my bottom line on the Moscow Treaty: I recommend ratification. I make this recommendation because I believe that the treaty is a modest but a useful step, and it is useful primarily, I believe, as a concrete step forward in U.S.-Russian relations.

I concur with the administration's view that they are building a new non-adversarial relationship with Russia and that this treaty is an important consequence of and helps to advance that new relationship.

On the other hand, on the important issue of security and safety of nuclear weapons, the treaty is a missed opportunity. On strategic nuclear weapons, the treaty essentially codifies the actions both parties were undertaking on their own. I certainly agree that it is a plus to have these actions codified, but it would also be better if the treaty made some provisions for transparency in carrying out these actions. A way of doing that within the framework of the treaty will be suggested by Ambassador Goodby in his testimony to you later this afternoon and I support his recommendations.

The treaty also misses the opportunity to reduce the danger to both countries of an accidental or unauthorized launch of nuclear weapons. General Habiger in his testimony to this committee described the importance of dealing with that problem based on his previous experience as the commander of our strategic forces and he suggested a specific approach to achieving a mutual reduction of the high alert status of our strategic forces. This recommended approach allowed both Nations, building on the treaty, to remove as many weapons as possible from high alert, hair-trigger status. I associate myself with his concern and support his recommendations to the committee.

Perhaps most importantly, the treaty misses the opportunity to reduce the risk that a terrorist group will get their hands on a nuclear weapon. It does not cover tactical nuclear weapons and does not provide for the dismantlement of nuclear weapons, strategic nuclear weapons, taken off deployment status.

I believe the most serious security threat to America today is a theft or purchase of a nuclear weapon by a well-organized, well-financed terrorist group, and therefore I regret that the treaty does not seize the opportunity to deal with this threat. Former Senator Nunn in his testimony to this committee suggested a way of dealing with this problem by creative use of the Consultative Group for Strategic Security called for in the joint statements associated with the treaty. I associate myself with Senator Nunn's statement of the problem and support his recommended solutions.

Finally, I would like to commend the committee's attention to the global coalition against catastrophic terrorism proposed by Senator Lugar and Dr. Ashton Carter. This is a creative way to address the outstanding security problem of the day, weapons of mass destruc-

tion in the hands of terrorists. Fundamentally, the proposed coalition builds on and generalizes the Nunn-Lugar program.

Like the Nunn-Lugar program, it works in a practical way to reduce the threat that terrorists will be able to get weapons of mass destruction. It recognizes that this threat is not just the United States and Russia, but is to the entire world. Since this proposed coalition is global in scope, it envisions actions well beyond those that could be included in a bilateral treaty and it includes biological and chemical weapons as well as nuclear weapons. Therefore, it is not a subject of the treaty that you are now considering.

However, I mention this coalition because I believe that it is in the same spirit as the goals that motivated the signing of the Moscow Treaty.

Finally, I strongly support President Bush's request for permanent waiver, which was mentioned by Senator Lugar in his opening comments.

Thank you.

[The prepared statement of Mr. Perry follows:]

PREPARED STATEMENT OF HON. WILLIAM J. PERRY

You have had a rich selection of witnesses, both in and out of the administration, testifying to you on the Moscow Treaty, and they have described the features of this treaty in considerable detail. I will not repeat their descriptive material, but rather limit my comments to a summary of the actions I recommend to this committee.

First of all, I recommend that the committee pass the treaty to the Senate with recommendation of approval. In my judgment, the Moscow Treaty is a modest but useful step. It is useful primarily, I believe, as a concrete step forward in US-Russian relations, particularly since the parties manifested their agreement in explicit written form. I concur with the administration's view that they are building a new, non-adversarial relation with Russia, and that this treaty is an important consequence of that new relationship.

On the other hand, on the important issue of the control of nuclear weapons, the treaty represents a missed opportunity. On strategic nuclear weapons, the treaty essentially codifies the actions both parties were undertaking on their own, and while it is a plus to have these actions codified, it would be better if the treaty made some provisions for transparency in carrying out these actions. A way of doing that within the framework of the treaty was suggested by Ambassador Goodby in his testimony to you, and I support his recommendations.

The treaty also misses the opportunity to reduce the danger to both countries of an accidental or unauthorized launch of nuclear weapons. General Eugene Habiger, in his testimony to this committee, described the importance of dealing with that problem, based on his previous experience as the commander of our strategic forces. He suggested a specific approach to achieving a mutual reduction of the high-alert status of our strategic forces. This recommended approach allowed both nations, building on the treaty, to remove as many weapons as possible from high-alert, hair-trigger status. I associate myself with his concern and support his recommendations.

And perhaps, most importantly, the treaty misses the opportunity to reduce the risk that a terrorist group will get their hands on a nuclear weapon. It does not cover, or even mention, tactical nuclear weapons, and does not provide for the dismantlement of the nuclear weapons taken off deployment status. Thus it does nothing to reduce the vulnerability to theft or purchase of a nuclear weapon by a well-organized, well-financed terrorist group. I believe that this is today perhaps the most serious security threat to America, and I regret that the treaty does not seize the opportunity to deal with that threat. Former Senator Nunn, in his testimony to this committee, desrribed this problem in eloquent terms, and suggested a way of dealing with this problem (as well as the transparency problem) by a creative use of the "Consultative Group for Strategic Security," established by a joint statement of the treaty. I associate myself with Senator Nunn's statement of the problem and support his recommended solution.

Finally, I would like to commend the committee's attention to the Global Coalition Against Catastrophic Terrorism proposed by Senator Lugar and Dr. Ashton Carter in a 23 May *Financial Times* op ed. This is a creative way to address the out-

standing security problem of the day—WMD in the hands of terrorists. Fundamentally the proposed coalition builds on, and generalizes, the Nunn-Lugar program. Like the Nunn-Lugar program, it works in a practical way to reduce the threat that terrorists will be able to get WMD. It recognizes that this is a threat not just to the US and Russia, but to the entire world. And it recognizes that dealing with this problem requires actions not just of the US and Russia, but the entire world. Since this proposed coalition is global in scope, it envisions actions well beyond those that could be included in a bilateral treaty, and it includes biological and chemical weapons, as well as nuclear weapons. However, I mention the coalition at this hearing because I believe that it is in the same spirit as the goals that motivated the signing of the Moscow Treaty.

The CHAIRMAN. Thank you very much.

Dr. IKLÉ.

**STATEMENT OF HON. FRED C. IKLÉ, DISTINGUISHED SCHOLAR, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES, WASHINGTON, D.C.**

Dr. IKLÉ. Mr. Chairman, thank you. I will be brief, almost indecently brief. I know the time pressure you and your colleagues are under and I will summarize just a few points of my short opening statement I submitted. The excellent hearings you held, the three hearings before, really covered all the central points of the treaty and I will therefore focus a bit, like Dr. Perry, on adjacent issues to it.

Just one or two points on the treaty. In a way, I consider it as really leading into a new era and the brevity, which was criticized a bit, especially by the Russians, I think is in a way a good symptom. For lawyers who get paid by the hour, short agreements are not desirable. But in this case I think this brevity is desirable to get us out of the competitive mode, not only the arms competition in the nuclear arena, but competitive negotiation. We can all remember the days when we kept systems, bombers and missiles, not because they were militarily needed, but as bargaining chips.

That is hopefully behind us, and I think the kind of relationship between Russia and the United States that we should look toward in the nuclear arena can best be illustrated by the relationship between France and Great Britain. They both have about the same numbers of nuclear weapons. They have had intense diplomatic differences about the European Commission, the European Union (which Britain tried to sabotage in the 1950s) and De Gaulle tried to keep them out. These were big hostilities, diplomatic hostilities, but it never had to spill over to the nuclear arena.

I think we are getting in that direction, so with good luck and good care we can really remove the nuclear issue from the relationship between Russia and the United States. I notice that was a point made in the President's letter of transmittal as well.

The adjacent issues which are of great importance, Dr. Perry has already touched on the main ones, the safety and eventual disposal of unneeded weapons. I think the two commissions that are envisaged in the administration's submission of the treaty, the Bilateral Implementation Commission and the Consultative Group, would be the forums for that.

Further efforts are needed to eliminate the risk of catastrophic accident that Dr. Perry referred to. Some of these perhaps can be done with further diplomatic agreements. Some get so complex and

in some ways sensitive that I think other approaches are to be needed, which is not to say that this committee and other committees cannot be enormously helpful by nudging this and future administrations on that continuing problem.

What I am kind of obscurely referring to here is that the safety of the nuclear weapons systems and command and control for the large nuclear powers like Russia and the United States is enormously complex. It is not a system for which you can find a person who understands the whole thing. It is a problem that I am sure Secretary Perry could say more about, but this is not the place to get into it. But we have to keep in mind how complex it is. If you want a definition of an accident, it is an event that was not anticipated.

But time delay is one thing that can usually help. A cushion of time gives an opportunity to correct an error if you find it.

Other issues are the acceleration and continuing support of the Nunn-Lugar program, and Senator Lugar mentioned the need for the waiver. I hope this permanent waiver will come about. If I may digress a little further from the Moscow Treaty, analogous to the desirable permanent waiver for the U.S. support for the Nunn-Lugar program I think is the bill Senator Lugar submitted on getting rid of the Jackson-Vanik amendment. It has no practical effect now, but it has a psychological effect on the Russian side which is negative, which is not helpful. We gain nothing by it.

As you did, all the members here did, I knew Scoop Jackson well when I was Under Secretary in the Defense Department for 2 years before his untimely death. He advised us and I consulted with him a great deal. I think he would be very, very upset. He would have seen to it that his name is not attached to such an obsolete bill.

With that kind of extraneous point, Mr. Chairman, I am finished.

[The prepared statement of Dr. Iklé follows:]

PREPARED STATEMENT OF HON. FRED C. IKLÉ

THE MOSCOW TREATY ON STRATEGIC OFFENSIVE REDUCTIONS OF MAY 24, 2002

Mr Chairman, I appreciate the opportunity to testify before this committee. Your previous three hearings on the Moscow treaty addressed a great many aspects and questions. To avoid repetition with the ground that has been covered so well, I shall focus on issues that may seem peripheral to the treaty itself but are nonetheless important for the larger context.

It is a natural first reaction of arms control experts to compare any new arms control treaty between Washington and Moscow with the voluminous record of past US-Russian and US-Soviet agreements. Thus, it has been noted that unlike previous agreements, this Moscow treaty does not cover delivery vehicles. By covering neither stored warheads nor so-called tactical systems, however, this new treaty continues the practice of all previous agreements on limits for nuclear offensive arms. The fact that this new treaty is much shorter than previous ones is of great merit, as the administration witnesses have pointed out. It made the negotiations briefer and less contentious and it signals a less adversarial relationship between the two sides.

These and other comparisons with "traditional" Cold War agreements are all well taken. However, they miss the most important point, a point made in the President's letter of transmittal to the Senate. The Moscow treaty is different in that it is neither the primary basis for a cooperative relationship with Russia nor is it the main component of this relationship. Remember the excitement about the early SALT and START agreements and how much the Washington-Moscow relations used to be assessed based on the success, or break-down, of these interminable negotiations. That time is behind us—for the indefinite future, one hopes. I see the 2002 Moscow treaty as the obituary of the bilateral arms control struggles and arms con-

trol quarrels between Moscow and Washington. It signals the end of the adversarial juxtaposition of US and Russian nuclear forces.

Nobody who comprehends, on the one hand, this new relationship, and, on the other hand, the full meaning of using hundreds or thousand of nuclear weapons, will be concerned as to whether they or we have ten, twenty, or thirty percent more warheads, or reentry vehicles, or nuclear missiles. September 11 has taught us to be concerned about one or three nuclear bombs, not ahout some contrived "parity" between America and Russia. Mr Chairman, as you know, I was involved in US-Soviet arms control negotiation both in the Ford administration and in the Reagan administration. Thus I had to experience both in the early 1970s and in the 1980s how that protracted and hostile negotiating process drove us—and drove the Russians—to hold on to nuclear forces for which there was no legitimate military requirement. The sole reason for keeping more missiles was to keep "negotiating chips." That is to say, the very negotiating process drove the arms competition.

It is worth noting that we have no agreement to limit the number of nuclear offensive arms with France, or with China, or any other nuclear power. To be sure, we have useful bilateral and multilateral agreements on non-proliferation and on nuclear testing (such as the Threshold Test Ban Treaty of 1974) and other issues touching on nuclear weapons. It is also interesting to recall how Washington and Moscow got drawn into the bilateral negotiations on nuclear offensive arms, and how this year we ended, or at least diminished, the felt requirement for such negotiations. It began in the 1960s with the Soviet build-up in response to their forced retreat in the Cuban missile crisis, an American success that however exacerbated the US-Soviet competition in missile forces. This was followed by the US anxiety about early Soviet programs for ballistic missile defense. At the end of the Johnson administration, Washington and Moscow finally agreed to discuss both limits on missile defenses, and limits on bombers and missiles for delivering nuclear weapons. And, as you recall, by the end of the first Nixon administration these negotiations had resulted in the widely praised pair of agreements on offensive and defensive systems.

I always had deep qualms about the strategic doctrine that these paired agreements were meant to perpetuate—the doctrine of mutual assured destruction. My concerns were threefold: the obvious moral abomination of constantly threatening the killing of millions of innocents, the political and psychological hostility that this ceaseless threat engcndered, and the risk of unimaginably catastrophic accidents. In 1971, when I first wrote an article explaining these qualms, I expressed what then was a rather heretical view. Next spring, just after I had been nominated by President Nixon to serve as Director of the Arms Control Agency, this article came out and the publication of this heresy almost cost me my confirmation by this Committee. Gradually, the heresy came closer to orthodoxy and finally it became the new US-Russian policy, based on the political understanding between President George W. Bush and President Vladimir Putin.

Not everyone here might agree that the demise of the ABM Treaty facilitated this diminution of the US-Russian nuclear confrontation, and indeed, almost brought about its elimination. But I assume everyone here would agree with the following, related thought: Should we not have a vision anticipating that the US-Russian relationship can some day manage the nuclear weapons which both sides will continue to possess in a totally non-hostile way, akin to the way the United Kingdom and France manage their nuclear relationship.

I can recall here that this is not a new thought; I have expressed it before and so have many American and Russian defense experts. After the collapse of the Soviet Union, I had started a series of discussions with Russian defense experts. At some point in these talks, both the Russians and we on the American side wondered wistfully whether our bilateral nuclear relationship might ever reach the pacific status of no threat in either direction, as is the case for the British-French nuclear relationship. Today, Moscow and Washington have almost reached this goal, and with prudence, and good luck, we shall get there. In my view, Mr. Chairman, this is the essence of the Moscow treaty.

There is important work left to be done outside and beyond this Treaty, such as the safety and eventual disposal of the unneeded weapons, further efforts to eliminate the risk of catastrophic accidents, the continuation—and if at all possible—acceleration of the Nunn-Lugar projects (the Cooperative Threat Reduction programs), and other issues. Perhaps you want to address some of these "things to be done" during the question period.

The CHAIRMAN. Thank you very much.

Dr. Perry, do you think that the Senate can usefully add to this treaty's accomplishments by attaching any conditions or declarations that we can get the administration to support, along the lines of some of the issues you raise? Or do you think we should just let it rip?

Dr. PERRY. I would like to see the Senate ratify the treaty without any crippling amendments or without the Senate taking a position which is likely to cause it to lose votes for approval. But I think still that the Senate can take many constructive actions that deal with the way the treaty is implemented, rather than with changing the treaty. Those are what I was referring to in the proposals made by Senator Nunn and General Habiger and Ambassador Goodby. All of those are ways of implementing the treaty to make it more useful, and I think the Senate can give an important nudge in that direction.

The CHAIRMAN. Do both of you believe Russia has adequate storage capacity for the nuclear warheads and bombs downloaded from strategic delivery systems under this treaty?

Dr. IKLÉ. I do not have the detailed information on this, Mr. Chairman. But I have seen, particularly thanks to the Nunn-Lugar program and these contacts, that, while in size it may be adequate, the safety may not be, in many of the places. We have of course worked on improving those, again thanks to the Cooperative Threat Reduction program, a very important effort that is continuing and has to be kept moving and accelerated.

Dr. PERRY. I have the same answer.

The CHAIRMAN. Do you think we should offer additional financial assistance to Russia to provide for this safe, secure storage capacity?

Dr. PERRY. I would—I think it is worth the United States investing more of its resources to do that. But I would not describe it as giving money to Russia to do it, because the way the Nunn-Lugar program——

The CHAIRMAN. A valid point.

Dr. PERRY [continuing].—has been administered is different from that.

The CHAIRMAN. By that you mean it is American contractors we pay——

Dr. PERRY. Yes.

The CHAIRMAN [continuing].—American dollars to go to Russia and to build such facilities.

Dr. PERRY. Yes. I just wanted to make that important nuance.

The CHAIRMAN. It is a very important distinction. You are, obviously, as usual, not only substantively more knowledgeable, but politically more astute than I am in the way in which I phrased the question.

Are there any practical reasons why, gentlemen, we could not lower the operational status of forces that we already have slated for later reductions under the Moscow Treaty, for example by changing the alert status of missile bases or the deployment patterns of submarines? I mean, we are already slating these in the out years for dismantlement. Is there any reason why we should not now lower their operational status?

Dr. IKLÉ. I think we can and we should. As some of my friends know, I have been on this question of nuclear accidents for a long, long time. I have in fact talked General LeMay when he was Vice Chairman of the Air Force into starting the permissive action link at that time, which he did with great vigor.

I do not want to take too much time here. This is a very rich area, as I mentioned before, and there are no simple solutions. To get off alert can lead to some other reaction that is more dangerous than what you have changed. I think the generic idea (for the kind of open discussion we have here) of having more time before ultimate decisions might be taken in the day-to-day situation in our forces, or even in a crisis alert situation, is the right way to go.

As we think more about this, we also have to think about the multipolar world we are in. We are all concerned about the India-Pakistan relationship. Here the best lesson symbolically is the start of World War One: a petty terrorist act, the revenge to that act by one country, and then we know what happened.

The CHAIRMAN. The reason I raise it, in 1993 you were part of a U.S.-Russian working group.

Dr. IKLÉ. Yes.

The CHAIRMAN. My recollection is that you at that time suggested that certain agreed procedures should be arrived at between Russia and the United States, including separating missiles from warheads and the like. In light of that is there anything that has happened since 1993 relative to even India and Pakistan or Chinese intentions or capabilities, or is there anything that has happened out there that would cause you to think it necessary to reassess those recommendations you made in 1993?

Dr. IKLÉ. I have learned more since then about the resistance in the bureaucracies to going very far on this path, both in Russia and here. But on that score there is one point that we ought to keep in mind, those of us who would like to see more concern about the danger of a catastrophic accident. It is useful to make a distinction between the inherited U.S.-Russian relationship of all these weapons and the thinking that still lingers in the basements of some buildings about first strike, second strike, and how you have to be ready and all that, on the one hand; and on the other hand the new danger, highlighted today in the United Nations, of a country with very few nuclear or just biological weapons irrationally starting to use these weapons. The overarching priority then would be to stop the devastating casualty-producing attack, an irrational attack, absolutely as fast as you can, and maybe the only means you have is a fast nuclear missile, especially with biological weapons, which are dispersed if you attack them with high explosives rather than nuclear.

So I think it is useful to think that you want to make a distinction between the few missiles that ought to be on high alert to protect against irrational terrorist use of WMD (Weapons of Mass Destruction) from the large numbers of missiles that we still have inherited from the cold war.

The CHAIRMAN. Doctor—and I will yield after this—would you repeat the point you just made on the specific issue of an irrational use of biological weapons, that a conventional explosion may dis-

perse them? Did you imply or say that a nuclear response would destroy them? Is that the point you were making?

Dr. IKLÉ. It normally would. So many things can go wrong and not go the way you expect, but the very heat of the detonation would burn them up.

The CHAIRMAN. That is what I thought you said. OK, thank you very much.

Senator LUGAR.

Senator LUGAR. Thank you very much, Mr. Chairman.

I just wanted to mention that at Surovatika, a site about 600 miles east of Moscow, an operation has started to destroy 4 SS–17, 18, and 19 missiles each month. The warheads have been taken off the missiles, but the missiles still need to be drained of volatile fuels and cut up into small pieces.

In the past, an operation involving long-range intercontinental ballistic missiles would have been highly classified by the Russian Government. In my visit to Surovatika, there were 12 television cameras, 2 times as many radio and print journalists, most of them young Russians, all touring the facility and being briefed on operations designed to eliminate these dangerous weapons.

What I found was Russia's plans to dismantle 4 missiles every month until all the SS–17s, 18s, and 19s have been destroyed.

At the same time, a dedication occurred with high publicity of storage facilities for SS–24 road-mobile and rail-mobile missiles awaiting destruction. All of these missiles will be destroyed unless we stop the music.

I mention this because in another committee, Mr. Chairman, that will be reporting to ours, the Intelligence Committee, people were trying to make estimates of how many missiles Russia has. How many there would be and how would we know? There is a high degree of unreality about this, which I pointed out. At Surovatika, we are walking around these missiles. It is not rocket science to count one, two, three, four, and to know that next month four more will arrive.

In the event that, due to some untoward incident in the Congress, we stop the appropriations, the destruction of the missiles will stop. Now, somebody could say, why do not the Russians just proceed anyway and spend their own money? A good question. I am not going to try to allocate or parse the Russian military budget, which we estimate at $8 billion, single digit, as opposed to our $391 billion or so forth. For all I know, it may be $18 billion or even triple that.

But the fact is that when I saw the Defense Minister, Mr. Ivanov, his major plea was that we start destroying the 115 general-purpose submarines that in many cases are powered by nuclear reactors. They have all of the problems that may come if that nuclear spent fuel is not properly disposed of.

Our program does not touch that. the Chairman is going to schedule in due course sort of a first view of the 10 plus 10 over 10 program which, working with the G–8 and our allies, we could return to address these other threats. They have an interest in these submarines that I think are very dangerous even if they are not strategic.

Now, this is to say that we have had testimony from people who said there is nothing certain about the Moscow Treaty until 2012. Only on that day we will know whether the Russians destroyed everything they pledged to eliminate. What I am suggesting is that in fact there is already a flow of destruction, and unless we deliberately stop it, as we have been doing this year, inadvertently, but we did it. The problem we face is that the program will stop again on October 1 unless Congress provides the President with the waiver authority he needs to keep things going.

I do not want to be tedious about the subject, but the degree of unreality surrounding all these hearings is astonishing, as we are discussing this as if somehow it might or might not happen, we cannot verify it, it is not transparent. The fact is that Russians have decided they want to get rid of it, and we are providing them with the means to do so.

For the people who were following those television cameras at Surovatika, it is a jobs issue. It is important to that Governor in that state, as well as to the mayors and all the rest. The greatest disappointment in my trip was at the Nerpa shipyard, where I had to say honestly we could not proceed beyond the strategic submarines, because our legislation does not permit this. That was on national television in Russia that a U.S. Senator gave disappointing news to the masses who were there at the shipyard.

So this is a different Russia. As Secretary Rumsfeld and Secretary Powell have said, we must get over the old phobias. Unfortunately, there are still some there.

I would just add, bureaucratic hassles also occur in Russia. As you go from Surovatika next door to the military installation where the SS–24 missiles will be stored, you have to get off of the bus and pass through a military guard. I met a priest who wanted me to build a Russian Orthodox church on the place, which was obviously beyond our charter.

The CHAIRMAN. What did you say?

Senator LUGAR. Well, I said we will do our best; I will have to get back to you on that.

But I relate all of this to complete the record. Now, both of our witnesses are veterans of the trail. You both have traveled more times through Russia than Senator Biden and I have. It is a different place, but still dominated by bureaucracy. Lots of people are apparently undercutting President Putin and the Minister of Defense, Mr. Ivanov, and they will continue to do so.

So we all have to work together to air these problems, so in our bureaucracy as well as theirs we have some sense of what we are doing and what must be done.

I thank both of you for your testimony. It was very direct. Secretary Perry, you were almost as brief as former Senator Mike Mansfield, who used to make two-word comments on television in answer to complex questions. But I think we got your point. We appreciate both of you very much.

Mr. Chairman, I yield the floor.

The CHAIRMAN. I would like to followup on one point. You gentlemen have not only had incredibly distinguished careers in the Government, you are very well connected to your former contemporaries who had jobs, similar jobs, in different countries. One of

the things I don't quite understand—and this is, I realize, a little bit off the beaten path of expected questions and I understand if you do not want to respond—but when I meet with my counterparts, our counterparts in Europe, when I meet with our counterparts, quite frankly, anywhere else in the world, there does not seem to be any sense of urgency about any of this.

I do not know whether that is just I am meeting with high-ranking but uninformed counterparts. I do not know whether it is that there has just not been much discussion about it. But it seems to me that the case that Dick Lugar and Sam Nunn have been making for years and Dick continues to make so eloquently inside this Government and Sam outside the Government and both of you and others—I am almost amazed that there is not this overwhelming sense of urgency.

We are worried this moment, with legitimacy, about whether or not Saddam Hussein may take—and this has nothing to do with what we should or should not do with Iraq—any of the anthrax he has or the VX he has or anything else he has and give it to or sell it to or allow it to get in the hands of terrorists. And yet there are these scores and scores and scores of disasters waiting to happen in the hands of people who want to do something about it positively, and we kind of seem like we have all day here.

When you have these conferences, Mr. Secretary, out at Stanford, some of which you have been kind enough to invite me to, that have foreign leaders, do you get a sense there is any sense of both the opportunity and the urgency to deal with Cooperative Threat Reduction type concerns?

Dr. PERRY. There is I think an urgency to deal, not only with the problem that terrorists can get their hands on weapons of mass destruction, which you explicitly referred to, but there is also an urgent environmental issue developing. Senator Lugar described these hundred or so submarines with nuclear cores that are deteriorating. This poses potentially an environmental problem of the first order magnitude, and it is one that affects Europeans and Japanese more than it affects Americans.

So both problems we are talking about, both the terrorist problem and the environmental problem, are global problems. They are not just American problems. If there is any area we ought to be able to get global support, it should be this area. That is why I in my testimony called attention to Senator Lugar and Dr. Carter's proposal for a global coalition on this problem. I think it is an area that we have a tremendously compelling case to make and we apparently have not successfully made it so far.

The CHAIRMAN. Correct me if I am wrong, Dick, and I will yield at this. We had, for example, the NATO parliamentarians here a month ago, a month and a half ago. These are our counterparts on the same committees. They are senior defense, senior foreign policy, senior international relations personnel in the various parliaments.

They came to a luncheon, and these are very well informed people. You could ask them detail about NATO, you could ask them detail about 65 other things, and they would know it like that and have a firm view. But I was surprised that they said they were very surprised and pleased to hear we were going to spend X num-

ber of dollars on Cooperative Threat Reduction: You are making a real commitment here.

I thought at first it was a joke. I thought that the particular parliamentarian, who if I named him you would know him, a very well-respected man in Europe as a whole and his country in particular, I thought he was using a little bit of his sarcasm about the United States. In fact he was not. They were all: Golly, you guys are really starting to act on this.

It astounded me. I embarrassed Dick because I made him stand up—I did not make him; I asked him whether he would stand up and lay out the case.

I am just wondering, if you understand there is a sense of urgency, you have been preaching it, both of you, do you think the people who hold the positions you once held in this Government among our European friends sense that same urgency?

Dr. PERRY. No, I do not.

The CHAIRMAN. Is it they do not know or is it that we are not selling it?

Dr. PERRY. I think we have been unsuccessful in selling it. Maybe it is wishful thinking on their part, but even the environmental problem I describe is an urgent problem and it is one that affects them first before it affects us. The only country that I saw that really responded to that was Norway and Norway is right up by where those submarines are deteriorating now. They were the only country that I saw showed a real interest in treating this as an urgent problem and taking action on it.

The CHAIRMAN. Well, I for one cannot think of a single problem that is more urgent.

Dr. IKLÉ. I think, given the geographic location of Kamchatka—and you may have done this already, Senator Lugar—Japan can and should be interested in contributing on that one.

On the broader issue you just described, Mr. Chairman, in a way it is a familiar problem that foresight is not as strong as hindsight on these issues. I remember I testified before you a few days before September 11th last year about all these good recommendations on counterterrorism against biological weapons and what have you, and the implementation started after September 11th, for obvious reasons.

You have the European reaction to Chernobyl, which they saw and felt, and they did quite a bit on that issue and spent money on it. So the problem we all have here is to bring people's attention to something that is not visible on television yet, but is an imminent or constant very serious threat, and it is hard.

The CHAIRMAN. Well, thank goodness we have both of you who are continuing to make the case and have unparalleled credibility in this area. We are going to continue to need your help. We are going to continue to need your help.

I have many more questions. I must tell you, I know the answers that you would give to each of them because you have spoken so much on the areas I was going to speak to, I ask you to try to again just make the case more public. But time I do not think would permit it and it would be in a sense a waste of your time because I know the answers.

But I just, I hope you will, I know you will, continue to speak out, because this is an area where I just think there is such a compelling, overwhelming case to be made and there is such a willingness, for disparate reasons, to get cooperation that has the ability, I believe, as a consequence of that cooperation to lead to other areas of cooperation, just based upon the interaction that occurs. I just think we are really missing the boat.

Senator LUGAR. A small footnote to this. I just want to pay tribute to the fact that when Senator Biden and I visited with the President, the Vice President was there and Condoleezza Rice and Andy Card were in the room. We made the point that after 5 years, half time of the 10 years of the Chemical Weapons Convention, the Russians had not destroyed the first pound.

The President was genuinely surprised and he reacted appropriately. Now, I would just say, in fairness to that conference, a very strong letter of support came from Condoleezza Rice, which I took over to the floor of the Senate to offer an amendment to the defense appropriation bill to give the President the ability to waive all the additional stipulations placed upon doing anything on chemical weapons.

Now, that still remains in conference as of this moment. Secretary Powell and Secretary Rumsfeld have made calls to individual members of the conference, asking for there support. I have heard from some on the House side, who by and large take your point, Secretary Perry, and have said: We are not in the environment business; we are in strategic weapons and we are not into these soft subjects like environment. So if the Norwegians or the Japanese or somebody are worried about general-purpose submarines, that is their problem and not an American concern.

But that is not the position the President has taken or the Vice President or Condoleezza Rice. So I am grateful. Now, our problem is we are not moving very fast on these appropriations or authorization bills in which all these waivers are contained. We mentioned that to the President. That was clear back in June, as I recall, that we had this meeting.

The second point is that the treaty does not cover, as Secretary Powell pointed out, tactical nuclear weapons. He said this is a point he took up with the Russians, and they were not receptive at this stage, but that he would like to follow through with the Consultative Group.

I understand from Marshall Sergeyev that the Consultative Group is going to have some meeting, maybe within 10 days or so. I do not know the timetable precisely of that. And the Marshall wanted, I think, still to talk about the pace of destruction and things of this sort, which are not covered by the treaty.

The Russian minister of defense was less interested in that. I think he felt the flow is moving about as fast as possible. But the tactical nuclear weapons issue is of tremendous interest to European friends, as you know. This once again gets back to the 10 plus 10 over 10 initiative, which I do not think is being pushed as strongly as it could be by our administration.

So hopefully our committee can at least illuminate where things stand and encourage the process, because this is a tremendous force. These countries have got to step up to the plate with $10 bil-

lion, as we have pledged to do over a course of a 10-year period of time. It was seen as a diplomatic triumph by our administration. I think that is right, but once again only if it leads to something occurring.

Thank you, Mr. Chairman.

The CHAIRMAN. Actually, I have one more question, on a different area. Did we lose any additional margin of security and safety by the fact that MIRVed ICBMs were no longer under this treaty required to be destroyed? Or is it just assumed, and is there a rational basis to assume, that the Russians in choosing what to keep under the treaty will choose single-warhead, less destabilizing weapons?

Could you speak just for a moment about it, because I grew up in this business being taught by you fellows that the most destabilizing weapon out there was a MIRVed ICBM because of the use-or-lose posture it possesses. Could you speak to that for just a moment?

Dr. PERRY. I strongly supported the treaty feature which eliminated MIRVs because at the time that treaty was signed I believed that MIRVs were enormously destabilizing. That was not only the conventional wisdom, I think it was true in those days.

I am not so concerned about losing that feature now because I do believe—I do agree with the administration that the world has changed a lot since then. I would feel better not to have the MIRVs, but I am not as deeply concerned about it as I would have been 5, 10 years ago.

The CHAIRMAN. Dr. Iklé?

Dr. IKLÉ. I would put it even a bit more strongly, and I am glad we are not far apart even on this point, having agreed on the others: that the MIRV issue would become important only if, heaven forfend, if Moscow-Washington slid back into the intense hostility that we had in the 1950s between Stalin and Truman and the Eisenhower Administration at the beginning, where you really sit there, if you are in Omaha or even in the Pentagon, and worry about the calculation of, they want to knock out all our missiles, can we get there first, get theirs. And these things which you find in the books, but hopefully not in the future in reality.

Dr. PERRY. We really ought to get off the hair-trigger status, though.

Dr. IKLÉ. I agree.

Dr. PERRY. Without the hair-trigger status issue, that problem would be greatly reduced.

The CHAIRMAN. Gentlemen, thank you again very much. I apologize for keeping you waiting. It is always an honor to have you both here. Thank you.

The Honorable Rose Gottemoeller, Ambassador James Goodby, Dr. Holdren, and Mr. Sokolski.

Welcome all. Why do we not invite your testimony in that order, please.

**STATEMENT OF HON. ROSE GOTTEMOELLER, SENIOR ASSOCIATE, RUSSIAN AND EURASIAN AND GLOBAL POLICY PROGRAMS, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE, WASHINGTON, D.C.**

Ms. GOTTEMOELLER. Mr. Chairman, I believe that means I go first.

The CHAIRMAN. That is correct.

Ms. GOTTEMOELLER. Ladies first.

Mr. Chairman, Mr. Lugar, thank you very much for the honor of testifying before you today. It is not only a great honor, but also a great opportunity, and I very much appreciate the chance to be here and talk to you about my views, not only of the Moscow Treaty, but of the forward agenda for arms control and nonproliferation. If I may, sir, I would like not to go through all my testimony, but simply to submit it for the record and just hit a few high points.

The CHAIRMAN. We will place your entire statement in the record.

Ms. GOTTEMOELLER. Thank you, sir.

I want to state at the outset my very firm support for this treaty. I believe that the main lesson of the first decade after the cold war is that we must continue to focus on control and reduction of nuclear weapons, not relegate the issue to the back burner of policy. The weapons do not magically protect or de-alert themselves, nor do they go away.

But although this issue is not on the highest point of the agenda between the United States and Russia anymore and I welcome that fact, I do think that we need to continue to concentrate on the arms control agenda, and we do that in several ways these days. Negotiated treaties are an important aspect, one of the most important tools we have available to us. But there are other important tools that we have available today as well, including the Cooperative Threat Reduction Nunn-Lugar program which we have already been discussing this afternoon.

But I welcome the Moscow Treaty as an important aspect of our arms control activities at the present time. It is a statement in treaty form of the continued commitment of the United States and Russia to control and reduce nuclear weapons and so it lends momentum to the process in my view.

But I am going to spend the remainder of my time concentrating on what needs to be done next, the forward-looking agenda. So let me first mention new transparency measures and then I would like to turn to nonstrategic nuclear weapons arms control, tactical nuclear weapons arms control.

The Moscow Treaty, as we have already heard this afternoon, really does not concentrate in any detail on additional transparency measures. But I believe that the lack of an agreed timetable, practical venue, and specific tasking for talks to accomplish additional transparency measures is a significant problem. A working level group should be established, peopled with very experienced and knowledgeable experts available from the United States and Russia, and it needs to be established and tasked in order to be provided with activities that will be carried through according to a specific timetable to accomplish additional transparency measures.

What are the types of transparency measures that I think need to be developed? First, I think the transparency measures related to conversion and other treatment of launch vehicles in ways that were not foreseen by the START treaty. This is an area that I know the two countries were working on in the context of negotiations and were not able to complete, but I think that this is an important area that should be studied and discussed between the two sides, I am hoping in the upcoming meeting next week between the ministers of defense and foreign relations on the two sides, but I hope, as I said, also in more technical level discussions where the real world would be done to accomplish such new measures.

But a second important type of transparency measures would relate to warheads. Experts from the two sides have already been cooperating to develop procedures and technologies that would be relevant to warhead transparency in a number of technical forums, such as the Warhead Safety and Security Exchange Agreement. Considerable joint progress has been made on technologies critical to the success of such measures, such as tags, seals, and information barriers.

I believe that enough progress has been made in these technical discussions that the United States and Russia could readily establish transparency measures in warhead storage facilities. In the words of the Helsinki Statement, these measures would promote the irreversibility of deep reductions, including prevention of rapid increase in the number of warheads. They would in particular begin to address the uncertainties that have followed from U.S. statements under the nuclear posture review that it will eliminate a very large—that it will maintain a very large reserve of warheads available for redeployment rather than eliminating them.

This area of warhead transparency is also relevant to the last point that I would like to bring up, which is the area of non-strategic nuclear weapons warhead arms control, or tactical nuclear weapons arms control. Because of their relevance to terrorist threats against the United States, I believe that the most important new task to undertake is the control and reduction of non-strategic nuclear warheads on our upcoming arms control agenda.

I would like to finish my testimony by suggesting a new avenue for accomplishing this task. The United States and Russia have been trying for many years to work on non-strategic nuclear weapons arms control, first through the parallel unilateral initiatives that are known as the Presidential nuclear initiatives and later through negotiated measures as called for by the 1997 Helsinki Statement.

However, efforts to establish negotiations were constantly stymied through the end of the 1990s. The United States was concerned that the Russians had done little to implement the unilateral measures that were hoped to have taken place as a consequence of the PNIs and the Russians for their part remain concerned about U.S. tactical warheads remaining in NATO Europe and held fast to the position that they would do nothing to further negotiations unless this issue were addressed.

I believe, however, that the time is right for considering this issue again. Specifically, I believe that we have many tools available to us that enable us to move forward in this direction, some

of which have been in fact suggested by the Moscow Treaty. A parallel unilateral process between the two sides could be renewed that would begin with a restatement and reformulation of the Presidential nuclear initiatives from the early 1990s.

Under this reformulation, the United States and Russia would agree to include the PNIs—to include in the PNIs not only non-strategic nuclear weapons, but also strategic nuclear weapons that each is placing in the elimination queue. They would back up this statement with an exchange of data and with transparency measures at warhead storage facilities, and that is why I believe it is important at the present time to be focusing our attention on completing the important technical and procedural work to establish transparency measures in the non-strategic as well as strategic warhead arena.

The data exchange could be augmented over time, if the parties agreed, by familiarization visits and other transparency activities at warhead elimination facilities, but I believe as a matter of practicality storage facility transparency would be an important place to begin.

Mr. Chairman, these are some initial ideas, but I do want to stress in closing that I believe it is important now to pay attention to the forward-looking arms control agenda, to not believe that we have checked the box and that we have no more work to do. I think actually we have quite a bit more very important work to do, part of which will be served by negotiations and further treaties and agreement, part of which will be served by new tools such as Cooperative Threat Reduction, part of which may be served by continued unilateral parallel activities conducted with a great deal more cooperation between the United States and Russia.

But I do believe that we need to get on with it and we need to continue to emphasize this important agenda.

Thank you very much.

[The prepared statement of Ms. Gottemoeller follows:]

PREPARED STATEMENT OF HON. ROSE GOTTEMOELLER

Mr. Chairman and members of the Committee, thank you for the great honor and opportunity of testifying before you today on the Treaty on Strategic Offensive Reductions, or Moscow Treaty. I would like at the very outset to state my support for this Treaty. I believe that the main lesson of the first decade after the Cold War is that we must continue to focus on the control and reduction of nuclear weapons, not relegate the issue to the back burner of policy. The weapons do not magically protect or de-alert themselves, nor do they go away. It is true that this issue is not the highest agenda item in U.S.-Russian relations any more, and I welcome that fact. However, we need continued high-level interactions that result in different policy tools to effect control and reductions, in the first instance legally-binding treaties and agreements. That is why I welcome the Moscow Treaty: it is a statement at the highest level, in treaty form, of the continued commitment of the United States and Russia to control and reduce nuclear weapons, and it lends momentum to that process.

At the same time, I would stress that we already have a number of tools available to us, as a consequence of the positive evolution in U.S.-Russia relations that has occurred in the past decade. The first and most important of these tools is the START I Treaty, which was the culmination of the long Cold War negotiating effort that eventually opened the U.S. and Soviet nuclear arsenals to extensive joint verification, particularly on-site inspection. The Cooperative Threat Reduction program first launched by Senators Nunn and Lugar in 1992 is a signal example of opportunities that have emerged after the Cold War. Other signal examples may be found in little-known technical agreements such as the Warhead Safety and Secu-

rity Exchange Agreement (WSSX) and the Highly Enriched Uranium Purchase Agreement (HEU deal). Cooperative unilateral arrangements between Washington and Moscow, particularly those strengthened by data exchanges and transparency measures, also play a role. We should bear in mind this multiplicity of tools, and their impact on the control and reduction of nuclear weapons, as we move toward impLementation of the Moscow Treaty.

In stating my support for the Treaty, I would like to highlight three points that I think are of special importance:

First, Article I specifically calls on each Party to reduce and limit strategic nuclear warheads to an aggregate number not exceeding 1,700–2,200 by December 31, 2012. This reduction, even if the U.S. or Russian operational arsenals should remain at the upper end of the range, represents a major improvement over the current number of strategic nuclear warheads allowed to each side, i.e., the 6000 warheads permitted under START I.

Second, Article II emphasizes that the START Treaty remains in force in accordance with its terms, which underscores that START I's significant, effective and long-standing constraints on modernization of strategic offensive forces remain in place.

Third, Article IV, Paragraph 2 states that the Treaty may be extended by agreement of the Parties or superseded earlier by a subsequent agreement. Given the evident preference of the Bush Administration to pursue unilateral measures in implementing policy, this reference in legally-binding form to the future potential of arms reduction treaties is a welcome step.

I would also like to offer comments on several criticisms of the Treaty that have emerged in the media:

- First, the length of the Treaty, at less than two pages, is called into question, in favor of START I, at over 500. I understand, of course, that this criticism is linked to concerns about a lack of specificity in the treaty on certain substantive issues, some of which I share and will detail below. However, I have been struck by the suggestion among certain commentators that START I is the perfect model, and should have been replicated in this case. I would like to comment that my reading of past treaty documents inclines me to the view that START I is the anomaly, not the Moscow Treaty. The Treaty on the Non-Proliferation of Nuclear Weapons or NPT, the basic document underpinning the nonproliferation regime, is four pages in length. The much-maligned Anti-Ballistic Missile Treaty, with its Agreed Statements, is just over six pages. SALT I, the first strategic arms limitation agreement, was under three pages, including its Protocol. Even the Intermediate-Range Nuclear Forces Treaty, or INF, which first articulated the procedures for on-site inspections, is under 100 pages, including its accompanying memoranda, protocols and statements. This comment is not to criticize START I, but to underscore its uniqueness. The process of negotiating START I produced such a solid and thorough set of procedures for verifying strategic arms reductions that it can serve as the foundation for monitoring future treaties and agreements as they emerge. New treaties do not need to replicate START I, as long as it remains in force. This principle was first recognized in the START II Treaty, which was only nine pages in length, but which would have drawn on START I for its verification. Of course, START I will only remain in force until 2009, by which time this benefit will be lost if it is not extended by agreement of the parties.
- Many commentators have noted the seemingly ephemeral nature of the reduction commitment, i.e., that once the reductions are achieved on December 31, 2012, the Moscow Treaty will cease to be in force. I would note again that by that time, the Treaty might be extended or superseded by a subsequent agreement. Even if it is not, however, as a practical matter it will be impossible for the parties to instantaneously reverse, as some commentators have suggested, the elimination of strategic nuclear launch vehicles that will have been undertaken to achieve these reductions. Once a launch platform is converted to a conventional mission, for example, its re-conversion to nuclear missions would require time-consuming construction work that would be visible to the outside world. Moreover, it seems unlikely in either the United States or Russia that defense planners would decide it militarily wise to re-convert an aging launch platform that had already undergone considerable structural stress in its conversion to conventional missions. It seems equally unlikely that an older launch system, even if it is stored rather than eliminated, could be quickly and easily returned from the boneyard to operational status. Although certainly possible in technical terms, such steps would require a significant investment in defense budget resources. In the United States, the Congress would have to agree that

either a reconversion or a return to operational status would be a proper use of U.S. defense budget resources.

- The Moscow Treaty, critics have charged, lacks measures to bring about the monitored elimination of warheads. This will make it impossible, they state, to determine how many warheads the signatories are maintaining in reserve status, rather than eliminating. This concern is particularly directed at the United States in the context of its most recent Nuclear Posture Review, which emphasizes maintaining warheads in reserve rather than eliminating them. However, I would like to note that warhead elimination has always been considered difficult to monitor on a cooperative basis, for it is one of the most sensitive processes that either country carries out in its defense complex. Both the United States and Russia have been concerned about having foreign monitors in warhead elimination facilities. At the same time, both have recognized that if transparency measures could be devised that did not compromise warhead design information, then it would be desirable to proceed with monitoring warhead storage and elimination in a future arms reduction agreement. The two sides would, in effect, be proceeding to a higher level of confidence in the strategic arms reduction process by promoting the irreversibility of deep reductions. Consensus on this point was registered in the 1997 Helsinki Statement, when Presidents Clinton and Yeltsin agreed that the United States and Russia would work to develop measures to monitor warheads in START III. This work began in the preparatory discussions for START III that the Clinton and Yeltsin administrations conducted through 2000. However, the Russian side at that time was not able to accept the proposal for warhead transparency measures that the U.S. side offered. In the negotiation of the Moscow Treaty, the U.S. side reportedly again offered some warhead transparency measures, which the Russian side again indicated that it was not ready to accept. As a result, warhead transparency measures do not appear in the Moscow Treaty. The goal of preventing a rapid increase in the number of warheads, as laid out in the Helsinki Statement, continues to be a worthy one for the nuclear arms reduction process, but it evidently will take further work before both countries are ready to proceed with it.

Mr. Chairman and members of the Committee, although I am not overly concerned about these criticisms that are commonly directed at the Treaty, I would like to register several serious concerns that I do have.

First and foremost, I am concerned about the nature of the link to START I that is established by the Moscow Treaty. As I noted above, Article II states that the START Treaty remains in force in accordance with its terms. The accompanying Text of the Joint Declaration that Presidents Bush and Putin signed on the same day offers some explanation of this language. According to the Declaration, both sides will proceed on the basis that START I "will provide the foundation for providing confidence, transparency, and predictability in further strategic offensive reductions. . . ." I suppose that the careful crafting of this language, and its placement in the Declaration, which is not legally binding, was necessary because the two parties had also agreed, in Article I of the Treaty, that "Each Party shall determine for itself the composition and structure of its strategic offensive arms. . . ." Therefore, the sub-limits on strategic offensive launch vehicles in START I may not, at some point, be relevant to the reductions and limitations achieved under the Moscow Treaty.

The practical effect of this, I believe, need not be dire. As START will remain in force according to its terms, both countries will continue to keep a set of START I "books," where systems such as the Trident II submarine-launched ballistic missiles (SLBMs) will be listed according to START I counting rules. A second set of books will presumably be kept for the Moscow Treaty, which will record the additional reductions and limitations achieved pursuant to that agreement—for example, through downloading of warheads on the Trident II. Supplementary transparency measures should be developed to provide mutual confidence as such differences emerge. (I will discuss this point further below.)

Although I believe that we can thus develop ways to be confident as differences emerge in U.S. and Russian force structures, I am concerned about the tenuous nature of the link in the Moscow Treaty to START verification provisions. I would have preferred a more precise formulation in the Treaty itself—for example, the very language that appears in the Declaration might have been formulated as a Treaty article. Any explanatory language or caveats could then have been provided in an accompanying note or in the Declaration.

Further complicating the picture is the fact that the Moscow Treaty does not take steps to extend the START Treaty, so that the two will remain in legal force for

a coterminous period. START I will remain in force through 2009, while the Moscow Treaty will remain in force through 2012. I would like to underscore my belief that bilateral and international confidence in the implementation of the Moscow Treaty would be significantly bolstered by early extension of the time-in-force of START I. I understand that this process will require consultations with all of the START I Treaty parties, including Ukraine, Kazakhstan and Belarus, but it is a step worth pursuing as soon as possible.

My second concern relates to the lack of an agreed timetable, practical venue and specific tasking for talks to accomplish additional transparency measures. The Treaty, in Article III, calls upon the Parties to meet at least twice a year on implementation issues; it is silent on the need to develop further transparency measures. Instead, this theme is again taken up in the Presidential Declaration, in two instances: the Declaration takes note that in addition to START, the foundation for providing confidence, transparency, and predictability in further strategic offensive reductions will be provided by supplementary measures, including transparency measures, to be agreed. It also establishes a Consultative Group for Strategic Security at the ministerial level, which is to be "the principal mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans, and discuss issues of mutual interest." Thus, a general requirement for such measures is established, as is a high-level group to focus on them. This is welcome, since continuing high-level attention will be a necessary condition for progress on these complex issues. Nevertheless, it is impractical to consider Ministers of Defense and Foreign Affairs, with their many responsibilities, as the primary workhorses for achieving progress. A working-level group, peopled with the very experienced and knowledgeable experts available to each side, needs to be established, tasked, and provided with a specific timetable to accomplish additional transparency measures.

In regard to tasking, two specific types of transparency measures would be important to building confidence in implementation of the Moscow Treaty. The first, as mentioned above, is related to conversion or other treatment of launch vehicles in ways that were not foreseen by the START Treaty. The United States, for example, might wish to propose additional transparency measures related to converting strategic strike submarines to conventional launch platforms, or to down-loading the Trident II SLBM from eight to four warheads. If the Russians decide to equip the SS–27 ICBM with up to three warheads in a "light MIRVing"[1] variant, they might wish to propose additional transparency measures to accompany this process. The goal of such measures would be to provide each side additional confidence as differences emerge between the START I force posture, as recorded in continuing START data exchanges, and the Moscow Treaty force structure, which will incorporate deeper reductions.

A second important type of additional transparency measures would relate to warheads. As noted above, the United States and Russia began discussing warhead transparency on a government-to-government basis after the Helsinki Statement was signed in 1997. In addition, experts from the two sides have been cooperating to develop procedures and technologies that would be relevant to this task in a number of technical forums, such as the Warhead Safety and Security Exchange Agreement (WSSX). Considerable joint progress has been made on technologies that would be critical to the success of such measures, such as tags, seals and information barriers.

I believe, Mr. Chairman, based on the progress already achieved in these technical forums, that the United States and Russia could readily establish transparency measures in warhead storage facilities. Such measures would begin the process of building confidence in the nature of the warhead holdings in each arsenal. In the words of the Helsinki statement, they would "promote the irreversibility of deep reductions including prevention of a rapid increase in the number of warheads." They would in particular begin to address the uncertainties that have followed from U.S. statements under the Nuclear Posture Review that it will maintain a very large reserve of warheads available for redeployment, rather than eliminating them. Indeed, the United States and Russia should at some point in the future turn their attention to establishing transparency measures in elimination facilities. However, this will be an enormously sensitive matter and should be undertaken only after careful preparation, including a phase of concentrating on transparency in storage facilities.

[1] "Light MIRVing" refers to loading a small number—e.g. three—multiple, independently targetable warheads (MIRVs) on a launch platform such as an intercontinental ballistic missile (ICBM).

These warhead transparency measures will not only be important to build confidence in the implementation of the Moscow Treaty, but also to enable controls to be established on non-strategic nuclear warheads. Non-strategic nuclear warheads include a number of smaller warhead types, such as nuclear mines and battlefield artillery shells. These are more easily transportable, and in some cases, they may be more easily detonated. Arms control in this arena has long been stymied, but it is one of the most important agenda items to pursue if the United States and Russia are ultimately to succeed in keeping nuclear warheads out of the hands of terrorists. I have been developing an approach to non-strategic nuclear warhead arms control, which I will present in more detail below.

The third and final concern that I would like to register is with regard to the demise of the START II Treaty. The United States and Russia are evidently now in mutual agreement that the START II Treaty will not be brought into force. On the U.S. side, the view is expressed that Russia is thus being accorded the same flexibility to structure its strategic forces that the U.S. is according itself under the Nuclear Posture Review. On the Russian side, the view is being expressed that START II could not be brought into force once the United States withdrew from the Anti-Ballistic Missile (ABM) Treaty.

These themes are both variants of the same argument, which relates to the ban in START II on MIRVed ICBMs. With an uncertain future, the Americans would say, both the United States and Russia need flexibility to structure and restructure their strategic forces as new threats emerge. With no ABM Treaty, the Russians would say, they are already facing an uncertain future, and so might need to deploy multiple warheads on ICBMs as cheaply and quickly as possible.

Although the two sides seem to understand each other, and the United States in particular seems relaxed about new MIRVing, the difficulty comes in the action-reaction cycle that this process might engender. If Russia decides to deploy three warheads on the SS–27, for example, the U.S. side could choose to interpret this step as an expansion of Russian strategic capability that would require additional warheads to be maintained in operational deployment in the U.S. arsenal. In short, I see in the demise of START II and its ban on MIRVed ICBMs the seeds for a potential backtracking from the reduction requirement of the Moscow Treaty. This is a problem, in my view, to which the Congress will have to remain alert, especially given the emphasis that the Bush Administration places in the Nuclear Posture Review on maintaining the option to restore U.S. operational nuclear capability in the face of a changing threat environment.

Indeed, although I expressed my doubts above about the ease of returning strategic launchers to operational status once they have been removed from deployment, I see fewer bars to increasing warhead loadings on MIRVed systems that remain active. Such "uploading" could be accomplished quickly, within a year or so, and would not necessarily generate many visible signs to the outside world. With limited budget resources to spend on building new strategic launchers, both countries may conclude that increasing the number of warheads on existing sea- and land-based systems is the simplest pathway to pursue should the threat environment worsen. Thus we might be headed back in the direction that we abandoned as destabilizing at the close of the Cold War: many highly accurate warheads on a limited number of launch vehicles. The demise of START II, in my view, lends encouragement to such a trend.

Mr. Chairman, I would like to repeat that I believe the Moscow Treaty is a major step forward that provides significant momentum to the nuclear arms control and reduction process. In that light, I believe this Committee should recommend to the full Senate that it give its advice and consent to ratification of the Treaty. I also believe, however, that it is important for the three concerns that I have raised to be addressed, and I hope that you and fellow committee members will give them your attention in the process of completing a resolution of ratification for the Treaty.

In closing, I would like to reiterate that we should turn our attention to the forward agenda at this point, providing for additional transparency and tackling new tasks in the arms control and reduction process. As I stated at the outset, we must continue to focus on the control and reduction of nuclear weapons, not relegate the issue to the back burner of policy. The weapons do not magically protect or de-alert themselves, nor do they go away. Because of their relevance to terrorist threats against the United States, I believe that the most important new task to undertake is the control and reduction of nonstrategic nuclear warheads. I would like to close my testimony by suggesting a new avenue for accomplishing this task.

The United States and Russia have been trying for many years to work on non-strategic nuclear weapons anns control, first through the parallel unilateral initiatives that are known as the Presidential Nuclear Initiatives (PNTs), and later through new negotiated measures, as called for in the 1997 Helsinki Statement.

However, efforts to establish negotiations were constantly stymied through the end of the 1990s. The United States was concerned that the Russians had done little to implement the unilateral measures that were to have taken place as a consequence of the PNIs. In particular, U.S. experts were concerned that the Russians did not provide data on their non-strategic warhead holdings, and that the Russians did not appear to be eliminating the warheads as promised. The Russians, for their part, remained concerned about U.S. non-strategic warheads remaining in NATO Europe, and held fast to the position that they would do nothing to further negotiations unless this issue were addressed.

The agenda for non-strategic nuclear arms control is further complicated by the fact that the United States and Russia had very different priorities in the elimination of their warheads in the 1990s. Russia placed its first priority on eliminating the nearly 4,000 strategic nuclear warheads that were removed from Ukraine and Kazakhstan as a consequence of trilateral arrangements involving those countries and the United States. The Trilateral Statement among Moscow, Kiev and Washington, for example, required the Russians to put strategic warheads returning from Ukraine first in the elimination queues at their warhead elimination facilities. Indeed, the Ukrainians demanded the right to monitor this early elimination, to ensure that the warheads were not simply recycled into the Russian active arsenal. Even today, Russia is emphasizing the elimination of strategic warheads, and according to Russian experts, will soon be down to the level of 1,700–2,200 deployed warheads required by the Moscow Treaty, with few reserves.

The United States, by contrast, emphasized non-strategic nuclear warhead elimination in the 1990s, and brought its non-strategic arsenal down to a level of about 2000 warheads. Its strategic warhead arsenal, in turn, has not received so much attention in the elimination process.

The net effect of this difference in elimination priorities is that there is no neat "package" of trades that can be made between U.S. and Russia non-strategic nuclear warheads in an arms reduction process. The two warhead arsenals, today, are simply much different in their make-up. Therefore, a different approach will have to be worked out.

In fact, if the overall goal is serious control and reduction in non-strategic nuclear weapons, then the United States and Russia have already made a serious start in this direction. They are already working closely together to enhance the physical protection of Russian non-strategic nuclear warheads, and to consolidate those warheads into a smaller number of well-guarded storage facilities. Although warhead protection, control and accounting has not been part of the classic concept of arms control, it has actually, I would argue, been the "leading edge" of non-strategic nuclear warhead arms control, and has done much to contribute to the overall goal.

Here, the tool has been the joint threat reduction programs operated by the Departments of Defense and Energy on the U.S. side, and Ministries of Defense and Atomic Energy on the Russian side. To continue to make progress on this leading edge of non-strategic nuclear arms control, it will be important to ensure that the Defense Department is able to implement the Nunn-Lugar program in a timely and efficient manner. For this reason alone, a permanent waiver of certification requirements under the Nunn-Lugar legislation is urgently needed, as has been called for by Senator Lugar and by other prominent voices before this Committee.

The next step to consider will be how to craft reductions. Because of the very disparate warhead holdings in the two arsenals, this might be rather difficult. However, the Moscow Treaty does employ a flexible approach that might be helpful as a concept to consider in the context of warhead control. In the Moscow Treaty, the parties will decide for themselves which launch vehicles to destroy first and which later. In this way, Russia and the United States are likely to end up with much different arsenals of strategic weapons in a few years—more land-based missiles on the Russian side, more sea-based ones on the U.S. side. This approach is akin to the "freedom-to-mix" concept that was an established part of early strategic arms limitation efforts.

Where warheads are concerned, the United States and Russia might simply accept that they are at the end of a "freedom-to-mix" process that has created quite different holdings on the two sides. From this point forward, reductions might be implemented in two different ways: through a parallel unilateral process, or through negotiated reductions.

A parallel unilateral process might begin with a renewal of the PNIs that would also involve a slight reformulation. Under the reformulation, the United States and Russia would agree to include in the PNIs not only non-strategic nuclear weapons, but also the strategic nuclear warheads that each is placing in the elimination queue. They would back this statement up with a declaration and exchange of data, and with transparency measures at warhead storage facilities. The data exchange

could be augmented over time, if the parties agreed, by familiarization visits and other transparency activities at warhead elimination facilities.

Such an approach would be an early and not very effective attempt at controlling warheads, but it might be considered a first step. It could give some impetus to non-strategic warhead elimination on the Russian side, but it would not force action on either party. Given the voluntary nature of such unilateral actions, it would be important to emphasize other aspects of the arms control process. Russian experts tend to emphasize, for example, that protection of operational warheads is important, and also the disposition of nuclear materials coming out of warheads as they are eliminated. If one pays attention to these two problems, they assert, and the destruction of launch vehicles, then the warheads are naturally "boxed in" by these other steps in the arms control process.

The Russian experts are using this argument to escape consideration of transparency measures at warhead facilities, which they consider extremely sensitive. As mentioned above, it was the Russian side, reportedly, that removed warhead transparency measures from the table during negotiation of the Moscow Treaty. Their argument has a certain legitimacy, however, when one considers that the best way to control a weapon system is to encompass its full life-cycle, from operational deployment to eventual elimination and the final disposition of its component parts and materials. It is important to work on each of these stages.

If the United States and Russia decide to go beyond parallel unilateral steps and turn to negotiated measures, the picture quickly becomes more complicated. The most significant barrier to negotiated elimination of warheads has always been verification and monitoring—neither side has been willing to have the other present in its most secret warhead facilities. If the more flexible approach of the Moscow Treaty is adopted, the two sides cquld begin with a concept whereby the United States would be eliminating more strategic warheads and the Russian side would be eliminating more non-strategic warheads. To make the negotiated reductions meaningful, however, some form of monitoring at warhead elimination facilities would have to be worked out.

Mr. Chairman,lhese are some initial ideas on my part regarding how to renew efforts to control and reduce non-strategic nuclear warheads. Whether or not you agree with them, I hope that you and your fellow Committee members will continue to give, impetus to this item on the forward-looking arms control agenda. Far from being "old business," it is the only way, in my view, that we will be.able effectively to tackle the threat of non-strategic nuclear warheads falling into terrorist hands.

The CHAIRMAN. Thank you. Mr. Ambassador.

## STATEMENT OF HON. JAMES E. GOODBY, NON-RESIDENT SENIOR FELLOW, FOREIGN POLICY STUDIES, THE BROOKINGS INSTITUTION, WASHINGTON, D.C.

Ambassador GOODBY. Thank you very much, Mr. Chairman. With your permission, I would like to submit my statement for the record and just highlight a few points.

The CHAIRMAN. It will be entered in the record.

Ambassador GOODBY. I mentioned in my statement that even short treaties can be understood in different ways and they might give rise to recriminations. I gave as my case in point the 1963 Limited Test Ban Treaty, which was as short as the treaty we are now considering, and I suggested that there were some issues that might come up which we ought to think about.

Since I wrote that, I have learned from the Secretary of State's testimony that there is as yet no agreement on the definition of "operationally deployed strategic nuclear warheads." There may also be different views concerning the counting rules for the treaty. This, of course, would result in there being different numbers of nuclear warheads on each side according to each side's definitions.

Now, I do not think that makes a great deal of difference, given the very general nature and purpose of this treaty. But I do think that, it would be a good idea for the Senate to make it clear in the

record in some manner that there is a U.S. position on questions like that and that the matter may not be resolved.

One of the reasons I suggest that is that just before coming over here I was rereading some of the things that the Russians are saying about this treaty. A man you all know, Alexei Arbatov, the deputy chairman of the defense committee of the Duma, said about the treaty that, "we may ratify it on condition that these questions"—and he was talking about the counting rules—"will be clarified so that we know how we count these 2,200 warheads, how we verify the sides really cut to this level."

He is not, of course, in a position to block the treaty in the Duma. I am convinced that the Duma will ratify. But it does appear to me that, since there is a recognition in the Duma about these differences of interpretation, it would be a good idea for you to think about how you reflect that fact.

I would go so far as to suggest that there ought to be some informal exchanges with the State Duma. I know you have assurances from Putin and from others in the Russian administration that the treaty will be ratified. I do not doubt that; but given the possibility of Duma conditions, it seems to me that it is not totally out of bounds for you to think about some informal exchanges with them.

Another concern I mentioned in my prepared statement was the probable return of the Russians to their practice of MIRVing their ICBMs. I agree with what Bill Perry has just said and what Senator Lugar has said about these MIRVed missiles. They are not the threat they once were. But at the same time I am troubled by a statement I also read shortly before coming over here. This is allegedly a statement from Colonel General Nikolai Solovtsov, commander of Russian Strategic Rocket Forces, who said: "The possibility to prolong the life," I repeat, "prolong the life of heavy missiles through overhauling the missiles and their combat elements, allows us to keep the R–36M Satan missiles on combat duty. A decision has been recently made to keep two of the three available divisions on combat duty until 2015. We are discussing the possibility of keeping one more division armed with such missiles."

Now, I mention this not because I am concerned about a bolt from the blue. That is past history. What I am concerned about is prolonging the life of an old heavy missile. I am concerned about its safety, and I am concerned about command and control kinds of problems.

Now, this brings me directly to the main point I want to make, which concerns the Nunn-Lugar program. In that connection, I also want to mention the Declaration of Moscow which accompanied the treaty. I have not heard that discussed today and very little has been said about that in some of the previous discussions in this committee. I think that the Declaration of Moscow, signed by the two Presidents, really is a blueprint for building a new strategic relationship. I think in fact it ought to be considered as a kind of extension, a de facto extension, of the treaty. It could make a difference, and I am referring to the section which is called "Preventing the spread of weapons of mass destruction." It seems to me the Declaration picks up where the Moscow Treaty leaves off and the two ought to be considered together.

We need to give some life and some force to that declaration in connection with the treaty. Now, how do you do that? Here I come to the Nunn-Lugar program, one of the most successful Government programs of all times. I rank it up there with the Marshall Plan and its potential is far from being exhausted. It can be applied around the world and I hope indeed it will be.

But as a private citizen, an outsider, I am worried that Nunn-Lugar appears more and more to be at a kind of a conceptual, contractual deadend, which is endangering the program. The recent success in extracting weapons-useable fissile material from Yugoslavia was a textbook example of how cooperative security should work, but my own satisfaction was tempered by the realization that it took some private money to get it done.

The difficulties and delays over waivers for a program which is so self-evidently critical for the safety of the world tells me that a fresh start, or at least a clearing of the air is needed between the executive branch and Congress and perhaps between Russia and our country. It does seem to me that, in addition to the damage being done to the Nunn-Lugar program, this situation, if it continues, will weaken the Declaration of Moscow. The Moscow Treaty itself in that case, will be just a building block with no building for it to be put into.

I say this as chief negotiator in 1993–94 for about 30 of the Nunn-Lugar umbrella and implementing agreements: How important it is to have a context in which cooperative threat reduction is occurring. The context then was START I. That is basically finished. START II is not going to be coming along, and the treaty itself does not provide a whole lot in terms of a foundation for the Nunn-Lugar program.

The most directly applicable framework for Nunn-Lugar we have now is, in fact, the Declaration of Moscow. I am inclined to think that perhaps some new legislation—I think you have been referring to that possibility in connection with this waiver issue—possibly even a condition attached to the Senate's resolution of ratification of the Moscow Treaty, will be required to put the Senate on record on the relationship between the Nunn-Lugar program and at least that part of the Declaration of Moscow that relates to preventing the spread of weapons of mass destruction.

My own view is that large parts of the Bush-Putin declaration could become a dead letter absent Nunn-Lugar support, and in that case the Moscow Treaty would become a relatively minor footnote in history.

On a related point, Mr. Chairman, as you are so well aware, the language of the Biden condition, condition 8 attached to the resolution of ratification of START I, required that the executive branch focus attention on cooperative measures to monitor weapons stockpiles and fissile material inventories. I spent a year of my life in talks with the Russians trying to make that happen. I did not succeed then, but I am convinced it can be done and I think President Bush and President Putin may be the ones that can get that done.

Senator Biden can correct me, but the premise of that condition was not inspired by cold war adversarial attitudes. It was, rather, a concern about nuclear proliferation and getting rid of the nuclear legacy of the cold war.

Now, START I is still in force and so I suppose the Biden condition also is still in force. There would be merit, if there is any doubt about that, in reaffirming it in connection with this particular treaty.

I would also mention, finally, declaration 1 which was attached to the Senate's resolution of ratification for START II, and that essentially was an updating of the Biden condition. I think that also should be reaffirmed as part of the process of giving more force to the terribly important connection between Nunn-Lugar, the declaration, the Biden condition, and the treaty, which I do support.

Thank you.

[The prepared statement of Ambassador Goodby follows:]

PREPARED STATEMENT OF AMB. (RET.) JAMES E. GOODBY

Mr. Chairman, My name is James E. Goodby. I have been involved with issues of U.S.-Russian security relations since the 1950s as a negotiator and policy advisor in the U.S. Department of State. During the past decade I have taught at Stanford, Georgetown, and Carnegie Mellon universities, altemating research and writing on security issues with service in the State Department. I am currently a Senior Fellow at the Brookings Institution and Senior Advisor to the Security Studies Program at MIT.

It is an honor and a privilege for me to testi& before you today concerning the Treaty on Strategic Offensive Reductions. I will speak to the Treaty from the perspective of one who has worked with Russians and with our NATO allies as a professional diplomat throughout the Cold War and afterwards. My recent government service during the Clinton administration helped to create the legal, political, and economic framework for cooperative threat reduction on the basis of the Nunn-Lugar legislation. Cooperative threat reduction, in my lexicon, refers to all joint efforts by Russia and the United States to limit, reduce, contain, or eliminate the continuing threat to international security posed by weapons of mass destruction and their means of delivery. And so the Treaty on Strategic Offensive Reductions is an example of cooperative threat reduction. This treaty is intended to be a major step towards a new U.S.-Russian strategic framework; that is how its framers describe it. I expect that Senators will wish to assess the treaty against this standard. Probably you will want to decide for yourselves whether and how this treaty advances the two nations toward that goal, and possibly consider and recommend more ambitious steps in that direction.

My own recommendations are essentially procedural but they are rooted in substantive concerns:

1. Because the language of the treaty is quite general and the U.S.-Russian discussions that produced it were relatively brief, I would expect some differences of interpretation to occur. The Bilateral Implementation Commission which would be established through Article ifi of the treaty presumably will be responsible for clearing up any differences or any questions about implementation but its mandate is not defined in the Moscow treaty. Its first meetings, therefore, will establish precedents which could affect the future course of the treaty's implementation. Although this Commission should confine itself to teclmical details, it is potentially a very powerfifi instrument and the Senate might consider proposing that it send an observer group to attend meetings of the Commission.

2. The Bush-Putin Joint Declaration published in Moscow on May 24, 2002 stated that another group, the so-called Consultative Group for Strategic Security, to be chaired by Foreign and Defense Ministers, would be the principal mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest. The same declaration in connection with the relevance of Start Ito the new treaty, speaks of "other supplementary measures, including transparency measures, to be agreed." It would be logical for the Consultative Group for Strategic Security to negotiate supplementary measures to enhance transparency of reductions taking place in the context of the Moscow treaty. Such measures could include:

- exchanges of data;

- schedules for removing systems from operational deployment;
- spot checks of systems removed from deployment.

None of this is required under the treaty and so the Bilateral Implementation Commission technically could not require that such measures be put into effect. The task, therefore, falls to the higher-level Consultative Group. The Senate might wish to stipulate that the Consultative Group, in fact, will seek to negotiate supplementary measures to build confidence in the implementation of the Moscow-treaty.

4. The treaty does not address several important closely related issues, e.g.,

- transparency and irreversibility in connection with the dismantlement of excess nuclear warheads;
- early deactivation of systems scheduled for withdrawal from the deployed force;
- a more rigorous program of security enhancement and reductions of substrategic nuclear warheads.

These are all critical aspects of creating a new U.S.-Russian strategic framework. The Consultative Group on Strategic Security also could be tasked with these missions and the Senate might consider requesting that that be done. These are missions that should not be postponed or allowed to occur by chance.

5. The Moscow treaty does little to reduce incentives to U.S-Russian competition in the nuclear arena. Although the outlook for U.S.-Russian friendship and partnership is very encouraging, nuclear deterrence remains a part of the U.S.Russian equation at the present time. To change this, a broad program of nuclear cooperation must be developed to supplement the process of building a closer political relatiohship between the two countries. Several ideas included in the Bush-Putin joint declaration could contribute to this. They include:

- cooperation in ballistic missile defense;
- bolstering the nuclear non-proliferation treaty.

The administration should use the Consultative Group on Strategic Security to oversee the bilateral aspects of U.S.-Russian cooperation in these areas and to ensure that NATO-Russian aspects of nuclear issues, including missile defense, are progressing satisfactorily. The Senate might wish to consider establishing a sub-committee to review progress in this arena on a continuing basis.

I will justify and expand upon these suggestions in the rest of my testimony.

Now I would like to draw your attention to the political aspects of this treaty. As with most efforts at cooperative threat reduction, there are significant technical and military components to this treaty. But there also is a political component and this side of cooperative threat reduction and of arms control always has been important to Russia, and before that to the Soviet Union, as well as to the United States. That is no less so with this treaty.

In a world as turbulent as theirs has been during much of the past century and, really, throughout their history, it is small wonder that for Russians and their leaders "predictability" is one of the touchstones of their approach to international relations. They crave order and hope to achieve it through stable relations with the United States, in particular. As a nation often defined both by its own people and by the Western nations in terms of its differences with Western civilization, its diplomacy reflects an undercurrent of defiance and frustration, mixed with emulation and hope. It is natural, then, that Soviet and Russian leaders have insisted on the respect and the acceptance to which Russians rightly believe they are entitled, while wanting it as much as possible on their own terms.

In my view, cooperative threat reduction agreements are judged by Russians for what they contribute to predictability and to equal standing as well as for their inherent security content. This political factor should never be underestimated. I believe it is important in the case of this treaty and this is one of the main reasons why I hope that the Senate will give the treaty sympathetic consideration, while recognizing that the treaty is a tentative, rather modest step towards a new U.S.-Russian strategic framework.

This observation leads me to remark on a few lessons that I have learned from watching and working for a succession of U.S. presidents. To begin with, it is an

impressive fact that U.S. presidents, in our system, are central figures in all important policies concerning nuclear weapons. They are responsible, ultimately, for acquisition, for targeting doctrine, and for stewardship of the stockpile. Only they can authorize the use of these weapons. Of course they rely heavily on advice and they delegate to others; the Congress must endorse much of what they do. But the power of the presidency in this arena is awesome: there is hardly any aspect of nuclear weapons policy for which U.S. presidents, in the end, cannot be held accountable.

For this reason, American presidents also have assumed the *de facto* mantle of chief negotiator of U.S.-Soviet/Russian nuclear agreements. They have become the responsible and accountable person, subject to the advice and consent of the Senate, for nuclear treaties. They have understood that negotiating such agreements is different from the process of negotiating agreements in other areas of national concerns. John Kennedy observed that while many domestic policy decisions are critical to the nation's well-being, it is foreign policy decisions that can kill us: "The big difference is between a bill being defeated and the country being wiped out." This explains why, in an age of ideological conflict and global competition, U.S.-Soviet agreements took a long time to negotiate. Each side put forward ideas that advanced its own interests, was wary of ideas of the other party, and spent more of its time in internal fights than in negotiations with the other side. Immobility was usually the result.

The two nations, I hope, have left that period behind them and I applaud President Bush for looking for new procedures in U.S.-Russian diplomacy. But it is an undeniable fact that U.S.-Russian relations are not yet like U.S.-British relations, and that nuclear weapons still do exercise a malign influence over the way the two nations interact. Russia and America are caught in a trap from which it is difficult to escape despite good intentions on both sides. This predicament, by the way, affects decisions concerning the right legal or political instruments to use for various types of cooperative threat reduction agreements.

Another, and related, consideration is that good communications between governments is not to be taken for granted. This is necessary to ensure clarity and so avoid future misunderstandings. I saw President Kennedy do this in connection with the limited nuclear test ban treaty both in his public and private communications with Khrushchev. That treaty was comparable in length and detail with the treaty you ar now considering and the language seemed quite clear to us. But there was very little U.S.-Soviet discussion about the language before Averill Harriman took the limited test ban treaty to Moscow and not very much there. In a very few days, he succeeded in concluding an agreement with the Soviet government. As it turned out, there was a misunderstanding about the obligations concerning release of radioactive debris in that 1963 treaty and that led to recriminations for years afterward.

This is my main concern about the treaty now before the Senate. I fear that its brevity and what appears to have been a relatively limited amount of discussion between Russians and Americans preceding its signing may lead to future misunderstandings. Granted, there is not much in this treaty to misunderstand and its impact is quite limited but my experience tells me that nations are very good at looking at the same language from different angles under any and all circumstances. Of course, it will be easier to renounce this treaty than it has been to renounce other treaties in this field, but responsible governments cherish their reputations for probity and dependability. Leaving a treaty because it was not well understood is not an act to be taken lightly.

I am pleased that the administration has taken steps to institutionalize the implementation of the treaty by creating a Bilateral Implementation Commission. Other agreements have been managed with the help of U.S.-Russian/Soviet commissions. There is an especially acute need for such a commission in the case of this treaty. My concern here is that there is no mandate for the Commission of which I am aware and probably a negotiation within a negotiation will ensue to understand what the powers of the Commission are. I expect that the Senate will wish to be involved in this somehow, for it touches on the sense of the treaty and its scope.

Another lesson that I have absorbed over the years is that in negotiating with the Russians a balance has to be struck between the new and the old. If this sounds conservative, it is. Familiar paradigms will usually produce results more rapidly and reliably than introducing new and unfamiliar models, but good ideas have real longevity and ultimately may be realized, to everyone's benefit. President Eisenhower introduced valuable new ideas like "Open Skies" into the U.S.-Soviet dialogue. President Carter abandoned a strategic nuclear framework developed by President Ford in favor of one that might have produced a more stable strategic balance. These ideas were ahead of their time and were initially rejected. Only later did they become a part of conventional wisdom between Russia and the United States.

I mention the need for a balance between the old and the new because I think that there are serious problems already before us, or that we know lie ahead of us, on which this treaty, if ratified, might have had a greater impact, and might still if it is an integral part of a more ambitious program. As mentioned above, I am thinking of the need to tighten security over nuclear warheads and to eliminate excess warheads; to seek early deactivation of deployed missiles/warheads; and to enhance the security of sub-strategic nuclear warheads while reducing them if possible. We also must act promptly and vigorously to reinvigorate our commitments under the nuclear nonproliferation treaty, and not just through military means.

A single treaty cannot be expected to be a panacea and this treaty's limited scope is not a reason to reject it. But I hope and trust that this treaty is not intended to be the end of the road so far as U.S.-Russian cooperative threat reduction is concerned. I hope it is not because there is much business still left undone in this field. I trust that more will be done because the infrequently mentioned Joint Declaration also signed at Moscow by Presidents Bush and Putin actually lays out quite a serious agenda for U.S.-Russian cooperation in the nuclear and other fields. I hope that Senators will reflect on the connection between the Moscow treaty and the Moscow declaration, and perhaps urge that the declaration be taken as an agenda for immediate action. Too often such declarations are seen as statements of pious intentions and are allowed to languish because they have no political muscle behind them. That should not be the case with this document.

Among many other things, in treaty-related matters the Moscow declaration requires the two nations:

- to carry out strategic offensive reductions to the lowest possible levels consistent with their national security requirements and alliance obligations reflecting the new nature of their strategic relations;
- to agree on measures to provide confidence, transparency, and predictability in further strategic offensive reductions, supplementing those provisions already contained in the START I treaty.

In an area closely allied with the Moscow treaty, the declaration calls for joint work on ballistic missile defense. I believe this is an essential component of future U.S.Russian security cooperation if a new strategic framework is to be achieved. It is hard to imagine a new strategic framework if Russia is not fully involved in ballistic missile defense programs with us. Following through on that declaration therefore would lend more weight to a treaty that, by itself, is not sufficient to extricate Russia and America from their mutual deterrence trap. One of its more actionable provisions is to establish a Consultative Group for Strategic Security to be chaired by Foreign and Defense Ministers. As described in the Bush-Putin declaration, this is to be the principal mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans and discuss strategic issues of mutual interest. This mission relates directly to the Moscow treaty. It is important and necessary for the creation of a new U.S.-Russian strategic framework and could well have been an integral part of the Moscow treaty. It should become the functional equivalent of a board of directors with a senior official acting as CEO reporting to it.

I have been urging the establishment of a U.S.-Russia Strategic Stability Commission for several years, since I have believed that the changed nature of U.S./Russian relations requires such a group to manage key bilateral security issues between them. Accordingly, I hope that the administration, in consultation with Congress, will organize and staff the Consultative Group for Strategic Security so that it can operate on a permanent and continuing basis, just as the Permanent Representatives on the North Atlantic Council do between Ministerial Sessions. U.S. and Russian co-permanent representatives should be designated to speak for their governments, supported by staff which should be capable of conducting joint analyses of issues that have technical, military, and economic components.

The agenda for this Group already has been identified in the Bush-Putin Joint Declaration of May 24. The key agenda items are as follows:

- Supplement the Moscow treaty and the START I treaty with other provisions to enhance confidence, transparency, and predictability in further strategic offensive reductions. This should include data exchanges, schedules for taking weapons systems out of operational deployment, and spot checks on the disposition of non-deployed systems. But I would also hope that at the top of the list of things to do would be the issue of eliminating excess nuclear weapons and building irreversibility into that process. I had some limited success in 1995–96 in negotiating an agreement to exchange and protect sensitive nuclear information with the Russians to support a warhead dismantlement agreement. I

am convinced that transparency and relative irreversibility can and should be achieved, in this area.

- Reduce strategic offensive reductions to the lowest possible levels. I ask whether we really need to wait ten years to get down to 1,700–2,200 deployed nuclear warheads. Strategic nuclear missiles on both sides could be deactivated by removing their warheads, or by other technical means, long before that. Furthermore, it should be possible to set lower ceilings than 1,700–2,200, perhaps on the order of 1,000 deployed nuclear warheads, as many experts have urged. I will speak to this from the vantage point of service in the Reagan administration later in this testimony.
- Create programs for joint research and development of missile defense technologies, for intensified cooperation on missile defense for Europe, and improving the functioning of early warning systems. A new strategic framework, quite simply, could not be achieved between Russia and America without this. A senior group is badly needed to manage the process.
- Implement and bolster the Treaty on the Non-Proliferation of Nuclear Weapons. Each of the preceding three agenda items would contribute something to this goal. The physician's oath—Do no harm—is relevant here. Our first rule of behavior should be to avoid actions contrary to the principles and objectives associated with the nonproliferation treaty. There are implications in this rule for our own nuclear programs; the main one being to shun a more prominent role for nuclear weapons in our own defense posture. It also is important to: resolve regional conflict that generate nuclear weapons programs; tighten security over nuclear weapons and weapons-usable fissile material, reducing both wherever possible; and continue and expand the Nunn-Lugar cooperative threat reduction program, including warhead reductions in the program.

  The Nunn-Lugar program should now be applied by the United States to states other than those that emerged from the former Soviet Union, by the way, and on a much expanded overall scale.

No mention was made of sub-strategic nuclear weapons in either the Moscow treaty or the Joint Declaration. Presumably this is because the Russians see these weapons as compensating for the weakness of their conventional arms. But the portability of these weapons and their possible wide deployment under uncertain storage conditions make these dangerous to the Russians as well as to others. It may be difficult to include reductions of these weapons in the agenda but some effort should be made to do so. Reassurances about numbers, locations, and security could be obtained, I think, as part of a broad reciprocal program of U.S.-Russian cooperation.

Much already has been said about the form of this agreement. I will add just a few thoughts based on my experience in negotiating with the Russians. In the present state of the relationship a treaty concerning reductions of nuclear weapons is desirable because it provides a framework for accountability and responsibility. The rule of law concept that most of us embrace also points to the need for a treaty. Who would be accountable for a handshake deal after the present incumbents have left office? In something so vital as strategic nuclear weapons, and at this stage of the relationship, an agreement with the force of law is preferable.

I say this as one who strongly endorses the initiative that President George H.W. Bush took in 1991 to encourage Soviet President Mikhail Gorbachev to remove Soviet tactical nuclear weapons from deployment in nearly all the republics of the crumbling Soviet Union. The risk-benefit ratio at the time was clearly favorable because leaving those tactical weapons where they were would have caused very serious proliferation problems when the Soviet Union finally fell apart. And there was no time to negotiate a formal agreement complete with verification requirements. But controversy has now arisen as to whether all the redeployments and eliminations that Gorbachev and, later, Yeltsin announced have, in fact, been carried out. One report suggested that Russian tactical nuclear weapons have been forward-deployed near Kaliningrad. I would not like to see that much uncertainty in the case of the vastly more important inventory of Russian strategic nuclear warheads. As I have suggested above, the briefest of references to an agreed mechanism for removing uncertainties will probably not suffice as the legal basis for monitoring management of this treaty. It will likely be expanded, formally or informally.

There is a place both for treaties and for parallel, reciprocal understandings in cooperative threat reduction. President George H.W. Bush used both techniques, Start II and the Bush-Gorbachev understanding on substrategic nuclear weapons being cases in point. And between these two options, a host of other possibilities exist, of which the agreements which I helped to negotiate to implement the Nunn-Lugar legislation during the Clinton presidency are good examples.

I was also involved in negotiating what were called "politically binding" measures to enhance transparency of military maneuvers across the continent of Europe during the Reagan administration. The agreement finally concluded at Stockholm in 1986 included provisions for the first on-site inspections ever carried out on Soviet territory. I believe that the agreements were carried out in good faith. So I am comfortable with the idea that not every U.S.-Russian cooperative security understanding has to be enshrined in a treaty.

In addition to all the legal reasons for selecting one instrument over another, however, let's never forget that two peoples with different and unique characteristics and traditions stand behind any U.S.-Russian deal. In the case of Russia, a tradition of secrecy is deeply entrenched. It will not be abandoned easily. The Russian government is run by a bureaucracy that is ponderous, risk-averse, and not given to transparency. Resistance to change is endemic. Our own bureaucracy looks agile by comparison. Factors such as these make reliance on legal obligations generally a better bet in terms of compliance.

I cannot conclude without mentioning, in passing, one concern I have about the nuclear force structures that may be built in years to come. The administration evidently has concluded that there is no longer any need to be concerned about the characteristics of the nuclear force structure that Russia builds. Is there a risk in this? There is, if the force structure becomes an incitement to competition which it easily could become.

Probably Russia will elect to deploy MIRVed missiles for cost reasons. And if it does so, reaching the level of 2,200 warheads may not be impossible. We invested literally years of effort to get the Soviets, and later the Russians, to eliminate land-based MIRVed missiles on grounds that these were "use it or lose it" weapons which tended to introduce instabilities into the strategic nuclear relationship. Finally, in START II, negotiated and concluded in the administration of George H.W. Bush, that goal was achieved. Many Russian military officers and politicians thought that START II was too one-sided—it demanded major changes in Russia's land-based missile force while requiring much less of the United States. No doubt there is some satisfaction within the Russian military that they will no longer have to structure their forces to meet American prescriptions. I hope no one will complain about a return to a MIRVed Russian force, nor demand a special U.S. riposte to it. Presumably we know what we are doing.

On a related point: in some treaties, for example, the limited test ban treaty,"safeguards" amounting to new defense programs have been adopted to avoid any adverse effects on U.S. defenses. I see no need for any special U.S. effort to compensate for the quite limited effect of this treaty on our own defenses.

Now permit me to finish up with a few words of tribute to President Ronald Reagan and to Secretary George Shultz. Those two statesmen were largely responsible, with Mikhail Gorbachev, for ending the Cold War. They did a great deal to make the world a safer place, including giant steps towards ending the nuclear arms race of the Cold War. I met with the two of them in the Oval Office several times for "photo-ops." On each occasion I had brief conversations with the President and I will always treasure those exchanges. He showed me that tough-minded people who put America's interests first also can quite sensibly take the view that nuclear weapons are a dangerous liability for our country.

In one of our meetings President Reagan said to me: "You tell people that I am willing to go as far as anyone else in getting rid of nuclear weapons." People today who speak of his legacy usually overlook that aspect of his thinking. But his essential point is still valid today. In the numbers in which they now exist, nuclear weapons have the capacity to turn the United States into a wasteland for years to come. This will remain true even at the end of the ten-year period prescribed by the Strategic Offensive Reduction Treaty and even assuming the most optimistic results of the current ballistic missile defense program. For this reason alone, the Moscow treaty should be seen as a starting point, not the end of a disagreeable phase in U.S.-Russian relations.

For years, if not decades to come, there can be no absolute safety for the United States from the threat posed by nuclear weapons. The Pentagon's Nuclear Posture Review, in the form available to the public, describes North Korea, Iraq, Iran, Syria, and Libya as countries that could be involved in contingencies for which the United States must be prepared and notes that all of them sponsor or harbor terrorists and that all have active programs involving weapons of mass destruction and missiles. It would be a catastrophe if just one or two American cities were leveled by a rogue state or by a transnational terrorist organization. Think of 9-11 multiplied by a thousand.

China, a nation with a nuclear force in being that exceeds anything that the countries listed above could have for many years, also is described as a country that

could be involved in an immediate or potential contingency for which the United States must be prepared. Multiply 9-11 by 10,000 or more. And as for Russia, described in the Nuclear Posture Review as the nation having the most formidable nuclear forces aside from the United States, the possibility of a contingency involving that country is seen by the Pentagon as plausible although it is not expected. Russia's nuclear forces and programs, the Nuclear Posture Review concludes, remain a concern. Compared with 9-11, or an attack by a rogue state, or by China, a nuclear war with Russia would be off the scale. The word "existential" is entirely apt.

Have U.S.-Russian relations improved so much that the nuclear equation between them no longer matters? I think the answer is "no". I think we can be optimistic about the long-term outlook for U.S.-Russian relations. But I think that Russia and America still are in a stage of conditional peace, that is, a situation where military deterrence remains a part of the relationship. The reason for that is that similar value systems and a shared sense of identity are still works in progress. Mother part of the reason is that once snared in the trap of mutual nuclear deterrence, it is very hard to back out of it. A final escape from the nuclear deterrence trap will happen when Russia and America achieve a stable peace, one where armed conflict between them is not only remote, but unimaginable. I believe that U.S.-Russian cooperation in minimizing the effect of their nuclear relationship on their other bilateral relations will accelerate Russia's integration with the West. But if the nuclear relationship is not managed well, it will be hard to put the present conditional peace behind them.

The Bush administration is working to make Russia a friend and partner and this is clearly the best means of alleviating the potential nuclear threat. I am one of those who think that democratic nations with democratic institutions tend not to go to war with each other. It is almost certain that President Putin has taken a strategic decision to cast Russia's lot with the West. And I think there is a good chance that a future democratic Russia will find its rightful place as a respected member of the community of Western democracies. But we are not there yet. Nuclear weapons still generate an action-reaction cycle in U.S.-Russian relations just as they always have. For that reason we must assign a top priority to getting the relationship right and that includes helping with nuclear problems. In that spirit, I urge Senators to give their advice and consent to ratification of the Moscow treaty, subject to the stipulations I have suggested above.

Thank you.

The CHAIRMAN. Thank you very much.

Mr. Holdren, Dr. Holdren.

**STATEMENT OF JOHN P. HOLDREN, PH.D., TERESA AND JOHN HEINZ PROFESSOR OF ENVIRONMENTAL POLICY AND DIRECTOR, SCIENCE, TECHNOLOGY, AND PUBLIC POLICY PROGRAM, BELFER CENTER FOR SCIENCE AND INTERNATIONAL AFFAIRS, JOHN F. KENNEDY SCHOOL OF GOVERNMENT, HARVARD UNIVERSITY**

Dr. HOLDREN. Mr. Chairman, Senator Lugar: I am happy indeed to be here this afternoon to testify on this treaty. I do want to emphasize that, although I am a professor at Harvard and the chairman of the National Academy's Committee on International Security and Arms Control, I am testifying this afternoon as an individual and not on behalf of either of those organizations or any other.

The CHAIRMAN. We assumed Larry Summers sent you down here.

Dr. HOLDREN. He did, but I cannot admit it.

Like the others, I will hit a few high points and ask that my longer statement be entered in the record——

The CHAIRMAN. The entire statement will be placed in the record.

Dr. HOLDREN [continuing]. As long as it is.

Mr. Chairman, this committee has already heard a number of distinguished witnesses both extol the virtues and decry the defi-

ciencies of the Moscow Treaty. I find myself in agreement with much that has been said on both sides of that issue. Like some others who have testified before you in this matter, I find that I am a critic who is also a supporter.

I am a critic because the treaty is lacking so much that one might have hoped for. But I am a supporter because I think there is great symbolic importance in the two countries certifying formally and jointly their intention to proceed to much deeper reductions in strategic nuclear forces than the ones permitted in the START I Treaty.

I am also a supporter because I think the Moscow Treaty represents an important step beyond previous ones in focusing principally on the actual numbers of bombs and warheads. Finally, I am a supporter because the texts both of the treaty and of the accompanying joint declaration at least recognize the incompleteness of the agreement and allow for the possibility of adding missing elements later.

I want to spend most of my time talking about the specifics of the further building blocks that I think the administration and the Congress should be seeking to add to the initial framework established by the treaty, including some that I think the Senate could usefully promote in its resolution of advice and consent on ratification. In doing so, I refer particularly to the findings of two studies of these matters that were conducted during the 1990s by the National Academy Committee on International Security and Arms Control: the 1993 to 1995 study on management and disposition of excess weapons plutonium and the 1997 study on the future of U.S. nuclear weapons policy.

Those studies together laid out a comprehensive array of measures that the United States and Russia could take mutually and cooperatively, as well as separately, to reduce the carryover dangers from the cold war, the dangers of accidental, erroneous, unauthorized, or inappropriately massive use of Russian or U.S. nuclear weapons, as well as the newly prominent dangers from nuclear weapons coming into the possession of additional Nations or terrorists. Those measures are described at some length in my longer written statement and in full in the reports themselves which are referenced there.

The key bottom line for the purposes of this hearing is that rather little of the nuclear risk reduction benefit of the comprehensive approach that the Academy reports describe can be expected to flow from the Moscow Treaty alone. The arsenals will still be much too large, their alert status too great, the circumstances and targets for their potential use too unconstrained, the transparency and confidence concerning their size and their future too small.

The Moscow Treaty as written is a modest step in the right direction, but only a modest step. While I believe that this modest degree of progress does make the treaty worth ratifying, I also believe that the Senate's resolution of advice and consent should push for somewhat more. It seems to me that incorporation of 5 elements that I am going to mention, elements which would not require amendment to the treaty, could at least partially address some of its principal shortcomings and that these particular additions and clarifications would be unlikely to be opposed by the Russians. I

hope they would also not be strongly opposed by the Bush administration.

The first one is clarification of the unit of account. I think the resolution could call on the administration to issue a unilateral clarification of the U.S. interpretation of the phrase "operationally deployed strategic warheads," the phrase that appears in the November 13, 2001, statement of President Bush which is cited by the treaty as to the U.S. definition of what is being constrained. That clarification would state that warheads associated with launch platforms and delivery vehicles in routine maintenance or overhaul will be included in the category of operationally deployed strategic warheads subject to the treaty's ceiling.

That clarification would close the most glaring legal loophole in the treaty, which is that any number of launch platforms and delivery vehicles could be declared to be in maintenance or overhaul on December 31, 2012, in order to achieve formal compliance.

The second element I call a part-way reduction target. The resolution could call for a further U.S. unilateral declaration concerning its intention to move in a measured way toward the 2012 ceiling, specifically by indicating the number of deployed strategic warheads it intends not to exceed by the treaty's halfway point of December 31, 2007. A suitable level for this intermediate target might be the old START II ceiling of 3,000 to 3,500 strategic warheads. That clarification would help address the defect that the treaty specifies no reductions at all before its ending date and in that lack encourages what I would call a senseless prolongation of the retention of deployed Russian and U.S. strategic warhead stockpiles far in excess of any conceivable need.

The third ingredient would be a voluntary limitation on reserve forces. The resolution could call for a further U.S. unilateral declaration that the reserve strategic warheads it retains will at no time exceed a specified fraction, say 50 percent, of the strategic warheads it deploys at that time. This clarification would allow ample provision for any of the kinds of contingencies cited by the administration in support of the need for reserves, while eliminating at least the total open-endedness of this particular loophole.

The fourth element would relate to the intention to pursue agreed limits on reserve and nonstrategic warheads in a next round. The Senate's resolution could call on the administration to announce its intention to initiate discussions with the Russian Government on a new round of agreed limits that embrace all nuclear warheads, reserve as well as deployed and non-strategic as well as strategic.

A declaration of intention to move on this agenda in a timely manner would underline the seriousness of the United States in pursuing meaningful nuclear arms limitation and would set the stage for bringing under control the category or Russian nuclear weapons that is by far the most vulnerable to unauthorized or accidental use or transfer into the possession of terrorists or proliferant states.

The last item was already mentioned by Ambassador Goodby. It relates to the pursuit of transparency via implementation of the Biden amendment. Many others have already noted here that a failure of the treaty is its lack of provision for measures of trans-

parency and verification beyond those in force under START I that will expire in 2009. I found that omission all the more distressing, Mr. Chairman, because the amendment which bears your name connected with the START I ratification resolution should well have precluded that omission.

I will not read the amendment here. It is in the record and in my testimony. It does, as Ambassador Goodby already pointed out, require that in any further agreement to reduce strategic offensive arms the President shall seek arrangements for monitoring and verification. I think it is unclear whether President Bush actually made an effort in this direction in negotiating the Moscow Treaty. But in any case, I believe the Senate's resolution of advice and consent should remind the administration of the Biden amendment's provisions and should call for its implementation through arrangements to be worked out in the Consultative Group on Strategic Security or through other mechanisms.

I think that calling in the Senate's resolution for the kinds of clarifications and goals and commitments that I just listed would be a valuable impetus to the administration and to the Russians to shore up the provisions in the Moscow Treaty as written and to move beyond it to measures that are more fully commensurate with the dangers that nuclear weapons still pose to this country and to the world. Those measures include the expansion and acceleration of the Nunn-Lugar program, the completion of a far-reaching program of accountancy and protection for all nuclear explosive materials, including cessation of the production of such materials for weapons.

It would include the ratification in my view of the Comprehensive Test Ban Treaty. It would include the progressive de-alerting of strategic forces by parallel initiatives. It would include the elimination of massive response options from U.S. targeting plans, as discussed in the 1997 Academy study. It would include an unequivocal commitment by the United States to no first use of nuclear weapons. And it would include the limitation and reduction of the total nuclear weapons stockpiles, not only of the United States and Russia, but also ultimately of all of the other nuclear weapons states.

I repeat that the Moscow Treaty as written will be a modest step forward. With a strong resolution along the lines suggested here, it would be a significantly bigger step forward. But the enduring challenge after the ratification discussion is over and report resolution passed will be to maintain the momentum in pursuit of the further steps that the safety of the country and indeed the preservation of civilization require.

Please let nobody suppose that ratifying the Moscow Treaty, whatever the conditions and declarations attached to that, has checked the box on the efforts of this administration and this Congress to reduce the dangers from nuclear weapons. That work is really just beginning.

Thank you for the opportunity to put those views before you.

[The prepared statement of Dr. Holdren follows:]

PREPARED STATEMENT OF JOHN P. HOLDREN

Mr. Chairman and Members of the Committee: I am John Holdren, a professor at Harvard University in both the Kennedy School of Government and the Department of Earth and Planetary Sciences, and chair of the Kennedy School's Program on Science, Technology, and Public Policy. I am also chairman of the National Academy of Sciences Committee on International Security and Arms Control, which carries out studies for the government and on its own initiative, as well as conducting bilateral security dialogues with counterpart groups from Russia, China, and India. A longer biographical sketch is appended to this statement. The opinions I will offer here are my own and not necessarily those of any of the organizations with which I am associated. I very much appreciate the opportunity to testify before you this afternoon.

Mr. Chairman, this Committee has already heard many distinguished witnesses extol the virtues and decry the deficiencies of the Moscow Treaty on Strategic Offensive Reductions. I find myself in agreement with much that has been said on both sides. Like some others who have testified before you on the Treaty, I find I am a critic who is also a supporter.

I am a critic because the Treaty is lacking so much that might have been hoped for, As you have read for yourselves and have heard in abundant detail from other witnesses:

- It lacks a clear, mutually agreed specification of what is actually included in the category that is to be reduced, namely "strategic nuclear warheads," referring instead, for this definition to separate individual statements by Presidents Bush and Putin that do not say the same thing.
- It lacks a timetable for the reductions, other than the final target date of December 31, 2012, for reaching the level of 1,700–2,200 strategic warheads on each side. (That the Treaty is scheduled do go out of force on this same date seems a strange further twist.)
- It does not require the dismantling or destruction of any of the warheads that are "reduced," nor does it specify any measures or criteria for protection and accounting for the warheads that are taken out of service.
- It does not constrain, in any way, the structure of the strategic nuclear forces that remain. Perhaps most importantly, this lack allows continued deployment of MIRVed land-based ICBMs, including the Russian 55–18, which the START II agreement would have prohibited. (Because of the "use it or lose it" syndrome associated with these weapons, their elimination has been a goal of US arms control efforts since the Reagan years.)
- It does not address the "alert" status of the strategic nuclear forces that remain, notwithstanding that this is both the most anomalous and the most dangerous characteristic of the Russian and US strategic nuclear forces persisting into the post-ColdWar era.
- It lacks any provision for transparency, monitoring, and verification, other than the measures already in effect from the START I agreement, which expires in 2009. (Legally, none of the reductions called for by the Moscow Treaty beyond START I levels would need to take place before the START I monitoring and verification provisions expire.)
- It does not address non-strategic nuclear weapons at all. Even the accompanying Joint Statement, in its passage about the two countries' intentions concerning future reductions, confines itself to strategic weapons.
- Neither in the Treaty nor in the Joint Statement is any constraint expressed or implied about the purposes for which the reduced but still large strategic forces envisioned by the treaty—and the non-strategic forces that it doesn't limit at all—are being kept (other than the declaration's reference to the "national security requirements and alliance obligations" of the two countries). This is unfortunate because declared or suspected purposes for nuclear weapons, beyond the deterrence of nuclear attack or coercion by other countries that possess them, exert upward pressure on future numbers, as well as "outward" pressure in the form of proliferation incentives.

Of course, no treaty can be expected to do everything, so it may seem unfair to carp so much about what this one lacks. But surely it is fair to judge it against its stated context and purposes, and by this standard it falls substantially short.

The Treaty's stated context includes: the end of "the era in which the United States and Russia saw each other as an enemy or strategic threat" and "a new strategic relationship" in which "[we] are partners" (Joint Statement). Its stated pur-

poses include: establishing "a genuine partnership based on the principles of mutual security, cooperation, trust, openness, and predictability" and "implementing significant reductions in strategic nuclear arms" (Treaty).

Whether the Treaty will actually cause any reductions on the Russian side is questionable: Russia probably was already heading for strategic force levels lower than those specified in the treaty, above all for economic reasons. As noted already, dangerous aspects of the. structure and alert status of Russian strategic forces are not addressed by the Treaty at all, and neither are Russia's nonstrategic forces, even though these are thought to contain far more warheads.

On the US side, the large number of "reserve" strategic nuclear warheads that US officials have indicated this country intends to maintain (under the specification that the 1,700–2,200 figure applies only to "operationally deployed strategic warheads" and given the treaty's lack of any requirement that strategic warheads in excess of that figure be destroyed) is both problematic and paradoxical.

It is problematic because it calls into question the commitment of the United States to deep and irreversible reductions—a liability in terms of nonproliferation as well as arms control goals—while presenting a picture of US unpredictability to the Russians. It is paradoxical because, at the same time as the Administration avers that the newly friendly and trusting relationship with the Russians allows a treaty that neither restricts force structure nor provides for verification, it is also proposing to maintain a strategic warhead reserve for which the only possible justification is Russian unpredictability.

Indeed, the Treaty's inattention to verification is problematic and paradoxical all by itself. Lack of verification has undermined US confidence in what the Russians actually have done with their tactical nuclear weapon force in relation to the parallel unilateral undertakings on these forces announced by the senior President Bush and President Gorbachev in 1991. Lack of transparency is hobbling US-Russian cooperation to improve the protection of nuclear weapons and nuclear explosive materials against theft. An arms-control agreement denominated in warhead numbers requires more transparency for verification than one denominated in delivery systems, which are easier to observe and count.

If the US-Russian relationship is now as friendly and cooperative as the Treaty and Joint Declaration assert, one wonders why the sorts of transparency and verification measures needed to give confidence in the new agreement could not be quickly negotiated and compactly specified. It was President Reagan who famously enunciated the principle, "Trust but verify." He knew that without transparency, trust withers. I assume the current Administration knows this, too, but its Moscow Treaty seems not to have benefited from the insight.

Another insight whose influence is difficult to discern in the Treaty relates to the interconnectedness of the arms control, non-proliferation, and counter-terrorism agendas.

Maintaining the nuclear non-proliferation "bargain" between the nuclear-weapon and non-nuclear-weapon states requires that the former take seriously—and be seen and confirmed to be taking seriously—their obligations under Article VI of the Non-Proliferation Treaty of 1968 "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament." Evident intentions by the leading nuclear-weapon states to retain large nuclear arsenals indefinitely, to maintain high states of alert in parts of those arsenals, to reserve the right to use nuclear weapons against those who do not possess them (or use them first against those that do), and to pursue development of new types of nuclear weapons for increased effectiveness or for new purposes, are seen as incompatible with that bargain and are ultimately corrosive of the non-proliferation regime.

Constraints on the numbers and dispersion of nuclear weapons—not only strategic but even more importantly, in many respects, nonstrategic ones—are essential not only to decrease the probability and consequences of accidental, erroneous, or unauthorized use but also to decrease the chances of these weapons coming into the possession of proliferant states or terrorists. And proliferation itself expands the opportunities (as well as the incentives) for further proliferation and for terrorist acquisition of nuclear weapons, by putting the weapons and the materials for making them into additional (and inevitably less experienced) hands.

It should be obvious on reflection that, whatever levels of nuclear forces the United States and other nuclear-weapon states choose to maintain at any particular time, the confidence of the weapon and non-weapon states alike that these the levels being maintained—and the confidence of the world that nuclear weapons or the ingredients needed to make them will not fall into the hands of additional states or of terrorists—will ultimately require a regime of control and transparency that embraces all types and categories of nuclear weapons, their components, and all nu-

clear-explosive materials (civilian as well as military). Probably no treaty could reach such a regime from where we are today in a single step. But it is helpful for the wording of any treaty to reflect insofar as possible the full range of issues it is trying to address and the longer term goal toward which it is a step.

The preamble to the Moscow Treaty notes that the Parties are "mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons," and the Joint Statement says that the United States and Russia will intensify cooperative efforts to combat "the closely linked threats of international terrorism and the proliferation of weapons of mass destruction and their means of delivery." These formulations suggest that the links between arms reductions and non-proliferation, on the one hand, and between non-proliferation and countering terrorism, on the other, at least have been recognized.

But a treaty truly cognizant of the links among all three would not allow strategic reserves as large as or larger than the deployed strategic forces; would address not only numbers but also, to at least some extent, force structure, alert status, and doctrine concerning use and targeting; would not forego requirements for elimination of "reduced" warheads; would not omit constraints on nonstrategic nuclear weapons even as a stated aspiration; and would not neglect transparency and verification (which after all give confidence to the world, not just to the Parties, that specified reductions are actually taking place).

A treaty cognizant of these links would not, in short, miss the post-Cold-War opportunity to put in place a nuclear arms-reduction framework that aimed simultaneously at moving toward sharply reduced numbers of nuclear weapons overall, at reducing the scope of their foreseen authorized uses and the dangers of their unauthorized or accidental use, and at creating a transparency regime that would reassure the Parties and the world that all this was being done, while making possible the needed degree of US-Russian cooperation on protection of nuclear weapons, weapon components, and nuclear-explosive materials from proliferators and terrorists. [1]

Given the shortcomings of the Moscow Treaty that I and many other witnesses in this series of hearings have enumerated and elaborated, why do I conclude nonetheless that the Treaty is worthy of support? I will offer three reasons.

First, I think that, whatever the deficiencies of detail, there is great symbolic importance in the two countries' certifying formally and jointly their intention to proceed to much deeper reductions in strategic nuclear forces beyond the levels permitted in the 1991 START I treaty. More than a decade into the post-Cold-War era, it is past time for a next step; the START II treaty is dead from multiple wounds; and the Moscow Treaty is all that is currently on offer.

Second, the Moscow Treaty represents an important step beyond previous nuclear arms control agreements in focusing principally on actual numbers of bombs and warheads, even if this advantage is weakened by lack of constraint on undeployed and nonstrategic weapons. Previous nuclear arms control treaties, although they typically mentioned numbers of warheads, were actually based on counting launch platforms and delivery vehicles and then applying agreed "counting rules" for tallying up a nominal total number of bombs and warheads this force could deliver.

The old approach benefits from the fact that launch platforms and delivery vehicles are much easier to observe and to count than actual bombs and warheads are, but it is incapable in principle of embracing either reserve weapons or those nonstrategic weapons that are not mated to individual, observable delivery systems. By focusing more directly on the bombs and warheads themselves, the Moscow Treaty at least begins a transition toward a more comprehensive regime that can encom-

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[1] It also seems to me that an administration "mindful" of its obligations under Article VI of the Non-Proliferation Treaty would be asking the Senate to take up, in parallel with the Moscow Treaty, renewed consideration of giving its advice and consent to ratification of the Comprehensive Nuclear Test Ban Treaty. Completing a comprehensive test ban, after all, has long been considered by most non-nuclear-weapon state parties to be the litmus test of nuclear-weapon-state seriousness about their obligations under Article VI, which is one of the reasons that former Chairman of the Joint Chiefs John Shalikashvili concluded, in his January 2001 report to the President and the Secretary of State, that ratifying the CTBT would be in the net national interest of the United States. Another reason for renewing interest in ratification of the CTBT is the fmding of a National Academy of Sciences study released at the end of July, which I chaired, that the main technical questions raised in the October 1999 Senate ratification debate all have satisfactory answers: the United States possesses, and need not lose, the technical capability to maintain confidence in the safety and reliability of its existing nuclear-weapon stockpile without nuclear-explosive tests; the US capability to verify the compliance of other countries with a comprehensive nuclear test ban is considerably better than commonly supposed; and such clandestine testing as might occur below the threshold of detection would have little impact on US national security. But that is a story for another day.

pass not only "operationally deployed strategic weapons" but also the very important reserve and nonstrategic categories.

Third, in a number of ways the texts of the Moscow Treaty and the accompanying Joint Declaration at least recognize the incompleteness of this agreement and allow for the possibility of adding missing elements later. For example, the Treaty says the two countries "[a]re embarking upon [a] path" and that "[the] Treaty will help establish more favorable conditions," stipulates that "the START Treaty remains in force in accordance with its terms," and notes that the new Treaty "may be extended . . . or superseded by a subsequent agreement" before its date of expiration; and the Joint Declaration notes that the continuation in force of the START I Treaty "will provide the foundation confidence, transparency, and predictability in further strategic offensive reductions, along other supplementary measures, including transparency measures, to be agreed" and announces establishment of a "Consultative Group for Strategic Security to be chaired by Foreign Ministers and Defense Ministers," which "will be the principal mechanism through which the sides strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest."

The sense that the Moscow Treaty is but one element of a work in progress has been reinforced to some extent in the earlier testimony of senior Administration officials before this Committee, and particularly in their responses to the vigorous questioning from members. It is certainly to be hoped that President Bush recognizes that this Treaty should be the beginning, not the end, of his Administration's efforts in nuclear arms control. In any case, I trust that the Congress will not let him forget that the needed work on reducing post-Cold-War nuclear dangers has just begun.

Let me address, finally, the rationales and specifics of the further building blocks that the Administration and Congress should be seeking to add to the initial framework established by the Moscow Treaty—including some that the Senate could usefully promote in its resolution of advice and consent with respect to ratification. I doing so, I would like to refer particularly to the findings of two studies of these matters conducted during the 1990s by the National Academy of Sciences Committee on International Security and Arms Control (CISAC).

The first of these was the study of "Management and Disposition of Excess Weapons Plutonium," which was initiated at the request of General Brent Scowcroft when he was National Security Advisor to the senior President Bush and completed with the publication of a summary volume in January 1994 and a volume of technical analysis in July 1995. The study was led within CISAC by Wolfgang K. H. Panofsky—participant in the Manhattan Project, founding director emeritus of the Stanford Linear Accelerator Center, and long-time advisor on nuclear weapons matters to the U.S. government and the national weapons labs.

The committee concluded that reductions in the US and Russian nuclear stockpiles, dismantling of the excess weapons, secure storage of all intact weapons, weapon components, and nuclear-explosive materials, final disposition of the excess material by their conversion to forms not directly usable in weapons, and a comprehensive regime of declarations and transparency to ensure that all of this is happening are all essential and inter-related ingredients of a strategy to address the inter-related dangers associated with nuclear weapons. Its January 1994 report states on this topic (quoting verbatim from pp 87–88):

> [T]he measures taken to address the urgent problem of managing excess nuclear weapons and fissile materials—from dismantlement of weapons through storage and long-term disposition of the resulting fissile materials—must be seen not only as ends in themselves, but also as steps toward an overall regime designed to achieve higher standards of security and transparency for the wt.al stocks of weapons and fissile materials in the United States and the former Soviet Union—and, ultimately, worldwide. The committee envisions a reciprocal regime, built in stages, that would include:
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> 1. reciprocal declarations of total stocks of nuclear weapons and fissile materials;
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> 2. cooperative measures to confirm and clarify those declarations;
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> 3. agreed, monitored subtractions from the stocks available for military use, including: monitored warhead dismantlement; commitments never again to use agreed quantities offissile materials for weapons purposes; safeguarded storage and long-term disposition of excess fissile materials stocks; and

4. agreement on and monitoring of additions to those stocks, including whatever warhead assembly continues, and a verfled cutoff of production offissile materials for weapons.

Such a regime, if agreed between the United States and Russia, would directly serve the three security objectives outlined at the beginning of this report—limiting the risk of theft, limiting the risk of breakout, and strengthening arms reduction and nonproliferation. Although complex and far-reaching, such a regime can be approached incrementally, contributing to confidence at each step while posing little risk.

The 1994 CISAC report also notes the end of the Cold War opened a window of opportunity in which such a comprehensive and cooperative regime is, for the first time, actually within reach. The authors also urged that the opportunity not be squandered, inasmuch as failure to put in place promptly these elements of transparency and cooperation could lead, ultimately, to the erosion of the cooperative spirit and trust that makes them possible. That advice is no less germane today, as the Administration and the Congress ponder the steps that should follow in the wake of the Moscow Treaty.

The second CISAC study I wish to cite, in connection with the question of needed next steps, was released in June 1997 under the title, "The Future of US Nuclear Weapons Policy." This study was led within CISAC by Major General William F. Burns (US Army, retired), who was the ninth Director of the U.S. Arms Control and Disarmament Agency (under President Reagan), Deputy Assistant Secretary of State for Political-Military Affairs (also under President Reagan), and the first U.S. Special Envoy to the denuclearization negotiations with the states of the former Soviet Union under the Nunn-Lugar Act (under the senior President Bush).

This study focused strongly on aspects of US and Russian nuclear force structure, doctrine, and operational practices posing dangers that can no longer be justified in terms of the Cold War dilemmas that spawned them. Those dangers include not only erroneous, accidental, or unauthorized use but also incentives and possibilities for acquisition of nuclear weapons by proliferant states and terrorists. The report recommended a transformation of U.S nuclear-weapons policy that would include:

(a) multi-stage nuclear-force reductions in concert with Russia;

(b) the inclusion in these reductions, at a stage two steps beyond the then-envisioned START II agreement, of all categories of nuclear warheads (strategic and nonstrategic, deployed and reserve);

(c) confining the role of US nuclear weapons to the "core" function of deterrence of nuclear attack—or coercion by threat of nuclear attack—against the United States and its allies, hence abjuring policies and plans that envision the possible first use of nuclear weapons against conventional, chemical, or biological attacks or threats;

(d) the modification of operational practices and targeting plans to reflect post-Cold-War conditions, reassure other countries, and reduce the dangers of accidental, erroneous, unauthorized, or inappropriately massive use; and

(e) bilateral and eventually international arrangements for detailed, verified accounting and assured physical security of all nuclear weapons, components, and nuclear-explosive materials.

The successive stages of US-Russian nuclear-force reduction recommended in this 1997 CISAC report began with the level of 3,000–3,500 deployed strategic warheads on each side specified in the START II agreement, which it was thought at the time might still enter into force. The report recommended moving quickly thereafter to a level of 2,000 deployed strategic warheads on each side, corresponding to the lower end of the 2,000–2,500 range that Presidents Clinton and Yeltsin had identified as the target for START III in their March 1997 Helsinki summit. The Moscow Treaty has now "leapfrogged" past the START II figures to almost exactly this START III target (after allowance for the difference between the "deployed strategic warheads" of the START II–III terminology and the "operationally deployed strategic warheads" in the new Bush terminology).

The 1997 CISAC report argued that the step beyond the 2,000 deployed strategic warheads level should be to about 1,000 total warheads on each side, including nonstrategic as well as strategic weapons and reserves as well as deployed forces. The report said that these levels would be adequate to ensure survivability of adequate retaliatory forces against a first strike and would be "able to maintain the core function [of deterrence of nuclear attack or nuclear coercion] satisfactorily against the most challenging potential U.S. adversaries under any credible circumstances, assuming that strategic defenses remain limited and transparent enough to avoid sur-

prises." It also said that reductions to this level could be undertaken by the United States and Russia without demanding reductions in the arsenals of China, France, and the United Kingdom as a precondition. (Going to levels significantly below 1,000 total warheads each for the United States and Russia, the report noted, would be "a more complicated and multilateral process.") Also significant, in the context of today's discussion of the Moscow Treaty, was CISAC's conclusion about "hedging" (p. 80):

> [E]ven at this low level the committee does not see a need for a reserve nuclear weapons stockpile as a hedge against the emergence of new nuclear powers or clandestine expansion of the nuclear arsenals of existing nuclear weapon states.

The report emphasized that any regime embracing all nuclear warheads would require transparency and verification measures that "go beyond those required to verify the limits on delivery vehicles and launchers in START I and II," and it discussed in some detail the kinds of information exchanges and monitoring approaches and technologies that could do this job while still protecting sensitive nuclear-weapon design information on both sides. (CISAC is currently engaged in a new study—its working title is "the all-warhead study"—which looks in much greater detail at the transparency and monitoring requirements, approaches, and technologies for an arms-control regime that includes all nuclear warheads, their components, and nuclear-explosive materials. Publication is expected in Spring 2003.)

With respect to confining the role of US nuclear weapons to the "core" deterrent function, the 1997 report had the following to say (71–72):

> [T]he United States should announce that the only purpose of US nuclear weapons is to deter nuclear attacks on the United States and its allies, adopting no first use for nuclear weapons as official declaratory policy. In the post-Cold-War era, when nonproliferation is a high priority and the credibility of the nuclear powers' commitment to Article VI of the NPT is crucial to maintaining the international consensus behind the regime, a US no-first-use pledge could help remove both reasons and excuses for proliferation. It would also assist with the dialogue with China and those nonaligned states that urged a no-first-use declaration during the negotiations on the NPT and the CTBT and now propose no-first-use treaty. . . . It would not in any way suggest that the United States is less willing than in the past to come to the defense of treatybound allies in Europe or Asia.

Publicly available accounts of this Administration's Nuclear Posture Review suggest that this is not the direction of its current thinking—the Cold War is long gone, but the dangerous NATO doctrine of "first use if necessary," spawned by Cold War fears and conditions, lives on. What is equally regrettable (and perhaps even more dangerous), is that Russia has renounced the Soviet Union's Cold War doctrine of "no first use" and now stands with the United States and NATO in the threat to use nuclear weapons first if it feels the need.

The 1997 CISAC report depicted the overall benefits of its proposed multi-part nuclearthreat-reduction regime in the following terms:

> Nuclear force reductions and changes in nuclear operations would increase US. and global security in a number of important ways.
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> First, reducing US. and Russian nuclear forces and revising operations for the mission of fulfilling only the core function will decrease the continuing risk of accidental, erroneous, or unauthorized use of nuclear weapons, for several reasons: smaller arsenals will be easier to safeguard and protect from accident, theft, and unauthorized use, not only by virtue of reduced numbers of weapons to monitor at a smaller number of sites but also by permitting retention of only those weapons with the most modem safety and security features; and reducing alert rates, decreasing capacities to use nuclear weapons quickly and with little warning, abandoning plans for the rapid use of nuclear weapons, and deploying cooperative measures to assure state that forces are not being readied for attack should reduce the probability and consequences of erroneous nuclearweapons use—for example on false waning of attack (Of course it is extremely important to take care that reductions in deployed nuclear warheads—and dismantlement of the warheads made surplus as a result—do not lead to countervailing increases in the dangers of theft and unauthorized use as a consequence of inattention to the challenges of safe storage of these weapons and the nuclear materials removed from them.)

> Second, further reductions will bolster the nuclear nonproliferation regime. US.-Russian nuclear arms reductions will not dissuade a state bent on acquiring nuclear weapons; certainly, today's undeclared nuclear powers and would-be proliferators are driven above all by regional security concerns. In such cases, the denial of material and technical resources and a combination of political and economic incentives and disincentives provide the greatest leverage. But US. and Russian progress in anns reductions helps shore up global support for anti-proliferation measures; and lack of such progress can strengthen the influence of those arguing for nuclear-weapons acquisition in countries where this is under internal debate
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> Third, continued actions by the United States and Russia to reduce their nuclear arsenals—and the roles and missions assigned to these arsenals—will help persuade the other declared and undeclared nuclear-weapon states to join the arms control process. At planned START-II levels, for example, under which it is estimated that the United States and Russia each would retain a total of about 10,000 nuclear warheads, deployed and in reserve, the other nuclear powers have little motivation to submit their much smaller arsenals to any form of control.

I want to emphasize, in this last connection, that it is true under the Moscow Treaty, as it would have been under START II, that there will be no upper limit on the total number of nuclear warheads that the United States and Russia may keep, and that Russia might well keep 10,000 (undoubtedly mostly tactical) even if the United States does not.

Indeed, rather little of the nuclear risk-reduction benefit of the comprehensive regime that the CISAC report describes can be expected to flow from the Moscow Treaty alone. The arsenals will still be much too large, their alert status too great, the circumstances and targets for their potential use too unconstrained, the transparency and confidence concerning their size and their future too small. The Moscow Treaty as written is a modest step in the right direction, but it is not nearly enough.

While I believe that this modest progress makes the Treaty worth ratifying, I also believe that the Senate's resolution of advice and consent should push for somewhat more. It seems to me that incorporation of the following elements—which would not require amendment to the Treaty—could at least partially address some of its most glaring shortcomings, and that these particular additions and clarifications would be unlikely to be opposed by the Russians. It is to be hoped that they would not be strongly opposed by the Bush Administration, either.

- *Clarification of the unit of account.* The resolution could call on the Administration to issue a unilateral clarification of the US interpretation of the phrase "operationally deployed strategic warheads" (which appears in the November 13, 2001 statement of President Bush cited by the Treaty as to the US definition of what is being constrained). The clarification would state that warheads associated with launch platforms and delivery vehicles in routine maintenance or overhaul will be included in the category of operationally deployed strategic warheads that is subject to the Treaty's ceiling. This clarification would close the most glaring legal loophole in the Treaty, which is that any number of launch platforms and delivery vehicles could be declared to be in maintenance or overhaul on December 31, 2012 in order to achieve formal "compliance."
- *Part-way reduction target.* The resolution could call for a further US unilateral declaration concerning its intentions to move in a measured way toward the 2012 ceiling, specifically by inflicting the number of deployed strategic warheads it intends not to exceed by the Treaty's "halfway" point at December 31, 2007. A suitable level for this intermediate target might be the old START II ceiling of 3,000–3,500 strategic warheads. This clarification would help address the defect that the Treaty specifies no reductions at all prior to its ending date, encouraging senseless prolongation of the retention of deployed Russian and US strategic-warhead stockpiles far in excess of any conceivable need.
- *Voluntary limitation on "reserve" forces.* The resolution could call for a further US unilateral declaration that the "reserve" strategic warheads it retains will at no time exceed a specified fraction—say, 50 percent—of the strategic warheads it deploys at that time. This clarification would allow ample provision for any of the kinds of contingencies cited by the Administration in support of the need for reserves, while eliminating at least the total open-endedness of this loophole.
- *Intention to pursue agreed limits on reserve and nonstrategic warheads in a next round.* The resolution could call on the Administration to announce its intention to initiate discussions with the Russian government on a new round of agreed

limits that embrace all nuclear warheads, reserve as well as deployed and non-strategic as well as strategic. The responsibility for making early progress toward this end could be assigned to the Consultative Group for Strategic Security mentioned in the Joint Declaration. A declaration of intention to move on this agenda in a timely manner would underline the seriousness of the United States in pursuing meaningful nuclear arms limitation and would set the stage for bringing under control the category of Russian weapons that is by far the most vulnerable to unauthorized or accidental use or transfer into the possession of terrorists or proliferant states.

- *Pursuit of transparency via implementation of the Biden Amendment.* The other really glaring omission in the Moscow Treaty, as I and others in these hearings have noted at length, is its failure to provide for any measures of transparency and verification beyond those that will be in force under the START I Treaty until its expiration in 2009. This omission is all the more distressing, Mr. Chairman, because an amendment for which you were responsible in the START I resolution of ratification should have precluded it. The Biden Amendment, which is the law of the land, reads as follows:
- *Nuclear Stockpile Weapons Agreement.* Inasmuch as the prospect of a loss of control of nuclear weapons or fissile material in the former Soviet Union could pose a serious threat to the Unted States and to international peace and security, in connection with any further agreement reducing strategic offensive arms, the President shall seek an appropriate arrangement, including the use of reciprocal inspections, data exchanges, and other cooperative measures to monitor (A) the numbers of nuclear stockpile weapons on the territory of the parties to this treaty and (B) the location and inventory of facilities on the territories of the parties to this treaty capable of producing or processing significant quantities of fissile materials.

  It is unclear whether the President actually made any effort in this direction. In any case, I believe the Senate's resolution of advice and consent on ratification of the Moscow Treaty should remind the Administration of the Biden Amendment's provisions and should call for its early implementation through arrangements to be worked out in the Consultative Group for Strategic Security or through other mechanisms.

I would also like to add my voice to the others who have called, in these hearings, for the Congress to act on the permanent waiver of certification requirements on the Nunn-Lugar Cooperative Threat Reduction program, so that it can go forward at the scale and pace that the challenges of assisting Russia with the dismantlement of surplus weapons and the protection of nuclear weapons, components, and materials require. This waiver need not necessarily be part of the resolution of advice and consent on ratification of the Moscow Treaty—it could also be done separately—but linking it to the Treaty would have the advantage of underlining the inter-connectedness of these elements of the needed comprehensive approach to reducing the nuclear danger.

Calling, in the Senate's resolution, for the clarifications, goals, and commitments just listed would be a most valuable impetus to the Administration and to the Russians to shore up the provisions in the Moscow Treaty as written and to move beyond it to further measures more fully commensurate with the dangers that nuclear weapons still pose to this country and the world. Those measures include not only the expansion and acceleration of the Nunn-Lugar program but also: the completion of a far-reaching program of accountancy and protection for all nuclear-explosive materials, including cessation of the production of such materials for weapons; the ratification of the Comprehensive Test Ban Treaty; the progressive de-alerting of strategic nuclear forces by parallel initiatives; the elimination of massive-response options from US targeting plans; an unequivocal commitment by the United States to No First Use of nuclear weapons; and the limitation and reduction of the tQial nuclear-weapon stockpiles not only of the United States and Russia but also, ultimately, of all of the other nuclear-weapon states.

The Moscow Treaty as written would be a modest step forward. With a strong Senate resolution along the lines suggested here, it would be a significantly bigger one. But the enduring challenge, after the ratification debate is over and the resolution passed, will be to maintain the momentum in pursuit of the further steps that the safety of this country and indeed the preservation of civilization require. Please, let no one suppose that ratifying the Moscow Treaty—whatever the conditions and exhortations in the Senate resolution—has "checked the box" on the efforts of this Administration and this Congress to reduce the dangers from nuclear weapons. This work is just beginning.

Thank you for the opportunity to put these views before you.

The CHAIRMAN. Thank you, Doctor.

Mr. Sokolski, the floor is yours, last but not least.

**STATEMENT OF HENRY D. SOKOLSKI, EXECUTIVE DIRECTOR, NONPROLIFERATION POLICY EDUCATION CENTER, WASHINGTON, D.C.**

Mr. SOKOLSKI. Mr. Chairman, Mr. Lugar: My name is Henry Sokolski. I am the Executive Director of a nonprofit organization known as the Nonproliferation Policy Education Center, and it is a distinct honor to be up here because, looking back behind you, I remember being there for about 8 years. It is different on the other side. I will not try to abuse this too much.

The CHAIRMAN. You lost power, did you not?

Mr. SOKOLSKI. Yes. [Laughter.]

The CHAIRMAN. That is exactly how we feel when we turn around.

Mr. SOKOLSKI. Yes.

For the sake of brevity and the late hour——

The CHAIRMAN. No, you take your time. You were kind to be this patient.

Mr. SOKOLSKI [continuing]. I only want to highlight key points in my testimony and two brief attachments. But with the permission of the committee, I would ask that these items be entered into the record.

The CHAIRMAN. They will be.

Mr. SOKOLSKI. OK. Thank you very much.

With the signing of the Moscow Treaty, as we have heard, thousands of additional nuclear warheads are to be downloaded from U.S. and Russian strategic launchers over the next decade. This has raised new concerns about the adequacy of our cooperative efforts to secure and dispose of surplus nuclear weapons materials in Russia and the U.S. and to reduce the leakage of strategic weapons capabilities from Russia generally. I think we do not want to just focus on materials here.

To date, and mostly in what I have heard previously, to be honest, these concerns have focused attention very much, if not almost exclusively, on how much more we should spend and how much more we should expand some of the most controversial and expensive of the cooperative programs the Defense and Energy Departments fund. I do not want to get into that debate.

My message to you today is that we can do much more to reduce remaining U.S.-Russian strategic weapons threats if we focus first on what we are doing rather than on what we are spending. In fact, if we focus more on how we might do a better job, I think we could do a significantly better job at reducing strategic weapons threats and reduce planned Congressional spending.

In my written testimony, which is based on a 2-year study published by the Army War College entitled "Beyond Nunn-Lugar," I make three points. The most important is first and that in our zeal to dispose of surplus weapons plutonium I think we have failed to recognize how significantly the plan we have adopted will actually increase the threat of nuclear theft and terrorism. By terminating this scheme, known as the mixed oxide disposition effort, we could

reduce these risks and free up $5.8 billion to $8 billion to support more worthy threat reduction undertakings.

Our current plan involves taking 68 tons—that is over 10,000 crude bombs' worth—of weapons-grade plutonium from a few guarded sites, transporting this material thousands of miles to and from a larger number of different plants in the U.S. and Russia, and I think before we get done, likely Western Europe, and letting thousands of workers handle it continuously over the next 20 or more years.

The goal is to irradiate the material to reduce its attraction for weapons. But the risk of nuclear theft generated by multiple handling and repeated transport of weapons-grade and near-weapons-useable nuclear materials outweighs any possible gain.

We would do better and could save billions of dollars in spending if we simply dropped this effort and focused instead on making the storage of existing U.S.-Russian weapons plutonium materials more secure. Terminating this program would also avoid helping Russia and encouraging other states to get into the business of producing and using nuclear weapons-useable reactor fuels in civilian power reactors, something the U.S. has rightly opposed since President Ford and President Carter.

I might add on a personal note, I have a bit of me invested in this. I studied under Albert Wolstetter, who helped create that policy, and I spent the first 3 years of my career—I would say my life, because I did not go home; I stayed here every night—fighting the Clinch River Breeder Reactor. And we defeated that and that was the last of the efforts to flip the Ford-Carter policy. I am concerned that we are about to go back to that, and I do not want that to happen.

In short, terminating this program, I think, is the single most important thing the U.S. can do to avoid increasing the threat of and theft and terrorism.

Second, by supporting a spent fuel storage proposal that the Russians have already expressed interest in and signed contracts about, the U.S. could conceivably—I emphasize the word "conceivably"—reduce Congressional spending on threat reduction by as much as $8 to $9 billion. The spent fuel proposal which has been promoted by the Nonproliferation Trust, Incorporated is discussed in the testimony briefly and more extensively in the attachment. To my knowledge Congress has held no hearings or received any testimony on this proposal.

Now, if it was just a private firm and it was just a proposal, I could understand this. Maybe it is not worth listening to. But this proposal has been on the summit agendas of both Russia and the United States for nearly a year now. More needs to be learned about that. You have to come to your own conclusions, but there are people in our Government who may get down to that listed proposal and talk to the Russians about it. Congress needs to know more about this.

Finally, we have not done hardly enough to implement efforts that could reduce biological and long-term "brain drain" threats with little or no new spending. The two most important of these efforts are health monitoring and student exchanges. That was reflected in our study which was completed in August of last year.

The kind of health monitoring that is needed is precisely the kind backed by your committee and your bill.

I think you have heard testimony from Dr. Al Zelikoff, who is a close associate of mine, and you have done great work. It needs to be passed. But the health monitoring as called for in your bill is so affordable, so noncontroversial, and so important, I know for a fact it could be funded with existing DOD and DOE funds if the bill does not pass. Do not let it not happen, simply because the act somehow does not get completed, because you have got to get the House to pass it, too.

Last point, student exchange programs. This is kind of tragic. We are succeeding in eliminating some of the greatest weapons talent just by letting our programs run long enough that these people retire and die. It is 10 years now. A lot of these people are a lot older. Some of them really have literally died.

However, we have got to worry about the next generation. If you take a look at some of the studies that have been done by Carnegie and other places, you will discover that over a third of the Russian university students who were surveyed said they would consider working in some of these closed nuclear cities, and that over 60 percent of the best students said they preferred to work in state enterprises.

We cannot let that trend go without some attention. The best way to attend to it, I think, is something that is already passed, already authorized, already funded. It is the Freedom Support Act that Senator Bradley had so much to do with. In there they hoped, the sponsors—and I suspect we all voted for this; it was a great bill—that there would be 15,000 high school exchange students and another 15,000 college exchange students a year.

Do you know how many Americans go to Russia to study now a year? 500. Do you know how many Russians are here that are below the age of 20 on student exchange? A handful, a handful. Of the 5,000 students it is estimated that Russia has here, most of them are over 20. Why does that matter? Because we make up our minds and our opinions about our careers and our outlooks when we are much younger.

We have to find out why the participation rate is so low. It may be that it is a tough problem, but it needs attention.

With that I conclude my testimony and I thank you again for letting me speak here today.

[The prepared statement of Mr. Sokolski follows:]

PREPARED STATEMENT OF HENRY SOKOLSKI

There are three big, avoidable problems with our strategic weapons threat reduction efforts with Russia:

1. In our zeal to dispose of surplus weapons plutonium to counter nuclear theft and terrorism, we've failed to recognize how significantly the plan we've adopted will actually increase these threats. By terminating this scheme, we could reduce these risks and free up $5.8 to $8 billion to support more worthy threat reduction efforts.

2. We continue to debate how much more we should spend to help Russia secure its strategic weapons assets but have overlooked how many billions of dollars Russia itself is willing and capable of raising to defray these costs. By supporting proposals the Russians have already agreed to, the US

could conceivably reduce Congressional spending on threat reduction by as much as $8–9 billion dollars.

3. We've paid so much attention to controversial, expensive cooperative programs that we've not focused enough on efforts that could reduce biological and long-term brain drain threats with little or no new spending.

Our planned $5.8 billion plus cooperative program to dispose of surplus weapons plutonium is only likely to increase the risk of loose nukes.

The current plan involves taking 68 tons (10,000–17,000 bombs' worth) of weapons-grade plutonium from a few guarded sites, transporting it thousands of miles to and from a larger number of different plants in the US and Russia (and likely Western Europe), and letting thousands of workers handle it continuously over the next 20 years. The goal is to irradiate the material to reduce its attraction for weapons. But the risk generated by multiple and prolonged handling outweighs any possible gain.

The current plan also requires the US and Europe to supply Russia with the fuel fabrication facilities and light water reactor recycle know-how that would enable Russia to reprocess its own and other nations' spent fuel (as it says it wants to do). An agreement with Russia does ban such reprocessing but only while it is converting its declared 34-ton weapons plutonium surplus into civilian fuel. After this, Russia is free to use the fuel fabrication facilities it gained under the program to initiate commercial reprocessing. This, in turn, would undo whatever good the previous threat reduction effort accomplished, generating tons of new weapons-usable plutonium that must be secured against theft.

These efforts would effectively reverse US policy against civil use of nuclear weapons-usable fuels and indirectly encourage other nations' use of some 200 tons (25,000–50,000 bombs' worth) of separated plutonium in power reactors. In fact, the Energy Department's advanced reactor programs (which Energy plans to cooperate on with Russia) are predicated on reversing the current US ban on commercial reprocessing (established by President Ford). That is why Energy put language in the President's energy plan to have this policy "reviewed" and why it hopes that the recycling of surplus weapons plutonium will be the first step toward reversing the ban.

Too little attention has been paid to a proposal that has been on the US-Russian summit agenda for over a year and would provide billions of dollars for securing nuclear materials and nuclear environmental clean-up without increasing U.S. spending.

Minatom and Putin have both endorsed the idea of importing spent reactor fuel from European and Asian power reactor sites, storing it in Russia, and using over $8 billion of projected revenues to help defray the costs of US-Russian nuclear cooperative programs. In fact, The Nonproliferation Trust, Inc. (NPT, Inc.), a private firm, has already signed a contract with Minatom. It provides that none of the projected revenues will be spent without the approval of an independent board. It also bans Russian commercial reprocessing for 30 years. All that is needed to proceed is (1) US consent to move spent fuel of US-origin from Europe and Asia to Russia, and (2) a limited US-Russian nuclear cooperative agreement that would permit Moscow to store the fuel. Both Russian and US diplomats have placed this matter on their summit agendas twice in the last year. Concerns about Iran, however, have prevented it from being taken up.

A distinguished group assembled by NPEC studied and endorsed the Nonproliferation Trust, Inc. concept (*see Beyond Nunn-Lugar: Curbing the Next Wave of Weapons Proliferation Threats from Russia* at www.npec-web.org). The group thought that this proposal could help promote better Russian nonproliferation behavior, but that it was too late and inappropriate to expect that it could prevent Iran from going nuclear, If under this scheme, Russia began receiving foreign spent fuel, though, the group believed the US government could leverage other aspects of Russian nonproliferation behavior though the case-by-case approval of spent fuel shipments. Rather than Russian assistance to Iran, the group recommended that this leverage be used to get Russia to cooperate with the US in getting a better fix on just what Russia's nuclear material inventories are. Currently, Energy believes our estimates of Russia's nuclear holdings may be off by as much as 30 percent—i.e., over 23,000 thermonuclear weapons-worth of material. As the Cutler Report notes, it is impossible to know if we are reducing the Russian nuclear threat if we don't have a much better handle on what Russia's nuclear holdings are or what its annual production of nuclear materials is. Certainly, more should be done to detail how we might reduce these large uncertainties and to review how Russia might help defray the costs of threat reduction programs without producing or recycling more weapons-useable plutonium.

Some of the most non-controversial, high-leverage programs aimed at reducing biological and longterm brain drain threats have vet to be fully implemented.

the Chairman and the Ranking Member are to be congratulated for drafting the Global Pathogens Surveillance Act of 2002 and getting it passed in the Senate. One of the least expensive and most important aspects of this Act is its provision for syndrome surveillance and the communication of surveillance findings through the internet. This provision is almost identical to the first recommendation made last year by NPEC's study group after it received a series of briefings from Doctors Alan Zelicoff and Murray Feshbach. One can only hope that the House passes similar legislation quickly. It should be noted that the assistance that this Act provides does not have to be funneled through the Russian Ministry of Defense or its clinics (e.g., VEKTOR). Instead, it can be provided to local Russian hospitals and clinics or Russia's Ministry of Health. Finally, if the Act does not pass this year, this assistance is so affordable, mutually beneficial to the US and Russia, and safe it should be provided to local Russian health providers with existing Energy or Defense funds without being tied to other compliance issues.

Far too little is being done to implement existing programs that would encourage young Russians to consider careers more promising than those available in Russia's strategic weapons institutes. Over a third of Russian university students who were recently surveyed said that they would consider working at a closed nuclear city. Over 60 of the best students said they preferred to work at a state enterprise. Reversing this trend must be the goal of any serious long-term threat reduction effort lest the current generation of retiring (and dying) Russian weapons experts simply be replaced by the best of Russia's youth. In this regard, a key recommendation of NPEC's study group was the need to achieve the goals of the "Freedom Support Act of 1992." This law set aside $50 million to fund what was hoped would be over 15,000 US-Russian high school exchange students a year and another 15,000 undergraduate and graduate exchanges annually. In 1999, though, only 5,300 Russian exchange students were enrolled in the United States and fewer than 500 American exchange students in Russian schools. Over 85 percent of the Russian students, moreover, were 19 years or older—well beyond the age when one's social habits and career interests are still very much being formed. Certainly, our best chance to reach the next generation of skilled Russians before they commit to weapons work is through exchanges. Although funded, Congress needs to find out why participation in these exchanges is so low and take remedial action.

The CHAIRMAN. Thank you very much.

Dick, why do you not start.

Senator LUGAR. Thank you very much, Mr. Chairman.

Ambassador Goodby, you made the point about exchanges with the Duma and their interpretations, and that is a very important point because they are not coming back into session until after the 1st of October, and the minister of defense and others who were planning to testify are thinking about their testimony during October at some point.

You quoted a good friend of all of ours, Alexei Arbatov, prominent parliamentarian in Russia. He has views about this situation, which I suppose he will make known during the debate in their foreign affairs committee or the equivalent. I am concerned about this in a way. I have no idea what the timetable will be for ratification here, even the consultative meetings that may occur prior to October that may take both Russian and American officials into timetables or other stipulations.

I mention that just simply for the record, that probably this is something we need to monitor, to sort of find out if other people want to add things that the negotiators did not have in mind or to put more context in it. I think that is unknowable for the moment, but it probably should be known.

The Vinca project that the nuclear threat initiative financed was a tremendously important effort. This was a public/private cooperative effort. Two million dollars did come from our Department of

Energy for the transportation of the spent fuel. The interesting point was the Russians were willing to receive it for the first time. In the past they were not. So that as we take a look at all of these situations around the world, as you remember maybe in your time with Project Sapphire, all the fuel went from Kazakhstan to Oak Ridge, with some domestic problems in our Government in trying to get that done.

The Russians were prepared to accept the material. The dilemma was that the officials in Belgrade were not prepared to do business until somebody promised to clean up the problem, that is the environmental problem, surrounding the spent fuel situation. That is where the $5 million comes in.

Now, in our debates here in our Government the House of Representatives take an adamant view once again, "not a dollar for environment." Well, clean-up is environmental work. So we have a further problem. It is not simply the adequacy of the budget, but it really has to be a debate in our own Government as to whether this makes a difference.

The nuclear threat initiative people, and I visited with Sam Nunn this week, do not have another $5 million available for the next one of these, and so that issue is going to come up, and it is very critical. We are discussing, as you know, Iraq, and the availability of fissile material from somewhere in the world, and so this makes the situation very current. It once again would not be, it seems to me, good policy if we denied ourselves the ability to capture spent fuel or other fissile material situations where they become available, simply because we are still having an internal debate over whether environment counts. But that is where the dilemma is. It is a matter of long record in these things and sort of tragic.

The Declaration of Moscow does offer, it seems to me, a lot of possibilities—and a few of you mentioned that—to really seize the Bush and Putin initiative well beyond the language of the treaty. The Biden amendment clearly ought to be involved in this argument and I take that point, and I am sure the Chairman has, to explore really where that fits into whatever we have to say in the treaty.

I would say, Mr. Sokolski, the aspect of the Freedom Support Act you mentioned did not die, but it has been diminished over time, because Congress has become less and less enamored with many of the economic projects. Lack of reform of the Russian judicial system or the contract law system or difficulties made it difficult for American businesses to invest.

That should not have negated the student exchange program. But nevertheless, year by year appropriated funds or funds requested by the administration for Freedom Support diminished. Clearly, high school projects such as the Bundestag exchange program with Germany have been very important and over 10,000 students on both sides have been exchanged, including in recent years those from the east of Germany especially.

Mr. SOKOLSKI. They are starting to go more to Europe than the States.

Senator LUGAR. Yes.

Mr. SOKOLSKI. The authority is there, though. There is $50 million of authority sitting.

Senator LUGAR. That is an important point and we ought to explore that, because clearly the numbers may not get up to the 15,000 rapidly, but they should be better than 500 or 50 or whatever you have mentioned. That is a good alert system.

One thing that we do presently is fund the ISTC, the International Science and Technology Center, and that does bring stipends and at least historically has brought 22,000 Russian scientists that receive support, including a good number of laboratories.

We have tried conversion, which you have mentioned in your background papers, and likewise that has become very controversial. Members of Congress have felt that that was a bridge too far, once again was not strategic destruction, and so forth. But nevertheless, defense conversion is a very, very important topic and one which hopefully we can continue to talk about, maybe revive in the process of this declaration that Ambassador Goodby has talked about.

The point Dr. Holdren makes gets to the issue of what we might discuss at the Consultative Group regarding timetables or more stipulations. They probably have that authority. At least Secretary Powell indicated that they will meet twice a year, perhaps bring on further stipulations.

I was just suggesting that unless we literally stop the music, a good bit of the timetable has been set by current contracts under CTR. Now, they may or may not be funded or other things may happen to them, but at the rate of four missiles a month going through Surovatika, you have got a certain rhythm to the program. You have a pretty good idea, rather than waiting until 2012.

Now, we could botch it all and sort of leave a mess and then, as things have occurred with the Chemical Weapons Convention—and you have made that point, nothing happened. But if we want to make something happen maybe we put further stipulations in or maybe we recognize that we have a pretty good cooperative thing going, and we should try to make sure we keep it moving.

Mr. HOLDREN. My proposal, Senator, was that we stipulate unilaterally and voluntarily on the U.S. side that we will move down as one of the ways to make sure that the music does not stop.

Senator LUGAR. That is probably a good idea.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

I will not keep you very long, but I do have a couple questions if I may. Mr. Sokolski, your arguments about how we could free up billions of dollars for more urgent needs through disposing of plutonium by turning it into fuel and so on—do you think there is any support either in Russia or here for the idea of vitrification, turning this into glass in other words?

You make a good argument, but the flip side of that argument is that I am not sure that you are going to get much of an audience for the permanent storage of weapons grade fuel without doing anything to make it less attractive to terrorists. Should we look again at this idea of turning plutonium into glass?

Mr. SOKOLSKI. Short answer: Yes. Second answer——

The CHAIRMAN. No?

Mr. SOKOLSKI. No. Second answer is our job, as people who are supposedly expert and public officials and people behind the public officials, is not to make things worse. We are allowed to spend money. Sometimes it helps, sometimes it does not. But we are not really allowed to make things worse.

The CHAIRMAN. No, I understand your point. Your argument is it is worse, what we are doing, than if we permanently stored.

Mr. SOKOLSKI. For the moment, I would do that while you do another run at the question.

The CHAIRMAN. OK. That is just what I was trying to get a handle on.

Mr. SOKOLSKI. I think we certainly have enough time to get it right, and we should be in no rush to get it wrong.

The CHAIRMAN. Got it.

Dr. Holdren, you refer in your written testimony to a 1997 National Academy of Sciences study on U.S. nuclear weapons policy which recommended the United States and Russia negotiate a comprehensive agreement limiting both sides to approximately 1,000 total nuclear warheads each. That is strategic and tactical, deployed and reserve total, right? Is that what you meant? Is that the report?

Dr. HOLDREN. We recommended that as a subsequent stage at the next step beyond the kinds of levels to which the Moscow Treaty has now committed us. We did not recommend that at the next step.

The CHAIRMAN. Got you.

Dr. HOLDREN. We had a phased scheme in which we said ultimately, as political conditions permit, that is the direction in which we should head.

The CHAIRMAN. Now, as I understand, the study also discussed specific transparency and monitoring requirements critical to any arms control regime that purports to include all warheads and fissile material possessed by both sides; is that right?

Dr. HOLDREN. Indeed it did. It addressed that issue, and we have a study going on at the moment at the same committee which will be available in the spring, that looks in greater detail at the monitoring and verification challenges and possibilities, the technical options, for dealing with a regime in which all warheads are counted, deployed and nondeployed, strategic and non-strategic.

The CHAIRMAN. The administration has testified or administration officials say to us that, because Russia retains the capacity to manufacture nuclear weapons and because we currently lack remanufacturing assembly lines, we have to keep large reserves in case we find a fault in our existing warheads or future changes occur in our strategic environment.

How do you respond to that argument?

Dr. HOLDREN. My response to that is that we do have to keep some reserves, but they do not have to be as large as some have suggested. That is why in my testimony I propose that if we said we would not keep reserves greater than 50 percent of what is deployed, that would be plenty to account for the kinds of contingencies that various administration spokespersons have mentioned.

It is very difficult to conceive a contingency where, given the maintenance of something in the range of 2,000 deployed strategic warheads, that another 1,000 in reserve would not be sufficient in that strategic category.

The CHAIRMAN. If we were to agree—and I cannot imagine this administration agreeing to it, but if we were to agree to dismantle more of our excess warheads than I think is contemplated, does it matter whether we demand in return a Russian limit on the capacity to produce new warheads? Is that kind of tradeoff feasible or is it not?

Dr. HOLDREN. In my view I do not think we need it. If we accept the spirit of the Moscow Treaty and the respects in which we are not in the old cold war relationship, again it is very difficult to imagine the circumstances in which Russia could afford or would want to exercise a large production capacity. It would take them so long a time and so much money to ramp it up that in the meantime we could respond in any number of ways if we needed to. But I find it a very unlikely eventuality in any case.

The CHAIRMAN. I do as well.

I leaned over, I apologize for having done this, and I said to Senator Lugar, I wonder if our witnesses understand how difficult it was to convince them that this should be a treaty anyway. I am not being facetious when I say that. It sounds like I am being somewhat flip.

Dr. HOLDREN. Could I make a further point on the breakout issue?

The CHAIRMAN. Yes.

Dr. HOLDREN. You are raising this issue of breakout, and I wanted to make it in response to Mr. Sokolski's point about plutonium disposition. He is right that one needs to be very careful not to jump out of the frying pan and into the fire, not to try to dispose of plutonium in haste or in ways that actually increase the risks.

We weighed those risks in our mid-1990s National Academy study of that question. We recommended a dual track approach which included both vitrification and pursuing the MOx option. But we found it unsatisfactory just to say we can leave this plutonium stored indefinitely, and one of the reasons—there are really three big reasons we found it unsatisfactory. One of them is if you are worried about Russian production capacity you ought to be particularly worried about the Russians storing thousands of intact nuclear pits, which they could very rapidly reincorporate into intact weapons.

If you are worried about this at all, a huge stack of pits is a big problem. Even a huge stack of weapons grade plutonium is a big problem in terms of breakout potential. I think concerns with breakout have drastically diminished even since the time we wrote that study. But nonetheless, there is some degree of discomfort associated with having a huge pile of plutonium which is getting bigger all the time as you dismantle other weapons, and which could be reincorporated into new weapons at any point.

It is also undesirable from the standpoint of the signal it sends the world concerning the intentions of the United States and Russia with respect to the irreversibility of their nuclear arms reductions. If we appear to be sitting on an instantaneous breakout po-

tential of immense proportions, some people will wonder whether this is really disarmament or simply waiting until the next round of modernization.

The third reason to be a little leery of simply storing the stuff indefinitely is that we have somewhat less confidence in the security of that material in Russia than we have in the security of the material, the corresponding material in the United States. Again, those circumstances have gotten better since we wrote that report. We hope they will continue to get better still. But the economic, social, and political uncertainty in the future of Russia is considerably greater than that in the future of the United States and I would be more comfortable if we had a way to whittle down the pile of material that could be directly incorporated into nuclear weapons with no further ado whatever.

That is why the Academy was interested in plutonium disposition. That is why I am still interested in it, even though I agree with Mr. Sokolski the breeder reactor and recycling plutonium for energy are bad ideas. That is what the U.S. policy has historically opposed. U.S. policy has not opposed taking plutonium that is already separated and mixing it with fission products so that it becomes self-protecting.

Mr. SOKOLSKI. Well, we begin.

The CHAIRMAN. No, we are going to end. I know your point, but if you want to briefly respond, please.

Mr. SOKOLSKI. Yes, I guess so. Look, I did not argue, nor am I arguing or recommending, that we store this for thousands of years. Second of all, I think I have made clear in the testimony one of the recommendations of our study was to take the shapes and make them into pucks even in the interim. I do think you need to get back to this vitrification question.

Third, I think we need to understand that the whittling down is going to take a long time and you are moving this stuff around the countryside. You are talking about right now one-fifth, 20 percent, of the plutonium, working it for 20 years, and having to get new reactors involved beyond the ones that they have. So if you want to go down that route, you have to ask this question. In the United States we said we should not leave plutonium at Los Alamos, it is not safe there. If that is the case, why do we feel it will be much safer to move MOx and weapons-grade material to various locations here and in Russia?

The CHAIRMAN. Let me ask—Dr. Gottemoeller pointed out, as General Habiger declared when he came on July 23rd and made the same general case, that a key obstacle to negotiating a verifiable bilateral regime of warhead elimination in recent years was precisely the concern about compromising design information, and General Habiger went into that.

How legitimate is the concern that the United States risks compromising sensitive information essential to our national security by allowing Russian observers to monitor future warhead dismantlement? Does it really matter if the Russians gain insight into how we design our warheads?

Ms. GOTTEMOELLER. Clearly, Mr. Chairman, if we have even an iota of concern in this regard we must take that very seriously, be-

cause weapons design information is the most secret information that this country or the Russian Federation has at its disposal.

However, I do believe that there are very important and technically viable ways to conduct verification and monitoring of the elimination of warheads without endangering weapons design information. I make reference in my testimony to the very extensive joint work that has been done in recent years to develop information barriers. The Russians and U.S. scientists have been working on this together and have even proceeded the some joint demonstration activities.

So I think, quite frankly, sir, that we are on the threshold of developing both the technical tools as well as the procedural capabilities that would allow us with a high degree of confidence to engage in verifiable elimination activities at warhead facilities and be sure that we are not giving up sensitive information.

Sir, if I may I would just like to add one word on the question of surge capability, because I was struck that we had only half of the answer on the table. The other half of the answer, of course, is to continue to work with the Russians on the program that they have already asked us to engage with them on, and that is the accelerated shutdown of 2 out of their 4 warhead production plants, the plants at Azimos 16, that is the Avantgard plant, and the plant at Penza 19. They have already agreed with us in the context of the nuclear cities initiative that we should help them to turn those plants to non-warhead work, and I believe that we should continue to support those activities and certainly to support both the nuclear cities initiative and the belated nonproliferation activities, such as the initiatives for proliferation prevention and the ISTC, already referred to elsewhere today.

Thank you.

The CHAIRMAN. With your permission, I am not going to keep you any longer, but I have a couple of questions I would like to submit in writing to each of you, particularly you, Mr. Ambassador. I do not want to hold you any longer here.

Let me conclude by saying that I will never forget years ago as a young Senator I was at a conference with Senator Church and a group of people of your caliber and expertise on nuclear weapons. I was a young, 30-year-old Senator trying very hard to get up to speed and learn as much as I could. He somewhat facetiously leaned over to me and he said: Joe, do not worry about all the detail.

I looked at him, because he was a very detailed guy, and he said, "You are looking at a group of nuclear theologians." Because I have an interest in theology, he said, "You are probably the only person here that has read *Summa Theologica*." I said, "You are looking at the guys who Aquinas was talking about."

The reason I bring up that ridiculous exchange he and I had in a place called Toramina, Italy, in Sicily, is that some of this is almost surreal. Here we are talking about the difficulty in pursuing the initiatives that Senator Lugar and many of you support and I support. I cannot imagine what would have been said if in 1973 when I got here, if someone in a closed session said that the Russians are prepared to allow us to help them destroy two of their facilities that produce nuclear warheads and, by the way, they

want us to come in to a facility where they have 1,900,000 chemical-weapon artillery shells that have this godawful capacity, and they want us to build a plant to help them destroy that. What do you think we should do?

I mean, people would have been falling all over one another to figure out how the devil we get that done. And today we say things like, "well, I am not sure whether it is very much in our interest or we have the time or the money or the inclination to make this a priority." Maybe I have been here too long, but I find it just strange that we are having this discussion about the urgency.

But at any rate, if I may, I would like to insert for the record an article on the Moscow Treaty by Jack Mendelson which will be published in next month's issue of Current History. He served in the Department of State in the Arms Control and Disarmament Agency and was a member of the SALT I and II delegations. I would like to place that in the record as well.

[The material referred to follows:]

AMERICA AND RUSSIA: MAKE-BELIEVE ARMS CONTROL

BY JACK MENDELSOHN

On May 24, 2002, Presidents George W. Bush and Vladimir Putin signed the Strategic Offensive Reductions Treaty (SORT) at a summit in Moscow. The latest in a series of nuclear arms control agreements between the United States and Russia (or its predecessor, the Soviet Union), SORT differs considerably in purpose and detail from the five agreements that preceded it.

SORT—or the Moscow Treaty as the Bush administration prefers to call it—is a very brief document. Its only substantive provision calls for the two countries to reduce the aggregate number of strategic nuclear warheads (the definition of which has not been agreed to by the parties) to between 1,700 and 2,200 on each side by December 31, 2012.[1] Four more articles reaffirm the continued validity of the only other existing strategic arms reduction treaty (START I); establish a Bilateral Implementation Commission (BIc) to consult twice a year and "discuss issues related to the treaty"; allow either party "in exercising its national sovereignty" to withdraw from the agreement on three months' written notice; and set forth the conditions for ratification, entry into force, and registration of the treaty with the United Nations.

*Some Pluses*

The Moscow Treaty has been strongly criticized by the arms control community, some national security analysts, and more liberal members of Congress. It has been equally strongly lauded by the Bush administration, unilateralist pundits, and more conservative lawmakers.

On the positive side, the Bush administration, despite its dislike of arms control and reluctance to place formal constraints on American capabilities, agreed to commit formally to lower numbers of strategic nuclear warheads. The preference—and the initial negotiating position—of the administration was for reciprocal unilateral commitments and not a written, legally binding agreement.

Clearly, the Bush administration recognized that it could not—and indeed, for budgetary as well as political reasons, did not wish to—buck the post-cold war trend toward fewer actively deployed nuclear weapons. Moreover, a formal arms reduction agreement helps mitigate the bad press—domestic and international—the administration has been receiving for its rejection of, and withdrawal from, a host of other international treaties (including the Kyoto climate accord, the Comprehensive Test Ban Treaty, the International Criminal Court, the compliance protocol to the Biological Weapons Convention, and the Anti-Ballistic Missile Treaty).

[1] Strategic warheads are those nuclear warheads deployed on long-range, land-based intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers (B–52s and B–2s in the case of the United States; Bears, Bisons, and Blackjacks for Russia).

Arguably, another "plus" for the Moscow Treaty is its simplicity and the flexibility it affords force planners on both sides. After decades of increasingly complex and arcane treaty documents—it took diplomats twice as long to draft START I (nine years) as it took Dostoevsky to write *The Brothers Karamazov*—SORT takes up roughly half a printed page, omitting virtually all detail and referring to the existing START I agreement for the usual treaty "fine print."

Again, instead of dictating force structures (for example, what kind or how many of each delivery system) or weapon loadings (how many warheads on an individual delivery vehicle), SORT allows the two sides to distribute warheads as they wish among the delivery systems they choose to retain. It also allows the United States and Russia to repudiate the treaty with ease (no reason is required beyond the "exercise of national sovereignty") and alacrity (90 days rather than the six months customary in previous arms control treaties). In its simplicity and flexibility, SORT satisfies the desire of those in and out of the administration who would submit the United States to arms control constraints only if the nation retains, as the administration has noted, the "capability to adjust forces as necessary to fit a changing strategic environment."

*But More Minuses*

While simplicity and flexibility are appealing selling points when seeking public and congressional approval, they are not necessarily the best approach to drafting a nuclear arms control agreement. In the past, because of the record of mistrust, misunderstanding, and misbehavior, the United States generally sought to be as specific and comprehensive as possible in the language and design of major arms control agreements. But the Bush administration, arguing that the cold war is over and claiming that the United States and Russia are "embarking upon the path of new relations for a new century" rejected that detailed approach in favor of a generalized commitment. Therein lies the principal problem with SORT.

The underlying utility of arms control agreements, apart from the obvious purpose of constraining the size of highly destructive arsenals, is in structuring a stable, predictable strategic relationship between the parties to the agreement; assuring that reductions taken under any agreement are irreversible; and making more transparent the nuclear infrastructures of the parties. SORT fails to further these goals.

The treaty contains no schedule of reductions. The only obligation in the document is not to have more than 2,200 strategic nuclear warheads by mid-night, December 30, 2012. The United States and Russia are thus left not only with the choice of clustering their reductions at the end of the decade, but also with no current understanding as to what constitutes a "strategic nuclear warhead" and therefore what exactly is subject to reduction.

The United States has for some time been saying that the treaty limits apply only to "operationally deployed" weapons. It will not count warheads associated with delivery systems undergoing repairs or in overhaul, nor would it include any empty spaces left on multiple-warhead missiles after the warheads have been offloaded. The Russians believe that SORT should count warheads as in START I. That treaty assigned a fIxed number of warheads to each type of missile or bomber, did not exempt delivery systems under repair, and limited the number of warheads that could be offloaded from a multiple-warhead missile and not included in the warhead count.

Thus the question of what constitutes a deployed strategic warhead has become a subject for discussion, either in the newly established Bilateral Implementation Commission, as the Russians would like, or, as the United States prefers, by the Consultative Group for Strategic Security to be chaired by the foreign and defense ministers of the two countries. (The Consultative Group was established by the Joint Declaration on the New Strategic Relationship, which was signed in conjunction with the Moscow Treaty) Whatever venue is used, if, as is most likely, the United States interpretation prevails, then two issues will emerge.

First, if the number of warheads to be exempted because their delivery systems are under repair (approximately 400) is added to the 1 ,700-to-2,200 warhead limit in the treaty, then the actual SORT reduction levels are higher than those agreed to by Presidents Bill Clinton and Boris Yeltsin in the 1997 START III Framework (see the table on page ???). Moreover, these higher numbers will not be attained until five years later than the date adopted in the START III Framework. SORT thus actually allows the United States and Russia a longer period of time to reduce their nuclear weapons arsenals to a level higher than that agreed to by the two nations more than five years ago.

The second, more profound issue concerns the manner in which the administration intends to reach the 1,700–2,200 strategic warhead level. Earlier this year, in testimony concerning the Nuclear Posture Review (NPR), the administration made

clear that the United States will attain its first reduction threshold—3,800 warheads by the end of fiscal year 2007—primarily by offloading warheads from its existing force of ICBM5, SLBMs, and heavy bombers.[2]

By implementing the bulk of its reductions through offloading warheads but without destroying the associated delivery vehicles, the United States will retain a significant capability to "breakout"—that is, as Under Secretary for Defense Douglas Feith put it in February 2002, to reload and reconstitute its strategic nuclear forces within "weeks or months." In all, the proposed United States approach to reductions would leave at least 1,000 empty spaces available for "upload" in the ICBM force; approximately the same number of warheads could be added to the submarine force, and a substantial number of additional spaces could become available in the heavy bomber force. Reductions below the 3,800—warhead level would take place between 2008 and 2012 during the administration of another president and in a manner yet to be determined.

A reconstituted United States strategic force might look something like this: in addition to the existing 12 Trident submarines and the 20 B–2 heavy bombers, 500 Minuteman III ICBMs would be uploaded from 1 to 3 warheads; 400 sea—launched cruise missiles in 4 converted Trident submarines would be upgraded from conventional to nuclear-capable systems; 400 warheads would be available in 2 Trident submarines exempted because they were in overhaul; 76 B–52 bombers would be uploaded from an average of 6 to an average of 12 air-launched cruise missiles each; and 91 B-1 heavy bombers, assigned to the conventional forces under START I, would be reconfigured for nuclear missions with an average of 12 weapons each (they were designed to carry up to 24 nuclear short-range attack missiles). Overall, this would be a relatively rapid increase of more than 3,000 warheads, about half in the missile force and half in the heavy bomber force.

Although the Bush administration considers the offloading approach to reductions to be an ideal demonstration of flexibility in an arms control agreement, the capability for such rapid force reconstitution has become a matter of concern to critics of the treaty in both Russia arid the United States. (START I, however, also permits the offloading of warheads, but there is a restriction on the overall number of empty spaces that may be created—1,250—and a limit of four on the number of warheads that can be removed from any single missile.)

*No Good Answers*

The flip side of the reconstitution issue is that SORT, and the United States offloading approach to reductions, does not call for the destruction of the nuclear delivery systems (ICBM launch silos and SLBM missile tubes) associated with the removed warheads (the United States has explicitly stated, for example, that it intends to preserve the 50 launch silos of the MX ICBMs "for future options"). In previous arms control agreements—SALT, START I, and the Intermediate-Range Nuclear Forces Treaty—this requirement was the basis for assuring that reductions taken were essentially irreversible. While some would argue that no reduction is irreversible with enough time and money, the destruction of delivery vehicles would make it much more difficult for reserve nuclear warheads to be redeployed rapidly and in large numbers.

SORT also carries no requirement for the destruction of any nuclear warheads removed from the operational forces. While this obligation has not been customary in arms control agreements to date, the Clinton-Yeltsin 1997 START III Framework did recognize the problem being created by offloading and called for negotiations to address the "destruction of strategic nuclear warheads ... to promote the irreversibility of deep reductions including prevention of a rapid increase in the number of warheads."

In presenting the NPR to Congress earlier this year, the Bush administration made clear its intent to use strategic nuclear warheads offloaded from existing delivery systems to establish a reserve force. According to the NPR, this active stockpile would give the United States a "responsive capability to adjust the number of operationally deployed nuclear weapons should the international security environ-

[2] According to the NPR, a study commissioned by the Bush administration during its fIrst year in office, the force reductions to 3,800 under SORT will be accomplished by some combination of the following actions: retiring the 50 Peacekeeper (MX) ICBMs (a reduction of 500 warheads), downloading Minuteman III ICBMs from 3 warheads to 1 (a reduction of 700 warheads), removing 4 older Trident submarines from strategic service and converting them to conventional cruise missile carriers (a reduction of 578 warheads), exempting 2 Trident submarines in overhaul (a reduction of 384 warheads), downloading the SLBMs on the remaining 12 Trident submarines from 8 warheads to 5 or 6 (a reduction of 600 to 800 warheads), downloading weapons from B–52 and B–2 bombers (which in some cases can carry up to 20 weapons), and eliminating the capability to return the B–1 bomber from a conventional to a nuclear role.

ment change and warrant such action." The administration claims the size of the reserve force has not yet been determined, but art educated guess would put it at more than 2,000 nuclear warheads by fiscal year 2007. The overall strategic active stockpile would then be more than 5,800 warheads.

There will also be a strategic inactive stockpile of nuclear weapons that could be transitioned to the active stockpile if necessary[3] The future size of that reserve has riot yet been determined but it is currently estimated to be almost 3,000 weapons. No official has attempted to propose any possible scenario for needing these thousands of extra warheads beyond the very general statement that the strategic environment might change.

Again, what the United States gained in flexibility with SORT it may have lost in security by not addressing the threat from nondeployed nuclear weapons in the Russian stockpile. One of the great ironies of the post-cold war period is that, because of questionable security arrangements at storage facilities, nondeployed Russian nuclear weapons now pose a greater threat than deployed ones.

By mandating neither the destruction of launch vehicles nor limits on the size of a "responsive" or reserve stockpile, SORT will permit, if not encourage, the Russians to increase the size of their already-significant nondeployed arsenal, the least secure and potentially most dangerous portion of their strategic nuclear forces.

*And That's Not All*

The skeletal SORT treaty has created two additional problems. The fIrst concerns verification. The second involves arms control after the treaty enters into force.

In announcing the Moscow Treaty, the White House noted that the existing START I verification regime "will provide the foundation for transparency and predictability regarding implementation of the new bilateral treaty" The continued validity of START I was explicitly reaffirmed by Article 2 of SORT. There are nonetheless several issues here.

START I is scheduled to expire in 2009, conveniently, but not intentionally, during the administration of another president. Some arrangement will thus have to be made either to extend START to make it coterminous with SORT or, at a minimum, to extend its relevant verification provisions.

Because the United States is seeking to create a new measure of accountability, an "operationally deployed weapon," SORT will require new verification procedures. Under START, delivery systems are attributed a number of warheads (for example. each Russian SS–18 missile is considered to carry 10 warheads). Verification procedures are designed to confirm that a particular delivery vehicle has no more warheads than its attributed number, which is generally also its maximum loading.

Under SORT, with the United States applying limits only to "operationally deployed" systems, verification procedures will have to confirm that a delivery vehicle, such as an ICBM or SLBM, has fewer warheads than it may be capable of carrying. In the case of heavy bombers, which are not routinely deployed with nuclear weapons onboard, the United States has said that "operationally deployed" refers to weapons "at or near the bomber base." This would seem to indicate that nuclear weapons storage facilities on both sides would have to be subject to inspection to confirm the total number of weapons available to be loaded onto the heavy bomber force.

The White House has pointed out that the Joint Declaration on the New Strategic Relationship calls for the United States and Russia to "continue discussions to explore additional ways to enhance transparency and predictability" As with the questions concerning deployed nuclear warheads, the White House wants these discussions to be conducted within the framework of the Consultative Group for Strategic Security. The Russians seem to prefer the newly created BIC. Whichever venue is selected, the negotiations could easily be lengthy and arduous, and the lack of agreed definitions and procedures for dismantlement are likely to lead to misunderstandings, differing interpretations, and compliance issues.

Finally, the Bush administration has been stunningly mute on the future of arms control. While SORT has a provision for its eventual extension by mutual agreement, a careful reading of the Joint Declaration on the New Strategic Relationship reveals no commitment to arms control beyond that in SORT. Indeed, the mandate of the newly created Consultative Group on Strategic Security is to "strengthen mutual confidence, expand transparency, share iriformation and plans, and discuss strategic issues of mutual interest." The discussion of further strategic offensive reductions is apparently—and probably intentionally—not part of its work plan.

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[3] The active stockpile consists of weapons that are fully ready to be deployed and used. The inactive stockpile consists of those weapons that are not fitted with limited-life components such as tritium, batteries, neutron generators, and so forth.

The Bush administration clearly believes that it has completed its arms control agenda: it has conducted a Nuclear Posture Review that sizes the forces through 2007 and leaves the heavy lifting to a successor; reached an agreement on strategic offensive force reductions that will not be fully implemented until 2012: and unilaterally unleashed missile defenses from the constraints of the Anti-Ballistic Missile Treaty. But it is mistaken. By playing make-believe arms control with Moscow and negotiating a vaguely drafted and potentially contentious nuclear weapons agreement, the Bush administration has sacrificed the security of structure and predictability for the putative virtues of flexibility and unilateralism.

Strategic Nuclear Arms Control Agreements

| | SALT I | SALT II | START I | START II | START III | SORT |
|---|---|---|---|---|---|---|
| Deployed Warhead Limit. | Limited Missiles, Not Warheads | The Number of Warheads Deployed on Each Missile/Bomber | 4,900 Missiles; 1,100 Bomber Warheads | 3,000–3,500 | 2,000–2,500 | 1,700–2,222 |
| Deployed Delivery Vehicle Limit. | U.S.: 1,710 ICBMs and SLBM; USSR: 2,347 ICBMs and SLBMs | 2,250 | 1,600 | Not Applicable | Not Applicable | Not Applicable |
| Status ..... | Expired | Never Entered Into Force | In Force | Never Entered Into Force | Final Agreement Never Negotiated | Signed, Awaits Ratification |
| Date Signed ..... | May 26, 1972 | June 18, 1979 | July 31, 1999 | January 3, 1993 | Not Applicable | May 24, 2002 |
| Date Entered Into Force. | October 3, 1972 | Not Applicable | December 5, 1994 | Not Applicable | Not Applicable | ? |
| Implementation Deadline. | Not Applicable | December 31, 1981 | December 5, 2001 | December 31, 2007 | December 31, 2007 | December 31, 2012 Deadline |
| Expiration Date ..... | October 3, 1977 | December 31, 1985 | December 5, 2009 | December 5, 2009 | Not Applicable | December 31, 2012 |

Source: Arms Control Association.

The CHAIRMAN. Dick, do you have anything?

Senator LUGAR. I want to thank the witnesses again for a wonderful exchange. It has been educational for us. We appreciate your coming.

The CHAIRMAN. I would like to thank you, all four of you. Again, I warn you I have about two questions for each of you, if you will. I will try not to trespass too much on your time with it, but I appreciate it. Thank you all very, very much. We are adjourned.

[Whereupon, at 5:13 p.m., the committee was adjourned.]

# APPENDIX

## Documents Relating to the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, Signed at Moscow on May 24, 2002

TREATY
BETWEEN THE UNITED STATES OF AMERICA AND
THE RUSSIAN FEDERATION
ON STRATEGIC OFFENSIVE REDUCTIONS

The United States of America and the Russian Federation, hereinafter referred to as the Parties,

Embarking upon the path of new relations for a new century and committed to the goal of strengthening their relationship through cooperation and friendship,

Believing that new global challenges and threats require the building of a qualitatively new foundation for strategic relations between the Parties,

Desiring to establish a genuine partnership based on the principles of mutual security, cooperation, trust, openness, and predictability,

Committed to implementing significant reductions in strategic offensive arms,

Proceeding from the Joint Statements by the President of the United States of America and the President of the Russian Federation on Strategic Issues of July 22, 2001 in Genoa and on a New Relationship between the United States and Russia of November 13, 2001 in Washington,

Mindful of their obligations under the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991, hereinafter referred to as the START Treaty,

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of July 1, 1968, and

Convinced that this Treaty will help to establish more favorable conditions for actively promoting security and cooperation, and enhancing international stability,

Have agreed as follows:

Article I

Each Party shall reduce and limit strategic nuclear warheads, as stated by the President of the United States of America on November 13, 2001 and as stated by the President of the Russian Federation on November 13, 2001 and December 13, 2001 respectively, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1700-2200 for each Party. Each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the established aggregate limit for the number of such warheads.

Article II

The Parties agree that the START Treaty remains in force in accordance with its terms.

Article III

For purposes of implementing this Treaty, the Parties shall hold meetings at least twice a year of a Bilateral Implementation Commission.

Article IV

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

2. This Treaty shall remain in force until December 31, 2012 and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.

3. Each Party, in exercising its national sovereignty, may withdraw from this Treaty upon three months written notice to the other Party.

Article V

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at Moscow on May 24, 2002, in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:

FOR THE RUSSIAN FEDERATION:

## Letter of Transmittal

THE WHITE HOUSE,
*June 20, 2002.*

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (the "Moscow Treaty").

The Moscow Treaty represents an important element of the new strategic relationship between the United States and Russia. It will take our two nations along a stable, predictable path to substantial reductions in our deployed strategic nuclear warhead arsenals by December 31, 2012. When these reductions are completed, each country will be at the lowest level of deployed strategic nuclear warheads in decades. This will benefit the peoples of both the United States and Russia and contribute to a more secure world.

The Moscow Treaty codifies my determination to break through the long impasse in further nuclear weapons reductions caused by the inability to finalize agreements through traditional arms control efforts. In the decade following the collapse of the Soviet Union, both countries' strategic nuclear arsenals remained far larger than needed, even as the United States and Russia moved toward a more cooperative relationship. On May 1, 2001, I called for a new framework for our strategic relationship with Russia, including further cuts in nuclear weapons to reflect the reality that the Cold War is over. On November 13, 2001, I announced the United States plan for such cuts—to reduce our operationally deployed strategic nuclear warheads to a level of between 1700 and 2200 over the next decade. I announced these planned reductions following a careful study within the Department of Defense. That study, the Nuclear Posture Review, concluded that these force levels were sufficient to maintain the security of the United States. In reaching this decision, I recognized that it would be preferable for the United States to make such reductions on a reciprocal basis with Russia, but that the United States would be prepared to proceed unilaterally.

My Russian counterpart, President Putin, responded immediately and made clear that he shared these goals. President Putin and I agreed that our nations' respective reductions should be recorded in a legally binding document that would outlast both of our presidencies and provide predictability over the longer term. The result is a Treaty that was agreed without protracted negotiations. This Treaty fully meets the goals I set out for these reductions.

It is important for there to be sufficient openness so that the United States and Russia can each be confident that the other is fulfilling its reductions commitment. The Parties will use the comprehensive verification regime of the Treaty on the Reduction and Limitation of Strategic Offensive Arms (the "START Treaty") to provide the foundation for confidence, transparency, and predictability in further strategic offensive reductions. In our Joint Declaration on the New Strategic Relationship between the United States and Russia, President Putin and I also decided to establish a Consultative Group for Strategic Security to be chaired by Foreign and Defense Ministers. This body will be the principal mechanism through which the United States and Russia strengthen mutual confidence, expand transparency, share information and plans, and discuss strategic issues of mutual interest.

The Moscow Treaty is emblematic of our new, cooperative relationship with Russia, but it is neither the primary basis for this relationship nor its main component. The United States and Russia are partners in dealing with the threat of terrorism and resolving regional conflicts. There is growing economic interaction between the business communities of our two countries and ever-increasing people-to-people and cultural contacts and exchanges. The U.S. military has put Cold War practices behind it, and now plans, sizes, and sustains its forces in recognition that Russia is not an enemy, Russia is a friend. Military-to-military and intelligence exchanges are well established and growing.

The Moscow Treaty reflects this new relationship with Russia. Under it, each Party retains the flexibility to determine for itself the composition and structure of its strategic offensive arms, and how reductions are made. This flexibility allows each Party to determine how best to respond to future security challenges.

There is no longer the need to narrowly regulate every step we each take, as did Cold War treaties founded on mutual suspicion and an adversarial relationship.

In sum, the Moscow Treaty is clearly in the best interests of the United States and represents an important contribution to U.S. national security and strategic stability. I therefore urge the Senate to give prompt and favorable consideration to the Treaty, and to advise and consent to its ratification.

GEORGE W. BUSH.

# Letter of Submittal

THE SECRETARY OF STATE,
*Washington.*

THE PRESIDENT,
*The White House.*

Mr. President: I have the honor to submit to you the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions (the Moscow Treaty), signed at Moscow on May 24, 2002.

## INTRODUCTION

The Moscow Treaty marks a new era in the relationship between the United States and Russia. This short, legally binding document codifies in a flexible manner both countries' commitment to make deep strategic offensive reductions. It facilitates the transition from strategic rivalry to a genuine strategic partnership based on the principles of mutual security, trust, openness, cooperation and predictability. The Moscow Treaty is one important element of a new strategic framework, which involves a broad array of cooperative efforts in political, economic and security areas.

## BACKGROUND

The Moscow Treaty codifies the deep reductions that you announced during the November 2001 Washington/Crawford Summit and President Putin announced at that time and a month later. It reflects the shared desire to conclude a legally binding document that would outlast both of your presidencies and to provide openness and predictability over the longer term in this important area of the U.S.-Russian relationship. The transition to a relationship based on mutual trust and cooperation enabled us to conclude an agreement in months, not years. At the same time, the Treaty affords flexibility to each Party to meet unforeseen future contingencies, while avoiding unnecessary restrictions on either Party's forces or activities.

## REDUCTION REQUIREMENTS

The United States and Russia both intend to carry out strategic offensive reductions to the lowest possible levels consistent with their national security requirements and alliance obligations, and reflecting the new nature of their strategic relations. The Treaty requires the United States and Russia to reduce and limit their strategic nuclear warheads to 1700–2200 each by December 31, 2012, a reduction of nearly two-thirds below current levels. The United States intends to implement the Treaty by reducing its operationally deployed strategic nuclear warheads to 1700–2200 through removal of warheads from missiles in their launchers and from heavy bomber bases, and by removing some missiles, launchers, and bombers from operational service.

For purposes of this Treaty, the United States considers operationally deployed strategic nuclear warheads to be reentry vehicles on intercontinental ballistic missiles (ICBMs) in their launchers, reentry vehicles on submarine-launched ballistic missiles (SLBMs) in their launchers onboard submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases. In addition, a small number of spare strategic nuclear warheads (including spare ICBM warheads) are located at heavy bomber bases. The United States does not consider these spares to be operationally deployed strategic nuclear warheads. In the context of this Treaty, it is clear that only "nuclear" reentry vehicles, as well as nuclear armaments, are subject to the 1700–2200 limit.

## RELATIONSHIP TO START

The Strategic Arms Reduction Treaty (START) continues in force unchanged by this Treaty. In accordance with its own terms, START will remain in force until December 5, 2009, unless it is superseded by a subsequent agreement or extended.

START's comprehensive verification regime will provide the foundation for confidence, transparency and predictability in further strategic offensive reductions. As noted in the May 24 Joint Declaration on the New Strategic Relationship, other supplementary measures, including transparency measures, may be agreed in the future.

BILATERAL IMPLEMENTATION COMMISSION

The Treaty establishes a Bilateral Implementation Commission (BIC), a diplomatic consultative forum that will meetat least twice a year to discuss issues related to implementation of the Treaty. The BIC will be separate and distinct from the Consultative Group for Strategic Security, established by the Joint Declaration of May 24, which will be chaired by Foreign and Defense Ministers with the participation of other senior officials.

ENTRY INTO FORCE; DURATION; RIGHT OF WITHDRAWAL

The Treaty will enter into force on the date of the exchange of instruments of ratification. It is to remain in force until December 31, 2012, and may be extended by agreement of the Parties or superseded earlier by a subsequent agreement.

The Treaty also provides that each Party, in exercising its national sovereignty, may withdraw from the Treaty upon three months' written notice to the other Party.

STATUS OF START II TREATY

The START II Treaty, which was signed in 1993, and to which the Senate gave its advice and consent in 1996, never entered into force because Russia placed unacceptable conditions on its own ratification of START II. Russia's explicit linkage of START II to preservation of the ABM Treaty and entry into force of several agreements, signed in 1997, which related to ABM Treaty succession and ABM/TMD demarcation, made it impossible for START II to enter into force. With signature of the Moscow Treaty, the United States and Russia have now taken a decisive step beyond START II.

CONCLUSION

Accompanying this report is an article-by-article analysis of the Treaty. By deeply reducing operationally deployed strategic nuclear warheads while preserving each Party's flexibility to meet unforeseen future contingencies, the Moscow Treaty will enhance the national security of the United States. I strongly recommend its transmission to the Senate for advice and consent to ratification at the earliest possible date.

Respectfully submitted,

COLIN L. POWELL.

Enclosures: As stated.

# Article-by-Article Analysis of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions

The Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (the Moscow Treaty) consists of a Preamble and five Articles.

## TITLE AND PREAMBLE

The title of the Moscow Treaty is "Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions." This title was deliberately chosen to reflect the fact that this Treaty focuses on reductions in strategic nuclear warheads, rather than on "strategic offensive arms," which traditionally have been considered to be delivery vehicles and launchers. For linguistic reasons, the title of the Russian language version of the Treaty is ". . . on Reductions in Strategic Offensive Potential." The English language text of the Treaty was agreed first, but the phrase "strategic offensive reductions" could not be literally translated into Russian. The substantive meanings of the titles are the sane.

The Preamble to the Moscow Treaty sets forth the intentions of the Parties in broad terms. The first preambular paragraph designates the United States and Russia as "the Parties" to obviate the use of their full names throughout the Treaty. The second, third and fourth preambular paragraphs set forth the Parties shared commitment to conducting their relations in the new century on a fundamentally different and more cooperative basis than had characterized their relations in the past. The reference to "mutual security" in the fourth paragraph refers to the non-threatening nature of the Parties' new strategic relationship; it does not imply a specific relationship between the Parties' forces. The fifth paragraph reaffirms the Parties' general, longstanding commitment to implementing significant reductions in strategic offensive arms. This paragraph introduces references to specific prior commitments and obligations by the Parties in the sixth, seventh and eighth paragraphs that immediately follow, including those in the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms of July 31, 1991 (the START Treaty) and the Treaty on Non-Proliferation of Nuclear Weapons of July 1, 1968 (the NPT). The sixth paragraph recognizes Joint Statements made by Presidents Bush and Putin in Genoa on July 22, 2001 and in Washington, DC on November 13, 2001 that detail the new basis for relations between the United States and Russia. This preambular language does not imply any restrictions or obligations relating to defensive programs. The seventh and eighth paragraphs make reference to two existing agreements of the Parties with regard to nuclear weapons, the START Treaty and Article VI of the NPT. The final paragraph sets forth the Parties' conviction that this Treaty will establish more favorable conditions for actively promoting security and cooperation and enhancing international security.

## ARTICLE I

Article I contains the central obligation of the Moscow Treaty. The first sentence of this paragraph obligates the Parties to reduce and limit their strategic nuclear warheads, as stated by the President of the United States of America on November 13, 2001 and as stated by the President of the Russian Federation on November 13 and December 13, 2001 respectively, so that by December 31, 2012 the aggregate number of such warheads does not exceed 1700–2200 for each Party. The Moscow Treaty's limits relate solely to the number of each Party's strategic nuclear warheads. The Moscow Treaty does not limit the number of U.S. or Russian inter-continental ballistic missiles (ICBMs) or submarine-launched ballistic missiles (SLBMs) or their associated launchers, or heavy bombers. Article I, by referencing the statements of both Presidents, makes clear that the Parties need not implement their reductions in an identical manner.

The United States will implement Article I as stated by President Bush on November 13, 2001: ". . . the United States will reduce our operationally deployed strategic nuclear warheads to a level between 1,700 and 2,200 over the next decade, a

level fully consistent with American security."[1]. U.S. negotiators noted to their Russian counterparts that, in carrying out the reductions provided for in this Treaty, in using the term "operationally deployed strategic nuclear warheads" the United States means reentry vehicles on ICBMs in their launchers, reentry vehicles on SLBMs in their launchers onboard submarines, and nuclear armaments loaded on heavy bombers or stored in weapons storage areas of heavy bomber bases. The United States also made clear that a small number of spare strategic nuclear warheads (including spare ICBM warheads) would be located at heavy bomber bases and that the United States would not consider these warheads to be operationally deployed strategic nuclear warheads. The United States intends to reduce its operationally deployed strategic nuclear warheads in a manner consistent with these statements. In the context of this Treaty, it is clear that only "nuclear" reentry vehicles, as well as nuclear armaments, are subject to the 1700–2200 limit.

The method by which U.S. warhead numbers will be determined under the Moscow Treaty differs from the START Treaty methodology. The START Treaty contains counting rules that attribute specific numbers of warheads to each type of ICBM, SLBM or heavy bomber regardless of the actual number of warheads on the missile or bomber. These numbers may be different from both the actual capacity of the specific system and the number actually carried by the system.

Under the U.S. approach, certain strategic nuclear warheads, such as those nominally associated with submarines in overhaul or submarines modified for other purposes, those downloaded from ICBMs and SLBMs, and those nominally associated with deactivated Peacekeeper ICBMs, will continue to be subject to the START Treaty unless such ICBMs or SLBMS and their associated launchers are eliminated or converted in accordance with START Treaty procedures. At the same time, however, under the Moscow Treaty, once such warheads are no longer in operationally-deployed status, they will be included as part of the United States' reductions. Thus, among other things, missiles from which some warheads have been removed will be considered for purposes of the START Treaty as carrying more warheads than they in fact carry. By contrast, under the Moscow Treaty, the United States will limit its strategic nuclear warheads based on the actual number of warheads on missiles in their launchers and at bomber bases (other than spare warheads)

President Putin. for his part, stated at the Russian Embassy in Washington, DC on November 13, 2001:

> Russia is stating its readiness to proceed with significant reductions of strategic offensive arms. That is why today we are proposing a radical program of further reductions of SOA—at the least, by a factor of three—to the minimum level necessary to maintain strategic equilibrium in the world.[2]

and in a statement on December 13, 2001:

> . . . a particularly important task in these conditions is to legally formalize the agreements that have been reached on further drastic, irreversible, and verifiable reductions in strategic offensive arms, which we believe should be at the level of 1,500–2,200 nuclear warheads for each side.[3]

President Putin did not state explicitly how Russia intends to implement its reductions. During the negotiations the Russians suggested that they anticipated reducing warheads by eliminating or converting missiles, launchers and heavy bombers. As noted above, Russia, like the United States, may reduce its strategic nuclear warheads by any method it chooses. Russia did not state conclusively during the negotiations how it intends to carry out its reductions.

The Moscow Treaty does not provide for sublimits or interim reduction levels or require a Party to reach the final reduction level prior to December 31, 2012. Therefore, prior to December 31, 2012, each Party is free to maintain whatever level of strategic nuclear warheads it deems appropriate, consistent with its obligations under the START Treaty and its Obligation to meet the specified limit by the specified date.

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[1] Press conference by President Bush and Russian President Vladimir Putin. The East Room, on November 13, 2001

[2] Speech of Russian Federation President Vladimir Putin to representatives of the American public and U.S. politicians, November 13, 2001, Russian Embassy in Washington [Official U.S. translation].

[3] Statement by Russian President Vladimir Putin on December 13, 2001, regarding the decision of the U.S. Administration to withdraw from the 1972 ABM Treaty [Official U.S. translation].

The second sentence of Article I states that each Party shall determine for itself the composition and structure of its strategic offensive arms, based on the established aggregate limit for the number of such warheads. As noted earlier, the Moscow Treaty does not limit the total number of strategic offensive arms, or contain either numerical sublimits or bans on categories of forces. Under the Moscow Treaty, each Party will thus have flexibility in structuring its forces to reach these new low levels for strategic nuclear warheads. The Treaty does not restrict a Party s decisions regarding how it will implement the required reductions.

ARTICLE II

In Article II, the Parties recognize that the START Treaty remains in force in accordance with its terms. The purpose of this Article is to make clear that the Moscow Treaty and the START Treaty are separate. The START Treaty's provisions do not extend to the Moscow Treaty, and the Moscow Treaty does not terminate, extend or in any other way affect the status of the START Treaty. The START Treaty will remain in force until December 5, 2009, unless it is superseded by a subsequent agreement or extended.

ARTICLE III

Article III establishes a Bilateral Implementation Commission (BIC), a diplomatic consultative forum which shall meet at least twice a year, to discuss issues related to implementation of the Moscow Treaty.

ARTICLE IV

Article IV consists of three paragraphs covering ratification, entry into force, duration and withdrawal.

Paragraph 1 of Article IV provides that the Moscow Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party and shall enter into force on the date of the exchange of instruments of ratification.

Paragraph 2 of Article IV provides that the Moscow Treaty shall remain in force until December 31, 2012 end may be extended by agreement of the Parties or superseded earlier by a subsequent agreement. Extension of the Treaty is not automatic but must be done by agreement of the Parties. Since such an extension is authorized by the Treaty, it would constitute an agreement pursuant to the Treaty and would accordingly not be subject to Senate advice and consent.

Paragraph 3 of Article IV provides that each Party, in exercising its national sovereignty, may withdraw from the Treaty upon three months written notice to the other Party. Unlike some other arms control agreements, this withdrawal clause is not tied to a Party's determination that extraordinary circumstances jeopardizing its supreme national interests exist. Rather, the Moscow Treaty includes a more general formulation that allows greater flexibility for each Party to respond to unforeseen circumstances.

Unlike several earlier arms control agreements, including the START Treaty, there are no specific provisions for either amending the Moscow Treaty or for making "viability and effectiveness" changes to the Treaty. Such provisions were not seen as necessary given the structure and content of this Treaty.

For international agreements submitted to the Senate that do not have specific amendment procedures, U.S. practice has been to submit amendments to the Senate for its advice and consent unless the Senate agrees that submission is not required.

ARTICLE V

Article V sets forth standard provisions for registration of the Treaty pursuant to Article 102 of the Charter of the United Nations.

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