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

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CONTENTS

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SUMMARY

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

The 1991 START I Treaty entered into force in December 1994. It limits the United States and four successors to the Soviet Union — Russia, Ukraine, Belarus, and Kazakhstan — to 6,000 accountable warheads on 1,600 strategic offensive delivery vehicles. The parties are well along in the elimination schedules outlined in the treaty and will complete the process by December 4, 2001. The parties also continue to implement the on-site inspections that are a part of the Treaty's complex verification regimen. The United States and Russia signed START II in January 1993. This agreement would reduce U.S. and Russian strategic offensive forces to 3,500 warheads. In September 1997, the United States and Russia signed a Protocol to START II to extend the elimination period in the treaty to the end of the year 2007. The U.S. Senate approved the Treaty's ratification in January 1996 and the Russian legislature did so in April 2000, but the treaty has not yet entered into force. In March 1997, Presidents Clinton and Yeltsin agreed that the United States and Russia would negotiate a START III Treaty after START II entered into force. The new treaty would reduce their forces to between 2,000 and 2,500 warheads. They also agreed to address measures related to non-strategic nuclear weapons and the warheads removed from weapons eliminated under the treaty. Negotiations to turn this framework into a formal agreement proved difficult. The Bush Administration has not continued negotiations towards START III, but it has pledged to reduce U.S. nuclear forces below START II levels unilaterally. President Bush plans informed President Putin of planned reductions to 1,700-2,200 warheads in November, 2001.The United States and Russia continue to abide by the 1972 ABM Treaty, which limits each side to one anti-ballistic missile deployment area with no more than 100 interceptor missiles. In September 1997, the parties signed several documents that established a demarcation line between ABM systems and theater missile defense systems, which are not limited by the Treaty. They also signed a Memorandum that named Russia, Ukraine, Belarus, and Kazakhstan as the successors to the Soviet Union for the ABM Treaty. The Clinton Administration never submitted these to the Senate for advice and consent. It did however, pursue negotiations on modifications to the Treaty that would permit the deployment of national missile defenses. The Bush Administration has indicated that it believes the Treaty is out of date, and that the United States must withdraw to pursue missile defense. It has suggested that the United States and Russia agree to set the Treaty aside. Russia has not accepted this proposal, but it may accept more robust testing of missile defenses as long as the United States does not withdraw from the Treaty. The United States might accept this alternative, and address the Treaty's deployment restrictions in the future.

MOST RECENT DEVELOPMENTS

U.S. and Russian officials met in Washington in mid-January to discuss offensive nuclear arms reductions. They are seeking to reach an agreement on a document that the Presidents might sign when President Bush visits Moscow in May or June. However, the two sides remain at odds over whether the document should be a formal treaty that includes strict limits on nuclear warheads, provisions to destroy deactivated warheads, and formal verification provisions (the Russian position) or a less formal agreement to share data and cooperate in monitoring deployments on strategic nuclear weapons as they are reduced (the U.S. position.)

On December 13, 2001, President Bush notified Russia that the United States intends to withdraw from the ABM Treaty. Because the Treaty mandates 6 months notice prior to withdrawal, the United States would leave the Treaty in June, 2002.

On December 5, 2001, the United States and Russia announced that they had completed implementation of the START I Treaty. Signed in July 1991, the Treaty entered into force on December 4, 1994 and allowed 7 years for the parties to reduce their forces to 6,000 accountable warheads on their strategic offensive nuclear weapons.

BACKGROUND AND ANALYSIS

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

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

The Bush Administration has argued that arms control negotiations, leading to formal treaties, should no longer be a central feature of the U.S-Russian relationship. Administration officials contend that the relationship codified by these treaty regimes reflects old-style "Cold War" thinking, and that the two sides should, instead, reduce their offensive forces unilaterally, to the levels that each finds necessary, and eliminate the ABM Treaty's restrictions on the deployment of missile defenses. The United States and Russia continue to implement START I, but START II may never enter into force and that the two sides may not pursue a START III Treaty. This issue brief reviews

developments in these earlier efforts and summarizes proposals for further arms control agreements. It also tracks discussions on arms control issues that have occurred since the start of the Bush Administration.

START I

Treaty Provisions

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

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

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

Ratification and Implementation

Ratification. The U.S. Senate gave consent to the ratification of START I on October 1, 1992. Kazakhstan ratified START I in June 1992; it joined the NPT as a non-nuclear state on February 14, 1994. Belarus approved START I and the NPT on February 4, 1993, and formally joined the NPT as a non-nuclear weapon state on July 22, 1993. The Russian parliament approved START I on November 4, 1992, but stated that it would not exchange the instruments of ratification *until* all three of the other republics adhered to the NPT as non-nuclear states. Ukraine delayed

action on START I for nearly two years. On January 14, 1994, Presidents Clinton, Yeltsin, and Kravchuk of Ukraine signed a Trilateral Statement in which Ukraine agreed to transfer all the nuclear warheads on its territory to Russia and to eliminate the treaty-accountable delivery vehicles for these warheads in exchange for compensation and security assurances. The Ukrainian parliament approved the Trilateral Statement and START I in early February 1994. It eventually approved Ukraine's accession to the NPT in November 1994. On December 5, 1994, the United States, Russia, and Great Britain signed a memorandum granting security assurances to Ukraine, Belarus and Kazakhstan. Ukraine then acceded to the NPT, the five parties to START I exchanged instruments of ratification, and START I entered into force.

Weapons Deactivation. On December 5, 2001, the United States and Russia announced that they had eliminated all the weapons necessary to meet the Treaty's limits of 6,000 accountable warheads on their strategic offensive nuclear weapons. The United States had removed all of the Minuteman II missiles from their silos and had eliminated or converted 449 of the 450 Minuteman II silos according to the provisions outlined in START. The United States has also withdrawn from service and removed the missiles from all of its Poseidon ballistic missile submarines and had eliminated the submarines. It also had completed the reduction or conversion of heavy bombers that would no longer be equipped to carry nuclear weapons.

Forces of the former Soviet Union have declined significantly during START I implementation, from more than 10,000 warheads on 2,500 delivery vehicles in 1990 to 5,988 warheads on 1,211 delivery vehicles on July 31, 2001. All the nuclear warheads from SS-18 missiles and weapons for bombers in Kazakhstan had been returned to Russia by May 1995. All the nuclear weapons had been removed from Ukraine's territory by June 1, 1996 and all 81 of the SS-25 missiles based in Belarus had been returned to Russia by late November 1996. Ukraine has eliminated all of the SS-19 and SS-24 ICBM silos on its territory. Ukraine has also eliminated all 43 heavy bombers that were left on its territory. In late 1999, Russia and Ukraine reached an agreement for Ukraine to return 11 bombers –3 Bear H bombers and 8 Blackjack bombers – to Russia in exchange for forgiveness of part of its natural gas debts to Russia.

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

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

notification provisions because it was a variant of a missile limited by the treaty. After discussions in the Joint Compliance and Inspection Commission (JCIC), the two sides agreed that a limited number these launch vehicles could leave the Votkinsk facility without being subject to imaging inspections. They would still have to be measured and opened to confirm that they were not treaty-limited missiles. In November 1997, the two sides reached a final agreement that would cover any additional space-launch vehicles assembled at Votkinsk.

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

START II

Treaty Provisions

The United States and Russia signed START II on January 3, 1993. It limits each side to 3,000-3,500 accountable warheads on strategic offensive delivery vehicles, with no more than 1,750 warheads on submarine-launched ballistic missiles (SLBMs). The Treaty also bans all multiple warhead ICBMS (MIRVed ICBMs). As under START I, the parties can reduce their deployed warheads and eliminate MIRVed ICBMs by downloading, or removing, warheads from deployed missiles. Because the parties can remove, at most, 4 warheads from each missile, ICBMs with 10 warheads must be eliminated, rather than downloaded. The treaty makes an exception for the Russian SS-19 missile, which carries 6 warheads. Russia can remove 5 warheads from 105 of these missiles so that they will remain as single-warhead missiles. For the most part, START II would use rely on the same verification regime as START I. (For details see CRS Report 93-35, *START II: Central Limits and Force Structure Implications* and CRS Report 93-617, *The START and START II Arms Control Treaties: Background and Issues*.)

Ratification

The Senate Foreign Relations Committee held hearings on START II in March 1993, but delayed further debate until START I entered into force. Hearings resumed in early 1995, but a dispute over plans to reorganize the State Department and eliminate the Arms Control and Disarmament Agency delayed further action. After the Senate leadership reached agreement on those issues, the Foreign Relations Committee approved the START II resolution of ratification for START

II by a unanimous vote on December 12, 1995. The full Senate voted 87-4, offering its advice and consent to ratification, on January 26, 1996.

The lower house of Russia's parliament, the Duma, began considering START II in July 1995 but the debate did not proceed well. In early 1998, leaders in the Duma stated that they would probably debate the treaty and vote on its ratification by June 1998, but this date passed without action. The Duma resumed work on START II during its fall session, and it had drafted a law on ratification for the treaty by the end of November, 1998. It again planned to begin the debate in December, but this was delayed because the Duma did not yet have a draft law on financing for the nation's strategic nuclear forces. Nevertheless, officials in the Yeltsin government continued to press for START II approval, and many began to believe the Duma would act by the end of December. However, it again delayed consideration after U.S. and British air strikes on Iraq in mid-December. The Treaty's future clouded again after the United States announced its plans in January 1999 to negotiate amendments to the 1972 ABM Treaty. However, the Duma leadership sent the draft law on ratification to President Yeltsin in late March 1999. On March 19, the Duma's leadership announced that it had scheduled a debate for April 2, 1999. This debate was canceled after NATO forces began their air campaign in Yugoslavia.

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

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

The debate over START II also revealed concerns about the substance of the Treaty. Some argued the treaty would undermine Russia's security by eliminating the core of Russia's strategic forces — the MIRVed ICBMs. In addition, Russia would need hundreds of new single-warhead ICBMs to retain 3,500 warheads as it eliminates MIRVed ICBMs. As a result, some in the Duma suggested that the United States and Russia skip START II and negotiate further reductions so that the United States would have to reduce to levels that Russia might end up at anyway. (For details, see CRS Report 97-359, *START II Debate in the Russian Duma: Issues and Prospects*.)

In March 1997, Presidents Clinton and Yeltsin agreed to extend the elimination timelines in START II and established guidelines for a START III Treaty that would reduce both sides' forces to 2,000-2,500 warheads. On September 26, 1997, Secretary of State Albright and Russia's Foreign Minister Primakov signed a protocol to START II that formalized the extension of START II deadlines. They also exchanged letters repeating the Presidents' agreement that the two sides would deactivate all the weapons to be eliminated under START II by the end of 2003. The two sides agreed to work out methods for deactivation as soon as the treaty entered into force. Russia added

another provision to its letter, noting that it expected a START III treaty to enter into force before the deactivation deadline for START II. The United States acknowledged this statement but did not agree.

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

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

The Bush Administration does not intend to complete the ratification process. As a result, the Russians will not be required to eliminate their large MIRVed ICBMs, which has long been a goal of U.S. arms control policy. Many experts believe Russia will retire the SS-18s by the end of the decade, but, without START II in force, it could retain them longer or deploy its new SS-27 ICBM with multiple warheads. Even though the Treaty will not enter into force, the Bush Administration plans to implement many of the reductions that would have been needed for the United States to comply with the Treaty. When announcing the results of its Nuclear Posture Review, the Administration indicated that it would eliminate by 2007 the 50 Peacekeeper ICBMs and 4 Trident submarines that would have been eliminated under START II. It will also download warheads from deployed missiles, leading to a deployed force of around 3,800 warheads by 2007. Congress authorized funding in the budget for the Defense Department for FY2002 to being to dismantle the 50 Peacekeeper ICBMs. Congress had prevented any expenditures to begin this retirement prior to START II's entry into force, but it has lifted the restriction for FY2002. According to Secretary of Defense Rumsfeld, the United States no longer needs these missiles and the Air Force had not provided any funds to maintain or operate them.

Further Reductions in Offensive Weapons

Proposed Provisions for START III

In March 1997, Presidents Clinton and Yeltsin agreed that the United States and Russia would negotiate a START III treaty as soon as START II entered into force. This treaty would limit each side to between 2,000-2,500 strategic nuclear warheads by December 31, 2007. The Presidents also agreed that START III should contain measures to promote the irreversibility of the weapons elimination process, including transparency measures and the destruction of strategic nuclear warheads removed from delivery vehicles. This responds to a condition that the Senate added to the

START I resolution of ratification and it could address concerns about the possible theft or sale of warheads to nations seeking their own nuclear weapons. The two sides have attempted, with little progress, to implement warhead data exchanges for several years.

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

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

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

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

The Bush Administration Approach

President Bush has stated that he believes the United States and Russia could move away from formal arms control treaties and reduce forces unilaterally or in parallel to whatever level each side decided was appropriate. He stated that he would reduce U.S. forces to the lowest possible level after military leaders conducted a thorough review of U.S. defense plans. At their meeting following the G-8 summit in Genoa, Italy, Presidents Bush and Putin agreed that the two nations would begin

consultations on offensive and defensive weapons. The Russians apparently expect these consultations to produce agreed limits on offensive forces and minor modifications of the ABM Treaty. The Bush Administration, however, has stated that the United States is not expecting lengthy negotiations or the completion of a formal arms control treaty. Instead, the Administration expects to use these consultations as a forum to inform Russia of U.S. plans with respect to offensive and defensive forces and to convince Russia to set aside the ABM Treaty with the United States.

The consultations made little progress for several months, with Russia complaining that the United States had not outlined its proposals for deep reductions in offensive nuclear weapons. The Bush Administration responded that it was not yet ready to make these proposals because DOD had not completed its review of U.S. nuclear forces. However, on November 13, 2001, during meetings with President Putin in Washington, President Bush announced that he would reduce the number of operationally deployed warheads on U.S. strategic offensive nuclear weapons to between 1,700 and 2,200 over 10 years. The reference to "operationally deployed" warheads indicates that the United States would not include warheads on submarines or bombers undergoing overhauls in this total. As a result, it might not count several hundred warheads that would be included in a tally using START treaty counting rules. A tally that included these warheads would be closer to the level of 2,500 warheads proposed for START III. The Bush Administration has also indicated that it would not eliminate many of the warheads removed from deployed forces, but would hold them in reserve as part of a "responsive force" that could be returned to service if conditions warranted. Furthermore, the Bush Administration indicated that it did not intend to negotiate a formal treaty; but would reduce U.S. forces unilaterally, regardless of Russian reciprocity. President Putin reiterated Russian intentions to reduce its forces to much lower levels. In the past, he has called for reductions to 1,500 warheads or less. But he stated that these reductions should be codified in a formal treaty that including control and verification measures.

Some analysts have doubted that this informal arrangement would appeal to President Putin. It would not reduce U.S. forces as far as he would like and it would leave the United States with the ability to increase its forces with little warning. Others, however, expected Putin to accede to the U.S. proposal. Pressing for a formal treaty would not change the Bush Administration's approach. Furthermore, it would be difficult to criticize the U.S. reductions when Russia had proposed numbers close to the U.S. offer for years. Some analysts expected that Putin would accept the U.S. offer and approach as the best outcome he could hope for.

The two sides resumed their discussions on offensive reductions in January 2002. The Russian side reportedly hoped the two nations would devise a formal agreement that would include limits on deployed and non-deployed warheads, along with specific monitoring and verification provisions. In contrast, reports indicate that the United States remains uninterested in a formal treaty limiting offensive arms and would prefer a less-formal agreement that called for data exchanges and cooperative measures that would allow each side to monitor the reductions implemented by the other side.

Alternative Proposals

Many analysts in the arms control community believe the United States and Russia should move beyond the START framework by either reducing the alert rates of their deployed weapons or

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

The Anti-Ballistic Missile (ABM) Treaty

Treaty Provisions

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

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

The Demarcation and Succession Agreements

Questions about the difference between ABM systems and theater missile defense (TMD) systems grew in importance after the 1991 Persian Gulf War. Iraq's scud missile attacks on Israel and allied forces alerted many in the United States to the growing threat from ballistic missiles in regional conflicts and generated new interest in the ongoing development of advanced theater missile defenses (TMD). By 1993, some analysts and officials in the Clinton Administration had begun to ask whether advanced TMD systems would be limited by the ABM Treaty. To avoid possible compliance questions, the Clinton Administration sought to reach an agreement with Russia on a "demarcation line" to distinguish between ABM systems and TMD systems.

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

Agreed Statements on Demarcation. When the ABM/TMD demarcation negotiations began, the United States sought to maintain the flexibility to develop advanced theater missile defense (TMD) systems without having those systems fall under the limits in the ABM Treaty. It sought a simple rule that defining an ABM interceptor as one that demonstrated the capability to destroy a target ballistic missile with a velocity greater than 5 kilometers per second (this would essentially define a "strategic" ballistic missile). Russia, on the other hand, feared that the United States might deploy advanced TMD systems that would allow it to intercept Russia's strategic ballistic missiles, and, therefore, undermine Russia's nuclear deterrent. Hence, Russia proposed a more restrictive formula to define an ABM interceptor as one with the capability to intercept targets with a velocity of 3 kilometers per second, rather than 5 kilometers per second, and a range of 3,500 kilometers. And, it sought to limit the velocity of TMD *interceptor* missiles to 3 kilometers per second. Russia also suggested that the parties link the number and location of deployed TMD systems to size and scope of threat and that they restrict the power of TMD radars. (For a more detailed discussion see CRS Report 98-496, *Anti-Ballistic Missile Treaty Demarcation and Succession Agreements: Background and Issues.*)

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

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

The demarcation agreements would not limit the speed of U.S. TMD systems. They use the interceptors' speed as a dividing line between those systems that are not limited by the ABM Treaty

and those that would need further analysis to determine whether they are exempt from the Treaty limits. Many in Congress believe the TMD demarcation provisions *will* restrict U.S. TMD capabilities, even though the Clinton Administration stated that they were consistent with all current programs, because they believe the United States will "dumb down" its systems to avoid compliance debates with Russia. Some in the arms control community believe that the demarcation agreements permit too much TMD capability, and that the deployment of more advanced TMD systems could undermine the ABM Treaty.

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

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

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

The ABM Treaty and National Missile Defenses

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

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

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

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

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

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

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

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

During their meeting at the G-8 summit in Germany in June 1999, the Presidents repeated their support for the ABM Treaty as the "cornerstone of strategic stability." But they also noted that the parties are obligated, under Article XIII of the Treaty to consider possible changes in the strategic situation that have a bearing on the Treaty and to consider proposals for further increasing the viability of the Treaty. In November 1999, President Yeltsin warned that any U.S. move beyond the limits in the ABM Treaty would "have extremely negative consequences" for other arms control treaties. Russian officials also stated that Russia could deploy new multiple-warhead missiles or retain older ones to have the forces needed to penetrate U.S. missile defenses. And many Russian officials continued to insist that the United States had overstated the threat from rogue nations.

In January 1999, the United States reportedly tabled a proposed Protocol to the ABM Treaty that would allow for the deployment of a U.S. NMD site in Alaska. This Protocol, which was published by the Bulletin of the Atomic Scientists Magazine, would allow for the deployment of 100 interceptors and an ABM radar at a single site, other than the sites permitted by the ABM Treaty (i.e. Alaska) and for the modification of several other early warning radars so that they could perform ABM radar functions and support the NMD system. The Protocol also stated that either side could request negotiations on further modifications after March 1, 200l. These talks would presumably allow the United States to seek further changes in the Treaty's limits on ABM interceptors and space-based sensors. The United States also offered to exchange data and permit inspections so that Russia could remain confident in the limited nature of the U.S. NMD. Russia reportedly did not table a counter-proposal or begin discussions about the specific provisions in the U.S. proposal.

Some in Congress criticized these negotiations because, they argued, the resulting agreement would prove too limiting for U.S. missile defenses. In mid-April 2000, 25 Republican Senators signed a letter to President Clinton stating that they would vote against any agreement the Administration reached with the Russians on modifications to the ABM Treaty. Furthermore, on April 26, 2000, Senator Jesse Helms informed the Administration that the Foreign Relations Committee would not address or vote on any arms control agreements reached by this Administration in its final months. But the United States and Russia remained far apart on the question of modifying the ABM Treaty.

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

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

The Bush Administration has taken a different approach to the ABM Treaty, arguing that the United States would need to "leave behind the constraints" of the Treaty to pursue the development and deployment of missile defenses. The President called on Russia to join the United States in developing a new framework for strategic stability and international security in the post-Cold War era. During the President's visit to Europe in mid-June, some officials from the Administration argued that the United States would need to abandon the Treaty soon because the Treaty would inhibit testing of ballistic missile defense concepts.

In mid-July 2001, the Bush Administration offered Congress a more detailed description of its missile defense plans when it submitted its amended defense budget for FY2002. The Administration requested $8.3 billion, an increase of more $3 billion, or 57%, from the FY2001 budget, to support a robust research and development program into a wide range of missile defense technologies. The Administration also reorganized BMDO to eliminate the distinctions between theater missile defense and national missile defense, instead dividing the programs into boost-phase, mid-course, and terminal technologies. Furthermore, in testimony before Congress on July 13, 2001, Deputy Secretary of Defense Wolfowitz stated that the United States might soon test the ability of Aegis theater defense radars to track strategic ballistic missiles. This type of test could be interpreted to be an effort to test non-ABM systems in an ABM mode, which is forbidden by the ABM Treaty. Consequently, Secretary Wolfowitz noted that the United States could bump up against the limits in the Treaty "in months" rather than in years. However, he said that the United States would not violate the ABM Treaty. Instead, the Administration would seek Russia's agreement and understanding on a framework that would allow the United States to move beyond the ABM Treaty, and, if this was not possible, the United States could withdraw. DOD delayed the problematic tests in October of 2001, for technical reasons. But Secretary Rumsfeld stated that the Aegis radars would not be used in the tests when they did occur because this would violate the Treaty. Some interpreted these comments as evidence that the United States was seeking to reach an agreement with Russia that would not involve violations of the Treaty. Others, however, stated that Secretary Rumsfeld hoped the

cancellations would emphasize how much the Treaty constrained U.S. missile defense programs and would highlight the need for the United States to withdraw from the Treaty.

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

These consultations began with several meetings in August and September 2001. In early August, a Russian delegation visited the Department of Defense and received extensive briefings on U.S. plans for missile defense in early August. These meetings were billed as an "exchange of information" not an exchange of ideas. Secretary of Defense Rumsfeld traveled to Moscow in mid-August, reportedly in an unsuccessful effort to convince Russia that the two nations should withdraw from the ABM Treaty simultaneously. He did not engage in discussions about possible modifications to the ABM Treaty or in negotiations on reductions in offensive forces. He stated that the United States did not yet know how low it would reduce its forces because it had not yet completed its strategic review. In late August, Undersecretary of State John Bolton seemed to indicate that the United States would withdraw from the ABM Treaty in November, if the United States and Russia had not agreed on a plan for mutual withdrawal by the time President Bush and President Putin met in Texas. He, and other officials, later stated that he had not intended to set a firm deadline. The following day, however, President Bush stated that the United States would withdraw from the ABM Treaty, but would do so on its own timetable. Press reports indicate that Undersecretary of State John Bolton was prepared to inform Russian officials of the U.S. intention to move forward with withdrawal from the ABM Treaty during meetings in Moscow on September 17, but he did not do so.

Russian officials complained that the two sides could not make progress in these negotiations because they still did not know what kind of missile defense the United States intends to build or what parts of the Treaty would cause problems for this defense. Furthermore, in early September, Russian officials ruled out an early agreement on missile defenses. They indicated that it could take a year or more for the two sides to reach agreement on a framework to replace the ABM Treaty. However,

at the same time, Russia appeared willing to accept some minor modifications to the Treaty, although it continued to reject the U.S. proposal for a joint withdrawal.

Many analysts expected President Bush to inform Russia's President Putin of U.S. intentions to withdraw from the ABM Treaty when they met in Shanghai in October, 2001. He did not do this. Instead, press reports indicated that the two nations were nearing an agreement that would allow the United States to proceed with its missile defense testing plans without withdrawing from or violating the ABM Treaty. Reportedly, Russia would have been willing to allow the United States to proceed with some tests of missile defense technologies as long as Russia had the opportunity to review and approve the tests before they occurred and as long as the Treaty's limits on deployment remained in place. The Bush Administration reportedly rejected this approach, arguing that it needed more flexibility to pursue its missile defense programs. It was willing to keep Russia informed about these plans but it was not willing to allow Russia to review and reject them. Consequently, the November summit concluded without the announcement of such an agreement. In early December, Secretary Powell informed Russia's Foreign Minister that the United States planned to withdraw from the ABM Treaty. President Bush reportedly called President Putin and told him the same thing. On December 12, the White House informed Congressional leaders of the U.S. intent to withdraw from the Treaty, and, on December 13, the President gave formal notice to Russia of the U.S. intent to withdraw. Because the Treaty mandates 6-months notice for withdrawal from the Treaty, the United States will leave the ABM Treaty in June 2002.

FOR ADDITIONAL READING

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

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

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

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

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

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