

[H.A.S.C. No. 113-120]

**RUSSIAN VIOLATIONS OF THE INF
TREATY: AFTER DETECTION—WHAT?**

HEARING

BEFORE THE

SUBCOMMITTEE ON STRATEGIC FORCES

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

HEARING HELD

JULY 17, 2014



U.S. GOVERNMENT PUBLISHING OFFICE

89-513

WASHINGTON : 2015

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RUSSIAN VIOLATIONS OF THE INF TREATY: AFTER DETECTION—WHAT?

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON STRATEGIC FORCES,
Washington, DC, Thursday, July 17, 2014.

The subcommittee met, pursuant to call, at 9:33 a.m., in room 2118, Rayburn House Office Building, Hon. Mike Rogers (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. MIKE ROGERS, A REPRESENTATIVE FROM ALABAMA, CHAIRMAN, SUBCOMMITTEE ON STRATEGIC FORCES

Mr. ROGERS. I call this hearing of the Strategic Forces Subcommittee to order. Thank you for being here today.

We have a distinguished panel here today to talk about Russian violations of the Intermediate-Range Nuclear Forces [INF] Treaty and its consequences. I know you have all spent a good deal of time preparing your remarks. So it is my practice to try to get right to those and our questions for you. So I am just going to introduce my prepared statement for the record.

Our witnesses today are Mr. Stephen Rademaker, national security project advisor, Bipartisan Policy Center; Mr. Jim Thomas, vice president and director of studies for Center of Strategic and Budgetary Assessments; and Ambassador Steven Pifer, director of Arms Control and Non-Proliferation Initiative at The Brookings Institute.

With that, I offer the floor to my colleague, the gentleman from Tennessee, who is a truly wonderful guy, but a supporter of a bad football team. Mr. Jim Cooper, Tennessee.

[The prepared statement of Mr. Rogers can be found in the Appendix on page 29.]

Mr. COOPER. I thank the gentleman, my friend from Alabama. I welcome witnesses. I have no opening statement. I look forward to the testimony.

Mr. ROGERS. Well now we will turn to our panel. I would like to ask you to summarize your prepared statements in 5 minutes. The full statement can be offered for the record. So without objection we will make that happen.

Mr. Rademaker, please proceed with your remarks.

STATEMENT OF STEPHEN G. RADEMAKER, BIPARTISAN POLICY CENTER, NATIONAL SECURITY PROJECT ADVISOR

Mr. RADEMAKER. Thank you, Mr. Chairman and Ranking Member Cooper. It is a pleasure to be here before you today. I do have

a prepared statement which I do not propose to read to you. I will just summarize it. And I have about 5 minutes, is that correct?

I make a number of key points in my testimony. The first is that I do think the INF Treaty historically is a very important treaty. It is one that President Reagan achieved over an enormous amount of opposition.

He had to withstand lots of criticism from peace activists who basically thought the United States should look the other way in the face of intermediate Russian—intermediate-range Russian missiles aimed at our forces and our allies in Europe. He didn't look the other way.

He met that threat with U.S. deployments to match the Russian deployments. And in the end his vision was vindicated because the Russians agreed to mutually eliminate that range of missiles on their side and on our side.

And that was an important accomplishment. And that was very reassuring to our allies at the time who had in many cases serious domestic political opposition to the U.S. deployment in their countries of those missiles.

One of the points I make is that this treaty today is frankly much more important to our allies than to us simply because the missiles of this range, the 500 to 5,500 kilometer range, deployed on Russian territory as—there are a few exceptions, but territorial exceptions or geographic exceptions, but as a general matter they can't reach the United States. They can only reach the territory of our allies. So this is really more important to their security than ours. But they are our treaty allies, so their security matters to us.

I think in the eyes of our allies it remains an important treaty. But the next point I make in my testimony is whether this treaty regime is likely to survive over the long term is open to serious question.

We have to understand what this treaty does. It imposes an obligation on the United States and then four of the successor countries to the Soviet Union not to possess this class of missile.

For the United States that is not an enormous problem. But for Russia, which is surrounded by other countries that are deploying missiles of that range, it is a big problem. And the Russians have made that clear consistently for a period of about 10 years. They made it clear to me personally when I was serving in the U.S. Government as the Assistant Secretary of State for Arms Control.

They feel this is an unfair treaty. Why should China be able to have these missiles and not them? Why should North Korea and Iran be able to have these kinds of missiles?

One of the points I would make to them of course was that part of the reason that North Korea and Iran have these kinds of missiles is because Russia transferred to them the technology to produce them. But you know that is a historical irony at this point. And maybe the Russians in retrospect wish they hadn't done that. But today they are worried about the threat of these missiles.

And looking forward I guess I think over the long term there is little likelihood that Russia is going to remain inside this treaty regime. And I think the issue that we are here today to discuss is symptomatic of that.

Russia is not committed fundamentally to this treaty. Evidently they are testing missiles that would violate the treaty. And that testing is itself a violation of the treaty. And I would assume that is in preparation for eventual deployment and, if they intend to act consistent with the treaty, termination by them of the treaty.

What do we do about this? Well, one of the points I make in the treaty is we shouldn't do them any favors. We shouldn't reward them for misbehavior.

And I think for the United States to declare that we are pulling out of the treaty in response to what Russia has done would actually be welcomed in Moscow because I think they are wrestling with the question of how they terminate, how they get out from under this treaty.

We shouldn't make it any easier for them. We should force them to take the onus of that, take the international political and diplomatic hit for pulling out of the treaty.

I do go on in some length in my testimony about how I think Russia's attitude toward this treaty is symptomatic of their larger approach to arms control. I think the Obama administration would like the Russians to have a very different approach to arms control.

The administration has a very ambitious arms control agenda. Unfortunately they don't have a partner who shares that agenda. And I make that point at some length in my testimony.

But we continue to face the question of what the United States should do in response to what Russia is doing if we are not going to terminate the treaty. And I lay—at the end of my testimony I lay out some suggestions. A couple of them are sort of conceptual in nature.

You know the first one I would say is the Obama administration needs to stop worrying about its own arms control agenda. It needs to accept the reality of Russia.

I mean Russia is not committed—Russia does not share President Obama's vision of eliminating nuclear weapons from the face of the earth. They don't—they are not particularly fond of arms control agreements.

My sense, and it is only a sense, is that the Obama administration has not wanted to confront the violations that we are here to discuss because they are inconvenient from the perspective of trying to advance a broader arms control agenda. They might quarrel with that characterization, but I think actually that is a fair characterization.

And one of my first suggestions is that they stop worrying about that, stop worrying about their arms control agenda and start worrying about protecting this treaty regime and holding Russia to its legal obligations. Because if we don't do that, you know they will be tempted to violate other legal obligations.

[The prepared statement of Mr. Rademaker can be found in the Appendix on page 31.]

Mr. ROGERS. Thank you.

Mr. Thomas, you are recognized for 5 minutes.

STATEMENT OF JIM THOMAS, VICE PRESIDENT AND DIRECTOR OF STUDIES, CENTER FOR STRATEGIC AND BUDGETARY ASSESSMENTS

Mr. THOMAS. Good morning, Chairman Rogers and Ranking Member Cooper and distinguished members of the committee. Thank you for inviting me to testify today.

After more than 25 years in force, it is an appropriate time to take stock of the INF Treaty and assess its continuing relevance in a world where Russian compliance is in question, China is actively exploiting an intermediate-range missile gap, and Iran and North Korea continue to pursue nuclear weapons as well as long-range delivery means.

Reports that Russia is circumventing and/or violating the INF Treaty suggest that it may be engaged in arms control “salami slicing” that is slowly undermining the INF Treaty through ambiguous infractions rather than exiting the treaty through outright abrogation.

The United States cannot permit Moscow to make a soft exit from the INF Treaty while itself remaining a party to the treaty in good standing. It must ensure robust monitoring, verification, and compliance with the treaty as long as it remains in force.

But the United States must also look beyond an era of Eurocentric bilateral U.S.-Russian arms control. It must adopt a more multilateral framework consistent with the strategic game of rebalancing to the Asia-Pacific region.

China should figure prominently in discussions about the future of the treaty. INF-class ballistic and cruise missiles have become a major pillar of China’s counter-intervention strategy to limit U.S. military freedom of action in the western Pacific.

Beyond China a number of countries like Iran and North Korea have amassed small but growing inventories of ballistic and cruise missiles that would be proscribed if these nations were signatories themselves to the INF Treaty.

To address these wider global concerns, the United States should consider undertaking a latter-day, dual-track approach, one that would attempt to update the treaty framework while simultaneously creating post INF military options to backstop diplomacy and hedge against the possibility that negotiations fail.

First the United States should seek to multilateralize the restrictions of the treaty to eliminate or replace substantial limits on other countries’ intermediate-range missiles. Toward this end the United States should consult with allies most at risk from the missile forces of China, North Korea, and Iran, and enlist them to apply greater pressure on those states to join.

If multilateralization proves unachievable, the United States might negotiate with Russia a treaty amendment to allow ground-launched conventionally armed missiles with ranges up to 2,000 kilometers outside Europe to balance the missile arsenals of potential adversaries in the Middle East and Asia.

But ultimately, if the United States is neither able to ensure Russia’s compliance nor subsequently to multilateralize or amend the treaty, it may conclude that INF no longer serves its interests. Paradoxically, an American willingness to contemplate the possi-

bility of withdraw may increase U.S. bargaining leverage in negotiating multilateralization or amendment.

The United States should begin creating military options now to backstop diplomacy and ensure the United States can negotiate from a position of strength on Russian compliance, multilateralization and/or amendment of the treaty, while hedging against the failure of these efforts.

Such options should make credible the prospect of swift U.S. deployments of intermediate-range missile forces to reduce the decision to deployment cycle. Toward that end, the United States should undertake consultations with allies and partners to explore contingency forward-basing options for conventionally armed intermediate-range missile forces.

The Department of Defense should undertake studies to begin developing options for future INF-class missiles so that it could move quickly if a political decision were taken in the future to amend or withdraw from the treaty.

In this context, the U.S. Army might consider developing and fielding a small sea-based, that is on barges or ships, intermediate-range missile force for experimentation and concept development that could later be adapted and brought to shore if the United States amended or left the treaty.

In conclusion, suspected Russian violations of the INF Treaty come at a time of great strategic uncertainty for the United States on a global basis. While compliance issues must be swiftly addressed, the United States should also widen its aperture for evaluating the INF Treaty to ensure that it serves its broader global interests and security commitments.

A treaty that bars two nations from pursuing certain militarily desirable classes of missiles, while not stopping other states, some of whom pose threats towards the United States and its allies overseas, from possessing them must be constantly reevaluated to determine the tipping point when the costs of arms control overtake its benefits. That day may be quickly approaching.

Now is the time to begin contemplating a world beyond the INF Treaty, and taking appropriate precautionary steps. Paradoxically, doing so may offer the best course to preserving the viability of the treaty farther into the future. Thank you.

[The prepared statement of Mr. Thomas can be found in the Appendix on page 41.]

Mr. ROGERS. Thank you.

Ambassador, you are recognized for 5 minutes.

**STATEMENT OF AMBASSADOR STEVEN PIFER, DIRECTOR,
ARMS CONTROL AND NON-PROLIFERATION INITIATIVE, THE
BROOKINGS INSTITUTION**

Ambassador PIFER. Mr. Chairman, Ranking Member Cooper, distinguished members of the committee, thank you for the opportunity to appear today to discuss Russian compliance with the Intermediate-Range Nuclear Forces treaty, and how the United States should respond if it is determined that Russia has violated that agreement. With your permission I have submitted a statement for the record and will briefly summarize it now.

I should note at the outset that I do not have access to classified information regarding this question, nor do I have access to the U.S. Government's deliberations. Absent concrete information, any discussion of U.S. policy response to a possible Russian treaty violation would invariably be somewhat hypothetical.

The 1987 INF Treaty is a landmark arms control agreement. It banned an entire class of U.S. and Soviet land-based ballistic and cruise missiles with ranges between 500 and 5,500 kilometers. It resulted in the elimination of 2,692 U.S. and Soviet missiles as well as their associated launchers and other equipment.

Russia is a successor state to the Soviet Union. Recently questions have arisen about its compliance with the treaty.

There appear to be two charges regarding Russian violations. Assertions that the Russian RS-26 ballistic missile violates the treaty appear to have no basis.

Under the definitions of the START [Strategic Arms Reduction] Treaty, the New START Treaty, and the INF Treaty, the RS-26 is a permitted, but limited, ICBM [intercontinental ballistic missile]. The reported R-500 cruise missile appears to be a more serious concern. But there is little hard information and open sources about it.

A Russian violation of the INF Treaty would be a serious matter, as would any treaty violation. If Russia is producing, testing and/or deploying new intermediate-range missiles, such weapons would, depending on their range and deployment location, pose a threat to U.S. allies in Europe and Asia, as well as to other countries such as China. They would threaten U.S. forward-based forces. Such missiles, however, likely would not have the range to reach the United States.

Maintaining the INF Treaty remains in the U.S. interest. America's allies greatly value the agreement. If the U.S. Government were to conclude that Russia has violated the treaty, it should press Russia to end the violation and come back into full compliance using both senior diplomatic channels and the special verification commission established by the treaty.

Moreover, Washington should brief Russia's neighbors, both in Europe and Asia, on the violation. The goal should be to multilateralize the issue. That is to have other countries, the ones that would be most directly threatened by a Russian intermediate-range missile, press Moscow on the question.

Washington should strive to make this not just a U.S.-Russia issue, but a German-Russian, a Chinese-Russian, an Italian-Russian issue as well, and so on.

If Russia has violated the INF Treaty, the United States should nevertheless continue to observe the treaty's provisions, at least for the near term. U.S. withdrawal from the treaty would free Russia from any legal obligation to observe the treaty's limits, and would bring no apparent advantage to the United States.

At present the Pentagon has no plans for land-based intermediate-range missiles, so a U.S. withdrawal from the treaty would leave Russia free to deploy missiles for which the United States has no counterpart. Deploying new intermediate-range missiles would take time and impose a new burden on the stretched Defense Department budget.

Funding a new missile would require drawing funds from other accounts such as modernization of strategic nuclear forces, missile defense, or conventional weapons systems. Absent a specific priority military requirement for U.S. intermediate-range missiles, this would not appear to be a wise use of scarce resources.

Moreover, even if the United States were to build intermediate-range missiles, they would pose a serious response to a Russian treaty violation only if deployed on the territory of U.S. allies in Europe or Asia close to Russia. But the prospects of NATO [North Atlantic Treaty Organization], Japan, or South Korea accepting and welcoming deployment of new U.S. intermediate-range missiles on their territory appears to be very low.

Deploying such missiles in the continental United States, on the other hand, would make little sense as they could only hold targets at risk in the Western Hemisphere.

While continuing to observe a treaty that another party is violating may seem counterintuitive, this is what the Reagan administration did during the 1980s following the discovery in 1983 of the Krasnoyarsk large-phased array radar. That radar was a clear violation of the ABM [Anti-Ballistic Missile] Treaty.

The Reagan administration nevertheless pressed the Soviets on the violation, but continued to observe the treaty. Moreover, the Reagan administration simultaneously continued to negotiate new arms control agreements with the Soviets, including the INF and START I Treaties. In 1990 the Soviets agreed to tear down the radar.

Mr. Chairman, Representative Cooper, distinguished members of the committee, continuing to observe the INF Treaty while pressing the compliance issue with Russia and having others do so makes sense, at least for the foreseeable future.

This does not mean that if Russia has wantonly violated the treaty the United States should continue to observe it indefinitely. But for now there is no compelling interest on the American part in withdrawal.

Thank you.

[The prepared statement of Ambassador Pifer can be found in the Appendix on page 53.]

Mr. ROGERS. Thank each and every one of you. We will now turn to questions, and I will start.

If the New York Times report this past January is correct and the Russian INF violations began in 2008, what does this tell us about the very foundation of the reset with Russia, Mr. Thomas?

Mr. THOMAS. Well, I think everyone here is troubled by the potential allegations of violations of the INF Treaty, which as all the panelists I think have made clear has even greater implications for America's allies overseas than it does for ourselves directly.

And I think that it also has to be connected with the—across the entire arms control agenda. So in terms of looking for new cuts in strategic arms, this is a factor that would also have to be taken into account.

Mr. ROGERS. Mr. Rademaker.

Mr. RADEMAKER. I think that report, if true, tells us two things about Russia. First, as I stated in my testimony, Russia has virtually no commitment to the INF Treaty. And in fact they appear

to be positioning themselves to get out from under it as they have—officials from President Putin on down have made clear that they are interested in doing.

Second, and I elaborate on this in my testimony, I think it tells us about the fundamental Russian attitude towards arms control. They, in their security doctrine these days nuclear weapons are more important to them than ever because they see themselves surrounded by hostile countries. And they feel that on a conventional level they are not able to defend themselves.

Mr. ROGERS. So your impression is there is no reset?

Mr. RADEMAKER. In the arms control area I think that is right. The New START Treaty is sometimes held out as evidence that there is Russian interest in nuclear arms control. But you know my assessment of the New START Treaty was basically we agreed to legally obligate ourselves to reduce our strategic nuclear weapons deployments to the Russian level.

Which you know we didn't require Russia to make any reductions, we just reduced—required ourselves to reduce to their level. And you know they resisted taking that.

They tried to precondition that on additional concessions from us in the area of missile defense and conventional global strike. So you know they will use arms control to advance their interests. But they don't consider one of their interests nuclear weapons reductions.

Mr. ROGERS. Okay.

Should the U.S. be concerned about the new Russian missiles like the RS-26 Rubezh, which Russia had tested at intermediate range, but Russia is calling an ICBM? Or should we be content that Russia promises us that it will agree to count the missiles under the New START Treaty. Mr. Thomas.

Mr. THOMAS. Well, I think as Ambassador Pifer acknowledged, the RS-26 may not in fact be a violation of the treaty. But it certainly should be of concern to the United States and its allies given the fact that it could be used at intermediate range and therefore would have greater responsiveness and shorter time of flight, and the threat that that could pose.

Mr. ROGERS. Okay.

Russia is said to be preparing to deploy this system in 2015 in Irkutsk, suggesting that for an intermediate-range missile the target is China. Now what does this do to claims that Russia is breaking out of the INF due to U.S. missile defense. Ambassador.

Ambassador PIFER. Well, if the Russians were to deploy the RS-26 in Irkutsk, first of all it would be an ICBM because it was tested in excess of 5,500 kilometers. That could not reach the United States. But certainly I think a deployment in Irkutsk would suggest very clearly that it is aimed at China, and ought to be a concern first and foremost to the Chinese.

I would make one other point about the RS-26 from just a U.S. point of view is of course the RS-26, every one that is deployed takes a space under the New START limit and takes a space that could be deployed by say an SS-27 or Bulava missile, which actually could reach all of the United States.

Mr. ROGERS. Mr. Rademaker.

Mr. RADEMAKER. Well, I know my two co-panelists have conceded that the RS-26 is not an INF-range missile, but rather an ICBM. I guess I would hesitate actually to reach that conclusion based on what we know.

Apparently what we know is that they did fire that missile to a range of 5,800 kilometers, which is in excess of the 5,500 kilometer INF range. But I don't feel that I know enough about the nature of that test to be able to say whether that turns it into an ICBM.

You know the basic physics of missiles is that their range depends on a combination of the amount of thrust they can generate and the weight of the missile. And by adjusting the weight, if you reduce the weight you can make it go further.

Mr. ROGERS. So you are saying that there is a loophole in the INF Treaty—

Mr. RADEMAKER. I mean I think there may well be in this case because you know the definition of a ground launch ballistic missile under the treaty is that it is capable of—that it is a weapons delivery vehicle. Now, if—you know if you take the warhead off of a missile, it will fly further than if it has a warhead on it.

So it could be that this is a 5,500 kilometer range missile with a warhead. Remove the warhead, it will fly further. But an ICBM without a warhead, in my opinion, is not an ICBM. It is a projectile flying through the air, but it is not an ICBM.

So I think my co-panelists may have rushed to a conclusion here that would require some further study before I would be willing to accept that—

Mr. ROGERS. Ambassador.

Ambassador PIFER. Mr. Chairman, if I could say I think Mr. Rademaker is right on the physics.

Although this is an issue that actually was assessed in the U.S. Government back in 1986 and 1987 when one of the questions we asked ourselves is if the Soviets sign the INF Treaty and get rid of all their SS-20 intermediate-range missiles, how would they cover time-urgent targets in Europe, for example air bases hosting American nuclear weapons. And the conclusion within the U.S. Government was they would take intercontinental ballistic missiles and fly those missiles to intermediate range.

So this was sort of a scenario that was envisaged and was seen as something that they could do, and was not seen as a problem with the INF Treaty.

Mr. ROGERS. Thank you very much. My time is expired.

Chair recognizes the ranking member.

Mr. COOPER. Thank you, Mr. Chairman.

Is there an equivalent forum to this panel in Russia or China or another country that would allow the world to see the thinking of the foreign policy elites regarding intermediate nuclear forces? My guess is there is not, right?

So the United States unilaterally by having hearings like this, although it is probably good for democracy, it might not be good for our foreign policy strength because, to the extent that you gentlemen would serve in future administrations, they would know how you feel about these issues. So right here is one hand tied behind our back to some extent.

Now, we celebrate our open process and we are not ready to give that up. But it is an interesting distinction because we oppose state capitalist regimes and authoritarian regimes who don't have to go through these processes.

Second, I think Ambassador Pifer made the point most clearly. This is essentially a European issue, and to some extent a Japanese issue because INF missiles can really only threaten those capitals. But that threat is truly startling.

To have in Russia a weapon that is possibly designed to hit London or Paris or Rome or Berlin or Prague or Warsaw, that is truly a devastating thing to contemplate. And the fact that Europeans are not more engaged in this debate, because this is essentially a Reagan-era treaty for their benefit, is an amazing thing.

And you would think that the peoples of Europe would rise up and say oh my God, not only is Putin a bad guy in other respects, but in regard to destroying our own nations. Why are Russian scientists working on things like this?

Another issue that seems to be important is regardless of the physics of missiles, so many of these countries, especially like a North Korea or Iran, they are only in the INF space because they haven't yet developed the science to do ICBMs. So this is kind of a poor man's ICBM.

And also there is this factor once you have an ICBM you can weight it appropriately so that it becomes an INF missile. So it is a little bit of a flexible category we are talking about here.

But isn't the fundamental issue that we are dealing with here is our precision-guided weapons are so advanced that a lot of these nuke issues are kind of poor man's precision-guided weapons? Because they can't lob a missile down a smokestack the way we can, or at least they haven't been able to do that yet. They rely on these more old-fashioned, general purpose, more destructive—more broadly destructive weapons.

So those are some of the issues that I am interested in. And the testimony, as excellent as it is, seems to skirt on many of these issues. So how do we deal with them more directly?

Mr. THOMAS. Sir, if I might just respond on the case of the poor man's ICBM. I think that is an accurate assessment as far as countries like Iran and North Korea go. But it may not be as true when thinking about China.

China in fact does have increasingly accurate ICBMs. And it has developed a highly accurate, very sophisticated IRBM force. And so I think that really falls into a different category.

Mr. RADEMAKER. And Mr. Cooper, commenting on the same point, you know I think I would prefer to look at our precision weapons from the opposite perspective, which is to the degree we develop them they enable us to rely less on nuclear weapons in our military planning. And I think most people consider that a positive development for us to rely less on nuclear weapons.

And I guess I would suggest that most countries that are developing nuclear weapons are not doing it because of America's precision weapons. It is for other reasons. And even if we were not developing precision conventional weapons I think their interest in nuclear weapons would remain undiminished.

Ambassador PIFER. Mr. Cooper, I would like to make three points. First of all, you are exactly right. I mean the reason the United States entered into the INF Treaty was to provide security for our allies, to protect them and remove a threat to them in form of the SS-20 missile.

Why have they not been more public about concerns to this? My guess is they are waiting for the United States to come to some kind of a conclusion and at that point you know they may then speak up.

And that is why I would recommend that if the U.S. Government concludes that the treaty has been violated that a major focus should be briefing allies, we want to have Chancellor Merkel raising this with Mr. Putin. We want to have President Xi raising this with Mr. Putin.

We want to have—you know this is an issue that concerns the allies first and foremost. And rather than making it just a bilateral issue we are going to make this a multilateral question.

And then finally just a general observation. I think you have seen over the last several years the Russian doctrine evolve to slightly greater reliance on nuclear weapons. In part because they see the advances of the American military has made with precision-guided conventional weapons on missile defense.

And I think their perception is that that gap is not growing. That gap is perhaps even increasing. So unfortunately over the last few years they have come to place greater reliance on nuclear weapons systems.

Mr. COOPER. Well, on the European question we are pushing our allies to increase their defense spending to 2 percent of their GDPs [gross domestic products]. We are not probably going to succeed in that. So this is a very important issue to highlight for Angela Merkel and other European leaders to get their heads more in the game.

So I would not only encourage full NATO briefings, but also ways to engage the general public because the world was transfixed by sporting events like the World Cup. They are not focusing on Mr. Putin and his scientists, you know developing weapons that would target their cities, which is a pretty devastating thing.

It is one thing to invade Crimea. It is another thing to target London, Paris, Rome, Berlin, cities like that, because that is the true implication of these weapons.

Mr. RADEMAKER. If I could just comment.

First, Mr. Cooper, I agree with what Ambassador Pifer said about the importance of engaging our allies in this. And I guess one of the things that was troubling to me when I read the New York Times story was that according to that story the Obama administration concluded in late 2011 that there was a likely treaty violation and yet they didn't brief our NATO allies on it until January of 2014.

So they let more than 2 years go by before briefing our allies. And it is a mystery to me why they would have waited that long given that I think we all agree that it is pretty important to engage our allies in a campaign of diplomatic pressure on the Russians to cease these violations.

Second, on your comments about the threat to our allies from these missiles, I would like to inject into the discussion the fact that we also need to be mindful of the Russian tactical nuclear weapons that are deployed in Europe. But you know the numbers are classified, but I think most estimates are that Russia has about a 10-to-1 advantage over NATO in terms of the number of tactical nuclear weapons.

And you combine that with evidently movement toward the deployment of these types of missiles, which could deliver those tactical nuclear weapons, and I agree with you entirely, our allies should be much more alarmed than they are.

Mr. COOPER. I know my other colleagues have questions and they have rung the bells for votes. So I should yield the balance of my time.

Mr. ROGERS. Thank the gentleman.

Chair now recognizes the gentleman from—not Arkansas, Arizona, Mr. Franks.

Mr. FRANKS. Well, thank you, Mr. Chairman. I am not from Arkansas, that is for sure. Thank you, Mr. Chairman.

Mr. Chairman, you know General Breedlove said that a weapons capability that violates the INF and that is introduced into the greater European landmass is absolutely a tool that will have to be dealt with. And he said I will not judge how the alliance will choose to act. But I will say that they will have to consider what to do about it.

It is a question that cannot go unanswered. That is his basic point here. And if you will grant me just a little diplomatic immunity here, Mr. Chairman, we have witnessed this President ignore the green movement in Iran. We have witnessed him, it appears now, be entering into an agreement with Iran that will have a protected protocol for them to enrich uranium.

We have witnessed him take the side of the Muslim Brotherhood in Egypt. We have, we witnessed the President set a faulty red line in Syria and failed to secure the embassy in Benghazi on the 11th anniversary of 9/11.

We have witnessed him fail to secure a status of forces agreement in Iraq, which is in the midst of falling now in the hands of ISIS [Islamic State of Iraq and Syria], one of the most deadly terrorist groups we have seen in years. And we are now witnessing him, seeing our most vital and cherished ally, Israel, feeling abandoned and alone in the world under attack.

Mr. COOPER. Mr. Chairman.

Mr. FRANKS. So my question is, is this administration going to call what Russia is doing now a violation of the INF? Do you think that they will stand up and say it is a violation?

And if they do, will they inform the Congress of that fact and the American people and our Article 5 NATO allies before they inform Russia? Will they stand up in this situation? Or will they do as they have done in the litany I have just outlined? Mr. Rademaker.

Mr. RADEMAKER. Congressman, I think the answer at the moment is we don't know.

Mr. FRANKS. Well you see, I wouldn't be shocked.

Mr. RADEMAKER. I hope they will. Again, according to the New York Times they concluded there was a likely violation in 2011.

There have been two Arms Control Compliance Reports submitted to the Congress since then, neither of which has mentioned this issue.

Another one was due on April 15th of this year. It may be forthcoming soon. And I think that will be an interesting test of the question you ask, whether they are prepared to confront this in the forthcoming Arms Control Compliance Report.

Mr. FRANKS. Well, let me put the question to the entire panel here. Is there anyone on the panel that would say that they believe that the Russians have violated the INF or have not? Mr. Rademaker, do you believe that the Russians at this point have in fact violated the INF?

Mr. RADEMAKER. Well, I think you know I am like the other panelists here. I do not have access to classified information so I have to rely on what has been in the news media.

Assuming what I have read in the news media is true, yes, it sounds like a violation, frankly a material breach of the obligations that Russia has under the INF Treaty.

Mr. FRANKS. Mr. Thomas, what do you think? Has Russia violated the INF?

Mr. THOMAS. Sorry. Based on what has been reported already in Western reports already, as well as even within Russia's own media, there are good reasons to believe that Russia may indeed have violated the INF Treaty.

Mr. FRANKS. Ambassador, what is your perspective?

Ambassador PIFER. At this point, not having access to classified information, I do not know. Based on what I have seen in open sources I do not believe the RS-26 is a violation of the INF Treaty. There is a much more serious concern, apparently, about the cruise missile question.

Mr. FRANKS. Well, I think it is, in my judgment, obvious that the Russians have violated the INF. And I would hope this President, even given his newfound flexibility after the election, would face that directly and bring this to the American people and inform Russia and stand up.

Because these treaties, if there is to be any hope for treaties, if we do not abide by them and we do not hold each other accountable then the treaty is not worth the paper it is written on. And I think it is a big issue, Mr. Chairman. And I hope the President would consider the sentiments here.

Mr. ROGERS. I thank the gentleman.

Chair now recognizes another member who is not from Arkansas, and my colleague, Mr. Lamborn from Colorado.

Mr. LAMBORN. Thank you, Mr. Chairman.

I thank you all for being here. This is a very important issue, and I appreciate the perspective each one of you brings to this panel and this important discussion.

Mr. Rademaker, you said in your testimony as well as in your written statement that even though we had made gestures to the Soviet Union through New START, pretty much unilateral because we only came down to the level they were already at for the most part, that it hasn't been reciprocated. And they have no interest in really going beyond that.

I am concerned that like you said here, the President has called for a further unilateral—what appears to be a unilateral reduction in our strategic forces. Are you concerned about the unilateral aspect of the U.S. further reduction, or a reduction even if it is reciprocated by the Russians given that there are other countries not being included like China?

Mr. RADEMAKER. Yes, Congressman. I comment on that in my prepared testimony.

As you know, President Obama in his Berlin speech last year called for a further one-third reduction in deployed U.S. strategic nuclear forces. He indicated in the speech that he hoped to negotiate that with Russia.

And he had in fact dispatched his national security advisor to Moscow to try and commence that kind of conversation. The Russians, by all indications, were not interested in his initiative.

One of the points I make in my testimony is I think there has been some ambiguity about whether, at the end of the day, President Obama would be prepared to try to implement that one-third reduction unilaterally even if Russia did not undertake to make the same reduction. And I think the current moment would be a good one to eliminate any hope that they may have in Moscow that President Obama would do such a thing.

The combination of what Russia has done in Crimea with the violations of the INF Treaty that we are here discussing today, to me that provides a useful occasion to close the door to the hope that the Russians may have that because of his deep commitment to eliminating nuclear weapons President Obama might unilaterally—

Mr. LAMBORN. Mr. Rademaker, if our administration had clear vision I think that that would be the case. But you listen to the litany that Mr. Franks recited.

And I think this administration and the President in particular have rose-colored glasses on. They are overly optimistic about how their—how the U.S. example is going to be so compelling that other countries will follow it. And yet that hasn't been the case. Would you agree with that?

Mr. RADEMAKER. Basically yes. I mean I think President Obama deeply believes that nuclear weapons are a threat to humanity and he would like it to be part of his legacy to abolish them, or at least take dramatic action in the direction of abolishing them. And I think it is a source of great frustration to him that the Russians aren't interested in joining him in that effort.

You know I feel his pain. But you know we can't wish the Russians to be different than they are. Maybe one day they will be different. But under the current government they have their priorities and it is evident what they are.

So I wish he would be clearer because I think the Russians—the Russians, I dealt with them a lot in the arms control context. They look for weakness and seek to exploit it. And I think they detect President Obama's personal desire to do this. And you know why should they negotiate reductions with us if they think America is going to give them—give unilateral reductions in exchange for nothing?

So step back and wait for President Obama and his passion to eliminate these weapons from the face of the earth to move unilaterally. I mean for Russia, from a pure national interest point of view, not sharing President Obama's enthusiasm for eliminating these weapons, that would be a huge progress for them.

Mr. LAMBORN. Thank you. And for any one of you, real quickly here, given the fact that China is more powerful than ever and growing more powerful, including on the strategic level, should we continue in the former mode of just bilateral negotiations with us and Russia where China is left out? Or should we include them in any future arms control agreements? Any one of you. Ambassador.

Ambassador PIFER. Yes, sir. I think at current point now if you look at the total U.S. and Russian nuclear arsenals, each of these countries is probably about 10 times the size, actually more than 10 times the size of the nuclear arsenals of any third country, including China. So at some point if the U.S. and Russia continue to come down you have got to bring in third countries.

Mr. LAMBORN. Or if they continue to come up.

Ambassador PIFER. Or if they continue to come up, correct. But I think there is still—it would be room for at least one more U.S.-Russia reduction before you had to get a more complicated issue of third countries.

If I could come back briefly to the President's proposal in Berlin, as I understood the Pentagon is that the Pentagon view was that the United States could reduce deployed strategic warheads by about one-third from the 1,550 limit without regard to a Russian reduction.

However, every administration comment I have seen publicly since last June a year ago has been that they are talking about a reciprocal reduction. And my guess is that with the recent turn in U.S.-Russian events, I would be astonished that there is any expectation in Moscow of a U.S. unilateral nuclear reduction at this point.

Mr. LAMBORN. I hope you are right. Thank you.

Mr. ROGERS. Thank you all. We have been called for votes. We are only going to have two votes. So we are going to recess briefly while we run over and hit those two votes. We should be back in about 20 minutes, if you will hang around.

Thank you.

[Recess.]

Mr. ROGERS. The hearing is now back—called back to order. We do have another member here.

I appreciate you all waiting around. I know that is awful aggravating when they call us for votes and—in the middle of a hearing. But it is what it is. But this has been a very informative process, and I really appreciate you being here.

The ranking member has brought to my attention that the rules require that members are not allowed to refer to other members or the President in derogatory ways during these questions. So we would ask everybody to adhere to that and maintain a certain decorum in here.

I would like to recognize the ranking member on that issue for a moment.

Mr. COOPER. Thank you, Mr. Chairman. I checked with the parliamentarian during the votes and he pointed out that clause 2(k) section 4 of rule XI requires that committees be operated according to the order and decorum of the House. And I think when members ask the chair for immunity in anticipation of out of bounds comments they are about to make, and I just heard another member eagerly anticipate what he called a rant.

That doesn't sound like even the members themselves are operating—know they are operating out of bounds of order and decorum. So I would ask the chair to enforce the rules of the House.

Mr. ROGERS. I thank the gentleman.

Chair now recognizes the gentleman—

Mr. TURNER. Just a second. Mr. Chairman, I have an inquiry.

If the ranking member is complaining about members saying things about a member, and does so by saying something about another member, is that a violation?

Mr. COOPER. I think the House rules talk about naming members by name—

Mr. TURNER. So if we do it—

Mr. COOPER [continuing]. The President by name.

Mr. TURNER. If we do it without maybe saying their name. Okay. Great. Well, now that we have that down we will make certain we follow that. Thank you.

Mr. ROGERS. Chair now recognizes my friend and colleague, the gentleman from Ohio, the former chairman of this subcommittee, Mr. Turner, for 5 minutes.

Mr. TURNER. Thank you, Mr. Chair.

Mr. Pifer, thank you for your language that you have used today. It is very informative, and it is very specific. And I want to go back to your language.

A few members ago you were asked the question of whether or not Russia was in violation. You first carefully said that you do not have access to classified material. And I appreciate that distinction.

And then secondly you said that you do have concerns. And that I think is a very careful statement considering the lack of access. So it is not saying that there is not a violation. It is not saying there is. But it is saying there are concerns. And that would be accurate. Right? Okay.

Mr. Pifer, you are considered an expert on arms control. You are director of Arms Control and Non-Proliferation Initiative for The Brookings Institution.

Expert, expertise is based upon knowledge. And I appreciate that you have said that you don't have access to classified information. And so that does, to some extent, limit your expertise or your knowledge. And you cite that you were looking to open sources.

So, for you to be asked a question are they or are they not, you have carefully not concluded. Because I mean you would agree with me, right, that if you actually concluded whether or not Russia was or was not, it would be just frivolous speculation. Is that correct?

Ambassador PIFER. At this point as I said I think that there is enough information in open sources about the RS-26 ballistic missile that my own conclusion is that it is consistent with the definition of an ICBM.

But what I have seen in open sources regarding the cruise missile question, which I gather to be the more serious issue, there is not yet enough detail to come to a conclusion. But certainly if the Russians are testing, producing, or deploying a missile within the range band of INF, that would be a violation.

Mr. TURNER. But you would agree for you to go further and actually conclude would be a frivolous speculation. It would not be the careful language that you have had, the frivolous speculation. Correct?

Ambassador PIFER. I am not comfortable making that conclusion because I don't have the access to information. That is correct.

Mr. TURNER. So if you did conclude it would just be frivolous. We wouldn't be able to use the information. We wouldn't be able to conclude anything from the information.

Ambassador PIFER. If I reached that conclusion now based on what I know it would be speculative.

Mr. TURNER. Right.

A year ago on July 2013 you wrote a blog criticizing our chairman saying, "Allegations of Russian Intermediate-Range Nuclear Forces Treaty Violations—Where's the beef?"

Your conclusions today are different than your conclusions in this July 2013 op-ed, are they not?

Ambassador PIFER. That article in July was focused on the question of the RS-26 ballistic missile.

Mr. TURNER. Well did your—you are raising issues, though, about what the chairman has said. And there is no statement in here as to a limitation of what—of which missile he is talking of. He has raised concerns about possible Russian treaty violations. And you say in there he doesn't specify what the violation was. So you can't—your article is not just on that missile. It is on the issue of Buck McKeon having concerns.

Ambassador PIFER. The concern that I raised in that article was at the time the public speculation out there was focused on the ballistic missile, not the cruise missile.

Mr. TURNER. Well, you can't say that. It says right here that he did not specify what the violation was. So you can't say that is what it was. I mean in your article—let me put this in the record. I will put this in the record.

[The information referred to can be found in the Appendix on page 71.]

Mr. TURNER. I have a question for you about your conclusion. You cite NASIC [National Air and Space Intelligence Center] in here, which thank you for citing NASIC. They are in my district. But I will note from your statement that you don't get classified briefings from NASIC.

You have here though that our chairman is—this is a critical compliance assessment you say based on facts and evidence, not on allegations that border on frivolous. You say that our chairman is being frivolous in having concerns in July 2013 that there may be treaty violations. But yet today you say you have concerns. Do you want to retract this statement about our chairman?

Ambassador PIFER. The article that I wrote a year ago was focused on reports out that were focused on the ballistic missile, the RS-26.

Mr. TURNER. That is not what this article says. And again we will put it in the record. You are criticizing the chairman. And you say that he does not specify what the violation was. And then you say his concerns are frivolous. You can't be saying what his concerns are because you cite in the article that you don't know what they are.

But the thing that I find really interesting is that you don't have access to any classified information and you know he does. I mean you don't know what he knows. But yet you felt the need to write this op-ed.

So I want to ask you. Surely, because you don't have access to classified information, you probably picked up the phone and called someone just to check with them before you went on this rant in calling our chairman frivolous. I would like to know, who did you call in the State Department to just check in on this?

Ambassador PIFER. Congressman, I wrote that article on the basis of stories at the time that were focused on the RS-26 ballistic missile.

Mr. TURNER. Did you call anyone at the State Department and say, hey, this letter was a concern. Is anybody working on this? Is there anything I should know?

Ambassador PIFER. I did make one call to somebody—

Mr. TURNER. Who did you call?

Ambassador PIFER. I called—

Mr. TURNER. And you are in front of Congress, so this is one of the ones where you get to be truthful. Who did you call?

Ambassador PIFER. I called the Deputy Assistant Secretary of State, Congressman, and said here is an argument I plan to make.

Mr. TURNER. Name?

Ambassador PIFER. Is it a dumb argument?

Mr. TURNER. Care to give us—you gave us the title.

Ambassador PIFER. It was Deputy Assistant Secretary Rose.

Mr. TURNER. Thank you so much.

Ambassador PIFER. Frank Rose.

Mr. TURNER. All right. He misled you, unfortunately.

Ambassador PIFER. No, because again the conversation I had with him was specifically on the RS-26 issue.

Mr. ROGERS. The gentleman's time is expired. We are going to have another round in just a minute so we will get back to that.

Chair now recognizes himself for questions.

How long should the U.S. continue to unilaterally be bound by the INF Treaty? We are at present apparently the only party complying with the treaty. Do we let this drag on for 6 years? In some ways it already, reportedly, is—has drug on too long. What do you think, Mr. Rademaker?

Mr. RADEMAKER. Mr. Chairman, I say in my statement that I don't think we should respond to what we know Russia to have done at this point by pulling out of the treaty. I think from a Russian perspective that would be more of a reward than a punishment.

Because from my personal dealings with them I know that they would very much like to get out from under the treaty. And so I think they would welcome a U.S. decision to withdraw because that would obviate the need for them to withdraw.

That said, I suppose we do—we need to be mindful of what they are doing. We need to pay close attention. And it could be that at some point they step across a line that does jeopardize our security. And at that point of course we would have to take measures that might include withdrawing from the treaty and deploying counter-measures either in the area of missile defense or our own INF-range missiles.

Mr. ROGERS. Well, on that point, you know you were a lawyer, as I understand it, with the State Department. How would you define a difference between a violation and a material breach and the consequences of each?

Mr. RADEMAKER. Okay. Well, Mr. Chairman, the international law on that question is set forth in Article 60 of the Vienna Convention on the Law of Treaties. And I can just read you what it says. It says “a material breach of a treaty consists in the violation of a provision essential to the accomplishment of the object or purpose of the treaty.”

So you know I think the difference between a material breach and—let me put it this way. A violation—the difference between a violation that is a material breach and a violation that is not a material breach is that one that is a material breach is one that violates a provision essential to the accomplishment of the object or purpose of the treaty.

And so then you would have to look at what is the object and purpose of the treaty to determine what a material breach might be. I think the object and purpose of the INF Treaty is fundamentally to forbid the parties to possess or test INF-range missiles.

The allegation in the New York Times article was that Russia has tested an INF-range treaty. So if that allegation were true, I think that would rise at the level of a material breach.

Now I guess I should distinguish between reaching an internal legal conclusion that there has been a material breach and a decision to declare to the world or confront the other side with the accusation of a material breach. If the allegations in the New York Times story are true, I think as a legal matter there is a material breach.

What we choose to do on the basis of that information is up to us. Again, I mean there is relevant international law on this. Just because there has been a material breach does not automatically terminate the treaty. It gives the victim of the breach the right to terminate the treaty, but it doesn't automatically terminate it.

In other words, it creates a situation where the treaty becomes voidable, but not necessarily void.

Mr. ROGERS. Thank you very much.

Chair now recognizes the ranking member for any additional questions he may have.

Mr. COOPER. Thank you, Mr. Chairman.

At some point in the questioning the issue came up about when the current administration knew about a possible violation of the INF Treaty and what we should have done to notify our allies about it.

It is sometimes true, perhaps not always true that our means of detecting a violation is secret. And by revealing the knowledge that

we have, we might compromise sources and methods. And of course no one wants to do that, right?

So since none of the witnesses have been able to have access to classified information we don't really know the answer to the question of when revealing a treaty violation might compromise our intelligence gathering. So it might be a little bit hasty to presume that immediately on suspecting a violation we should have immediately made it a big issue. So sometimes the only exercise people get is jumping to conclusions.

Now it is—I don't want to jump to conclusions either. But it—just like I pointed out earlier that we are the only country that really has open forums on discussions like this. So that puts us at a disadvantage.

So let's not put ourselves at further disadvantage by establishing a de facto requirement that as soon as you learn something you tell everything you know. That would be silly because hopefully the purpose of hearings like this is to strengthen America, not to weaken America. And I sometimes worry that by exposing internal divisions, some of which are purely political, that we have the unintended consequence of aiding our enemies, not strengthening our own cause.

I noted in Mr. Pifer's testimony that he pointed out that it would be useful for the current administration to revive the Special Verification Commission, which apparently hasn't even met since 2007, and that might be a useful way. Can you tell me the composition of that commission and what purpose reinvigorating them might serve?

Ambassador PIFER. Well, I think in terms of the U.S. engagement with the Russians on this issue there are two levels. One is the political channels, including at the Cabinet level, Secretary Kerry, Secretary Hagel, with their Russian counterparts.

But the INF Treaty specifically established the Special Verification Commission. And one of its defined purposes in the treaty was to address issues or questions about compliance. So that would be where you would get into the technical level questions where you want to explore the alleged violation. Ask the Russians what is going on and try to get their explanation of it.

Mr. COOPER. Who are the members of the Special Verification Commission, just Russians and Americans? It is not—does it have European representation?

Ambassador PIFER. It is a U.S.-Russian commission, which I think—and this I am uncertain. The Belarusians, Kazakhstanis, and Ukrainians I think also have participation on the Russian side. This was a fact that when the Soviet Union collapsed you had INF systems in different countries.

I believe two countries, Turkmenistan and I think Uzbekistan, basically said we won't play. They only had one INF site that was eliminated on their territory. And then those other four countries, though, assumed the Russian obligations. So it is the U.S. on one side of the table, and then the Russians, Kazakhs, Belarusians, and Ukrainians on the other.

Typically I think what the United States does though is that when there is this kind of group meets, if there are issues of impor-

tance then we typically brief the allies. There are set up channels at NATO to do that.

But I think you are correct. I think it actually has not met since 2003.

Mr. COOPER. Oh, really, that long a period of time?

Ambassador PIFER. Well, the treaty basically—all of the reductions in the treaty were accomplished by 1991. All of the treaty inspections ended in 2001. So I think the mechanism remains there.

It is an indefinite mechanism as the treaty is indefinite. But neither side over the last 11 years has called to use it. And I think in this case if there are the sorts of concerns that are suggested in the New York Times, it would be appropriate to activate that mechanism.

Mr. COOPER. One other aspect of the INF Treaty that hasn't been illuminated in this hearing is that it authorizes some pretty intrusive inspection mechanisms—inspection mechanisms that we apparently found very helpful in terms of inspecting Russian sites and talking with scientists and things like that.

Are those still in place? You noted somewhere in your article, I think June 9, 2014, that in one location they were still in full force, but perhaps others had atrophied. Are we still under the INF Treaty conducting these on-site intrusive inspections?

Ambassador PIFER. No, sir. The INF inspections were—in the treaty were to continue for 13 years after entry into force. So the last INF inspections ended in 2001.

Mr. COOPER. Well, there was one site, I am sure I won't pronounce the Russian—it seemed like out of habit we still had a presence, Votkinsk.

Ambassador PIFER. Sir, that would be Votkinsk. What happened is we had a presence under the INF Treaty at Votkinsk. But we also had a presence under START I at Votkinsk.

Mr. COOPER. So it is under the START I?

Ambassador PIFER. Right. And the START I Treaty expired in 2009, yes.

Mr. COOPER. So our folks are there today, or no longer there?

Ambassador PIFER. They left in 2009.

Mr. COOPER. Got you.

Thank you, Mr. Chairman. I yield back.

Mr. ROGERS. I thank the gentleman.

Chair now recognizes the gentleman from Arizona, Mr. Franks, for 5 more minutes.

Mr. FRANKS. Well, thank you, Mr. Chairman. Mr. Chairman I would just try to make a couple points here.

Senator Kerry recently stated if we are going to have treaties with people we have got to adhere to them. We are not going to pass another treaty in the U.S. Senate if our colleagues are sitting up here knowing somebody is cheating.

I guess the first thing I would do, Mr. Rademaker, Mr. Thomas, and Ambassador, would you—do you agree with the Senator's perspective? Do you agree with his position?

Mr. RADEMAKER. You are referring to the recorded comments of Senator Kerry when—

Mr. FRANKS. Yes.

Mr. RADEMAKER [continuing]. When we found this at the Foreign Relations Committee? He is certainly more expert on what the Senate is prepared to do——

Mr. FRANKS. I am not asking for his expertise. I am asking for yours.

Mr. RADEMAKER. You know I think I agree with his observations.

Mr. FRANKS. Okay. Mr. Thomas.

Mr. THOMAS. I think we clearly have an interest in ensuring adherence to the treaties that we have entered, and making sure as long as they are enforced.

Mr. FRANKS. I don't mean to be redundant here, but Mr. Ambassador, do you think that it is important that we adhere to them and——

Ambassador PIFER. No, adherence to the treaty is absolutely important. Although I would point out in the past that although there have at times been questions about Russian or Soviet observance of the ABM treaty, the Reagan administration went ahead and concluded additional treaties.

Mr. FRANKS. Well, in response to the Soviet Union's violation of that AMB missile treaty, 23 members of the House of Representatives, led by Les Aspin, Harry Reid, and Barney Frank, that is not exactly the conservative opportunity society, wrote that violations of the ABM treaty went to "the heart of arms control process. And adherence to existing treaties is a necessity in order for future agreements to be possible. And that if this problem is not resolved in a satisfactory matter it will have serious consequences for the future of arms control and the arms control process."

You all think that the majority leader of the Senate at that time was correct when he wrote that letter? And is that a standard that should apply today?

I am just trying to be real basic here. I am not trying to over—you know, but the bottom line is, it is not a small issue. If we don't adhere to our treaties, if we don't enforce them, you know. And I just am convinced that we are in the process of demonstrating that we are willing to stick by a treaty and let our potential opponents go their own way. And I think that has profound implications.

I am afraid that this administration is doing for vacillation and provocative weakness what Stonehenge did for rocks. And I am concerned that this is sending a message that the world over, and that it is at the heart of some of the instability in the world.

If we don't have a clear, clarion message that America is a faithful partner to a treaty and requires people to be faithful to them, then not only is the treaty process vitiated, but ultimately the whole attitude of the world is you can't depend on America.

You know we had the agreement with the Ukraine that if they would give up their nuclear weapons that America would protect their sovereignty, their physical sovereignty. Russia said the same thing.

Now, Russia might have sort of abrogated that, but we did too. And this President didn't even apply some of the sanctions that he could have, much less military response.

And the entire glue of an alliance that holds it together is that you believe that you can count on your partners. You can count on your allies to be there when you need them. And I am afraid that

we are just sending this message that America is no longer really going to be a committed partner.

So I am hoping, I am hoping that the three of you in this discussion today will elevate this issue. Because in my judgment there is no doubt that the Russians have abrogated this treaty. And if we have no response, it is not good news for our children and future generations.

And I hope if nothing else comes from this committee that we—this particular hearing, that we somehow tell the world that there is still an America that you can count on. And right now that is not what the world thinks.

Thank you, Mr. Chairman.

Mr. ROGERS. I thank the gentleman. I want to thank the witnesses for being here. I do want to announce that today Chairman Poe and I have sent a letter to Secretary Kerry to tend to this issue and start looking at what we should do about these violations.

Thank all of you. I know it takes a lot of time to prepare for these things, and I appreciate your attendance here today. It has been very helpful.

And with that, this hearing is adjourned.

[Whereupon, at 11:10 a.m., the subcommittee was adjourned.]

A P P E N D I X

JULY 17, 2014

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JULY 17, 2014

Statement for the Record of Chairman Mike Rogers
Subcommittee on Strategic Forces
HEARING ON
Russian Violations of the INF Treaty: After Detection—What?
July 17, 2014

I call this hearing of the Strategic Forces Subcommittee to order. I thank the Members and the panel for being here today for our hearing “Russian Violations of the INF Treaty: After Detection—What?”

We have a distinguished panel of witnesses here today. They are:

- Mr. Stephen Rademaker
National Security Project Advisor
Bipartisan Policy Center
- Mr. Jim Thomas
Vice President and Director of Studies
Center for Strategic and Budgetary Assessments
- Ambassador Steven Pifer
Director, Arms Control and Non-Proliferation Initiative
The Brookings Institution

I want to thank you all for taking the time to prepare for this hearing.

This is an important hearing. I had initially offered the Administration the chance to be here today to testify on Russia’s violations of the INF treaty, but it declined to do so.

What this means is that, because the annual arms control compliance report, which was due to be submitted in April of this year, still has not been submitted, the world continues to wait to see what actions the United States will take to respond to Russia’s violations of the INF treaty.

Let there be no doubt, Russia is violating that treaty. In fact, the House of Representatives has voted, by passing my bipartisan language from the FY15 NDAA (H.R. 4435), to find Russia in material breach of its obligations under the INF treaty.

No one can read the *New York Times* article of this past January without concern about Russia’s actions and the failure of this Administration to respond.

No one can read this and have trouble understanding why NATO, our European allies, our Asian allies, and many others are concerned. If President Obama won’t state what we all know – Russia is violating the INF treaty – what are the odds he will defend our allies from these new military threats?

I am waiting for the President to show some leadership. He has promised bold action:

- President Obama stated in Prague in April 2009 that “Rules must be binding. Violations must be punished. Words must mean something.”

- President Obama's Nuclear Posture Review of 2010 stated, "it is not enough to detect non-compliance; violators must know that they will face consequences when they are caught."
- The Obama Administration's July 2010 Verifiability Assessment released by the Department of State on the New START treaty stated: "The costs and risks of Russian cheating or breakout, on the other hand, would likely be very significant" and the "financial and international political costs of such an action."

So where's the promised action?

Our allies are wondering.

No doubt Putin is wondering if he'll get away scot-free with this too.

This hearing today is intended to equip this subcommittee with the information it needs to make sure – with or without the President – that Putin is held accountable for his violations of this treaty.

This subcommittee does not believe in "leading from behind" or when it comes to the national security of the United States that it's enough to aim for "hitting singles and doubles".

These are serious times, and they call for serious people.

With that, I offer my colleague, the gentleman from Tennessee, with the lousy taste in college football teams, the floor to offer any remarks he wishes to make.

**STATEMENT OF STEPHEN G. RADEMAKER
National Security Project Advisor, Bipartisan Policy Center
Principal, The Podesta Group**

**“Russian Violations of the INF Treaty: After Detection—What?”
Committee on Armed Services
Subcommittee on Strategic Forces
U.S. House of Representatives
July 17, 2014**

Chairman Rogers, Ranking Member Cooper, Members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the issue of Russian compliance with the Intermediate-Range Nuclear Forces (INF) Treaty of 1987.

There is, of course, nothing I can tell you about the underlying facts that you don’t already know. I am not privy to classified information about the Russian missile tests that, according to the State Department, have given rise to “concerns about Russian compliance with the INF Treaty”, so my knowledge is limited to what has appeared in the *New York Times* and other press reports on the subject. But hopefully I can help you interpret what you know, and suggest some conclusions that should be drawn by you and the Obama Administration.

The INF Treaty

I will begin by making some observations about the INF Treaty itself. The treaty was a product of the Cold War, and was in many ways a vindication of President Reagan’s policy of promoting “peace through strength”. He had to overcome fierce opposition not only from the Soviets, but also from peace activists in Europe and here in the United States, in order to lay the groundwork for conclusion of the treaty.

By verifiably forbidding either the United States or the Soviet Union to possess ground-launched missiles with maximum ranges between 500 and 5500 kilometers, the INF treaty contributed to security in the European theater, and was profoundly reassuring to the populations of some of our key NATO allies. Today it continues to be more important to the security of our allies in Europe and Asia than to us, for the simple reason that ground-launched missiles of this range cannot reach America from Russia (except for Alaska).

Whether the INF treaty can survive over the long term, however, is open to question. In a world where increasing numbers of countries are building and deploying INF-range missiles, it becomes increasingly difficult to explain why just the United States and four successor states to the Soviet Union (including Russia) should be forbidden to possess these kinds of missiles, when every other country in the world is allowed to have them. One of my co-panelists today, Mr. Thomas, has written about why it would be in the U.S. national interest to be able to deploy

conventionally-armed missiles of INF range. I am sure he will elaborate on that point in his testimony.

The Russians feel even more strongly about this than Mr. Thomas. As early as 2005, Russian Defense Minister Sergei Ivanov raised with Secretary of Defense Donald Rumsfeld the possibility of Russian withdrawal from the treaty. President Putin has since complained publicly about the unfairness of the treaty to Russia, and I know from my own conversations with Russian officials during my time in government that they would like to get out from under it. The reason is very simple: Russia is within striking distance of a number of countries that today deploy INF-range missiles, including China, Iran, North Korea and Pakistan, yet Russia is forbidden by the treaty to match the missile deployments of these countries.

One of the ironies of this complaint is that missile technology proliferation from Russia contributed significantly to the missile programs of Iran and North Korea, and North Korea in turn has contributed to Pakistan's missile program. So in fact Russia is complaining about a problem that is, to a significant extent, of its own making.

Nevertheless, in evaluating Russia's actions and our possible responses, we have to recognize that Russia's commitment to the INF Treaty is paper-thin, and they would welcome a U.S. decision to terminate the treaty. I believe this helps explain why they have taken such a cavalier attitude toward compliance with the treaty. This recognition should also inform our response to Russia's violations, as it would be a mistake to react in ways that will be seen by them as a reward rather than as a punishment.

Russia as an Arms Control Partner

Russia's attitude toward the INF Treaty is symptomatic of a larger truth: Russia is not the arms control partner that the Obama Administration wants it to be. In his Prague speech in 2009, President Obama spelled out his dream of achieving "a world without nuclear weapons." If it was not evident to President Obama in 2009, it should be evident today that Russia does not share this dream.

Russia today perceives itself to be surrounded by unfriendly neighbors—China to the East, NATO to the West, and unstable Muslim countries to the South—and does not believe it can rely on its conventional military forces to handle all these threats. Nuclear weapons therefore remain central to Russian defense planning, and they have no intention of giving them up. Indeed, as one Russian official told me some years ago "Nuclear weapons are more important to our security now than ever before."

There is nothing about the Obama Administration's principal arms control achievement—the New START Treaty—that contradicts my contention about Russia's fundamental attitude toward arms control. That treaty mandated no meaningful Russian nuclear reductions, but rather amounted to a unilateral U.S. undertaking to legally bind itself to reduce

U.S. nuclear forces to the Russian level. The Obama Administration intended this to be an attractive offer to the Russians, but rather than immediately accepting it, they chose instead to try to extort from the United States additional limitations on missile defenses and conventional prompt global strike capabilities.

This should have been an eye-opening experience to the Obama Administration, but the Administration was undeterred. Just last year, President Obama called for a further 1/3 reduction in strategic nuclear forces below the New START level, and he dispatched his National Security Advisor to Moscow to try to interest them in negotiating a new round of nuclear reductions. Needless to say, the Russians were not interested.

President Obama could yet seek to implement these proposed reductions unilaterally. The Russians no doubt hope that he will. If nothing else, Russian actions in Crimea, combined with their violations of the INF Treaty, should provide occasion for the Obama Administration to once and for all slam shut the door to unilateral nuclear reductions.

After Detection—What?

The title of today's hearing echoes Fred Ikle's seminal 1961 article on enforcement of arms control treaties. He famously observed that:

detecting violations is not enough. What counts are the political and military consequences of a violation once it has been detected, since these alone will determine whether or not the violator stands to gain in the end.

President Obama apparently agrees in principle with Ikle, insisting in his Prague speech that "Rules must be binding. Violations must be punished. Words must mean something."

However, there is little about Russia's violations of the INF Treaty that suggests President Obama's words are being taken seriously. By all accounts, the violations at issue were intentional rather than accidental. And if Russia is intentionally testing missiles prohibited by the treaty, that has to be seen as a serious violation.

Further, according to the New York Times, Administration officials were persuaded that there was a compliance concern by the end of 2011. I have seen letters signed by a number of members of Congress suggesting that they believe the Administration knew Russia was violating the treaty substantially earlier than that.

Even if the New York Times date is the correct one, the Administration waited more than two years before briefing our NATO Allies—who have far more at stake when it comes to this treaty than do we—about Russia's actions. And the Administration has yet to address the matter in any of its arms control compliance reports to Congress, which are required to be submitted annually, notwithstanding that such reports have been submitted each year since 2010.

The Administration says of its concerns that “[w]e have raised them with Russia and are pressing for clear answers in an effort to resolve our concerns.” But from the outside it appears that this issue is being driven more by congressional indignation over the violations than anything else.

I have already indicated that I do not believe the appropriate remedy in this case is for the United States to withdraw from the treaty. Rather, since Russia so clearly wants out, we should make sure that they alone pay the political and diplomatic price of terminating the treaty. But it is also clear that we cannot and should not ignore the violations. Contrary to what some might believe, doing so will not advance the interests of arms control, but rather will serve only to tempt the Russians to believe that they can successfully cut corners on other arms control agreements.

So how should the United States respond? I suggest the following:

- The Obama Administration needs to start worrying less about its arms control agenda and more about the security implications of Russia’s reported INF violations. It should speak out plainly on the subject, both in public and through diplomatic channels. It should urgently convene a meeting of the Special Verification Commission, the implementation body established under the INF Treaty, to press its compliance concerns. Inexplicably, that body has not met since 2007. Most importantly, the Administration needs to stop leaving the impression that it is acting reluctantly and only because Congress is forcing its hand.
- The Administration must also absorb the lesson that Russia is not on board with their dream of a nuclear-free world. Russian nuclear weapons are going to be with us for the foreseeable future, and therefore America will continue to need a robust and reliable nuclear force of its own. There is a long list of nuclear modernization requirements that the Administration has delayed, ranging from replacement of our ballistic missile submarines to warhead life extension programs and critical infrastructure at our national labs. These delays must end so that Russia understands that they will not gain through obsolescence what they are refusing to negotiate at the bargaining table.
- The United States needs to begin planning for a post-INF world. This treaty is unlikely to be with us for the long-term, because Russia wants out, and evidently is taking concrete steps in anticipation of getting out. We need to make sure that when that day comes, we and our allies do not find ourselves at a disadvantage because Russia is deploying previously prohibited missiles.
 - In a post-INF world, Russia will be able to target INF-range missiles (which it evidently is now testing) on our allies in Europe and Asia. We need to work with

our allies to begin planning the deployment of missile defense capabilities sufficient to meet this threat. The existing European Phased Adaptive Approach (EPAA), for example, should be revisited. The EPAA was designed with the much more limited threat from Iran in mind. More robust capabilities will be needed to defend our European allies against Russian INF-range missiles should they be deployed. Similar missile defense planning needs to begin with our allies in Asia as well.

- The United States needs to consider what INF-range capabilities it can usefully deploy in a post-INF world. In this regard, the recent report prepared by the Joint Chiefs of Staff and the U.S. Strategic Command on “Conventional Prompt Global Strike Options if Exempt from the Restrictions of the INF Treaty” identifies four options that should be explored:
 - Modifications to existing short range or tactical weapons systems to extend range;
 - Forward-based, ground-launched cruise missiles;
 - Forward-based, ground-launched intermediate range ballistic missiles; and
 - Forward-based, ground-launched intermediate range missiles with trajectory shaping vehicles.

Consistent with this report, these four conventional prompt global strike options should be evaluated, as well as other possible INF-range missile capabilities.

I believe these recommendations are consistent with Fred Ikle’s analysis in his 1961 article. He observed that in responding to arms control violations, “Political sanctions are likely to be less effective than an increased defense effort.”

For these reasons, I commend you for beginning a discussion about these issues, and I look forward to responding to your questions.

STEPHEN G. RADEMAKER

Stephen G. Rademaker is a National Security Project Advisor at the Bipartisan Policy Center. He is currently a Principal at the Podesta Group in Washington, DC. Mr. Rademaker previously held a variety of positions in all three branches of government over a period of more than twenty years.

Most recently, he worked on the staff of Senate Majority Leader Bill Frist, where he served as Policy Director for National Security Affairs and Senior Counsel. In this position he assisted the Majority Leader in managing all aspects of the legislative process relating to foreign policy, defense, intelligence, and homeland security matters, including pertinent authorization and appropriations bills, presidential nominations, and treaties.

In 2002, Mr. Rademaker was confirmed by the Senate as an Assistant Secretary of State, and from then until 2006 he headed at various times three bureaus of the Department of State, including the Bureau of Arms Control and the Bureau of International Security and Nonproliferation. He directed nonproliferation policy toward Iran and North Korea, as well as the Proliferation Security Initiative. He also led semiannual strategic dialogues with Russia, China, India, and Pakistan, and headed U.S. delegations to numerous international conferences, including the 7th Review Conference of the Nuclear Nonproliferation Treaty in 2005.

Immediately prior to joining the Department of State, Mr. Rademaker was Chief Counsel to the Select Committee on Homeland Security of the U.S. House of Representatives, where he was responsible for drafting the legislation that created the Department of Homeland Security.

For most of the previous decade, Mr. Rademaker held positions on the staff of the Committee on International Relations of the House of Representatives, including Deputy Staff Director and Chief Counsel (2001-2002), Chief Counsel (1995-2001), and Minority Chief Counsel (1993-1995). While on the staff of the International Relations Committee, he played a key role in developing the Committee's legislative and oversight agenda. He also advised members of the Committee on such issues as the deployment of U.S. armed forces abroad, NATO enlargement, arms control, nonproliferation, foreign assistance, international law, reorganization of the foreign affairs agencies, and the promotion of democracy and human rights.

From 1992 to 1993, Mr. Rademaker served as General Counsel of the Peace Corps. He returned briefly to the agency in 2000-2001 as the Bush-Cheney Transition's Director of Transition for the Peace Corps.

From 1989 to 1992, Mr. Rademaker held a joint appointment as Associate Counsel to the President in the Office of Counsel to the President and as Deputy Legal Adviser to the National Security Council. In this position, he provided legal advice to the President and the National Security Advisor on foreign assistance, arms control, war powers, intelligence, export control, counter-narcotics, and international environmental and economic matters.

From 1987 to 1989, Mr. Rademaker served as a Special Assistant to the Assistant Secretary of State for Inter-American Affairs. From 1986 to 1987, he served as Counsel to the Vice Chairman of the U.S. International Trade Commission. In 1986 he was a law clerk for the Honorable James L. Buckley of the U.S. Court of Appeals for the District of Columbia Circuit. From 1984 to 1986, he was an associate at the Washington, D.C. law firm of Covington & Burling.

Mr. Rademaker received three degrees from the University of Virginia: a B.A. With Highest Distinction in 1981, a J.D. in 1984, and an M.A. in Foreign Affairs in 1985. While at the University of Virginia he was made a member of Phi Beta Kappa and the Order of the Coif. He was elected Student Body President for 1980-81.

Mr. Rademaker is married and has four children.

**DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION**

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(5), of the Rules of the U.S. House of Representatives for the 113th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Committee on Armed Services in complying with the House rule. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number) will be made publicly available in electronic form not later than one day after the witness's appearance before the committee.

Witness name: STEPHEN G. RADEMAKER

Capacity in which appearing: (check one)

☐ Individual

☒ Representative

If appearing in a representative capacity, name of the company, association or other entity being represented: BIPARTISAN POLICY CENTER

FISCAL YEAR 2014

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

FISCAL YEAR 2013

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

FISCAL YEAR 2012

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
NONE			

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
 Fiscal year 2012: _____.

Federal agencies with which federal contracts are held:

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
 Fiscal year 2012: _____.

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
 Fiscal year 2012: _____.

Aggregate dollar value of federal contracts held:

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
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Federal Grant Information: If you or the entity you represent before the Committee on Armed Services has grants (including subgrants) with the federal government, please provide the following information:

Number of grants (including subgrants) with the federal government:

Current fiscal year (2014): _____;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

Federal agencies with which federal grants are held:

Current fiscal year (2014): _____;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

List of subjects of federal grants(s) (for example, materials research, sociological study, software design, etc.):

Current fiscal year (2014): _____;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

Aggregate dollar value of federal grants held:

Current fiscal year (2014): _____;
Fiscal year 2013: _____;
Fiscal year 2012: _____.

July 17, 2014

**STATEMENT BEFORE THE HOUSE ARMED SERVICES SUBCOMMITTEE
ON STRATEGIC FORCES ON THE FUTURE OF THE INF TREATY**

**By Jim Thomas
Vice President and Director of Studies
Center for Strategic and Budgetary Assessments**

Chairman Rogers, Ranking Member Cooper, and distinguished Members of the Strategic Forces Sub-Committee, thank you for inviting me to testify on the status and outlook for the Intermediate-Range Nuclear Forces (INF) Treaty. I appreciate the Subcommittee's concerns about suspected treaty violations by the Russian Federation, as well as its concerns about the constraints the treaty imposes on the United States. As is well known to Subcommittee Members, the INF Treaty prohibits the United States and Russia from testing or fielding ground-launched ballistic and cruise missiles with ranges between 500-5,500 kilometers (km). At the same time, a number of other countries are building up sizable arsenals of these types of missiles. After more than 25 years, it is an appropriate time to take stock of the INF Treaty and assess its continuing relevance in a world where Russian compliance is in question, Iran and North Korea continue to pursue nuclear weapons and long-range missile delivery means, and China is actively exploiting an intermediate-range missile gap. As the era of Euro-centric, bilateral arms control draws to a close it will need to be replaced by increasingly multi-lateral and Asia-centric security approaches consistent with the broader strategic aim of rebalancing to the Asia-Pacific region. The Administration and the Congress should work together to craft a new agenda that reflects these imperatives. In my testimony, I will assess the current situation and its implications for the United States. I will then recommend a new "dual-track" approach the United States might undertake to extend the viability of the INF regime while hedging against its demise.

Current Situation

Over the past several years there have been indications that Russia is circumventing and/or violating the INF Treaty.¹ Russia has an intercontinental-range ballistic missile (ICBM) that has been tested at ranges that would fall into the category of an Intermediate-Range Ballistic Missile (IRBM). While the fact that it has also been tested at greater than 5,500 km ensures that it is not captured by the INF Treaty, tests at sub-5,500 km ranges suggest that it might be intended to fill the role of an IRBM. There are

¹ Michael R. Gordon, "U.S. Says Russia Tested Missile, Despite Treaty," *The New York Times*, January 29, 2014, p. 1; and Mark Schneider, "Reports of Russian Violations of the INF Treaty," National Institute for Public Policy, National Institute Information Series, No. 340, June 2012.

also reports that Russia has tested a ground-launched cruise missile (GLCM) with a range of more than 500 km. If true, it would be a clear violation of the treaty.

These reports indicate that Russia may be engaged in arms control “salami-slicing”: slowly undermining the INF Treaty through ambiguous infractions rather than exiting the treaty through overt abrogation. If successful, this strategy could allow it to field prohibited weapons while avoiding blame for revoking the treaty. Moreover, Moscow may not fear the consequences of a “soft exit.” It may assess that the Obama administration has little appetite for confrontation given its broader arms reduction objectives and little military incentive to leave the treaty itself (because it has not engaged in any serious research and development with respect to ground-based missile forces).

If Russia pursues a soft exit strategy, what might be the politico-military benefits of new ground-launched missile capabilities? In the past, Russian military commanders have publicly stated the need for missiles with sufficient range to attack U.S. forward-based ballistic missile defense systems, which are currently being deployed to Poland and Romania as part of the European Phased Adaptive Approach. Suppressing these defenses could also undermine the confidence of NATO frontline states in U.S. security guarantees, weakening ties between Washington and the Alliance’s newest members. In that sense, it would represent a continuation of Russian wedge-driving between the United States and frontline Central European allies that has been apparent since the first announcement of missile defense deployments in January 2007.

Although Russian violations of the INF Treaty would have far-reaching implications for U.S. allies in Europe, they would also affect the strategic calculations of rivals such as China.² Indeed, China should figure far more prominently in discussions about the future of the treaty. Without the large-scale missile buildup by the People’s Liberation Army (PLA), dealing with any Russian violation would be a more straightforward, bilateral affair. But China’s continued augmentation of its ballistic and cruise missile arsenals is the backdrop to a U.S.-Russian bilateral arms control agenda that is increasingly outdated.

Highly precise, conventionally armed ground-launched ballistic and cruise missiles have become a major pillar of China’s counter-intervention strategy to deny rival naval forces freedom of maneuver within the first two island chains, and to prevent opposing air forces from basing in the Western Pacific. China has also demonstrated its ability to use missiles against satellites on orbit, which are critical for both military and commercial surveillance, communications, and navigation. The PLA Second Artillery Corps began work on its first intermediate ballistic missile program around the same time that the United States and Soviet Union signed the INF Treaty, and its DF-21 medium-range ballistic missile (MRBM) bears remarkable similarities to the U.S. Pershing II, which was banned under the INF Treaty.³ Unlike Russian missiles that appear to violate or circumvent the INF Treaty and would be consistent with an offensive concept of suppressing enemy missile defenses, Chinese conventional theater missile forces would likely play a role early in a war, conducting offensive counter-air (airfield attack) and

² Steven Pifer, “The Moscow Missile Mystery: Is Russia Actually Violating the INF Treaty?” at www.brookings.edu/research/opinions/2014/01/31-moscow-missile-mystery-russia-violating-inf-pifer.

³ Mark Stokes, *China’s Evolving Conventional Strategic Strike Option*, Project 2049 Institute, September 14, 2009, p. 9.

suppression of enemy air defenses, opening the door to subsequent larger volume strikes conducted by strike aircraft.

Beyond China, a number of other countries have amassed small but growing inventories of ballistic and cruise missiles that would be proscribed if these nations were signatories to the INF Treaty. North Korea and Iran, for instance, both have missile programs that could provide them with the ability to hold enemy population centers at risk—especially if their missiles are mated with nuclear warheads or other weapons of mass destruction.

Implications for the United States

For a variety of reasons, the United States is operating at a major disadvantage by not fielding its own ground-launched intermediate-range missile forces. First, ground-launched missiles have the potential to hold at risk a wide range of targets, including fixed targets located inside heavily defended airspace, as well as time-sensitive targets like missile launchers that can quickly alter their position. Today, however, the United States relies on a small number of stealthy B-2 bombers and cruise missile-armed nuclear-powered submarines to conduct conventional strike operations against such targets in highly contested environments.⁴ Second, theater missiles represent an attractive tool for imposing costs on rivals, as the United States has learned the hard way. While missiles themselves are relatively cheap, the capabilities needed to counter them on the ground, intercept them in the air, or enable targets to withstand attacks are all far more expensive. Moreover, because they can hold at risk surface naval forces and large facilities like air bases, missile forces can devalue major investments in otherwise valuable assets.

Looking ahead, it clearly does not serve U.S. interests for Moscow to engage in a unilateral “soft exit” from the INF Treaty while Washington remains a party to the treaty in good standing. Therefore, the United States must ensure robust monitoring, verification, and compliance with the treaty as long as it remains in force. It should demand that Russia fully disclose information in a timely fashion about missile programs suspected of violating or circumventing the treaty. Evidence of Russian non-compliance should be reported to Congress promptly, and should also be taken into account when considering any future bilateral arms control initiatives. Finally, the United States should make clear that unless Russia quickly and verifiably demonstrates full compliance, it is Moscow that will assume responsibility for the treaty’s demise.

A 21st Century Dual-Track Approach

Beyond the bilateral issue of Russian compliance, the United States should consider undertaking a new “dual-track” approach to extend the viability of the treaty over time, expand its coverage to a wider range of countries, and/or adjust some of its restrictions to address contemporary and anticipated security challenges.

⁴ Evan Braden Montgomery, “China’s Missile Forces Are Growing: Is It Time to Scrap the INF Treaty?” *The National Interest*, July 2, 2014 available at <http://nationalinterest.org/feature/chinas-missile-forces-are-growing-it-time-modify-the-inf-10791?page=show>.

It is worth recalling that the INF Treaty was itself the result of a strategy adopted by the United States and NATO in the late 1970s that called for negotiated reductions in intermediate-range nuclear forces and the deployment of such forces at the same time. Both elements were necessary to the strategy. The disarmament goal was crucial for persuading European allies to allow new missiles on their territory, while the deployment of these weapons helped convince the Soviet Union to negotiate a total ban on them. A latter-day “dual-track” approach—one that would update the treaty framework while hedging against the possibility that negotiations may fail—might include the following elements:

1. Multi-Lateralization. The United States should seek to multi-lateralize the restrictions of the treaty to eliminate or place substantial limits on other states’ intermediate-range missiles.⁵ Some might argue that non-signatory states—especially those that already possess intermediate-range missiles—will never join the treaty, as they would lose the military advantages they have accrued outside its framework. Indeed, the United States and Russia attempted to “globalize” the treaty in 2007-2008 with no takers.⁶ But missile-armed states might have greater incentives in the years ahead to accept some limits on their own forces, especially if they assess a credible possibility that the United States and Russia might amend or quit INF themselves. This threat might be particularly salient for China. With the treaty no longer in force, the United States would be able to deploy forward-based, ground-launched systems capable of ranging its territory—as would Russia.

Efforts to multi-lateralize the treaty should entail publicizing how existing intermediate-range missile capabilities undermine crisis stability, especially in the absence of any symmetrical countermeasures.⁷ Allied consultations will also be critical. Because U.S. allies and partners are most at risk from the missile forces China, North Korea and Iran, they have the greatest interest in seeing the treaty universalized. The United States should enlist its allies and partners to apply greater pressure on states possessing missile forces proscribed by the INF treaty, to include signaling their willingness to host forward-based U.S. missile forces if no progress can be made toward multi-lateralization. Pursuing such a strategy would exploit one of the greatest asymmetric forms of leverage the United States possesses: the strength of its alliances. While multi-lateralization efforts may ultimately fail, they would still be important in terms of setting the narrative and building allied support for any future military measures that the United States might explore.

2. Amendment. If multi-lateralization is not achievable, then the United States might choose to negotiate with Russia to amend the treaty in order to redress the theater missile threats posed to U.S. forces and allies in key regions around the world.⁸ A potential step the United States and Russia might explore would be to relax limitations on missile forces outside an area roughly defined as 30° West to 60° East longitude and 30° North to 0° North latitude. An amendment would permit deployment of forward-based, ground-

⁵ Mark Stokes and Dan Blumenthal, “Can a Treaty Contain China’s Missiles?” *Washington Post*, January 2, 2011, p. A15.

⁶ Stephen J. Blank, “Russia and Arms Control: Are There Opportunities for the Obama Administration?” Army War College Strategic Studies Institute, March 2009, p. 53 available at www.strategicstudiesinstitute.army.mil.

⁷ Steven Pifer, “Don’t Scrap the INF Treaty,” Brookings Institution, available at www.brookings.edu/research/opinions/2014/06/09-dont-scrap-inf-nuclear-weapons-treaty-pifer.

⁸ This proposal builds on one by Evan Braden Montgomery, “China’s Missile Forces Are Growing: Is It Time to Scrap the INF Treaty?” *The National Interest*.

launched systems (conventional weapons delivery only) outside that geographic area with ranges between 500-2,000 km, which would confer sufficient targeting range to address the most pressing threats, while maintaining prohibitions on ground-launched intermediate-range systems between 2000-5,500 km.

Such an amendment would allay concerns of European allies by extending prohibitions against Russian missile forces west of the Urals, while reassuring Russia by limiting any future American conventional missile deployments in Asia or the Middle East to ranges that would not threaten Moscow. If the treaty ceased to be in force and Russia began deploying treaty-proscribed missile forces west of the Urals, Central European states would likely request in-kind deployments by the United States to enhance the credibility of American extended deterrence.

There would likely be fewer qualms about such an amendment on the part of Middle Eastern partners, some of which might welcome forward-based missile deployments to offset Iran's growing inventory of missiles capable of reaching its neighbors. For instance, some of the Gulf Cooperation Council states might be open to hosting U.S. deep strike ground-based missile forces, especially if Iran continues to pursue a nuclear weapons capability and expand its own missile forces.

Deployments in Asia would be more controversial. On the one hand, such deployments would offset some of the ground-launched ballistic and cruise missile systems already deployed by China and North Korea. Japan might be interested in U.S. deployments of forward-based IRBMs and GLCMs, which could provide in-theater conventional response capabilities in the event of an attack on its territory. Similarly, the Republic of Korea (ROK) might welcome the deployment of an extended-range version of the MGM-164 Army Tactical Missile System (ATACMS) batteries with terminally guided "smart" sub-munitions, which could play a counter-battery role against North Korean road-mobile missiles and launchers. In both cases, forward-based missile forces would not only deepen reassurance, they would also enhance deterrence by dramatically raising the costs of aggression against key allies and reducing an aggressor's probability of success. On the other hand, allies in northeast Asia would have to weigh these potential benefits against possible drawbacks, including a decision by Moscow to deploy IRBMs to its far eastern territory. Nevertheless, while Russian missiles could certainly threaten the ROK and Japan, they would pose a far greater long-term challenge to China.

Similarly, some might argue that pursuing an amendment to the INF Treaty might prompt China to step up its own deployments of intermediate-range missiles. Yet this would only trigger a multilateral arms race. Moreover, because missile forces can be easily redeployed, an accelerated missile buildup directed against the United States and Russia would also threaten China's other neighbors—including nations that have their own missile capabilities (such as India), nations that might pursue their own missile forces (South Korea and Vietnam), and nations that might host U.S. missiles (Japan and the Philippines).⁹

3. Withdrawal. If the United States is unable to ensure Russia's compliance, or is subsequently unable to multi-lateralize or amend the treaty, it would have little choice but to scuttle INF—either with Russia or unilaterally. Paradoxically, though, American

⁹ Montgomery, "China's Missile Forces Are Growing: Is It Time to Scrap the INF Treaty?"

willingness to entertain and prepare for the possibility of withdrawal may increase U.S. bargaining leverage in negotiating multi-lateralization or amendment.

4. Military Measures. To backstop diplomatic efforts and ensure the United States can negotiate from a position of strength on Russian compliance, multi-lateralization, and/or amendment of the treaty—while hedging against the failure of these diplomatic efforts—the United States will need to create military “breakout” options. Such options should make credible the prospect of swift U.S.—and potentially allied—deployments of conventionally-armed, forward-based intermediate-range missile forces. If the political decision were taken to withdraw from or amend the treaty, it would likely take several years to deploy INF-proscribed systems. The United States should, therefore, begin taking steps now to reduce the decision-to-deployment cycle, with an eye to reinforcing its negotiating leverage to maintain the viability of the INF regime or reducing its window of vulnerability if a political decision is taken to withdraw.

The Department of Defense should undertake studies to examine how existing capabilities could be modified for new roles. It should assess the feasibility of employing a sea-launched missile for land-attack at ranges beyond 500 km, as well as the feasibility and cost to extend the range of MGM-164 ATACMS (which, if mated with sub-munitions, could execute a wide range of missions, including as a counter-battery system against enemy missile launch sites). A complementary step might be to evaluate the tradeoffs and relative costs of restarting production of Pershing II IRBMs as opposed to adapting existing missile systems or starting a completely new IRBM development program. Additionally, the Department of Defense should investigate development of a road-mobile, land-based variant of the US Navy’s Mark-41 or Mark-57 Vertical Launch System (VLS) and evaluate tradeoffs between adopting a common launch system across the Services versus modifying the Army’s existing M-270 Multiple Launch Rocket System or developing a new road-mobile transport-erector launcher (TEL) for IRBMs or GLCMs.

At the same time, the Department of Defense should provide key allies with additional information about suspected Russian treaty violations and efforts to circumvent the INF Treaty, as well as information about other countries’ 500-5,500 km missile systems. Armed with such information, allies and partners in Europe, the Middle East, and Asia should be expected to increase pressure on Russia diplomatically to ensure its full compliance with the existing INF Treaty and on other missile-armed states to either join the INF Treaty or accept binding and verifiable limitations of their missile forces. The United States should also seek to explore the willingness of allies and partners to host forward-based U.S. intermediate-range missile forces on their territory if the treaty is amended or terminated. In some cases, allies could contribute to the development and production of missile systems (thereby defraying costs), field their own missile forces, or join U.S. forces in combined deep strike ground units. Importantly, allied testing, production and fielding of IRBM and GLCM systems could occur without violating the INF Treaty.

The U.S. Army should seize the opportunity to leverage a small portion of its rocket artillery to demonstrate the role of land-based missile forces to hold at risk hostile air and naval forces, while also expanding the nation’s options for long-range strike.¹⁰ Toward

¹⁰ Jim Thomas, “Why the U.S. Army Needs Missiles,” *Foreign Affairs*, May/June 2013 available at <http://www.foreignaffairs.com/articles/139119/jim-thomas/why-the-us-army-needs-missiles>.

this end, it could create a deep strike battalion deployed on barges to field a small sea-launched intermediate-range missile force for experimentation and concept development that could later be adapted and brought ashore if the United States amended, or withdrew from, the INF Treaty.

The defense industry should be encouraged to conduct studies assessing the costs, technical risk, and timelines associated with various forward-based ground-launched conventional deep strike alternatives.

The United States should also increase exploratory research into future IRBMs with trajectory shaping vehicles (TSVs) capable of maneuvering upon re-entry back into the atmosphere to evade sophisticated missile defenses.¹¹ TSVs may represent the next step in the evolution of long-range precision-guided strike, and the United States may be able to leverage research undertaken to develop boost-glide systems to establish a formidable technical advantage relative to its competitors. Similarly, the United States has a substantial advantage in ballistic missile defense (BMD) research. Data from various BMD programs could be used to develop new classes of missiles and warheads to penetrate the most sophisticated defense networks.

Ultimately, if the United States rules out new forward-based, ground-launched missile capabilities, it will need to place even greater emphasis on its air- and sea-based strike capabilities. In that case, it may need to consider expanding the projected size of its land- and sea-based penetrating surveillance and strike forces (next generation bombers and carrier-based unmanned strike systems). It should also quickly investigate the viability of using current systems in the U.S. arsenal in unconventional ways to compensate for the absence of forward-based, ground-launched missile strike capabilities. The U.S. Navy might also consider acquiring undersea Towed Payload Modules to compensate for the sharp decrease in conventional land-attack missile capabilities that will result from the planned retirement of its four Ohio-Class Guided Missile Submarines (SSGNs) by the end of the next decade.¹²

Conclusion

Suspected Russian violations of the INF Treaty come at a time of great strategic uncertainty for the United States globally. While compliance issues must be swiftly addressed, the United States should also widen the aperture for evaluating the INF Treaty to ensure that it serves its broader, global interests and security commitments. A treaty that bars two countries from pursuing certain militarily desirable classes of missiles, while providing no protection against other states—some of which pose threats towards the United States and its allies—doing the same, must be constantly re-evaluated to determine the tipping point when the costs of arms control overtake the benefits. That day is quickly approaching. Now is the time to begin contemplating a world beyond the INF Treaty and taking appropriate precautionary steps. Paradoxically, doing so may offer the best course to preserving the viability of the treaty farther into the future.

¹¹ US Department of Defense, Report on Conventional Prompt Global Strike Options if Exempt from the Restrictions of the Intermediate-Range Nuclear Forces Treaty, September 2013.

¹² Elbridge Colby, "The Real Trouble with Russia," *Foreign Affairs*, April 7, 2014 available at www.foreignaffairs.com/articles/141106/elbridge-colby/the-real-trouble-with-russia.

Jim Thomas

Vice President and Director of Studies

Jim Thomas oversees CSBA's research programs and directs the Strategic and Budget Studies staff. Prior to joining CSBA, he was Vice President of Applied Minds, Inc., a private research and development company specializing in rapid, interdisciplinary technology prototyping. Before that, Jim served for thirteen years in a variety of policy, planning and resource analysis posts in the Department of Defense, culminating in his dual appointment as Deputy Assistant Secretary of Defense for Resources and Plans and Acting Deputy Assistant Secretary of Defense for Strategy. In these capacities, he was responsible for the development of the Defense Strategy, conventional force planning, resource assessment, and the oversight of war plans. He spearheaded the 2005-2006 Quadrennial Defense Review (QDR), and was the principal author of the QDR report to Congress.

Jim began his career in national security at Los Alamos National Laboratory, analyzing foreign technological lessons learned from the first Gulf War. After serving as research assistant to Ambassador Paul H. Nitze, Jim joined the Department of Defense as a Presidential Management Intern in 1993 and undertook developmental management assignments across the Department of Defense over the next two years. From 1995 to 1998, he managed a NATO counterproliferation initiative and wrote three reports endorsed by allied foreign and defense ministers to integrate countering-WMD as a mission area into NATO post-Cold War force planning. From 1998 to 1999, he was seconded to the International Institute of Strategic Studies (IISS) in London, where he wrote *Adelphi Paper 333, The Military Challenges of Transatlantic Coalitions* (Oxford: Oxford University Press, 2000). From 1999 to 2001, Jim worked in the Secretary of Defense's Strategy Office, playing a lead role developing the defense strategy and force planning construct for the 2001 QDR. From 2001 to 2003, he served as Special Assistant to the Deputy Secretary of Defense. He was promoted to the Senior Executive Service in 2003.

Jim received the Department of Defense Medal for Exceptional Civilian Service in 1997 for his work at NATO, and the Department of Defense Medal for Distinguished Public Service, the department's highest civilian award, in 2006 for his strategy work.

Jim is a member of the Council on Foreign Relations and the International Institute for Strategic Studies. He holds a B.A. with high honors from the College of William and Mary, an M.A. from the University of Virginia and an M.A. from Johns Hopkins University's School of Advanced International Studies. A former Naval reserve officer, Jim attained the rank of lieutenant commander.

**DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION**

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(5), of the Rules of the U.S. House of Representatives for the 113th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Committee on Armed Services in complying with the House rule. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number) will be made publicly available in electronic form not later than one day after the witness's appearance before the committee.

Witness name: Jim Thomas

Capacity in which appearing: (check one)

☒ Individual

☐ Representative

If appearing in a representative capacity, name of the company, association or other entity being represented:

FISCAL YEAR 2014

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
WHS	DOD/ONA	\$1,364,000	Assessments/analysis, wargames, and briefings on international security environment, strategic challenges, future warfare, and portfolio rebalancing
DLA Acquisition Directorate	National Defense University	\$87,000	Secretary of Defense Corporate Fellows Program Orientation
MOBIS	Department of the Navy	\$121,000	Portfolio rebalancing

FISCAL YEAR 2013

federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
WHS	DOD/ONA	\$1,200,000	Assessments/analysis, wargames, and briefings on international security environment, strategic

			challenges, future warfare, and portfolio rebalancing
DLA Acquisition Directorate	National Defense University	\$84,000	Secretary of Defense Corporate Fellows Program Orientation
MOBIS	Army War College	\$121,000	Portfolio rebalancing
MOBIS	National Commission on the Structure of the Air Force	\$75,000	Portfolio rebalancing
DARPA	DARPA	\$175,000	Research and analysis

FISCAL YEAR 2012

Federal grant(s) / contracts	federal agency	dollar value	subject(s) of contract or grant
WHS	DOD/ONA	\$1,800,000	Assessments/analysis, wargames, and briefings on international security environment, strategic challenges, future warfare, and portfolio rebalancing
DLA Acquisition Directorate	National Defense University	\$80,000	Secretary of Defense Corporate Fellows Program Orientation
CTTSO SETA	OASD (SO/LIC)	551,000	Future requirements and visioning

Federal Contract Information: If you or the entity you represent before the Committee on Armed Services has contracts (including subcontracts) with the federal government, please provide the following information:

Number of contracts (including subcontracts) with the federal government:

Current fiscal year (2014): _____ 3 _____ ;
 Fiscal year 2013: _____ 5 _____ ;
 Fiscal year 2012: _____ 3 _____ .

Federal agencies with which federal contracts are held:

Current fiscal year (2014): _____ 3 _____ ;
 Fiscal year 2013: _____ 4 _____ ;
 Fiscal year 2012: _____ 2 _____ .

List of subjects of federal contract(s) (for example, ship construction, aircraft parts manufacturing, software design, force structure consultant, architecture & engineering services, etc.):

Current fiscal year (2014): Research and analysis _____ ;
 Fiscal year 2013: Research and analysis _____ ;
 Fiscal year 2012: Research and analysis _____ .

Aggregate dollar value of federal contracts held:

Current fiscal year (2014): \$1,572,000 _____ ;
 Fiscal year 2013: \$1,655,000 _____ ;
 Fiscal year 2012: \$2,431,000 _____ .

Federal Grant Information: If you or the entity you represent before the Committee on Armed Services has grants (including subgrants) with the federal government, please provide the following information:

Number of grants (including subgrants) with the federal government:

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
 Fiscal year 2012: _____.

Federal agencies with which federal grants are held:

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
 Fiscal year 2012: _____.

List of subjects of federal grants(s) (for example, materials research, sociological study, software design, etc.):

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
 Fiscal year 2012: _____.

Aggregate dollar value of federal grants held:

Current fiscal year (2014): _____;
 Fiscal year 2013: _____;
 Fiscal year 2012: _____.

BROOKINGS

**The House Armed Services Committee
Subcommittee on Strategic Forces
Statement for the Record**

***The INF Treaty, Russian
Compliance and
the U.S. Policy Response***

Steven Pifer
Senior Fellow and Director
The Arms Control and Non-Proliferation Initiative
The Brookings Institution

July 17, 2014

The INF Treaty, Russian Compliance and the U.S. Policy Response

Introduction

Mr. Chairman, Representative Cooper, distinguished members of the Committee, thank you for the opportunity to appear today to testify on Russian compliance with the Intermediate-Range Nuclear Forces (INF) Treaty and how the United States should respond if it is determined that Russia has violated the treaty.

The 1987 INF Treaty is a landmark arms control agreement, which banned an entire class of U.S. and Soviet land-based ballistic and cruise missiles. It enhanced U.S. security by prohibiting Soviet missiles, particularly the multiple-warhead SS-20, which threatened U.S. allies in Europe and Asia, while banning the U.S. Pershing II and ground-launched cruise missiles that Moscow feared.

Recently, questions have arisen about Russia—a successor state to the Soviet Union—and its compliance with the treaty. Assertions that the RS-26 ballistic missile violates the treaty appear to have no basis. The reported R-500 cruise missile appears to be of more serious concern, but there is little hard information in open sources about it.

A Russian violation of the INF Treaty would be a serious matter and should be treated as such, as should any treaty violation. If Russia is producing, testing and/or deploying new INF missiles, such weapons would—depending on range and deployment location—pose a threat to U.S. allies in Europe and Asia, as well as other states, such as China. They would also threaten U.S. forward-deployed forces. Unless deployed in northeastern Russia, such missiles would not have the range to threaten the United States.

Maintaining the INF Treaty remains in the interest of the United States. America's allies greatly value the agreement. If the U.S. government were to conclude that Russia has violated the treaty, it should press Russia to end the violation and come back into full compliance. In addition to raising this issue with Moscow in senior diplomatic and treaty channels, Washington should brief Russia's neighbors, both in Europe and Asia, on what it knows about the violation. U.S. officials should encourage countries that would be in range of Russian missiles to make their concerns known directly to Moscow.

If Russia has violated the INF Treaty, the United States should continue to observe the treaty's terms, at least for the near term. U.S. withdrawal from the treaty would free Russia from any legal obligation to observe the treaty's limits, and would bring no apparent advantage for the United States.

While continuing to observe a treaty that another party is violating may seem counter-intuitive, this is what the Reagan administration did during the 1980s following the discovery of the Krasnoyarsk large phased-array radar, a violation of the 1972 Anti-Ballistic Missile (ABM) Treaty. The Reagan administration pressed the Soviets on the

violation, but continued to observe the ABM treaty and simultaneously negotiated new arms control agreements, including the INF Treaty. In 1990, the Soviets agreed to dismantle the Krasnoyarsk radar.

The INF Treaty

President Ronald Reagan and General Secretary Mikhail Gorbachev signed the Intermediate-Range Nuclear Forces Treaty in December 1987. The negotiations, which began in 1981, proved an arduous process. The Soviets walked out of the talks in November 1983, following the arrival in Europe of U.S. INF missiles—the Pershing II ballistic missile and the ground-launched cruise missile (GLCM).

Negotiations resumed in 1985. Moscow first sought an agreement that would ban U.S. INF missiles from Europe while allowing Soviet missiles to remain. The Soviets later proposed an agreement that would ban INF missiles from Europe but allow their deployment elsewhere. The U.S. government sought global limits; given the mobility and range of Soviet INF missiles such as the triple-warhead SS-20, those missiles could threaten Europe even from east of the Urals, and could be moved west. Washington was also sensitive to the concerns of U.S. allies in Asia, such as Japan and South Korea, who did not want the agreement to afford them lesser protection than Europe.

In the end, the Soviets agreed to the U.S. “zero-zero” proposal to eliminate all U.S. and Soviet INF missiles. Two factors appear to account for this. First, the Soviet military had great concerns about U.S. INF missiles in Europe, particularly the Pershing II. Second, Mr. Gorbachev concluded that the Soviet Union could not afford nuclear overkill when it resulted in a greater nuclear threat to the Soviet Union, especially at a time when the Soviet economy was under significant stress.

The INF Treaty required that the United States and Soviet Union each eliminate all of their land-based ballistic and cruise missiles with ranges between 500 and 5500 kilometers (300-3400 miles).¹ The treaty makes no distinction between nuclear- and conventionally-armed missiles. All U.S. and Soviet land-based missiles of INF range were banned, as was the production, testing and deployment of new INF missiles. The treaty contained provisions for data exchanges and what were the most intrusive verification measures of any nuclear arms agreement, including on-site inspections.

The INF Treaty entered into force in June 1988. It required that all INF missiles and launchers, and certain associated equipment, be eliminated within three years. The treaty resulted in the elimination of 846 American GLCM, Pershing II and Pershing I missiles, and 1846 Soviet SS-20, SS-4, SS-5, SS-12, SS-23 and SSC-X-4 missiles, along with their launchers and associated equipment. The eliminations were accomplished by June 1991.

¹ The treaty distinguishes between “intermediate-range” missiles, with ranges of 1000-5500 kilometers, and “shorter-range” missiles, with ranges of 500-1000 kilometers. The treaty bans both classes of missiles. The term “intermediate-range” is often used to describe both classes of missiles, spanning the range of 500-5500 kilometers, and is used in that meaning for the rest of this statement.

The treaty is of indefinite duration. When the Soviet Union collapsed in December 1991, six successor states to the USSR—Russia plus Belarus, Kazakhstan, Turkmenistan, Ukraine and Uzbekistan—had INF facilities on their territory. The six states agreed to assume the Soviet Union's INF Treaty obligations.

Russia, Kazakhstan, Belarus and Ukraine furthermore agreed to participate in the Special Verification Commission—the implementation body established by the INF Treaty—and signed a memorandum formalizing that arrangement. Among other things, those four states then agreed among themselves on issues such as how to divide up the inspections of U.S. INF facilities (the treaty permitted inspections of facilities and former facilities for 13 years after entry into force, i.e., until 2001). Turkmenistan and Uzbekistan each had only a single eliminated INF facility and chose not to participate in the Special Verification Commission or inspections.

Russian Concerns about the Treaty

Beginning in 2005, some Russian officials began to express concern that the INF Treaty banned only the United States and Russia (plus Belarus, Kazakhstan and Ukraine) from having INF missiles, while other countries were free to deploy them. They suggested that Russia should consider withdrawing from the treaty, in some cases pointing to the 2001 U.S. decision to withdraw from the ABM Treaty (which it did in 2002).

In 2005, Russian media reported that Defense Minister Sergei Ivanov had asked Secretary of Defense Donald Rumsfeld about his views regarding Russia's potential withdrawal from the INF Treaty. In 2006, Mr. Ivanov called the INF Treaty a relic of the Cold War. In February 2007, he asserted that Russia was much weaker because of the treaty, and shortly thereafter President Vladimir Putin proposed that the United States and Russia re-examine the treaty in light of other states' development of intermediate-range missiles. In October 2007, Mr. Putin proposed that the INF Treaty become multilateral—a global ban on INF missiles. Later that month, at the UN General Assembly, U.S. and Russian officials jointly affirmed their adherence to the treaty and called on other states to eliminate their INF missiles.

Russia has also tied INF Treaty compliance to other issues. In 2007, Chief of the General Staff Yuri Baluyevsky said that Russia's decision regarding withdrawal from the treaty would depend on U.S. actions regarding missile defense in Europe. Recent Russian statements have been more moderate, with a focus on extending the treaty to other states. In May 2012, Chief of the General Staff Nikolai Makarov ruled out withdrawal.

The issue of third-country INF missiles has clearly been a far greater concern for Russia than for the United States. The reason is straightforward. Ten countries deployed or were developing ballistic or cruise missiles with ranges between 500 and 5500 kilometers as of 2012: China, Egypt, India, Iran, Israel, North Korea, Pakistan, Saudi Arabia, South

Korea and Syria.² None of these countries currently has an intermediate-range ballistic or cruise missile that could reach the United States. Many of these countries, however, possess or are developing intermediate-range missiles that can reach Russian territory.

Questions about Russia's Compliance with the INF Treaty

Two charges have emerged publicly regarding Russia's violations of the INF Treaty. One was related to the RS-26 ballistic missile, which has been test flown to ranges below and greater than 5500 kilometers. There is some specific information in open sources about this. In May 2012, Russia flew the missile from Plesetsk to Kura, a distance of 5800 kilometers. Then, for two subsequent tests, Russia changed the weapon's payload—outfitting it with multiple warheads—and flew it just 2000 kilometers.³

The claim of an INF Treaty violation focuses on the fact that Russia tested the RS-26 at ranges less than 5500 kilometers. But according to the 2010 New Strategic Arms Reduction Treaty (New START), as well as the 1991 START I Treaty, a land-based ballistic missile “with a range in excess of 5500 kilometers” is an intercontinental ballistic missile (ICBM), which is a permitted missile that is limited by the New START Treaty. The INF Treaty bans land-based ballistic missiles with ranges “in excess of 500 kilometers” but “not in excess of 5500 kilometers.” By these definitions, the RS-26 is a permitted ICBM, not a prohibited intermediate-range ballistic missile.

Some have argued that the Russians tested the RS-26 to an ICBM range to ensure that it would be “legal,” while actually intending to aim it at targets at intermediate ranges. While that may be true, it would not constitute a treaty violation.

The use of ICBMs at less than intercontinental ranges has always been possible. The INF Treaty required the Soviet Union to destroy more than 600 SS-20 intermediate-range ballistic missiles, capable of carrying 1800 nuclear warheads, which could have rapidly hit targets throughout Europe and Asia. When U.S. officials assessed how the Soviets, without the SS-20, would strike time-urgent targets, such as European airbases hosting U.S. nuclear weapons and dual-capable aircraft, they concluded that the Soviets would allocate some ICBMs to the mission, flying them at less than intercontinental range. The Reagan administration understood and fully accepted that possibility.

Since the missile has been tested to a range greater than 5500 kilometers, any deployed RS-26 ballistic missiles would count as deployed ICBMs and be limited under New START. Unless based in Russia's northeastern region or on the Kola Peninsula, those missiles could not reach U.S. territory (and, even then, only a part of U.S. territory). Yet each deployed RS-26 missile and each deployed RS-26 warhead would count under New

² Six other countries—Germany, Poland, Hungary, the Czech Republic, Slovakia and Bulgaria—had INF missiles (Pershing Is and SS-23s) but eliminated them during the 15 years after the INF Treaty was signed, even though they were not parties to the treaty.

³ Jeffrey Lewis, “An Intercontinental Ballistic Missile by any Other Name,” *Foreign Policy*, April 25, 2014, http://www.foreignpolicy.com/articles/2014/04/25/nuclear_semantics_russia_inf_treaty_missiles_icbm.

START's limits of 700 deployed strategic missiles and bombers, and 1550 deployed strategic warheads, possibly displacing ICBMs and ICBM warheads that could target all of the United States.

The alleged Russian cruise missile violation of the INF Treaty appears to be a different story. Unfortunately, open sources provide little hard information about the missile, its range or other characteristics other than that Russia may have tested an intermediate-range cruise missile, often referred to as the R-500.

According to a *New York Times* article, on January 17, 2014, U.S. officials briefed their NATO counterparts on U.S. concerns that Russia, beginning in 2008, had conducted flight tests of a cruise missile (presumably the R-500) with a range that would make it subject to and prohibited under the INF Treaty. The story reported that U.S. officials had raised the missile tests with Russian officials but had not received a satisfactory response, though the Obama administration had not yet reached a determination about whether to declare the tests a violation of the treaty.⁴

Principal Deputy Assistant Secretary of State for Nuclear and Strategic Policy Anita Friedt confirmed in April that the U.S. government was concerned about Russia's compliance with the INF Treaty and had raised the issue with Russia and NATO allies. Ms. Friedt did not offer details regarding the compliance concern.⁵

Russian media has provided some reports on the development of the R-500, beginning as early as 2007. Some of these sources indicated that the flight range of the new missile could exceed 500 kilometers, which would appear to constitute a violation of the INF Treaty. Some more recent reports by Russian journalists and arms experts suggest that the R-500 might be able to fly as far as 3000 kilometers.

I do not have access to classified information regarding the R-500 cruise missile or the U.S. government's particular compliance concern. I know from my time in government that the process of reaching compliance judgments is often difficult and time-consuming, particularly if there is incomplete information about the activity in question.

The State Department is preparing its annual compliance report for Congress, which will presumably address the R-500 issue. The report could state that the R-500 cruise missile is a violation of the INF Treaty, or that the question is still under review. At this point in time, in the unclassified world, we do not know whether the U.S. government has rendered a judgment on this question.

The following discussion is speculative, as it is based on an assumption that the U.S. government has concluded or will conclude that Russia has violated the INF Treaty by

⁴ Michael Gordon, "U.S. Says Russia Tested Missile, Despite Treaty," *The New York Times*, January 29, 2014.

⁵ Testimony of Acting Assistant Secretary of State Anita E. Friedt before the House Committee on Foreign Affairs, April 29, 2014, <http://docs.house.gov/meetings/FA/FA18/20140429/102163/HHRG-113-FA18-Wstate-FriedtA-20140429.PDF>.

producing, testing or deploying the R-500 cruise missile. Absent concrete information about the missile or the U.S. government's determination regarding a possible INF Treaty violation, any discussion of the U.S. policy response will invariably be hypothetical.

The Importance of Treaty Compliance

If Russia has violated the INF Treaty, that is a matter of serious concern on several levels.

First, when signing and ratifying an arms control or other treaty, a state takes on legal commitments. As a general rule of international law, that state is obliged to adhere to those commitments. The U.S. government should treat any treaty violation as a serious concern in and of itself.

Second, Russia's illegal seizure of Crimea violated Russia's legal commitments under the United Nations Charter and its political commitments under the Helsinki Final Act and Budapest Memorandum on Security Assurances. If Russia has also violated the INF Treaty, that suggests a disturbing pattern of disregard for international agreements. That should concern other countries, including those who are party to the UN Charter and Helsinki Final Act as well as the United States.

Third, a Russian violation of the INF Treaty would have security consequences. Those consequences would depend first on the nature of the violation—whether the missile has just been tested or whether it has also been deployed. The latter, of course, has more serious security consequences. Those consequences would also depend on questions such as the number, range and capabilities of the missile. As noted, there is little hard information in open sources regarding the R-500. That makes it difficult to assess the specific security consequences of Russia's alleged activity.

As a general proposition, deployed Russian intermediate-range missiles would pose a greater direct threat to U.S. allies in Europe and Asia than to the United States itself. That is because, unless deployed in the northeastern portion of Russia, those missiles could not reach U.S. territory. For example, when the Soviets deployed their SS-20 missile, deployment sites were scattered from the western Soviet Union to Drovyanaya, located about 300 kilometers east of Lake Baikal in Siberia. The SS-20's range (5000 kilometers) put it at the high end of the 500-5500 kilometer range band. From its deployment sites, the only U.S. territory that SS-20s with a 5000-kilometer range could reach was part of Alaska. However, the SS-20s could hold at risk all of NATO Europe, Japan and South Korea, as well as China, much of South Asia, the Middle East and northern Africa. Of course, U.S. forces deployed on the territory of European and Asian allies within range of Russian INF missiles were directly threatened.

A new INF missile with a range less than the 5000-kilometer SS-20 would cover fewer of Russia's neighbors. In all probability, it would not be able to reach the United States.

The security concern for the United States thus would be driven primarily by the threat that these missiles would pose to NATO members, Japan and South Korea, countries

with which the United States has treaty relationships. Those allies would most likely be concerned by the deployment of a new Russian intermediate-range missile, particularly if armed with a nuclear warhead. Thus far, there appear to have been no public expressions of concern by U.S. allies. Although NATO and some other allies have been briefed on U.S. concerns about the R-500, they may still have limited information and/or are awaiting a U.S. judgment regarding the missile's compliance with the INF Treaty.

A related security concern would be the incentive that such Russian INF missiles might give to third countries to increase their own nuclear offensive capabilities in response. China, in particular, comes to mind. Again, the direct threat in such a case would likely be to U.S. regional allies.

Fourth, a Russian decision to violate the INF Treaty would not bode well for further U.S.-Russian efforts to reduce nuclear arms beyond the limits of New START. Negotiating a new agreement while the other party is violating an existing agreement is difficult (though Washington has done so in the past; see below). In any case, even absent the question of an INF Treaty violation, Washington's efforts to negotiate further nuclear arms reductions with Russia have not been reciprocated over the past two years.

If Russia Has Violated the INF Treaty, How Should the United States Respond?

If the U.S. government has concluded or does conclude that Russia has violated the INF Treaty with the R-500 cruise missile, what steps should it take to address its concerns? The response should be shaped in part by the severity of the violation. Testing of an INF missile in violation of the treaty would be problematic, but not as serious as deployment of INF missiles. Several actions would be advisable in the near term.

First, the administration should use appropriate opportunities in diplomatic channels, including meetings at the cabinet/ministerial-level, to raise the R-500 cruise missile question with Russian officials and press them to terminate the program or otherwise resolve U.S. concerns and come back into full compliance with the treaty.

Second, the administration should contact Russia, Belarus, Kazakhstan and Ukraine and convene a meeting of the Special Verification Commission, established by the INF Treaty in part as a venue for addressing INF compliance issues. That body has not met for a number of years. Now would appear to be an appropriate time to convene it, to discuss the R-500 question.

Third, U.S. officials should brief NATO allies, Asian allies (particularly Japan and South Korea) and other interested countries, including China and India, about the R-500 and U.S. concerns and share as much information as possible. It does not appear the R-500 would be able to reach much, if any, of the United States. It would, however, pose a direct threat to countries in Europe and Asia. The administration should provide those countries with information to let them raise their concerns with Moscow. Washington should do what it can to make this an issue between the Russian government and its neighbors—the states that would be directly threatened.

Fourth, the Pentagon could consider devoting a small budget to a feasibility study on possible new U.S. intermediate-range missiles. Given budget pressures and the current lack of a defined priority military requirement, there would be little sense in proceeding to develop or acquire such missiles. However, the prospect of a future Pershing III or advanced ground-launched cruise missile might get Russia's attention and remind Moscow of the value of the INF Treaty.

Continuing to Observe the Treaty

While pursuing these steps, it would be in the U.S. interest to continue to observe the INF Treaty. Although at some later date it might be appropriate to consider withdrawal, particularly if Russia were deploying INF missiles, at this point there are sound reasons for not doing so.

First, unless U.S. officials can offer convincing evidence of a Russian treaty violation—no easy task, especially considering that “sources and methods” issues will argue to keep information classified—Washington could be seen as responsible for ending the treaty. Moscow would certainly prefer that Washington initiate withdrawal and take the heat for ending the treaty, and it would do everything in its power to place the blame squarely on the United States.

Second, a U.S. withdrawal that ended the treaty would leave Russia free to test, produce and deploy INF missiles without constraint. That would raise concern on the part of U.S. allies.

Third, at present, the Pentagon has no plans for land-based intermediate-range ballistic or cruise missiles. So a U.S. withdrawal from the treaty would leave Russia free to deploy missiles for which the United States has no counterpart.

Developing new U.S. intermediate-range missiles would take time and would impose a new burden on an already stretched Pentagon budget. As the prospects for an increase in the defense budget appear minimal, funding an expensive new intermediate-range missile would mean drawing funds from other defense accounts, such as the modernization of strategic nuclear forces, missile defense or new conventional weapons systems. Absent a specific, priority military requirement for intermediate-range missiles, this would not appear to be a wise use of resources.

Fourth, even if the United States were to build intermediate-range missiles, where would it deploy them? Those missiles would pose a serious response to a Russian treaty violation only if deployed in Europe, Japan or South Korea. That does not seem feasible.

U.S. deployment of INF missiles (Pershing IIs and GLCMs) to Europe in the 1980s was a key factor in motivating Moscow to agree to ban intermediate-range missiles. But deployment in Europe was by no means guaranteed; in the end, it proved a close thing.

Indeed, NATO officials worried that some of the five European basing countries would be unable to accept the U.S. missiles due to the depth of domestic political and public opposition. Ambassador Paul Nitze, the U.S. INF negotiator from 1981-83, took his “walk in the woods” with his Soviet counterpart in 1981 and suggested an agreement that differed from the official U.S. negotiating position. A major consideration behind his doing so was his fear that NATO would not be able to deploy Pershing IIs or GLCMs—and that the resulting fall-out would tear the Alliance apart.

Few who went through the INF deployment process would relish the chance to do so again. It is not clear that any NATO members would be eager to host such missiles. Those most likely to offer would be in Central Europe. Deployment there, however, would put the missiles in places where they would be exposed to a preemptive strike. Such deployments would also be hugely provocative to Moscow—and would probably be opposed by some NATO members.

The United States would likely find no takers for its intermediate-range missiles in Asia, either. Japan would worry about the effect of such deployments on its effort to improve its relationship with Russia and, in any case, would not accept nuclear-armed missiles. South Korea is building its own missiles to hold targets in North Korea at risk and would fear that deployment of U.S. missiles might disrupt its warming relations with China.

Deploying intermediate-range missiles in the continental United States would make little sense, as they could only hold targets in the Western Hemisphere at risk. Placing missiles with ranges toward the high end of 500-5500 kilometers in Alaska or Guam would allow some coverage of the Russian Far East (a missile in Guam would need a range of at least 3200 kilometers to reach Russian territory), but those locations would raise other considerations.

It thus would make sense for now for the United States to continue to abide by the INF Treaty even if questions linger about Russian compliance or there were a conclusion that Russia had violated the treaty. The United States also should continue to observe other arms control agreements. By public accounts, Russia continues to meet its obligations under the New START Treaty, despite tensions between Washington and Moscow over Russia’s annexation of Crimea and support for Ukrainian separatists. Continued implementation of New START is in the U.S. national interest: it reduces the nuclear threat to the United States while providing important transparency and predictability regarding Russian strategic offensive forces.

Previous administrations have observed arms control agreements, even in the face of outright treaty violations by Moscow.

Take the Reagan administration. The 1972 Anti-Ballistic Missile (ABM) Treaty and its 1974 protocol limited the United States and Soviet Union each to one ABM interceptor deployment area. In order to ensure that large phased-array radars (LPARs) located outside deployment areas would be used for permitted early warning purposes but not for battle management (i.e., guiding interceptors to their targets), the treaty required that

LPARs outside of the deployment areas be located on the periphery of a country's territory and oriented outward.

In 1983, the U.S. intelligence community detected construction of an LPAR at Krasnoyarsk in central Siberia. The radar was more than 800 kilometers (500 miles) from the Russian-Mongolian border and, instead of being oriented outward—i.e., toward the south—it faced to the east, over a broad expanse of Russian territory.

The Reagan administration judged that the radar constituted a violation of the ABM Treaty. U.S. officials raised the radar at the fall 1983 session of the Standing Consultative Commission, the body established by the ABM Treaty to address, among other issues, questions about treaty compliance.

The Soviets asserted that the Krasnoyarsk LPAR would be used for space-tracking purposes, an implausible claim given that few space orbits would pass through the radar's field of view. However, the LPAR did have an excellent view of the attack corridor for U.S. submarine-launched ballistic missiles flying out of the northern Pacific Ocean to targets in the central Soviet Union. The radar plugged a gap in the Soviets' early warning radar coverage; to gain the same early warning coverage without violating the ABM Treaty, the Soviets would have had to build two LPARs in the Soviet Far East.

A January 1984 White House report to Congress assessed that the Krasnoyarsk LPAR "constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation and capability, it is prohibited by this Treaty." U.S. officials continued to press the Soviets on the radar.

The Reagan administration later considered declaring the radar a "material breach" of the ABM Treaty, a term that would have provided stronger grounds for withdrawal from the treaty. But Washington did not withdraw.

In 1989, the Soviets conceded that the radar was a "technical" violation of the ABM Treaty in that its location was inconsistent with the treaty's requirements. They argued that the radar was for early warning purposes (likely true, though that did not make the radar compliant with the letter of the treaty). In 1990, the Soviets agreed to dismantle the radar—seven years after the U.S. intelligence community first detected it.

Over the seven years between the discovery of the Krasnoyarsk radar and the Soviet decision to dismantle it, the Reagan and George H. W. Bush administrations continued to observe the ABM Treaty, even as they raised their concerns about the radar. They also continued to observe other arms control agreements. The Reagan administration, which considered the 1979 Strategic Arms Limitation Treaty II (SALT II) "fatally flawed," observed a policy of not undercutting that unratified treaty until late 1986.

Moreover, the Reagan administration also continued to negotiate new nuclear arms control agreements with the Soviets. The Reagan administration concluded the INF Treaty in 1987. It made major progress on the START I Treaty, reaching agreement on

the levels of strategic forces to be allowed each side. The George H. W. Bush administration completed START I in 1991.

Multilateralizing the INF Treaty

The Russians in the past have proposed to multilateralize the INF Treaty, an objective that the United States endorsed in 2007, though U.S. officials did not thereafter press in diplomatic channels to achieve that goal. To be sure, a global ban on INF missiles—if agreed and implemented—would eliminate missiles from the arsenals of countries of concern or potential concern to the United States, such as Iran, North Korea and Syria. It would also, however, remove intermediate-range missiles from the arsenals of U.S. friends and allies, such as Israel and South Korea.

At present, there appears to be no serious prospect of achieving such a global ban on intermediate-range missiles. Undoubtedly recognizing this, the Russians, who originated the idea of such an agreement, have done virtually nothing to seek to broaden the INF Treaty's participation.

Conclusion

Mr. Chairman, Representative Cooper, members of the Committee,

If the U.S. government has concluded or were to conclude that Russia has violated the INF Treaty, it would be a matter of serious concern. In such an event, U.S. officials should press the Russians in diplomatic channels, including via senior-level engagement and in the Special Verification Commission, to end the violation and return to full compliance. U.S. officials should brief U.S. allies in Europe and Asia, as well as other countries that would be interested, such as China. The objective should be to multilateralize the issue, that is, to have other countries—the ones that would be most directly threatened by a Russian INF missile—press Moscow as well.

For the near term, it would be in the U.S. interest to continue observing the INF Treaty. U.S. allies likely would support that course. It would deny Russia a situation in which it could test, produce and deploy INF missiles without constraint. The United States has no plans to build intermediate-range missiles. Even if it did wish to do so, it has no apparent place to deploy such missiles as a response to a Russian treaty violation.

Continuing to observe the INF Treaty while pressing the compliance issue with Russia makes sense, at least for the foreseeable future. This does not mean that, if Russia has wantonly violated the treaty, the United States should continue to observe it indefinitely. But, for now, there is no compelling U.S. interest in withdrawal.

Thank you for your attention.

* * * * *

STEVEN PIFER

Steven Pifer is director of the Arms Control and Non-Proliferation Initiative and a senior fellow with the Center for 21st Century Security and Intelligence and the Center on the United States and Europe at the Brookings Institution. He focuses on nuclear arms control, Ukraine and Russia. He has offered commentary on these issues on PBS NewsHour, CNN, Fox News, BBC, National Public Radio and VOA, and his articles have run in the *New York Times*, *Washington Post*, *Financial Times*, *National Interest*, *Moscow Times* and *Kyiv Post*, among others. He is co-author with Michael O'Hanlon of *The Opportunity: Next Steps in Reducing Nuclear Arms*, released in October 2012.

A retired Foreign Service officer, his more than 25 years with the State Department focused on U.S. relations with the former Soviet Union and Europe, as well as arms control and security issues. He served as deputy assistant secretary of state in the Bureau of European and Eurasian Affairs with responsibilities for Russia and Ukraine (2001-2004), U.S. ambassador to Ukraine (1998-2000), and special assistant to the president and senior director for Russia, Ukraine and Eurasia on the National Security Council (1996-1997).

In addition to Ukraine, Ambassador Pifer served at the U.S. embassies in Warsaw, Moscow and London as well as with the U.S. delegation to the negotiation on intermediate-range nuclear forces in Geneva. His Washington assignments included the Office of European Political and Security Affairs, the Arms Control and Disarmament Agency, the Office of Soviet Union Affairs, and the Office of the Coordinator for the New Independent States. In 2000-2001, he was a visiting scholar at Stanford's Institute for International Studies.

His other publications include: "Missile Defense in Europe: Cooperation or Contention?," Brookings Arms Control Series Paper No. 8 (May 2012); "Ukraine's Perilous Balancing Act," *Current Events* (March 2012); "NATO, Nuclear Weapons and Arms Control," Brookings Arms Control Series Paper No. 7 (July 2011); "The Next Round: The United States and Nuclear Arms Reductions After New START," Brookings Arms Control Series Paper No. 4 (November 2010); "Ukraine's Geopolitical Choice, 2009," *Eurasian Geography and Economics* (July 2009); "Averting Crisis in Ukraine," Council on Foreign Relations Special Report No. 41 (January 2009); and "Reversing the Decline: An Agenda for U.S.-Russian Relations in 2009," Brookings Foreign Policy Paper No. 10 (January 2009). He has also authored numerous op-eds and other articles.

Ambassador Pifer is a 1976 graduate of Stanford University with a B.A. in Economics. He is a member of the Council on Foreign Relations.

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**DISCLOSURE FORM FOR WITNESSES
CONCERNING FEDERAL CONTRACT AND GRANT INFORMATION**

INSTRUCTION TO WITNESSES: Rule 11, clause 2(g)(5), of the Rules of the U.S. House of Representatives for the 113th Congress requires nongovernmental witnesses appearing before House committees to include in their written statements a curriculum vitae and a disclosure of the amount and source of any federal contracts or grants (including subcontracts and subgrants) received during the current and two previous fiscal years either by the witness or by an entity represented by the witness. This form is intended to assist witnesses appearing before the House Committee on Armed Services in complying with the House rule. Please note that a copy of these statements, with appropriate redactions to protect the witness's personal privacy (including home address and phone number) will be made publicly available in electronic form not later than one day after the witness's appearance before the committee.

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Steven Pifer | July 16, 2013 10:30am

Allegations of Russian Intermediate-Range Nuclear Forces Treaty Violations—Where's the Beef?



Arms control critics frequently charge that the Russians are violating previous agreements. Often these charges are made with little or weak evidence, as with the current claim that Russia has violated the 1987 Intermediate-Range Nuclear Forces (INF) Treaty. On examination, this claim has no basis.

The State Department last week released its annual reports on compliance with arms control agreements. That led House Armed Services Committee Chairman Howard “Buck” McKeon to complain that the reports failed to address concerns he had raised about possible Russian treaty violations. He did not specify what the violation was—one of the frustrating challenges in examining these kinds of charges is that critics often offer few or no specifics—but press reports suggest that McKeon had in mind allegations about a Russian violation of the INF Treaty.

The INF Treaty, signed in December 1987 by President Ronald Reagan and Soviet General Secretary Mikhail Gorbachev, banned all U.S. and Soviet land-based ballistic and cruise missiles with ranges between 500 and 5500 kilometers. By the end of the treaty's reduction period in June 1991, the Soviet Union had eliminated 1846 missiles, while the United States had eliminated 846. We know this: U.S. inspectors watched as the Soviet missiles were destroyed.

The treaty was seen as a landmark agreement, the first ever to ban an entire class of nuclear weapons. In particular, the treaty required that the Soviets eliminate all of their SS-20s, a mobile, multiple-warhead missile with a range of 5000 kilometers that provoked major security concerns within NATO and among Asian allies such as Japan.

The basis for the current allegation appears to be tests conducted in October 2012 and June 2013 in which a Russian Yars-M ballistic missile flew a distance of about 2100 kilometers. That would appear to make the Yars-M a prohibited INF missile ... except that the Yars-M had previously been tested to a range of 5800 kilometers, which makes it an intercontinental ballistic missile (ICBM) under the terms of the 2010 New Strategic Arms Reduction Treaty (New START).

New START defines an ICBM as "a land-based ballistic missile with a range in excess of 5500 kilometers." The INF Treaty bans missiles with ranges "in excess of 500 kilometers" but "not in excess of 5500 kilometers." Those definitions clearly mean that the Yars-M is an ICBM, and that is how Russian military officials have described it.

Hans Kristensen of the Federation of American Scientists explains this in detail in an excellent July 3 blog posting. He cites Russian defense officials as explaining the shorter flights as aimed at testing "the capability of the Yars-M payload to evade ballistic missile defense systems." That is not an illogical test for the Russian military to conduct, given U.S. interest in developing missile defenses.

The U.S. Air Force National Space and Intelligence Center recently released a report on ballistic and cruise missile threats. That report concluded "neither Russia nor the United States produce or retain any MRBM [medium-range ballistic missile] or IRBM [intermediate-range ballistic missile]

systems because they are banned by the Intermediate-Range Nuclear Forces Treaty, which entered into force in 1988." That supports the State Department report of no violation of the INF Treaty.

The fact is that ballistic missiles can be flown to less than their maximum ranges. The United States has flown a Trident submarine-launched ballistic missile to a relatively short range. I have not been able to find out whether the U.S. Air Force over the past 40 years has ever flown a Minuteman III ICBM to less than 5500 kilometers. If so, by the logic of this allegation, the United States would be in violation of the INF Treaty. The point, however, is that flying permitted ICBMs to less than intercontinental range does not mean that they are banned INF ballistic missiles.

Indeed, when the INF Treaty was signed in 1987, the expectation in the Reagan administration was that the Soviets would re-aim some of their ICBMs to cover targets in Asia and Europe that previously had been targeted by their INF ballistic missiles. That was because, as the Soviets eliminated their SS-20s, they had no ballistic missiles to cover time-urgent targets at intermediate ranges.

Time-urgent targets—targets that the Soviets might want to strike quickly in the event of a conflict—included Chinese land-based ballistic missiles, French intermediate-range ballistic missiles, and U.S. and NATO dual-capable aircraft and their associated nuclear bombs. The Soviets could go after those targets with aircraft, but planes have far longer flight times than ballistic missiles (measured in hours vs. minutes) and would have to contend with air defenses.

The Reagan administration thus assumed that the Soviets would reallocate some of the ICBM warheads against targets previously covered by SS-20s. NATO and Asian allies understood this as well. No one saw it as a big deal—and certainly not as a violation of the INF Treaty.

Compliance with arms control treaties needs to be closely monitored. This is a critical part of arms control. But compliance assessments and charges of treaty violations should be made in a serious manner, based on facts and evidence, not on allegations that border on the frivolous.

Steven Pifer

Director, Arms Control and Non-Proliferation Initiative

Does Obama see the bear in the woods?

Greg Nash

By Thomas C. Moore - 07/15/14 07:19 PM EDT

As reported by The New York Times's Michael Gordon last January, Russia is purportedly no longer complying with President Reagan's first arms control treaty, the 1988 Intermediate-Range Nuclear Forces (INF) Treaty.

The INF Treaty was the only nuclear agreement with Moscow that banned and eliminated an entire class of nuclear weapons: ground-launched cruise and ballistic missiles with ranges between 500 and 5,500 kilometers, along with their declared launchers and support equipment. INF-banned missiles were to be completely eliminated and never again designed, developed, flight-tested, produced and deployed.

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The Strategic Forces Subcommittee of the House Armed Services Committee will hold an open hearing on these matters this Thursday.

The Obama administration has stated that it "raised the issue" with Moscow and "briefed" U.S. allies in Europe. Other experts have called for a crash course in making new American cruise and ballistic missiles of INF-banned ranges. Calls have now come from both the right and the left for the administration to make public the specific details of Russian noncompliance. But the administration has done little to confront publicly the alleged Russian nuclear cheating.

It must go public with its concerns. In any compliance matter involving sensitive intelligence collection and U.S. national technical means, there is always a debate as to what can and cannot be revealed based on concerns about the sources and methods used to gather information. It is in these cases that the president of the United States must make a judgment call.

Consider that if President Kennedy was not able to share U-2 spy plane reconnaissance photos of Soviet SS-4 Sandal missiles, their transporter-erector launchers, and support equipment and personnel in Cuba in 1962, the United States would have not been able to deliver a crushing blow to Soviet deception at the United Nations in October 1962. Today, we ought not wait until hell freezes over before the administration starts to show the world just what kind of a threat we may now face from Russia. Russian President Vladimir Putin was serious when he said, "the collapse of Soviet Union was a major geopolitical disaster of the [20th] century" in 2005. He has been dismantling the entire post-Cold War security architecture, including suspension of Russian implementation of the Treaty on Conventional Armed Forces in Europe (CFE) in May 2007 and testing related waters during the war with Georgia in 2008.

Putin has now annexed a sovereign state's territory in Crimea and continues to destabilize Ukraine. This aggression, when coupled with reported Russian INF Treaty noncompliance, demonstrates that we now face in Moscow as dedicated, if not as communist, an enemy confronting the United States and its allies as we did during the Cold War.

The most important part of the Kremlin's publicly reported INF-missile gambit is how closely it mirrors Reagan's dual-track strategy of the 1980s. Reagan's policy was to deploy and negotiate. He gained agreement in NATO to deploy a limited number of Pershing II missiles in Europe while offering to negotiate with Moscow to reduce and limit its SS-20s. Germany went a step further to induce Russian agreement, offering to dismantle its Pershing IA missiles only when both the United States and the Soviet Union eliminated all their intermediate and shorter range missiles. The strategy worked, and the result was the INF Treaty.

If reports are true, Russia could be undertaking a Reagan-like approach to intermediate-range nuclear weapons in Europe. Obama, on the other hand, continues to advocate for nuclear reductions with no comment on reported Russian violations. Obama went to Berlin last summer, and rather than challenge anyone to tear down a wall, instead gave the same speech he gave in Prague in 2009. It is possible Obama knew about alleged Russian INF Treaty noncompliance even as he publicly endorsed deep

nuclear reductions. Russia smirked: They know that U.S. nuclear modernization plans are unclear, at best, and that Washington keeps trimming its missile defense plans. With little or no effort, Russia is waiting out the inevitable decrepitude of American nuclear forces to the point where no negotiation is needed.

The Kremlin's strategy offers a reflection on Obama's nuclear legacy that is not pretty. Obama still has time to increase pressure on Russia over its alleged INF Treaty violations. The first step would be by making them public.

Moore is a senior fellow at The Lugar Center, and was for more than a decade a senior professional staff member on the Senate Foreign Relations Committee. The views expressed are his entirely and do reflect those of anyone other than the author.

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The Kremlin's Dangerous Nuclear Gambit

Thomas C. Moore

Russia is purportedly no longer complying with Ronald Reagan's first arms control treaty, the 1988 Intermediate Range Nuclear Forces Treaty (INF). The INF treaty was the only nuclear agreement with Moscow that banned and eliminated an entire class of nuclear weapons—ground-launched cruise and ballistic missiles with ranges between 500 and 5,500 kilometers as well as their declared launchers and support equipment. INF-banned missiles were to be completely eliminated and never again designed, developed, flight-tested, produced, or deployed. The Strategic Forces Subcommittee of the House Armed Services Committee will hold an open hearing on these matters tomorrow, on Thursday.

The Obama Administration's has stated that it has "raised the issue" with Moscow and "briefed" U.S. allies in Europe. Other experts have called for a crash course in making new American cruise and ballistic missiles of INF-banned ranges. Calls have now come from both the right and the left for the Obama Administration to reveal the specific details of Russian noncompliance. But the Administration has done little to openly confront the alleged Russian nuclear cheating. It must go public with its concerns. In any compliance matter involving sensitive intelligence collection and U.S. national technical means, there is always a debate as to what can and cannot be revealed based on concerns about the sources and methods used to gather information. It is in these cases that the President of the United States must make a judgment call.

Consider that if President Kennedy had not been able to share U-2 spy plane reconnaissance photos of Soviet SS-4 Sandals, their transporter-erector-launchers, and support equipment and personnel in Cuba in 1962, the United States would have not been able to deliver a crushing blow to Soviet deception at the United Nations in October 1962. Today, we ought not wait until hell freezes over before the Obama Administration starts to show the world just what kind of a threat we may now face from Russia.

Vladimir Putin was serious in 2005 when he said, "the collapse of Soviet Union was a major geopolitical disaster of the [20th] century." He has been dismantling the entire post-Cold War security architecture, including by suspending Russian implementation of the Conventional Forces in Europe treaty in May 2007 and testing related waters during the war with Georgia in 2008. Putin has now annexed a sovereign state's territory in Crimea, and continues to destabilize Ukraine. This aggression, when coupled with reported Russian INF Treaty noncompliance, demonstrates that we now face in Moscow a dedicated enemy confronting the United States and its allies.

Disturbingly, the Kremlin's publicly reported INF-missile gambit closely mirrors Ronald Reagan's "dual-track" strategy of the 1980s. Reagan's strategy was to deploy and negotiate. He gained agreement in NATO to deploy a limited number of Pershing II missiles in Europe while offering to negotiate with Moscow to reduce and limit its SS-20s. Germany went a step further to induce Russian agreement, offering to dismantle its Pershing IA missiles only when both the United States and the Soviet Union eliminated all their intermediate and shorter range missiles. The strategy worked and the result was the INF treaty.

Similarly, if reports are true, Putin's noncompliance with the INF Treaty could be linked to his desire to remove U.S. missile defenses from Europe. Putin has made public statements since 2007 threatening to withdraw from the INF Treaty if the missile defense issue was not resolved to his satisfaction. Obama, on the other hand, continues to advocate for nuclear reductions with no comment on reported Russian violations. Obama went to Berlin last summer, and rather than challenge anyone to tear down a wall, instead gave the same speech he gave in Prague in 2009. It

is possible Obama knew about alleged Russian INF Treaty compliance even as he publicly endorsed deep nuclear reductions. Russia smirked: They know that U.S. nuclear modernization plans are unclear, at best, and that Washington keeps trimming its missile defense plans. With little or no effort, Russia is waiting out the inevitable decrepitude of American nuclear forces to atrophy to the point where no negotiation is needed.

The Kremlin's strategy offers a reflection on Obama's nuclear legacy that is not pretty. Obama still has time to increase pressure on Russia over its alleged INF Treaty violations. The first step would be by making them public.

Thomas C. Moore is a Senior Fellow at The Lugar Center, and was for over a decade a Senior Professional Staff Member on the Senate Foreign Relations Committee. The views expressed are his entirely, and do reflect those of anyone other than the author.

U.S. Knew Russia Violated Intermediate-Range Nuclear Forces Treaty

<http://www.thedailybeast.com/articles/2013/11/26/u-s-knew-russia-violated-intermediate-range-nuclear-forces-treaty.html>

The Kremlin cheated on a nuclear pact it signed with the United States, the U.S. government believes—and Secretary Kerry was briefed on the violations almost a year ago.

Congressional leaders are acting to force the Obama administration to confront Russia on its violations of a nuclear treaty that U.S. officials have acknowledged since 2012.

On November 27 of that year, two top Obama administration officials held a closed-door hearing with the Senate Foreign Relations Committee, chaired by Sen. John Kerry, who only months later would become President Obama's secretary of state. Inside the top-secret hearing, acting Undersecretary of State for Arms Control and International Security Rose Gottemoeller and Assistant Secretary of Defense for Global Strategic Affairs Madelyn Creedon told lawmakers that Russia had violated the 1987 Intermediate-Range Nuclear Forces Treaty (INF), according to two U.S. officials who attended the classified meeting.

Inside the meeting, Kerry expressed anger and frustration about the Russian cheating and warned that if the violations became widely known, future efforts to convince the Senate to ratify arms control treaties would be harmed.

"If we're going to have treaties with people, we've got to adhere to them," Kerry said, according to two U.S. officials who read the classified transcript of the hearing. "We're not going to pass another treaty in the U.S. Senate if our colleagues are sitting up here knowing somebody is cheating."

Kerry was a major proponent of the New START treaty with Russia, which the Senate ratified after a long debate in December 2010. As secretary of state, he has supported negotiating a follow-on treaty with Russia that could place further limits on the two countries' stockpiles of strategic and tactical deployed nuclear weapons.

But Kerry knew last year that Russia was in violation of the INF Treaty. That pact, signed by President Reagan, bars development, testing, or deployment of missiles or delivery systems with a range of between 500 and 5,500 kilometers.

"If we're going to try to reduce more weapons or we're going to try to have further limits...I can't look you in the eye, I can't look anybody in the eye here and say, 'Hey, vote for this, we haven't followed through and kept the promises with the prior ones, with the foundations that we've built here,'" Kerry said inside the hearing.

The exact manner of the Russian cheating remains unclear and highly classified, although there have been several reports that Russia has tested and plans to continue testing two missiles in ways that could violate the terms of the treaty: the SS-25 road mobile intercontinental ballistic missile and the newer RS-26 ICBM, which Russian Deputy Prime Minister Dmitry Rogozin has called “the missile defense killer,” a reference to U.S. plans to expand ballistic missile defense in Europe.

The State Department declined to confirm or deny that it believes Russia is in violation of the treaty and declined to comment on the 2012 briefing with Kerry.

“The administration’s been candid with Congress about a range of countries where we have ongoing treaty compliance issues and are seeking to address them, and that includes concerns we have raised with Russia,” an administration official said. “Determinations about non-compliance are made after a careful process, but Congress is in the loop.”

Some experts say the Obama administration’s failure to acknowledge the treaty violations publicly or confront the Russians about them openly indicates the administration can’t be trusted to take on potential violations by other bad actors with whom it has struck deals, such as the Iranian government and Bashar al-Assad’s regime in Syria.

“If it’s true that the Obama administration has not been candid about—or worse, actively suppressed—information that Russia has violated the Intermediate-Range Nuclear Forces Treaty, then how are congressional lawmakers and the American public supposed to trust that the administration won’t do the same if the Assad regime violates the agreement to remove chemical weapons from Syria or if Iran cheats on the Geneva pact on its nuclear program?” said former congressional staffer Robert Zarate, now policy director of the Foreign Policy Initiative.

Other congressional aides said the Obama administration has briefed certain European allies about the Russian treaty violations but has not informed the entire North Atlantic Council, the political branch of the 27-member North Atlantic Treaty Organization (NATO).

“The INF Treaty is the backbone of protecting Europe from nuclear threats,” said a senior GOP Senate aide. “The fact that the administration will not brief NATO on this issue is a clear indication they place a higher priority on their relationship with Russia than with actual allies in Europe.”

Not all experts agree that the violations are of grave importance. Joe Cirincione, president of the Ploughshares Fund, said treaty violations can be dealt with on a bilateral basis.

“There are real concerns about developments in Russian nuclear strategy,” he said. “But issues of compliance by both nations with arms control treaties are common, and we have reliable methods for resolving these issues. We have to make sure that a compliance problem is not used as an excuse to blow up a threat reduction mechanism that provides real security benefits for the United States.”

But 10 Republican senators disagree and have proposed an amendment to the National Defense Authorization Act (NDAA), obtained by The Daily Beast, that would force the administration to send Congress “a report on information and intelligence sharing with North Atlantic Treaty Organization (NATO) and NATO countries on compliance issues related to the INF Treaty.”

The lead senator on the amendment, Sen. James Risch (R-ID), has been furious about the administration’s handling of Russia’s INF Treaty violations for several months.

Risch confronted Kerry about the cheating at Kerry’s January confirmation hearing, although the senator didn’t say exactly what he was talking about due to the classified nature of the information.

“You and I have sat through some classified briefings, and I don’t want to get into details that we shouldn’t get into, but I’d like your thoughts on where we are at the present time regarding compliance and verification in a general fashion,” Risch said.

Risch also wanted Kerry to promise that any future arms reduction treaties would be sent to the Senate for ratification, considering the past violations, rather than being simply agreed to by the two governments.

“I don’t want to be commenting in some prophylactic way one side or the other without the specific situation in front of me. But I’m confident the president is committed to upholding the Constitution,” Kerry responded, defending the administration’s right to sign agreements without congressional consent.

Risch is one of multiple senators holding up Gottemoeller’s confirmation as undersecretary of state, which has been stalled for months. Sources also said Gottemoeller is being considered to replace Michael McFaul next year as U.S. ambassador to Russia.

Concerns about Russia’s violations of the INF Treaty have been expressed repeatedly by members of the Senate Intelligence Committee and leading House members, including House Armed Services Committee Chairman Buck McKeon and House Permanent Select Committee on Intelligence Chairman Mike Rogers.

“Since October, we have written to you twice with our concerns about a massive Russian violation and circumvention of an arms control obligation to the United States of great significance to this nation and to its NATO allies,” McKeon and Rogers wrote in an April letter to Obama. “Briefings provided by your administration have agreed with your assessment that Russian actions are serious and troubling, but have failed to offer any assurance of any concrete action to address these Russian actions.”

Russian officials have denied they are violating the INF Treaty but at the same time have signaled that at some point the country intends to withdraw from the treaty and pursue development of the currently banned weapons.

Sergei Ivanov, head of the office of President Vladimir Putin, told a Russian TV channel in June that Russia was looking for a way out of the agreement.

“Why is it that everyone and anyone can have this class of weapons and we and the United States cannot?” Ivanov said. “The question arises. On the one hand, we signed the Soviet-American agreement. We perform, but it cannot go on for infinity.”

Josh Rogin
Senior Correspondent
The Daily Beast
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The New York Times

U.S. Says Russia Tested Missile, Despite Treaty

By MICHAEL R. GORDON

January 29, 2014

WASHINGTON — The United States informed its NATO allies this month that Russia had tested a new ground-launched cruise missile, raising concerns about Moscow's compliance with a landmark arms control accord.

American officials believe Russia began conducting flight tests of the missile as early as 2008. Such tests are prohibited by the treaty banning medium-range missiles that was signed in 1987 by President Ronald Reagan and Mikhail S. Gorbachev, the Soviet leader at the time, and that has long been viewed as one of the bedrock accords that brought an end to the Cold War.

Beginning in May, [Rose Gottemoeller](#), the State Department's senior arms control official, has repeatedly raised the missile tests with Russian officials, who have responded that they investigated the matter and consider the case to be closed. But Obama administration officials are not yet ready to formally declare the tests of the missile, which has not been deployed, to be a violation of the 1987 treaty.

With President Obama pledging to seek deeper cuts in nuclear arms, the State Department has been trying to find a way to resolve the compliance issue, preserve the treaty and keep the door open to future arms control accords.

"The United States never hesitates to raise treaty compliance concerns with Russia, and this issue is no exception," Jen Psaki, the State Department spokeswoman, said. "There's an ongoing review process, and we wouldn't want to speculate or prejudge the outcome."

Other officials, who asked not to be identified because they were discussing internal deliberations, said there was no question the missile tests ran counter to the treaty and the administration had already shown considerable patience with the Russians. And some members of Congress, who have been briefed on the tests on a classified basis for well over a year, have been pressing the White House for a firmer response.

A public dispute over the tests could prove to be a major new irritant in the already difficult relationship between the United States and Russia. In recent months, that relationship has been strained by differences over how to end the fighting in Syria; the temporary asylum granted to Edward J. Snowden, the former National Security Agency contractor; and, most recently, the turmoil in Ukraine.

The treaty banning the testing, production and possession of medium-range missiles has long been regarded as a major step toward curbing the American and Russian arms race. "The importance of this treaty transcends numbers," Mr. Reagan said during the treaty signing, adding that it underscored the value of "greater openness in military programs and forces."

But after President Vladimir V. Putin rose to power and the Russian military began to re-evaluate its strategy, the Kremlin developed second thoughts about the accord. During the administration of President George W. Bush, Sergei B. Ivanov, the Russian defense minister, proposed that the two sides drop the treaty.

Though the Cold War was over, he argued that Russia still faced threats from nations on its periphery, including China and potentially Pakistan. But the Bush administration was reluctant to terminate a treaty that NATO nations regarded as a cornerstone of arms control and whose abrogation would have enabled the Russians to increase missile forces directed at the United States' allies in Asia.

Since Mr. Obama has been in office, the Russians have insisted they want to keep the agreement. But in the view of American analysts, Russia has also mounted a determined effort to strengthen its nuclear abilities to compensate for the weakness of its conventional, nonnuclear forces.

At the same time, in his State of the Union address last year, Mr. Obama vowed to "seek further reductions in our nuclear arsenals," a goal American officials at one point hoped might form part of Mr. Obama's legacy.

But administration officials and experts outside government say Congress is highly unlikely to approve an agreement mandating more cuts unless the question of Russian compliance with the medium-range treaty is resolved.

"If the Russian government has made a considered decision to field a prohibited system," Franklin C. Miller, a former defense official at the White House and the Pentagon, said, "then it is the strongest indication to date that they are not interested in pursuing any arms control, at least through the remainder of President Obama's term."

It took years for American intelligence to gather information on Russia's new missile system, but by the end of 2011, officials say it was clear that there was a compliance concern.

There have been repeated rumors over the last year that Russia may have violated some of the provisions of the 1987 treaty. But the nature of that violation has not previously been disclosed, and some news reports have focused on the wrong system: a new two-stage missile called the RS-26. The Russians have flight-tested it at medium range, according to intelligence assessments, and the prevailing view among Western officials is that it is intended to help fill the gap in Russia's medium-range missile capabilities that resulted from the 1987 treaty. The treaty defines medium-range

missiles as ground-launched ballistic or cruise missiles capable of flying 300 to 3,400 miles.

But because Russia has conducted a small number of tests of the RS-26 at intercontinental range, it technically qualifies as a long-range system and will be counted under the treaty known as New Start, which was negotiated by the Obama administration. So it is generally considered by Western officials to be a circumvention, but not a violation, of the 1987 treaty.

One member of Congress who was said to have raised concerns that the suspected arms control violation might endanger future arms control efforts was John Kerry. As a senator and chairman of the Foreign Relations Committee, he received a classified briefing on the matter in November 2012 that dealt with compliance concerns, according to a report in *The Daily Beast*.

As secretary of state, Mr. Kerry has not raised concerns over the cruise missile tests with his Russian counterpart, Sergey V. Lavrov, but he has emphasized the importance of complying with arms accords, a State Department official said.

Republican lawmakers, however, have urged the administration to be more aggressive.

"Briefings provided by your administration have agreed with our assessment that Russian actions are serious and troubling, but have failed to offer any assurance of any concrete action to address these Russian actions," Representative Howard McKeon, Republican of California and chairman of the Armed Services Committee, and Representative Mike Rogers, the Michigan Republican who leads the Intelligence Committee, said in an April letter to Mr. Obama.

And Senator Jim Risch, Republican of Idaho, and 16 other Republican senators recently proposed legislation that would require the White House to report to Congress on what intelligence the United States has shared with NATO allies on suspected violations of the 1987 treaty.

Republican members of the Senate Foreign Relations Committee have also cited the issue in holding up Ms. Gottemoeller's confirmation as under secretary of state for arms control and international security.

It was against this backdrop that the so-called deputies committee, an interagency panel led by Antony Blinken, Mr. Obama's deputy national security adviser, decided that Ms. Gottemoeller should inform NATO's 28 members about the compliance issue.

On Jan. 17, Ms. Gottemoeller discussed the missile tests in a closed-door meeting of NATO's Arms Control, Disarmament and Non-Proliferation Committee that she led in Brussels.

The Obama administration, she said, had not given up on diplomacy. There are precedents for working out disputes over arms control complaints, and Ms. Gottemoeller said American officials would continue to engage the Russians to try to resolve the controversy.

But even with the best of intentions, establishing what the Russians are doing may not be easy. The elaborate network of verification provisions created under the medium-range missile treaty is no longer in effect, since all the missiles that were believed to be covered by the agreement were long thought to have been destroyed by May 1991.

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This UNCLASSIFIED report is the redacted/edited version of the CJCS approved report, by the same name and date, that was classified SECRET.

**Report on Conventional Prompt Global Strike
Options if Exempt from the Restrictions of the
Intermediate-Range Nuclear Forces Treaty Between
the United States of America and the Union of Soviet
Socialist Republics**



Prepared September 2013 in consultation with



Preparation of this report cost the Department of Defense a total of approximately \$8,550 for the 2013 Fiscal Year.
Generated on 2013SEP12 1740 Ref ID: 7-A3E3A6D

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(U) Executive Summary

(U) The National Defense Authorization Act (NDAA) for Fiscal Year 2014 directed “the Chairman, Joint Chiefs of Staff, in consultation with the Commander, U.S. Strategic Command, to provide a report to the congressional defense committees not later than September 30, 2013, detailing what additional conventional prompt global strike concepts the military warfighters would seek to develop and deploy in the event the United States was no longer constrained by the INF treaty. Such report should include an assessment of the specific military requirements that exist that could be provided for with such INF treaty unconstrained capabilities as well as an assessment of any cost, technology risk, and timeline advantages that could be achieved with capabilities that are presently not available to the United States due to its adherence to the INF treaty. The report should also include an assessment of any risks and benefits to strategic stability of developing such systems.”

(U) The 2001 Nuclear Posture Review (NPR) defined strategy is based on a comprehensive set of offensive and defensive capabilities supported by a robust infrastructure. The report noted the addition of non-nuclear strike forces, including conventional strike, could reduce U.S. dependence on nuclear weapons to provide its offensive deterrent capability. Subsequently, U.S. Strategic Command (USSTRATCOM) embarked on an effort to advocate for the development of a high-precision conventional prompt global strike (CPGS) capability.

(U) In 2006, the Joint Requirements Oversight Council (JROC) validated the Prompt Global Strike (PGS) Initial Capabilities Document (ICD) which defines CPGS as a system that “provides the capability to strike globally, precisely and rapidly with kinetic and non-kinetic effects against high-payoff, time-sensitive targets: (1) in a single or multi-theater environment, (2) when US and Allied forces have no permanent military presence or only limited infrastructure in a region, (3) regardless of anti-access threats. The ICD requirements were validated by the JROC in 2013.

(U) The Intermediate-Range Nuclear Forces (INF) Treaty eliminated nuclear and conventional ground-launched ballistic and cruise missiles ranges between 500 and 5,500 km. The treaty prohibits the production, flight test or launch of any shorter- (500-1,000 km) to intermediate- (1,000-5,500 km) range ground-launched ballistic and cruise missiles or production or possession of any stages and/or launchers of such missiles. In the absence of the INF Treaty, four types of weapons systems could assist in closing the existing JROC-validated capability gap:

- (1) Modifications to existing short range or tactical weapon systems to extend range
- (2) Forward-based, ground-launched cruise missiles (GLCMs)
- (3) Forward-based, ground-launched intermediate-range ballistic missiles (IRBMs)
- (4) Forward-based, ground-launched intermediate-range missiles with trajectory shaping vehicles (TSVs).

(U) Because of INF restrictions, examination of prohibited concepts has not been performed by industry or the Services. Trade studies regarding capability, affordability, and development

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timelines would have to be completed prior to providing an accurate estimate of cost, technology risk, and timeline advantages that could be achieved with respect to these concepts. Extensive knowledge could be leveraged from past and current land- and sea-based systems to assist in potential development and deployment of these currently prohibited concepts.

1.0 (U) Background

- 1.1 (U) This report is submitted as a response to Enclosure 9 posted in the "HASC Report 113-102 National Defense Authorization Act for Fiscal Year 2014 Classified Annex Report of the Committee on Armed Services House of Representatives on H.R. 1960, dated 7 June 2013."

2.0 (U) Conventional Prompt Global Strike

- 2.1 (U) Per the PGS ICD and as stated in USSTRATCOM's CPGS Concept of Operations, CPGS systems could be employed to strike globally, precisely, and rapidly with lethal kinetic effects against high-payoff, time-sensitive targets in denied and/or geographically isolated areas when other forces are not available, not responsive enough, or not preferred.
- 2.2 (U) The 2010 NPR noted the DoD "is studying the appropriate mix of long-range strike capabilities, including heavy bombers as well as non-nuclear prompt global strike, in follow-on analysis to the 2010 Quadrennial Defense Review and the NPR." DoD has not made any decisions regarding system concepts, basing strategies, or acquisition programs for CPGS operations deployment. CPGS capabilities will be implemented in compliance with all relevant U.S. arms control treaty obligations.

3.0 (U) Intermediate-Range Nuclear Forces Treaty

- 3.1 (U) The INF Treaty is a 1987 agreement between the United States and the Soviet Union that eliminated and permanently prohibits nuclear and conventional ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 km, along with their launchers and associated support structures and equipment. The treaty prohibits the production, flight test or launch of any shorter- (500-1,000 km) to intermediate-range (1,000-5,500 km) missiles or production or possession of any stages and/or launchers of such missiles. The treaty places no restrictions on manned aircraft, air-launched or sea-launched systems, or ground-launched systems with ranges less than 500 km or greater than 5,500 km.¹
- 3.2 (U) If the INF Treaty ceases to be in effect, the Department could choose to develop, flight test, and deploy conventional ground-launched ballistic and cruise missiles of any range and basing construct. Furthermore, the Department could obtain foreign missile systems, the possession of which is prohibited by the INF Treaty. Impacts regarding other treaties would need to be assessed, namely New START (NST)

¹ National Research Council of the National Academies, U.S. Conventional Prompt Global Strike: Issues for 2008 and Beyond, 2008

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accountability. INF and NST use the same or similar definitions that could impact CPGS efforts (see Enclosure A).

- 3.3 (U) Clear range separation exists between INF and NST. Any weapon system that might be developed in absence of the INF Treaty would need to be mindful of the 5,500 km range that could make it accountable as defined by the NST (Figure 2).

4.0 (U) Military Requirements

- 4.1 (U) Any CPGS capability using conventional ground-launched ballistic or cruise missiles with ranges between 500 and 5,500 km should comply with the specific military requirements outlined in the PGS ICD. These requirements were validated by JROC in 2006 and revalidated in 2013. These requirements are not affected by the status of the INF treaty.

- 4.2 (U) Absent INF treaty prohibitions, four additional types of weapon systems could assist at various levels to close the JROC-validated capability gap (Figure 3):

4.2.1 (U) Modifications to Existing Short Range or Tactical Weapon Systems: Modifying current weapon systems could provide a near-term solution to close the shorter-range portion of the CPGS capability gap. Existing tactical systems could potentially be modified to extend range into the lower ranges currently prohibited by the INF Treaty (i.e., "shorter-range missiles" with 500 to 1,000 km range as defined by the INF Treaty). Further study would be required to determine tradeoffs between range extension, warhead weight, and payload capability.

4.2.2 (U) Forward-Based, Ground-Launched Cruise Missiles: Development of GLCMs could leverage extensive technical development from current and previous air-launched cruise missile (ALCM) and GLCM programs. Increased capabilities may be required in anti-access environments.

4.2.3 (U) Forward-Based, Ground-Launched Intermediate-Range Ballistic Missiles: Intermediate-range ballistic missiles (IRBMs), when forward-based at multiple locations, could mitigate the capability gap in terms of time and range. Despite high re-entry velocities, a weapon system with a purely ballistic trajectory could be susceptible to modern missile defense systems and lack the precision required to effectively strike targets with conventional munitions due to in-flight guidance errors.

4.2.4 (U) Forward-Based, Ground-Launched Intermediate-Range Missiles with Trajectory Shaping Vehicles: This concept is an evolution of the IRBM; instead of a simple re-entry vehicle following a ballistic trajectory, the re-entry vehicle incorporates maneuvering and glide capabilities. Increased capabilities may be required in anti-access environments.

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- 4.3 (U) Any future CPGS system with greater than 50 percent non-ballistic trajectory would not fall under NST restrictions as long as the remaining weapon characteristics are not defined as an ICBM or SLBM. Without INF prohibitions, the United States could develop ground-launched systems with ranges between 500 and 5,500 km capable of using any trajectory (ballistic, shaped, or non-ballistic). This would result in systems with the required timeliness, effects on target, and survivability needed to close the existing capability gap.
- 4.4 (U) Due to current INF prohibitions, specifically the definition of a ballistic missile, the Department is pursuing technology development concepts using boost-glide vehicles to achieve a greater than 50 percent non-ballistic flight profile. Without INF, the key benefit would be the ability to field a ground-launched ballistic system, such as an IRBM with a TSV. This type of system could deliver the same or better capability as a boost-glide vehicle, with potentially less technological risk and cost.

5.0 (U) Assessments of Cost, Technology Risk and Timeline Advantages

- 5.1 (U) Current CPGS efforts do not include nuclear or conventional ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 km. Neither Service nor industry partners has examined INF prohibited concepts. Cost and acquisition timelines for such systems cannot be accurately estimated until decisions are made regarding which technologies, concepts, and systems to examine in the formal development process. Further concept specific Research, Development, Test, and Evaluation (RDT&E) would be required if the Department chooses to pursue a capability outside the current focus of the CPGS Defense Wide Account's (DWA's) RDT&E.

5.1.1 (U) Modifications to Existing Short-Range or Tactical Weapon Systems:

Compared with a new start development, modification of currently fielded weapons could accelerate initial operational capability timelines because the technology is mature. Development costs could be relatively low to field a modified system; however, cost/benefit analysis would be required to assess near-term military usefulness versus a more capable weapon system with longer RDT&E timelines. Shorter-range systems would require a greater number of basing locations to provide global coverage. This would increase overall program cost.

5.1.2 (U) Forward-Based, Ground-Launched Cruise Missiles: Leveraging existing cruise missile and hypersonic test programs, a forward-based GLCM would present low-to-moderate technological risk and acquisition timelines. The costs of such a program could be comparable to current cruise missile programs such as the Long Range Standoff cruise missile; however, it would require increases in capabilities such as range, speed, stealth, and warhead lethality.

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5.1.3 (U) Forward-Based, Ground-Launched Intermediate-Range Ballistic Missiles: IRBMs could provide a low technical risk approach to field a CPGS weapon system. Extensive knowledge exists in ballistic missile technologies based on past and current ICBM and SLBM RDT&E. Leveraging existing mature technologies, IRBMs could be developed and fielded in the near term at potentially lower costs relative to other concepts.

5.1.4 (U) Forward-Based, Ground-Launched Intermediate-Range Missiles with Shaped Trajectories: Hypersonic boost/glide re-entry vehicles have been the major focus of the PGS DWA's research since 2008. Prior to that, the Services, National Laboratories, and industry have done extensive experimental work. Hypersonic glide vehicles can vary in technological complexity. Without the range prohibitions of the INF Treaty, the Department could pursue lower technology risk solutions leveraging proven success in numerous test flights. The timeline to field a system would be comparable to any other option, especially in light of the extensive testing experience. Expected costs would likely be higher than the IRBM option, but could yield improvements in military effectiveness.

6.0 (U) Potential Effects on Strategic Stability

- 6.1 (U) The request to assess the risks and benefits to strategic stability associated with withdrawing from the INF Treaty and developing weapon delivery systems currently prohibited by it is an inherently political question, as stability in the international security environment is inextricably linked to political aspirations and strategic intentions of many state and non-state actors. It is important to note that there is nothing fundamentally unique about the weapon technologies prohibited by the INF Treaty that makes them inherently destabilizing.
- 6.2 (U) U.S. development of shorter- and intermediate-range weapon delivery systems of a type currently prohibited by the INF Treaty could likely elicit political criticism regarding the potential for increased instability from potential adversaries. Meanwhile, Russian development and deployment of IRBMs and ground-launched cruise missiles could generate Allied concerns. This would likely be due, in part, to the short time of flight of forward-deployed systems. However, those same Russian systems could also affect the strategic calculus of other potential adversaries, such as China, in ways beneficial to stability.
- 6.3 (U) It is also foreseeable that U.S. development and deployment of these capabilities could enhance our strategic position vis-à-vis rival powers by bolstering our deterrent and extended deterrent capabilities. Stability could be preserved and strengthened in critical areas where U.S. and Allied interests might otherwise be challenged by competing state aspirations. Militarily, forward-deployed options, while sacrificing some survivability due to fixed-site positioning, could provide a persistent presence and decrease mission burden to submarine or ship launched systems. They could provide new and effective PGS capabilities, which reduce the nuclear ambiguity risk associated with conventionally armed ICBMs. Conversely, shorter times of flight of

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forward-deployed systems risk increased instability depending on the location and situation.

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(U) ENCLOSURE A**1.0 (U) New Strategic Arms Reduction Treaty**

- 1.1 (U) NST is a nuclear arms reduction treaty between the United States and the Russian Federation. It was entered-into-force on 5 February 2011 and is expected to remain in place until 2021. The Department of State Fact Sheet on "Investment in Conventional Prompt Global Strike" states "The New START Treaty allows the United States to deploy CPGS systems, and does not in any way limit or constrain research, development, testing, and evaluation of such concepts and systems, which offer the prospect of striking any target in the world in less than an hour." CPGS weapon systems would count under the central limits of the treaty if they meet the NST definitions of an intercontinental or submarine launched ballistic missile.
- 1.2 (U) New START Treaty definitions that could impact CPGS:
- 1.2.1 (U) Ballistic Missile: A missile that is a weapon-delivery vehicle that has a ballistic trajectory over most of its flight.
- 1.2.2 (U) ICBM: A land-based ballistic missile with a range in excess of 5,500 km.
- 1.2.3 (U) SLBM: A ballistic missile with a range in excess of 600 km of a type, any one of which has been contained in, or launched from, a submarine.
- 1.2.4 (U) Weapon-delivery vehicle: For ballistic missiles and cruise missiles, a missile of a type, any one of which has been launched or flight-tested, or deployed to carry or be used as a weapon, that is, as any mechanism or any device that when directed against any target, is designed to damage or destroy it.
- 1.2.5 (U) Cruise Missile: A missile that is an unmanned, self-propelled weapon-delivery vehicle that sustains flight through the use of aerodynamic lift over most of its flight path.
- 1.2.6 (U) "New Type" of ICBM: A type of ICBM, the technical characteristics of which differ from the technical characteristics of an ICBM declared previously in at least one of the following respects: (a) number of stages, (b) type of propellant of any stage, (c) either the length of the assembled missile without front section or the length of the first stage, by more than 3 percent, or (d) diameter of the first stage, by more than 3 percent.
- 1.2.7 (U) Prototype: ICBMs or SLBMs, an ICBM or SLBM of a new type, no more than 20 missiles of which have been launched, and no launcher of missiles of which have been deployed.
- 1.2.8 (U) "New Kind" of weapon refers to new offensive arms of strategic range that do not meet the treaty's definitions of these existing strategic offensive arms.

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- 1.3 (U) INF and NST use the same definition for ballistic missiles. NST carries the discussion a step further, into a distinction between "new types" of weapons (new ICBMs, SLBMs, etc.) versus "new kinds" of weapons (hypersonic glide).

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MICHAEL R. TURNER
Tenth District, Ohio

COMMITTEE ON ARMED SERVICES
CHAIRMAN
SUBCOMMITTEE ON
TACTICAL AIR AND LAND FORCES

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM
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Congress of the United States
House of Representatives
Washington, DC 20515

January 30, 2014

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President Barack Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

Recent reports indicate that the United States has known, since 2008, of a major nuclear arms control treaty violation by the Russian Federation—a material breach of the Intermediate-Range Nuclear Forces Treaty (INF). However, it appears that your Administration has failed to address the issue or inform our North Atlantic Treaty Organization (NATO) allies of these violations in a timely manner.

As you are aware, your Administration called upon NATO to undertake the 2012 Deterrence and Defense Posture Review (DDPR) in an effort to analyze the current threat environment and ensure that the alliance's nuclear posture is designed to meet those threats. It is now clear that after mandating the DDPR, the United States chose to withhold information from NATO about Russian arms control violations that directly affect NATO's security. Had NATO been made aware of these violations, the Alliance could have made judgments about its nuclear posture with a more thorough and complete understanding of all relevant events and circumstances. Your Administration's failure to disclose this critical information to NATO during the review process both compromises the DDPR and weakens the trust our allies place in us.

Furthermore, knowledge of these INF treaty violations should have made your Administration more attentive to its commitments to address the current state of our nuclear force. Instead, your administration has continued to delay or ignore these critical programs. The status of your modernization commitments include:

- *OHIO*-Class Replacement ballistic missile submarine – delayed two years with no margin left for further delay.
- Long-range stand-off missile – a replacement for the nuclear air-launched cruise missile first deployed in 1980 has been delayed two years with indications the forthcoming budget request will delay it further.
- The Administration has no plan to replace the Minuteman III missile while Russia and China both develop and test new systems.
- The Life Extension Program (LEP) for the B61 nuclear bomb was delayed by two years in the FY13 request and now is likely to be delayed another 6-12 months;

- Development of the W78/W88 interoperable warhead, which has already slipped three years, now appears in jeopardy.
- The Administration essentially cancelled the Chemistry and Metallurgy Research Replacement Nuclear Facility (CMRR-NF), leaving the United States with no useful plutonium capacity;
- Nuclear Posture Review (NPR) recommended a 2021 initial operating capability for the Uranium Processing Facility (UPF) in Oak Ridge TN – this project has been delayed by at least 4 years and your Administration's mismanagement of the project may result in it being canceled altogether due to massive cost increases.

Mr. President, I am greatly concerned that your Administration is ignoring serious nuclear modernization and nonproliferation issues, particularly with respect to Russia, China, Pakistan, North Korea, and Iran. I am concerned that you are ignoring these issues so as not to discredit your policies of "disarmament by example." I strongly urge you to immediately begin to work with Congress to protect and modernize the United States nuclear deterrent.

Sincerely,



Michael R. Turner
Member of Congress

United States Senate

WASHINGTON, DC 20510

March 5, 2014

The Honorable Harry Reid
Senate Majority Leader
S-221, The Capitol
Washington, DC 20510

Dear Senator Reid,

On January 29, 2014, the New York Times reported that the Obama Administration has known for years about potential Russian violations of the Intermediate-Range Nuclear Forces (INF) Treaty, which bans the testing, production, and possession of medium-range missiles. If the article is accurate, these violations raise serious concerns about both Russia's commitment to its existing treaty obligations, as well as whether the Administration kept the Senate fully informed during the New START Treaty ratification process in 2010.

We are troubled, therefore, that you would file cloture on the nomination of Ms. Rose Gottemoeller, the Administration official responsible for both the New START Treaty and the preparation of the annual arms control compliance reports. We ask you to postpone this vote and organize an all-Senators briefing at the earliest opportunity to answer the following questions:

1. What did Ms. Gottemoeller, as the Assistant Secretary of State for Arms Control and Verification (who was responsible for negotiating New START and producing the annual arms control compliance reports), or the employees of her bureau, know about Russia's apparent violations and circumventions of the INF Treaty? Most concerning is the time period from 2008-2010, to include the last compliance report submitted to Congress in July of 2010.
2. Did anyone on the New START negotiating delegation know about these apparent violations and circumventions?
3. Who decided what to brief, and what not to brief, to the Senate in September of 2010?
4. What did the Department of State officials who participated in the negotiations and consultations on the NATO Deterrence and Defense Posture Review know at the time about Russia's possible INF violations and circumventions?
5. If Russia is in noncompliance with the INF treaty at this time next year, should the United States remain a party to the treaty?
6. Will the Administration rule out further U.S. nuclear arms reductions, other than those that occur by and with the advice and consent of the Senate?

The Honorable Harry Reid
 March 5, 2014
 Page 2

If a likely violation was known during the negotiation of New START, or during Senate consideration of the treaty, bringing that treaty into force would seem to have been at odds with President Obama's April 2009 Prague speech on nuclear weapons. In that speech, he said: "rules must be binding. Violations must be punished. Words must mean something." Moreover, if a potential violation was known, and that information was not shared with the Senate during its consideration of New START, then the Senate acted on the treaty without the benefit of complete and relevant information that the Administration possessed.

As recent events in Ukraine and elsewhere have shown, there is likely to be much uncertainty in U.S.-Russian relations in the months and years to come, which could have very serious implications for our national security. As such, the questions posed above are critically important, and they need to be answered in a clear and complete manner. Thank you for your consideration of this important request.

Sincerely,

John Cornyn

Kelly A. Ayotte

Jon Kyl

Mark R. Warner

James M. Inhofe

Al Franken

David Vitter

Mike Crapo

Tim W. Scott

Ron Johnson

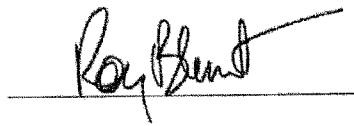
Robert J. Portman

Jeff Sessions

The Honorable Harry Reid
 March 5, 2014
 Page 3



Jerry Moran





John Barrasso

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United States Senate

SELECT COMMITTEE ON INTELLIGENCE
 WASHINGTON, DC 20510-6475

March 20, 2013

The Honorable Carl Levin
 Chairman
 Senate Armed Services Committee
 Washington, DC 20510

The Honorable James Inhofe
 Ranking Member
 Senate Armed Services Committee
 Washington, DC 20510

Dear Chairman Levin and Ranking Member Inhofe:

We write to you today to bring to your attention a classified letter that we sent today to Secretary of State Kerry regarding compliance and verification issues associated with U.S.-Russia arms control agreements. President Obama stated in Prague in 2009 that "[r]ules must be binding. Violations must be punished. Words must mean something." Our letter speaks directly to this as well as President Obama's 2013 State of the Union in which he committed to engaging Russia to seek further reductions in our nuclear arsenals. We ask that you, members of your committee, and appropriately cleared committee staff review our letter to Secretary Kerry as the contents of it address issues that fall within the jurisdiction of the Senate Armed Services Committee. You may wish to raise these issues in closed hearings and during upcoming confirmation hearings. We appreciate your attention to these important matters of national security.

Sincerely,

James E. Hatch
Tony Loburn
Dan Coats
Susan Collins

Sasby Chambliss
Mark Udenberg
James Hendricks

United States Senate
WASHINGTON, DC 20510

February 20, 2014

Brian McKeon
Chief of Staff
National Security Council
Eisenhower Executive Office Building
Washington, DC 20504

Dear Mr. McKeon,

On January 29, 2014, the *New York Times* reported that the Obama administration has known for years about potential Russian violations of the Intermediate-Range Nuclear Forces (INF) Treaty that bans the testing, production and possession of medium-range missiles. According to the article, American officials believe Russia began conducting flight tests of a new ground-launched cruise missile in violation of the INF Treaty as early as 2008. If the article is accurate, these violations raise serious concerns about Russia's commitment to its treaty obligations, as well as the administration's commitment to keep Congress fully informed.

We are concerned that the relevant committees of the United States Senate may not have been fully briefed by the Obama administration on the potential Russian treaty violations during consideration of the New START Treaty in 2010. If the administration knew about potential violations of the treaty and did not fully inform the Senate of these violations while it debated New START, this would represent a serious abrogation of the administration's responsibilities.

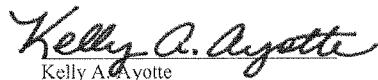
Based on your role as Vice President Biden's lead negotiator on the New START Treaty and as one of the Obama administration's primary liaisons with the Senate during the New START ratification process, we are interested in what you knew about potential Russian violations of the INF Treaty and what information was shared with the Senate.

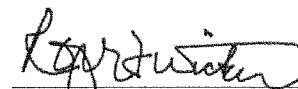
As the Senate Armed Services Committee considers your nomination to be Principal Deputy Undersecretary of Defense for Policy, we request that you provide the Committee with answers to the following questions:

- 1) Were you aware of any intelligence regarding potential Russian violations of the INF Treaty in 2010?
- 2) Do you believe that the Senate should have been made aware of any potential Russian violations of the INF Treaty during consideration of the New START Treaty?
- 3) Do you believe the Senate was made aware of any potential Russian violations of the INF Treaty during consideration of the New START Treaty? If so, please provide details.
- 4) As you know, questions of how to respond to arms control cheating and non-compliance are ultimately policy decisions. One year from now, if Russia is not in compliance with this treaty, in your current position or in the position for which you are nominated, do you believe the United States should continue to comply with the INF treaty?

We look forward to receiving your answers to these questions prior to your nomination hearing.

Sincerely,


Kelly A. Ayotte
United States Senate


Roger Wicker
United States Senate

United States Senate

WASHINGTON, DC 20510

May 23, 2014

The Honorable Steve A. Linick
Office of Inspector General
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear General Linick:

We are writing to request an investigation into the details surrounding the awareness of the Assistant Secretary of State for Arms Control, Verification, and Compliance (AVC) of any and all compliance concerns regarding the Intermediate-range Nuclear Forces (INF) treaty and the Russian Federation before and during the process of negotiating and ratifying the New START treaty.

We are concerned that the then-Assistant Secretary was either not aware of such compliance concerns or chose not to present this information to the U.S. Senate. We are also concerned that these issues were not included in any of the annual compliance reports ("Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments" - required per 22 U.S.C. 2593a) from 2004 to 2008, especially the report submitted in July 2010.

We ask that you report your findings - including an interim briefing not later than September 30, 2014 - as to whether the Assistant Secretary or any of the AVC bureau's staff were aware of compliance concerns regarding the INF treaty during the preparation and submission of the aforementioned report as well as during the process of the U.S. Senate's consideration of the New START Treaty that was ratified on December 22, 2010.

In addition, we are interested in your assessment as to whether the AVC bureau is properly organized and configured to ensure that arms control and verification and compliance matters are given full, independent, and non-biased consideration. In your opinion, is there any potential for loss of focus on either of these important matters with having them combined into one bureau as compared with the arrangement of these two subject matters in two separate bureaus prior to the Department's reorganization in late 2010?

We appreciate your execution of our request.

Sincerely,


James E. Risch
United States Senator


John Cornyn
United States Senator



Marco Rubio
United States Senator



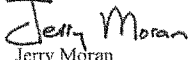
Ron Johnson
United States Senator



John Barrasso
United States Senator



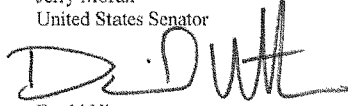
Deb Fischer
United States Senator



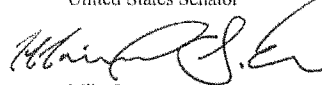
Jerry Moran
United States Senator



James Inhofe
United States Senator



David Vitter
United States Senator



Mike Lee
United States Senator

[illegible]

The Honorable Barack Obama
President of the United States
1600 Pennsylvania Avenue
Washington, D.C. 20500

On October 17, we outlined our concerns about significant arms control violations by the Russian Federation; to date, we have received no response to that letter. We are aware that senior officials of your Administration briefed the members of the Senate Foreign Relations Committee, including your current Secretary of State, on this matter this past November, yet, at that time, they offered no further information or plan for how to deal with this significant destabilization of the US-Russian nuclear arms relationship. Moreover, our efforts to schedule a meeting with senior members of your Administration to discuss this significant compliance failure have been unsuccessful. Such failure, in view of your threat to veto the FY13 National Defense Authorization Act over language tying further U.S. nuclear force reductions to Russian compliance with arms control obligations, is especially difficult to understand.

As we stated in our previous letter, arms reduction treaties rest on a foundation of presumed adherence to those treaties, adherence which the parties monitor through verification procedures. Deliberate violations of treaties, on the other hand, indicate that the other party is not to be trusted and that efforts to pursue further agreements should be abandoned.

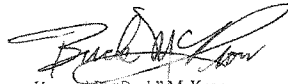
As a result, we believe it is time to abandon your policy of seeking U.S. nuclear force reductions. Renewing your pledge to modernize the U.S. nuclear deterrent is now more

The Honorable Barack Obama
February 14, 2013
Page 2

important and will be a central metric for how seriously you view Russia's illegal conduct. As you said in your April 2009 Prague speech, "[r]ules must be binding. Violations must be punished. Words must mean something."

We look forward to your prompt response to us on this matter.

Sincerely,



Howard P. "Buck" McKeon
Chairman
Committee on Armed Services



Mike Rogers
Chairman
House Permanent Select Committee
on Intelligence

HPM/MR:tm

JAMES E. RISCH
IDAHO

RUSSELL SENATE OFFICE BUILDING
SUITE 405
(202) 224-2752
FAX (202) 224-2573

United States Senate

WASHINGTON, DC 20510

July 18, 2013

COMMITTEES

ENERGY AND NATURAL RESOURCES

FOREIGN RELATIONS

SELECT COMMITTEE ON ETHICS

SELECT COMMITTEE ON INTELLIGENCE

SMALL BUSINESS AND ENTREPRENEURSHIP

SSCI# 2013-2353

Lieutenant General Lute
Deputy Assistant to the President,
National Security Council
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear Lieutenant General Lute:

Congratulations on your recent nomination to be the Permanent Representative on the Council of the North Atlantic Treaty Organization (NATO). NATO has been the most important peacetime alliance in our nation's history and has helped shepherd Europe and North America from the end of World War II, through the Cold War and September 11th, to where we are today. Your nomination to this post is not only an honor, but a clear indication of the confidence the President has in your capabilities.

As the Senate considers your nomination, we need to fully understand your views on what is arguably the most important arms control regime concerning the stability and security of our NATO allies—the Intermediate-Range Nuclear Forces (INF) Treaty. This agreement prohibits the production or flight testing of all ground-launched ballistic and cruise missiles with range capabilities between 500 and 5,500 kilometers, thereby promoting stability on the European continent. As you are undoubtedly aware, however, Russian officials have made statements about the viability of the Treaty. For instance, on June 21, 2013, the Russian Presidential Chief of Staff stated that the INF Treaty “cannot exist endlessly.” Such statements obviously are cause for concern. I believe it would be helpful to hear your own perspective. Could you please provide your views on the importance of preserving the INF Treaty over the next decade, including the impact of doing so on stability in Europe?

Further, could you please provide the Administration's current policy for information and intelligence sharing with our NATO allies relating to compliance and verification issues associated with the INF and other treaties of importance to NATO? Finally, can you assure the Committee that our NATO allies have been fully and completely informed of all compliance and certification issues associated with the INF and other treaties?

SUITE 302
350 NORTH 5TH STREET
BOISE, ID 83702
(208) 247-7985

HARRIS PLAZA
410 HUBBARD, SUITE 212
COLEMAN, ID 83814
(208) 687-6120

SUITE 105
313 D STREET
LEWISTON, ID 83501
(208) 743-0792

SUITE 230
275 SOUTH 5TH STREET
POCATELLO, ID 83201
(208) 236-6817

SUITE 201
1411 FALLS AVENUE E
TWIN FALLS, ID 83301
(208) 734-8780

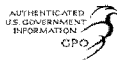
SUITE 202A
805 PINEVIEW DRIVE
TWIN FALLS, ID 83403
(208) 523-8543

I would appreciate your response to these questions in writing before the Committee acts on your nomination and look forward to working with you on these important issues of national security.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Risch". The signature is stylized with a large, looping initial "J" and a cursive "Risch".

James E. Risch
U.S. Senator



II

113TH CONGRESS
2D SESSION**S. 1924**

To require a report on INF Treaty compliance information sharing.

IN THE SENATE OF THE UNITED STATES

JANUARY 14, 2014

Mr. RISCH (for himself, Mr. RUBIO, Mr. INHOFE, Mr. CHAMBLISS, Mr. CORNYN, Ms. AYOTTE, Mr. JOHNSON of Wisconsin, Mr. CRAPO, Mr. WICKER, Mr. SESSIONS, Mr. VITTER, Mr. MORAN, Mrs. FISCHER, Mr. BLUNT, Mr. ROBERTS, Ms. MURKOWSKI, and Mr. JOHANNES) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require a report on INF Treaty compliance information sharing.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPORT ON INF TREATY COMPLIANCE INFOR-**
 4 **MATION SHARING.**

5 (a) IN GENERAL.—Not later than 60 days after the
 6 date of the enactment of this Act, the Secretary of State,
 7 in coordination with the Secretary of Defense and the Di-
 8 rector of National Intelligence, shall submit to the appro-
 9 priate congressional committees a report on information

1 and intelligence sharing with North Atlantic Treaty Orga-
2 nization (NATO) and NATO countries on compliance
3 issues related to the INF Treaty.

4 (b) ELEMENTS.—The report required under sub-
5 section (a) shall include the following elements:

6 (1) A description of all compliance and consist-
7 ency issues associated with the INF Treaty, includ-
8 ing a listing and assessment of all Ground Launched
9 Russian Federation Systems being designed, tested,
10 or deployed with ranges between 500 kilometers and
11 5,500 kilometers.

12 (2) An assessment of INF Treaty compliance
13 and consistency information sharing among NATO
14 countries, including—

15 (A) sharing among specific NATO coun-
16 tries and the NATO Secretariat;

17 (B) the date specific information was
18 shared; and

19 (C) the manner in which such information
20 was transmitted.

21 (3) If any information on INF Treaty compli-
22 ance or consistency was withheld from a specific
23 NATO country or the NATO Secretariat, a justifica-
24 tion for why such information was withheld.

1 (c) UPDATES.—Not later than 180 days and one year
2 after the date of the enactment of this Act, the Secretary
3 of State, in coordination with the Secretary of Defense
4 and the Director of National Intelligence, shall provide to
5 the appropriate congressional committees updates to the
6 report submitted under subsection (a).

7 (d) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Armed Services, the
12 Committee on Foreign Relations, the Select
13 Committee on Intelligence, and the Committee
14 on Appropriations of the Senate; and

15 (B) the Committee on Armed Services, the
16 Committee on Foreign Affairs, the Permanent
17 Select Committee on Intelligence, and the Com-
18 mittee on Appropriations of the House of Rep-
19 resentatives.

20 (2) INF TREATY.—The term “INF Treaty”
21 means the Treaty Between the United States of
22 America and the Union of Soviet Socialist Republics
23 on the Elimination of their Intermediate-Range and

4

- 1 Shorter-Range Missiles, signed at Washington, DC,
- 2 December 8, 1987.

○

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MARK WARTNER, VERMONT	SUSAN COLLINS, MAINE
BRANTLEY HENRICH, NEW MEXICO	TOM COULSON, OKLAHOMA
ANDRUS KINGS, MAINE	

United States Senate

SELECT COMMITTEE ON INTELLIGENCE
 WASHINGTON, DC 20510-6478

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 JAMES RHYNE, OKLAHOMA, EX OFFICIO

DAVID GRAYSON, STAFF DIRECTOR
 MARTHA SCOTT PERKINSTER, MINORITY STAFF DIRECTOR
 KATHLEEN P. MAGUIRE, CHIEF CLERK

March 20, 2013

The Honorable Robert Menendez
 Chairman
 Senate Foreign Relations Committee
 Washington, DC 20510


The Honorable Bob Corker
 Ranking Member
 Senate Foreign Relations Committee
 Washington, DC 20510

Dear Chairman Menendez and Ranking Member Corker:

We write to you today to bring to your attention a classified letter that we sent today to Secretary of State Kerry regarding compliance and verification issues associated with U.S.-Russia arms control agreements. President Obama stated in Prague in 2009 that "[r]ules must be binding. Violations must be punished. Words must mean something." Our letter speaks directly to this as well as President Obama's 2013 State of the Union in which he committed to engaging Russia to seek further reductions in our nuclear arsenals. We ask that you, members of your committee, and appropriately cleared committee staff review our letter to Secretary Kerry as the contents of it address issues that fall within the jurisdiction of the Senate Foreign Relations Committee. You may wish to raise these issues in closed hearings and during upcoming confirmation hearings. We appreciate your attention to these important matters of national security.

Sincerely,

James E. Rush
Tom Coats
Dan Coats
Susan Collins

Sally Chambliss

McK

United States Senate
WASHINGTON, DC 20510

June 19, 2013

The Honorable John Kerry
Secretary of State
U. S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kerry:

We write in response to President Obama's speech in Berlin announcing his willingness to reduce U.S. deployed strategic nuclear weapons by up to one third.

As the Senate considers the nominations of several senior State Department officials who will oversee U.S. arms control policy and strategic discussions with the Russians, especially that of Rose Gottemoeller to be Under Secretary of State for Arms Control and International Security, we wish to outline our concerns and express our interest in working with the administration to limit the spread of weapons of mass destruction and to keep Americans safe.

The first issue we will be watching closely as the Senate considers these nominations relates to Russia's compliance with its arms control commitments to the United States. Specifically, we will seek assurances from the administration that Russia is in compliance with its nuclear arms control agreements and obligations, including the Intermediate-range Nuclear Forces treaty, the Presidential Nuclear Initiatives (PNIs) agreed to by President George H.W. Bush and President Boris Yeltsin, and its Comprehensive Nuclear-Test Ban Treaty obligations as the United States defines those obligations. We note the recent amendment adopted by the House Armed Services Committee which states that Russia is "in active noncompliance with existing nuclear arms obligations."

Earlier this year, all Republican members of the SSCI sent you a classified letter on these very issues. The fact that the response did not address many of the issues raised in the letter, combined with the fact that the annual compliance report is already several months past-due calls into question just how seriously the administration takes the issue of verification and enforcement of existing agreements. We agree with President Obama's statement that "[r]ules must be binding. Violations must be punished. Words must mean something" and look forward to receiving additional information from you that this is the case when it comes to Russia's track record on its multilateral and bilateral arms control commitments.

A second issue that we are closely following is the administration's plans to carry out further nuclear reductions. In his speech in Berlin, President Obama said the administration would "seek negotiated cuts with Russia to move beyond Cold War nuclear postures." Press reports in recent months have highlighted recent meetings between senior American and Russian officials about this issue and referenced exchanges of proposals.

During the 2008 presidential campaign, President Obama promised that he would seek “to foster better executive-legislative relations and bipartisan unity on foreign policy.” In the spirit of that promise of cooperation and your own recent expressed interest in fostering bipartisan cooperation on arms control, we request a copy of the President’s letter to President Putin and the recently received Russian response.


It is our view that any further reductions in the U.S. nuclear arsenal should only be conducted through a treaty subject to the advice and consent of the Senate. This view is consistent with past practice and has broad bipartisan support, as you know from your service in the Senate. Indeed, then-Chairman of the Senate Foreign Relations Committee Joseph R. Biden, Jr. and then-Ranking Member Jesse Helms, in a March 2002 letter to Secretary of State Colin Powell stated that “With the exception of the SALT I agreement, every significant arms control agreement during the past three decades has been transmitted pursuant to the Treaty Clause of the Constitution...we see no reason whatsoever to alter this practice.”

As you will recall, in its resolution of ratification of the New START agreement, the Senate stated that “further arms reduction agreements obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any military significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.” We agree with both of these interpretations of the Senate’s role in providing advice and consent to such agreements.

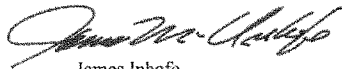
Former Secretary of Defense Panetta endorsed this view in testimony to Congress on February 15, 2012: “reductions that have been made, at least in this Administration, have only been made as part of the START process and not outside of that process; and I would expect that that would be the same in the future.” We thus request that you pledge to us that any further nuclear reductions would be carried out only as part of a treaty to be submitted for ratification by the Senate.

We appreciate the administration’s expressed interest in restoring bipartisanship to arms control and believe that your answering of these questions and provision of this information will aid that effort and ensure adequate consultation with the Senate as your discussions with Russia proceed. We look forward to your quick response so that the Senate may act on the relevant nominees pending confirmation.

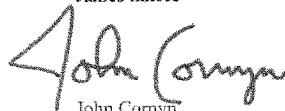
Sincerely,

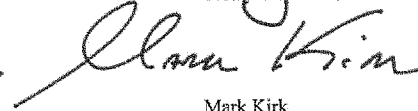

Marco Rubio



Pat Roberts


James Inhofe


Saxby Chambliss


John Cornyn


Mark Kirk


John Barrasso

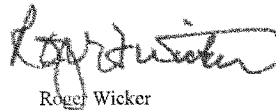

John Boozman


Deb Fischer



Mike Enzi


Mike Johanns


John Hoeven



Roger Wicker


Kelly Ayotte


Tim Scott


Chuck Grassley


Roy Blunt


James Risch



Jeff Flake



Tom Coburn



Bob Corker



Johnny Isakson



Orrin Hatch



Lamar Alexander

Congress of the United States
House of Representatives
 Washington, DC 20515

April 12, 2013

The President
 The White House
 Washington, D.C. 20500

Dear Mr. President:


Since October, we have written to you twice with our concerns about a massive Russian violation and circumvention of an arms control obligation to the United States of great significance to this nation and to its NATO allies. We are aware that several of our colleagues on the Senate Select Committee on Intelligence have also written to senior Administration officials about this and other clear examples of Russia's noncompliance with its arms control obligations.

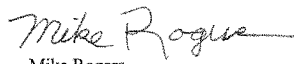
Despite these multiple inquiries, you have not responded to us to assure us of the seriousness with which you and your Administration are handling this matter. Briefings provided by your Administration have agreed with our assessment that Russian actions are serious and troubling, but have failed to offer any assurance of any concrete action to address these Russian actions. Further, reports indicate you continue to seek new negotiations with that state—including through entreaties of your National Security Advisor, who will travel to Moscow on April 15th to convey a personal letter from you to President Putin—and further reductions in the U.S. nuclear deterrent that protects the American people and their allies.

On April 15th, your Administration is required to submit to the Congress its annual report on compliance with arms control obligations to the United States. We expect this report will directly confront the Russian violations and circumventions of this and other treaties as opposed to last year's report. We further ask, again, for your engagement in correcting this behavior. We also seek your commitment not to undertake further reductions to the U.S. nuclear deterrent or extended deterrent until this Russian behavior is corrected. We are in full agreement with your policy as you articulated it in Prague four years ago this month, "[r]ules must be binding. Violations must be punished. Words must mean something."

We ask for your prompt personal reply.

Respectfully,

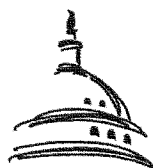

 Howard P. "Buck" McKeon
 Chairman
 Committee on Armed Services


 Mike Rogers
 Chairman
 House Permanent Select Committee on Intelligence

HPM:tm

The President
April 12, 2013
Page 2

cc: The Honorable Chuck Hagel, Secretary of Defense
The Honorable John Kerry, Secretary of State
The Honorable James R. Clapper, Director of National Intelligence
General Martin E. Dempsey, USA, Chairman of the Joint Chiefs of Staff
General C. Robert "Bob" Kehler, USAF, Commander, United States Strategic Command



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MEMORANDUM

July 16, 2014

To: H. Armed Services Committee
Attention: Tim Morrison

From: Jennifer K. Elsea, Legislative Attorney, 7-5466

Subject: The Applicability of the INF Treaty to Certain Missiles

Press reports indicate that the Russian Federation may be testing a new intercontinental ballistic missile (ICBM) at ranges below 5500 kilometers,¹ which is the maximum range of missiles banned by the 1987 Intermediate-Range Nuclear Forces (INF) Treaty.² This memorandum briefly addresses whether the new missile possibly violates the INF Treaty if it is tested with a range below 5,500 kilometers.

The definition for intermediate range missile under the INF Treaty is found in Article II of the treaty, section 5:

The term "intermediate-range missile" means a [ground-launched ballistic missile] GLBM or a [ground-launched cruise missile] GLCM having a range capability in excess of 1000 kilometers but not in excess of 5500 kilometers.

Under Article VII, the range of a new missile "shall be considered to be the maximum range to which it has been tested." Thus, it appears that any missile with a range in excess of 5,500 km, even if it also can be used below that range, qualifies as an ICBM, to which the INF Treaty would not apply.

This appears to be the interpretation of the question shared by the Reagan Administration during Senate consideration of the INF Treaty. During hearings on the treaty, the Hon. Maynard Giltman Ambassador, INF Talks, testified to the effect that "a new ground-launched ballistic missile that had been tested once at a range above 5,500 kilometers could be deployed without violating the treaty, even if all subsequent tests were conducted at INF ranges."³ However, the Committee on

¹ For more information, see CRS Report IN10038, *Russia's Compliance with the INF Treaty*, by Amy F. Woolf; Memorandum from Amy F. Woolf, Specialist in Nuclear Weapons Policy, Congressional Research Service, "Recent Reports on Russia's compliance with the INF Treaty," June 26, 2013 [hereinafter "Woolf Memorandum"] (available from its author).

² Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, U.S.-U.S.S.R., Dec. 8, 1987 [hereinafter INF Treaty], 27 I.L.M. 90.

³ U.S. Congress, Senate Committee on Foreign Relations, *The INF Treaty*, markup and hearings on the treaty between the United States of America and the Union of Soviet Socialist Republics on the elimination of their intermediate-range and shorter-range (continued...)

Foreign Relations became aware of testimony before another committee that suggested a caveat to this analysis and requested a clarification.⁴ The Committee received a letter by Mr. Ed Fox, Assistant Secretary of State for Legislative Affairs, which explained that:

The range capability of a ground-launched ballistic missile is considered to be the maximum range to which it has been tested. Thus once a missile has demonstrated in a test that it has a strategic capability, it must be considered to be a strategic system. However, if the test at strategic range was with a configuration (booster stages, postboost vehicle, RV's) that is unlike that used for remaining tests of the system at INF ranges, the configuration tested to INF ranges would be considered a new missile in the INF range and prohibited by the treaty. On the other hand, a ground-launched ballistic missile tested to the ICBM ranges and then tested to INF ranges in the same configuration clearly would not be limited by the treaty.⁵

Under this interpretation, whether the intermediate range launches of the new ICBM are effectively a deviation from the INF Treaty depends on whether they involved a sufficiently different configuration (or configurations) from the strategic-range launches to constitute new missiles under the INF treaty. In other words, if Russia's reported ICBM has been launched over distances between 500 and 5,500 kilometers using a dissimilar configuration from the test at more than 5,500 kilometers, it is arguable that Russia has tested more than one new missile.⁶ Whether this is the case likely depends on an assessment of classified data related to the tests.⁷

(...continued)

missiles, 100th Cong., 2nd sess., March 22, 1988, S.Hrg. 100-522 pt. 6 (Washington: GPO, 1989), p. 137.

⁴ *Id.*

⁵ *Id.*

⁶ See Woolf Memorandum, *supra* footnote 1, at 6 (noting the possibility that the missile tested at shorter ranges may be a new type of missile under the INF Treaty and other relevant arms reduction treaties).

⁷ *Id.*

[illegible]

The Honorable John Kerry
Secretary of State
2201 C Street NW
Washington, DC 20520

As the Administration considers its response to the clear-cut, illegal, and destabilizing actions of the Russian Federation concerning the INF treaty of 1987, we have three further questions we ask that you consider as part of your required report:

- It has been reported that Russia's violation of the INF treaty began in 2008. In this case, it was a basic fact that demonstrated that state's intentions since the Administration first attempted its ill-fated "reset" policy. The first step in fixing our policy with respect to Russia is to admit its failure and to clearly acknowledge and confront its behavior.

The Honorable John Kerry
July 17, 2014
Page 2

We look forward to your prompt written response.



Mike Rogers
Chairman
Subcommittee on Strategic Forces

Sincerely,



Ted Poe
Chairman
Subcommittee on Terrorism, Non-
Proliferation, and Trade

Thomas C. Moore
Arlington, VA 22206

//

July 15, 2014

The Honorable Mike Rogers
Chairman, Subcommittee on
Strategic Forces
House Armed Services Committee
C/O Mr. Timothy A. Morrison, Counsel to the Majority
2120 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Pursuant to a request from a Member of your Professional Staff, I am transmitting to you answers to certain questions regarding publicly-reported Russian violations of its obligations under the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed at Washington on December 8, 1987, and entered into force on June 1, 1988 (the INF Treaty or the Treaty). The Russian Federation succeeded to Soviet obligations under the INF Treaty in October 1992.

This letter does not describe any means with which the Government of the United States monitors Russian treaty compliance. I feel quite strongly that the Obama Administration should make public what it knows regarding Russian INF Treaty noncompliance, if not necessarily how it knows about it.

I first became aware of alleged Russian INF Treaty noncompliance four years ago.* Subsequently, in my former

* "Goodbye New Weapons!" Vremia/Novosti, March 3, 2010, available at <http://www.vremya.ru/2010/17/4/246573.html>, and last accessed on July 15, 2014. To wit "Вероятно, необходимо вернуться к вопросу о возобновлении производства ракет средней и малой дальности с ядерными боевыми частями. Для этого потребуются выход из Договора о ракетах средней и малой дальности, о чем говорят в России все чаще. Тем более что прецедент есть: в свое время американцы в одностороннем порядке вышли из Договора по ПРО." The article was a general description of then-President Medvedev's military reforms. Putin stated in 2007 that "It will be difficult for us to keep within the framework of the treaty in a situation where other countries do develop such weapons systems, and among those are countries in our near vicinity," available at <http://www.theguardian.com/world/2007/oct/12/russia.usa1>, and last accessed on July 15, 2014. The 2010 article roughly translated by author, said: "There is probably a need to revisit the issue of resuming the production of intermediate and short-range missiles with nuclear warheads. This will require the withdrawal from the Treaty on Intermediate-Range Nuclear Forces, as they say in Russia more often [lately]. This especially since there was a precedent: the Americans unilaterally withdrew from the ABM Treaty." See also "U.S.-Russia Nuclear Arms Negotiations: Ukraine and Beyond"; Statement of Acting Assistant Secretary Anita E. Friedt, Bureau of Arms Control, Verification and Compliance before a House Foreign Affairs Committee Joint Subcommittee Hearing; Washington, DC, April 14, 2014.

position as a Senior Professional Staff Member on the Senate Foreign Relations Committee, I drafted several memoranda and briefed several Members on what I then believed to be a matter of grave urgency. I still do. In order to assist you, I have attached a set of questions and answers for which my counsel was requested. I am submitting this letter and attached documents in advance of your July 17 Hearing, titled "Russian Violations of the INF Treaty: After Detection-What?" I would be honored to have it included in the record of your hearing.

With Regards,
I am, Sincerely

Thomas C. Moore

TM/tm

Attachment(s): 2

Thinking About the INF Treaty-Moscow's Gray Missiles

Submitted to the House Armed Services Committee Hearing:
 "Russian Violations of the INF Treaty: After Detection-What?"

Thomas C. Moore[†]
 //

Confronting INF Treaty Violations

GLEMs

It has been reported publicly that Russia has flight-tested a ground-launched cruise missile in violation of the 1987 Intermediate-Range Nuclear Forces Treaty. But other reports also raised questions about a ballistic missile Russia has been developing, and which Russian statements indicate it will deploy in 2015. Is it, as has been suggested, an Intercontinental Ballistic Missile because it has been flight tested one time at range in excess of that covered by the INF Treaty? Does it matter? If, as has been suggested, it will eventually be "counted" by the New START treaty, does it matter if Russia actually intends it will be used against theater ranges?

As a general matter, conducting a flight test, and only one flight test, of a missile that is a weapon delivery vehicle at or above 5,500 kilometers establishes that a missile in question **can be** a new prototype or other strategic offensive arm under the New START Treaty, if Russia so notifies it to the United States under New START. Russia is, however, not obligated to

notify the United States if the missile can fly at shorter, INF-banned ranges, or even if it has tested the declared missile at banned ranges. If, however, Moscow declares such a missile as a "prototype" weapon under the New START Treaty, then far worse degradations of both the INF and New START Treaties are implicated, as I explain below. Any missile that is capable of flying over 5,500 kilometers can be fired at a depressed trajectory to strike a target under 5,500 kilometers; however, this can be done to confound verification of the New START and INF Treaties, not just for military or research and development reasons. In effect, one ends up with a missile that is nominally New START-limited and declared but that would otherwise be INF-banned. ***It is what I call a "gray missile."***

Unfortunately, the New START Treaty does not contain truly effective requirements for sharing full, unimpeded or otherwise unaltered Russian telemetric information generated during all flight tests of missiles Moscow decides to share with the United States under New START—Russia even gets to decide which test-flight telemetric information it provides us, and we do not have the right to request specific telemetric information, unless on a "parity basis." We no longer have such a requirement under New START as we did under START I. Russia decides what telemetric information to give us, and only after they have assembled and interpreted their data, and only after a series of tests have been carried out over the period of one year or more.

If missiles such as those publicly reported by *The New York Times* last January,⁴ do exist, then they constitute an unacceptable breakout potential for Russian intermediate-range nuclear forces that would, in a crisis, cause tremendously unstable conditions to arise.

I cannot provide specific cases in which I might demonstrate this fact in Open Session/Format. Rather, I append a paper by the noted Russian expert Alexei Arbatov, from 2009, which should provide you with insight. I will state that it is irregular and highly suspicious to develop a missile that is test-fired once, whether of cruise or ballistic trajectory, at or over 5,500 kilometers, if there is high confidence that its primary mission profile might sit within INF-banned ranges. Certainly more than one flight test might be needed for a missile that is to have well understood characteristics under the New START Treaty. Operator error might account for such a test-flight result, but I strongly recommend you review the classified record in this regard.

Secondly, if a missile is declared under one treaty but we have high confidence that it will or would be used for war operations banned under a different one, then we are effectively allowing ***irreparable harm to both treaties***. The SS-20—the Soviet missile

we saw eliminated under the INF Treaty--was used by Moscow as a means of both military and political coercion of our Allies in Europe (see "Background" section in Senate Ex. Rpt. 100-15 on the INF Treaty, and T. Doc. 100-11, January 25, 1988). The alleged reappearance of such Russian weapons fundamentally changes the strategic analysis we have been using to develop our own nuclear employment guidance in Europe and Asia for the last two decades.

There are three broad tests that could establish if missiles such as those described by *The New York Times* are INF-Treaty banned:

- First, whether the ballistic missile is launched from a ground-launcher;
- While no new Russian GLCM or GLBM is listed in the 1988 INF Treaty as a "current type," its provisions in Article II et seq. would apply to any new missile that is designed, developed, produced or deployed since 2001 meeting any definitions in Article II and all other relevant INF Treaty provisions;
- The third test to establish Treaty applicability to any ballistic missile is whether it has a range that is equal to or greater than 500 kilometers but not greater than 5,500 kilometers. Paragraph (4) of Article VII of the INF Treaty establishes the criteria for range capability of all shorter- and intermediate-range GLMBS.

A Note on New START

Before I left my position on the Senate Committee on Foreign Relations, a Senior Administration official confirmed to me that Russia had declared a new missile under the New START Treaty about which I had compliance concerns. I find little reassurance from such a comment. Again, the details are sensitive so I cannot address them in open format, but I will say that it beggars belief and common sense when you know your opponent is bending nuclear rules and you let them keep doing it.

My fear is that Russia may have many of what I call gray missiles, and those could have significant theater- and strategic-range throw weight, effectively concealed from our NTM and non-detectable under the poor verification of the New START Treaty and the terminated verification of the INF Treaty (all INF inspections, continuous monitoring of missile final production and assembly sites, and data declarations and notifications ended under the INF Treaty in June 2001, the month and year when Russia permanently eliminated the Soviet/Russian shorter- and intermediate-range nuclear threat to Europe). Just counting on a single New START notification that is likely

defective and improper is clearly not what any arms control treaty maintains as its direct object and purpose. **One treaty is not meant to hide noncompliance with another, even in Russia.**

More troubling, however, is that even if Russia were to notify the United States of the existence of a "prototype" missile under the New START Treaty, defined term 58 of Part One of the Protocol to the New START Treaty does not require Russia to count any prototype missile as a deployed weapon until more than 20 launches of the missile have occurred. Until then, such prototypes "are considered to be non-deployed" missiles. Russia could make use of this loophole by storing many non-deployed missiles, which it has not launched 20 or more times, and all of its alleged INF-banned but not quite New START missiles. This could create a situation of dangerous strategic surprise and could easily be concealed.

I would request that the Administration furnish you with copies of any notifications of any prototype Russian missiles, in this regard. Use of certain provisions in the New START Treaty could be used to clarify this situation—but not if the primary purpose of the activity is to verify that such weapons are subject to the INF Treaty.

GLCMs

Paragraph (2) of Article II of the INF Treaty defines a cruise missile that is subject to the INF Treaty "as a missile that is an unmanned, self-propelled vehicle that sustains flight through the use of aerodynamic lift over most of its flight path." In addition, a "ground-launched cruise missile (GLCM)" is defined as "a ground-launched missile that is a weapon-delivery vehicle." There are similar tests that apply to a GLCMs as they do for a GLBM, above, however, again, we have nothing other than our NTM on which to rely—there are no inspections, no notifications and no requirements that Moscow make visible to our overhead NTM the movements, locations and basing of these gray missiles, as reported by *The New York Times* last January.

Even if Russia has developed new ballistic and cruise missiles that were not "existing types" of such weapons in 1988, Moscow's new systems, as publicly reported by *The New York Times*, are covered under Article II of the INF Treaty. **The INF Treaty is of unlimited duration—even if alleged Russian compliance with it is not.** And yet, we have zero treaty-provided means, other than convening a meeting of the INF Treaty's Special Verification Commission under Article XIII of the Treaty to address it. If public reports are true, Russia has made a high-level decision, and it would only be at the highest levels of their government, and ours, that this matter could be raised and urgently resolved.

Does it matter? If, as has been suggested, it will eventually be "counted" by the New START treaty, does it matter if Russia actually intends it will be used against theater ranges?)

Much of my previous response applies here. However, the kind and degree of cheating, if accurately reported by *The New York Times* last January, matters and it is a militarily significant violation of the INF Treaty. Counting any weapon under New START that is, in fact, an INF-banned missile, defeats the object and purpose of the INF Treaty and the New START Treaty. Russia may play alleged compliance games as it wishes, but any American President who cares about the effectiveness and credibility of arms control ought not allow such brazen abuse of treaty law without any effective military or diplomatic remedy. As Ambassador Paul Nitze—the INF Treaty negotiator—testified before the Senate Committee on Foreign Relations in 1988:

What do we mean by effective verification? We mean that we want to be sure that, if the other side moves beyond the limits of the Treaty in any militarily significant way, we would be able to detect such violation in time to respond effectively and thereby deny the other side the benefit of the violation.

To date, the Obama Administration has not, to the best of my knowledge, acted in any proportionate or responsible manner to bring the Russian Federation back into compliance with its legally-binding obligation to cease and desist any design, development, production, and/or deployment of any INF-banned cruise or ballistic missile if Russia is indeed in violation of the Treaty.

The One-Time Test Flight Problem

As many Members of this Committee know, the single greatest flaw in the INF Treaty is that the application of the INF Treaty to any new ballistic or cruise missile that is flight tested or otherwise flown **once** at a range not prohibited by the Treaty (i.e., a range less than 500 kilometers or more than 5,500 kilometers) but which can be flown at a range that is banned by the INF Treaty (at a range that is between 500 and 5,500 kilometers) as a weapon delivery vehicle allows significant cheating. Simply by testing any missile above 5,500 kilometers, Russia could argue that the INF Treaty does not ban the missile. Thus, Moscow may conduct flight tests at or above 5,500 kilometers but intend to use these missiles for attacks below 5,500 kilometers. A Member of your Professional Staff recently located a very clear statement from former SASC Chairman Sam

Nunn. It is very significant. Chairman Sam Nunn made a very wise and foresighted comment in 1988:

However, if the test at strategic range was with a configuration (booster, stages, post boost vehicle, RV's) that is unlike that used for remaining tests of the system at INF range, the configuration tested to INF range would be considered a new missile in the INF range and prohibited by the Treaty.

In conducting additional research, I could find no authoritative statement that contradicted this fundamental understanding of the Senate (or at least one Senator) in 1988. This notwithstanding, the Article-by-Article Analysis submitted to the United States Senate for the INF Treaty clearly stated in 1988:

Paragraph 1 of Article VII provides that if a ballistic missile or cruise missile has been flight-tested or deployed for weapon delivery, then all missiles of that type will be considered to be weapon-delivery vehicles. When read in conjunction with paragraph 1 of Article II, which defines a ground-launched ballistic missile in terms of a "weapon-delivery vehicle," paragraph 1 of Article VII defines a weapon-delivery vehicle in such a way as to relieve a Party from having to prove that every missile of a particular type has been tested or deployed as a weapon-delivery vehicle; rather, it is sufficient to demonstrate that merely one missile of that type has been flight-tested or deployed as a weapon-delivery vehicle in order to establish for the purpose of the Treaty that all missiles of that type are weapon-delivery vehicles.⁵

It is a matter of grave concern that President Obama has not undertaken any action to deal with Russian INF Treaty noncompliance, apart from briefing certain NATO Allies. He has not shared noncompliance information and he should. It is high time more public pressure is brought to bear on Moscow. Worse still, President Obama may, through his action or inaction, have created a new understanding of the application of the INF Treaty to any new Russian ballistic or cruise missile. If he has, then President Obama has broken with the Byrd-Biden condition contained in the Senate's resolution of advice and consent to ratification of the INF Treaty (approved on May 27, 1988) and which states, in full:

That this Treaty shall be subject to the following principles, which derive, as a necessary implication, from the provisions of the Constitution (Article II, section 2, clause 2) for the making of treaties:

(a) the United States shall interpret this Treaty in accordance with the understanding of the Treaty shared by the Executive and the Senate at the time of Senate consent to ratification;

(b) such common understanding is:

(i) based on the text of the Treaty; and

(ii) reflected in the authoritative representations provided by the Executive branch to the Senate and its committees in seeking Senate consent to ratification, insofar as such representations are directed to the meaning and legal effect of the text of the Treaty;

(c) the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to Senate advice and consent to a subsequent treaty or protocol, or the enactment of a statute.

This research paper has been commissioned by the International Commission on Nuclear Non-proliferation and Disarmament, but reflects the views of the author and should not be construed as necessarily reflecting the views of the Commission.[†]

MISSILE DEFENCE AND THE INTERMEDIATE NUCLEAR FORCES TREATY

Alexei Arbatov

March 2009

Executive Summary

The question of Russia's possible abrogation of the INF Treaty arose in response to a history of US policies which undermined a wide range of arms control treaties. The Treaty itself was originally seen by the Soviets as a desirable response to new classes of US missiles which outstripped the capacities of their Soviet counterparts, and were seen by the ageing Soviet leadership as directly threatening them. But in the event, under the Treaty, the Soviets eliminated more than twice as many missiles and delivery systems as the Americans.

Withdrawal is permitted by the Treaty if one of the parties regards its "supreme interests" as being threatened. However, the nature of the possible threat in this case is not clear. Former President Putin pointed to development of new classes of short and intermediate range missiles by a number of third countries outside the treaty, while a former Russian military chief has said the threat comes from US plans to station anti-ballistic missile systems close to Russia's borders.

In fact, all seven countries developing new classes of missiles could reach Russian territory with their intermediate range missiles, and some of them even with their shorter range missiles. But whether they are a sufficient threat which justifies withdrawing from the Treaty, and whether there may be other responses, remain open questions. This is even more so since Russia has indicated it would respond to possible future US missile threats on an asymmetrical basis. Indeed, the existing Russian arsenal would already be sufficient for the task of responding to such countries. Although some aspects of this might be limited by START I, these would be

[†] At www.icnnd.org/Documents/Arbatov_INF_Paper.rtf and last accessed on July 15, 2014.

overcome if, as seems likely, START I is not extended beyond its current operational phase which ends in December 2009.

Politically, the stationing of US anti-ballistic missile systems near Russia's borders are viewed in Moscow as destabilizing and even provocative. But, in military terms, the number of US missiles involved would not seriously affect Russia's nuclear deterrence capability.

One reason for Russia withdrawing from the INF Treaty which might be attractive to military tacticians could be the option it would thus allow for increasing the range of a new short range cruise missile as a possible response to US ABM systems. But seen in a wider strategic sense, this would not be a sensible justification for withdrawing from the treaty.

The open-ended nature of the US BMD program, however, is a matter of legitimate concern. Moreover, continuing NATO expansion eastwards has taught Moscow the value of a strong response. Nevertheless, there are strong political and financial reasons against withdrawing from the treaty, and doing so could even risk a new arms race. It will also undermine the NPT and place Russia on the same footing as the previous US Administration in this regard. It is to be hoped that the new US administration and the Russian leadership will find a constructive approach to resolving the issues, thus preserving the INF Treaty and complementing it with a range of important new agreements.

Introduction

In recent years, the Russian leadership has on a number of occasions raised the prospect of the country's unilateral withdrawal from the Intermediate and Short-Range Nuclear Forces (INF) Treaty, signed by the USSR and the USA in 1987, with Russia inheriting the USSR's treaty obligations. This step would have had very serious military, strategic, financial, economic and political repercussions, all the more so as the INF Treaty is one of the few central nuclear disarmament agreements still in force after several years of the Bush Administration's destructive policies which put an end to the 1972 Anti-Ballistic Missile (ABM) Treaty, the 1994 Treaty between the USA and Russia on Strategic Arms Reduction (START-1), the 1997 START-3 framework treaty and agreement on delineation of strategic and tactical missile defense systems, left the 1996 CTBT and talks on the FMCT in deadlock, and made it impossible to complete work on a new SORT treaty (2002) or extend the validity of START-1 (after 2009).

1. History of the INF Treaty.

Historically, this treaty has its roots in the deployment in a number of European NATO member countries at the start of the 1980s of American intermediate-range Pershing-2 missiles with a range of up to 1,800 km, and ground-based nuclear-armed cruise missiles with a range of up to 2,500 km. The USA argued that this step was a response to the Soviet Union's deployment of RSD-10 (Western classification SS-20) ballistic missiles with MIRV warheads.

The American missiles could strike targets deep in Soviet territory: launched from their bases in West Germany, the Pershing-2 missiles could reach as far as the Moscow region, while the ground-based cruise missiles could reach as far as the Urals. Soviet missiles could not reach targets in the United States. Even more important was that the flight time of the Pershing-2 missiles to their targets was approximately three times shorter than that of intercontinental ballistic missiles launched from U.S. territory. The cruise missiles had a much longer flight

time—several hours—but they were hard to detect because of their low trajectory and technical characteristics that reduced their visibility to radars. Moscow therefore had every reason to seek an agreement that would prohibit these missiles. Washington had no desire for such an agreement but came under strong pressure from its NATO allies who feared an increase in nuclear tension in Europe. Five years of difficult on-and-off negotiations finally led to the conclusion of the INF Treaty, which had no time limit and stipulated the complete worldwide destruction of two classes of Soviet and U.S. ballistic and ground-based cruise missiles.

The completely closed Soviet totalitarian system played a cruel joke on the Kremlin. In their efforts to whip up a campaign about national security threats, raise tension and get more money for their military programs at the same time, the Soviet generals went too far in frightening the old gentlemen of the Communist Party Politbureau with tales of the American missiles' short flight time (6–7 minutes it was said), that would not even give time to take shelter in underground or air-based command centers, let alone decide on a counterstrike. Furthermore, the parties had asymmetrical interest in an agreement, because the missile systems under discussion were a direct threat to the Soviet Union but not to the USA. Finally, because Moscow insisted on destruction of all of the U.S. missiles, it had to agree, after stubborn resistance, to destroy all Soviet arms of a comparable type, and because of the way Soviet military practice and the essentially uncontrolled defense industry worked, it had many more of these weapons.

The INF Treaty therefore resulted in the Soviet Union having to destroy two times more missiles than the USA (1836 and 859 respectively), including its very high-performing new OTR-23 Oka (SS-23 by NATO designation) theater missiles, which had a tested range slightly below the agreed limits (500–1000 km for intermediate-range missiles)². The designers of this missile, classified as a short-range missile, to this day have not forgiven Soviet President Mikhail Gorbachev and his foreign minister, Eduard Shevardnadze, for agreeing to this concession. Giving up the OTR-23 was the price to pay for obtaining the destruction of the U.S. Pershing-1 missiles, which could hit Kaliningrad Oblast from West Germany. The USA also gave up its Lance-2 ground-based tactical missiles and SRAM-2 air-to-surface missiles, which if launched from West Germany or from tactical strike aircraft could hit targets in the territory of the USSR's Warsaw Pact allies. Russia's military designers and engineers did get their own back for the OTR-23 in the end, and developed a new dual-purpose theater missile that entered service in 2007, and was for some reason given the Persian-Arabic-Turkish name of Iskander³.

2. Motives for Withdrawal from the Treaty

The treaty was implemented in full within the deadlines and remains in force. But now, 20 years later, the totalitarian communist Soviet Union's successor, democratic capitalist Russia, has declared that it might withdraw. This is possible under the terms of Article XV.2 with six months notification if one of the parties decides that "extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests". Let us now take a closer look at the motives for Russia's possible withdrawal from the treaty and the likely consequences of such a step. For a start, the nature of the threats to Russia's 'supreme interests' is not entirely clear. In his speech in Munich in February 2007, then President Putin noted that other countries (actually these are Iran, Pakistan, India, China, North and South Korea) are developing intermediate-range missiles, while Russia and the USA are prohibited from having these types of weapons⁴. Former Defense Minister and then Russian First Deputy Prime Minister Sergei Ivanov has made the same point on a number of occasions. A little later, the then Russian Armed Forces Chief of General Staff General Yuri Baluyevsky, cited U.S. plans to deploy components of a missile defense system in Poland and the Czech Republic as motivation for Russia's possible withdrawal

from the INF Treaty⁵.

Without going into their substance for now, we would note that these very different and unrelated motives do not make clear the real reasons for taking as serious a step as denouncing one of the few remaining nuclear arms control treaties. It seems very strange that different ministries, agencies and officials in the 'executive vertical' power system the Russian authorities have built diverge in their interpretation of a subject as important as 'extraordinary events' that could jeopardize Russia's 'supreme interests', the existence of said 'extraordinary events' being the only grounds that can justify withdrawal from the INF Treaty in accordance with Article XV.2.

3. Missile Threat from Third Countries

Development of intermediate- and short-range missiles by third countries is often not an aim in itself but a natural step on the way to developing missile technology needed to build ICBMs and space launchers. It is entirely possible, however, that some countries, based on their military objectives or technical and economic possibilities, could renounce development of long-range missiles. Around 40 countries currently have ballistic missiles of various types. Five countries have intercontinental ICBMs and/or SLBMs (USA, Russia, Britain, France, and China), and seven have intermediate-range missiles (1,000–5,500 km)—China, India, Israel, Iran, North Korea, Pakistan, and Saudi Arabia. The others have theater missiles with ranges up to 1,000 km. Apart from the seven countries already mentioned, they include Egypt, Syria, Libya, Yemen, Turkey, and South Korea. This group also used to include Brazil, Argentina, South Africa and Iraq⁶. In terms of geography, all seven of the countries with intermediate-range missiles are within reach of Russian territory (including China, India, Israel and Pakistan with their nuclear-armed missiles), and some of them (China, North Korea, Turkey) could theoretically reach Russia's outer areas with short-range missiles.

This could be seen as a potential threat given that not all of the countries named above are Russia's allies or reliable partners, and some of them have an internal political situation that makes them quite unstable and unpredictable. The practice of military deterrence (including nuclear) is applied to these countries by creating a credible threat of a devastating retaliation (second or response strike) against them if they ever launched a missile or nuclear-missile attack. Doubts that this threat would be sufficient to deter regimes that would not be stopped even by the prospect of huge human and material losses, call for further defense in the form of anti-missile and anti-air defense systems and/or the capability to carry out a preemptive or preventive disarming strike using nuclear or precision-guided conventional weapons.

If this situation were examined in complete separation from all past agreements and obligations, new intermediate-range and theater missiles based on the latest technology would probably look like an attractive option as part of the response to this threat. But this issue has a long history and complex military-strategic, economic and political aspects, and in this respect a number of questions can be raised. What other military means could Russia use to ensure it is able to carry out a retaliatory or preemptive strike against countries that possess intermediate- and short-range missiles? Are the new Russian intermediate- and short-range missiles optimum means, taking the economic situation into account? Would the program to develop such means justify the withdrawal from the INF Treaty in light of the possible military and political consequences this step could have?

If, as Russia's political leadership says, Russia does not intend to compete 'missile for missile' with the USA at the strategic level, but will if necessary respond with asymmetrical measures, the idea of competing against third countries in intermediate-and short-range missiles seems even stranger. If the threat they pose is seen as serious, Russia has the possibility of responding (more successfully than with the regard to the USA) with asymmetrical means that are cheaper and no less effective. Such means include: ICBMs, which can fly a shortened trajectory to strike targets at intermediate range; submarine launched ballistic missiles; medium and heavy bombers with nuclear and conventional bombs and cruise missiles (in particular the Tu-160 with the precision-guided air-to-surface X-101 dual purpose cruise missile). Tactical attack aircraft with nuclear bombs could be used against some countries closer in proximity, and nuclear and conventionally-armed missiles launched from ships and submarines could be used against coastal countries. In total, Russia's Strategic Nuclear Forces currently have around 700 delivery systems and 3,000 warheads in service, of which many dozens and hundreds could be directed at targets in Eurasia. The latest versions of Russia's nuclear strategy envisage the possibility of using the Strategic Nuclear Forces to carry out selective nuclear strikes that allegedly could be directed not only against the USA but also against other countries, in particular those with intermediate- and short-range missiles. An example of this is an operation to "de-escalate aggression... threatening to or actually carrying out strikes of varying scale using conventional and/or nuclear weapons". Another potential mission worthy of attention is that of "selective (dosed) military use of individual components of the strategic deterrent forces"⁷. Data on non-strategic nuclear weapons (medium-range and theater weapons) is confidential, but unofficial estimates⁸ suggest that Russia has about 2,000–3,000 deployed operational and tactical nuclear warheads, of which a large portion are able to strike targets in regions close to Russia's borders.

If need be, instead of a new intermediate-range missile program, it would be a lot cheaper to deploy several additional Topol-M ICBM regiments or develop a precision-guided conventional warhead for existing ballistic and cruise missiles not prohibited by the INF Treaty. Deployment of the Topol-M with a single warhead or MIRV nuclear (or conventional) warheads is not in any way restricted by the 2002 Moscow treaty on strategic offensive reductions, and the ceilings it sets on nuclear warheads (1,700–2,200) leaves a comfortable margin for deploying this system.

4. Response to Missile Defense

The USA currently plans to deploy by 2012–2013 missile defense radar stations in the Czech Republic and ten interceptor missiles in Poland⁹. There is no doubt that these plans are clearly destabilizing and even provocative with regards to Russia, above all in political terms. The people behind these plans in Poland and Washington perhaps were envisaging just such an effect. What is more, like the entire U.S. strategic missile defense program at the moment, there are doubts that this project would actually be militarily and technically effective against the officially declared threat—Iranian missiles—but it could have big military and political costs for relations with Russia and China. Finally, this plan, which Washington did not bother trying to coordinate in timely fashion with Moscow, violates the spirit of the Russian–U.S. Declaration on the New Strategic Relationship of 2002, which made direct provision for cooperation between the two countries on developing these kinds of weapons¹⁰.

Whether in terms of the numbers of planned interceptor missiles or the trajectory, speed and other technical characteristics, this system has very little effect on Russia's nuclear deterrent capability. All of Russia's ICBM bases are located a long way farther northeast than the proposed base in Poland (this is all the more true of the Northern Fleet's sea-based missiles), and their trajectories are programmed following northern azimuths across the Arctic circle. The

American ground-based interceptor (GBI) missiles it plans to deploy cannot intercept ICBMs during the active (boost) phase of the trajectory. Purely theoretically, in rare cases and with the best possible combination of circumstances, they would be able to 'catch up' with ICBMs launched from Russia's most western or southern bases, and then only if the ICBMs in question were targeted at the USA's eastern coast (Boston, New York, Washington). But the interceptor missiles have never been tested in such conditions, and Russia deploys only a small number of its strategic nuclear forces at these bases¹¹.

If Russia does withdraw from the 1987 INF Treaty and develop new intermediate-range missiles, they could theoretically be intercepted by American missile defenses in Europe, but this would depend on the correlation between their numbers and technical characteristics. As things stand now, Russia does not have missiles which would be the subject of interception by the missile defense systems due to appear in Poland and the Czech Republic in four years time. It is entirely possible that since it does not have intermediate-range missiles, Russia will give part of its strategic nuclear forces the mission of striking targets in Europe. Europe is home to two nuclear powers—France and Britain—whose nuclear deterrent capability is largely directed against Russia. There are also 400–500 U.S. tactical nuclear air bombs (another estimate is 150–200, but the number is kept secret), to be delivered by NATO attack aircraft, kept in storage facilities in six different countries. Missile defenses in Europe could theoretically directly intercept these Russian ICBMs, but the capability of such a defense system is paltry nonetheless compared to Russia's existing nuclear forces. Furthermore, it is absolutely unrealistic that NATO would attack Russia without U.S. participation, and against the USA Russia can rely on its powerful nuclear deterrent based on the strategic nuclear forces.

One of the possible responses to missile defense in Europe being discussed at the official level is the deployment of a division of new OTR Iskander missiles in the Kaliningrad Special Military District and two or three in the North Caucasus Military District. Unlike the Iskander-E export version, a ballistic missile with a range of 280 km, Russia plans to bring into service the Iskander-M cruise missile version. This missile system, tested in May 2007 at a range of 500 km, can have its range increased to up to 1,000 km at little cost, but its deployment would require Russia to withdraw from the INF Treaty. One Russian military commander, Col-General Vladimir Zaritsky, said, "If a political decision is made to withdraw from this treaty, we will enhance the system's military characteristics, including its flight range"¹². These missiles would then be able to strike missile defense targets in Poland, the Czech Republic, and perhaps Georgia, and not just with nuclear warheads but also probably with the particularly attractive option of conventional precision-guided warheads¹³. Europe's anti-missile and air defenses are not able to intercept cruise missiles.

All of this seems to make military sense at first glance. But if the issue is examined not in the context of operational justifications for a new high-technology weapon system, but within a logical strategic framework of considerations, the sense of such a response to missile defense plans is quite dubious. Certainly, it would make sense to carry out a strike against missile defense sites in Europe to stop them from intercepting Russian ICBMs launched against the USA and its allies in a retaliatory (second) strike or first strike (which Russia's present military doctrine envisions as well). These ICBMs are armed with nuclear warheads. In other words, this is a nuclear war scenario. In particular, in case of retaliatory action, Russia's ICBMs would be launched after a strike by U.S. (NATO) nuclear forces against Russian territory. The question is: what is the sense in this hypothetical situation of trying to destroy missile defense installations using precision-guided conventional weapons? It would be a lot simpler, cheaper, and more

reliable to do so using the strategic nuclear forces or existing theater nuclear weapons mentioned above. In this case, it looks as though it is not the weapons system being proposed to carry out particular military missions, but the contrary—missions are being thought up in order to provide the justification for developing a particular weapons system in which the defense industry and defense ministry have powerful interests, and also possibly to provide the arguments for withdrawing from the INF Treaty for other reasons, including purely political motives.

For these reasons, withdrawal from the INF Treaty, which would allow Russia to develop intermediate-range missiles, does not fit very well with the potential threat of American missile defense in Europe.

But even if the planned missile defense system would have only a negligible effect on Russia's nuclear deterrent forces, it cannot be ignored. After all, to use the USA's own terminology, the missile defense program is 'open-ended'. In other words, the USA and its allies give no guarantees that they will stop at one base with 10 GBI interceptor missiles. Who can guarantee that there will not soon be 100 or 1,000 of them, deployed at other bases closer to the expected trajectories of Russian ICBMs and SLBMs, and that they will not be enhanced with systems to intercept missiles during the boost phase of the trajectory and developed by adding sea, air and space-based layers, including using means based on new physical principles (lasers and others)?

Of course, the timeframe here would be not four years but decades to come, but military-technical response measures also require time, and in the political respect it is better to voice one's firm and clear opposition to such programs right from the start. In this sense, Moscow has learned about the importance of timely and clear responses from NATO's eastward expansion, which began in 1997 as a one-off measure to bring in three new member states in Central Europe, but went on to cover twelve countries, with discussions underway on potential NATO membership for Ukraine, Georgia, Azerbaijan and Kazakhstan.

But over this timeframe, the nature of the threat and how to respond to it are much broader issues. If it becomes necessary to threaten these BMD facilities, Topol-M ICBMs can be targeted against them, and Russia's Strategic Missile Forces command has made an official statement to this effect. Even flight tests of an ICBM at intermediate range would not constitute a formal violation of the INF Treaty's provisions, because the treaty defines a missile's range as "the maximum range to which it has been tested" (Article VII.4). In the future, if plans to build up the American missile defense system do go ahead, Russia could respond with a broad range of asymmetrical countermeasures, starting with increasing its strategic nuclear forces' capability to penetrate missile defense systems and ending with direct strikes systems against potential BMD ground-, air-, sea- and space-based layers.

5. Missile Defense or Intermediate-Range Missiles?

Another unofficial argument against a missile defense system in Europe is that American interceptor missiles with an effective radius of up to 4,000 km could also be used as offensive intermediate-range missiles, all the more so as the plan is to base them in silos. In this respect, Article VII.3 of the INF Treaty states clearly that if a ballistic missile "is of a type developed and tested solely to intercept and counter objects not located on the surface of the earth, it shall not be considered to be a missile to which the limitations of this Treaty apply". In other words, the GBI system does not violate the INF Treaty. As for being launched from silos, modern strategic interceptor missiles (including those of Moscow A-135 BMD in Russia) are silo-based, while already back in the 1970s and 1980s, offensive intermediate-range missiles were deployed on ground-based mobile launchers, and, if the treaty is denounced, would probably continue to be deployed in this way.

6. Military and Political Consequences of Potential Withdrawal from the INF Treaty

One consideration potentially motivating Russia's withdrawal from the INF Treaty and development of intermediate-range missiles could be a desire to symbolically 'punish' in a military-political sense the European countries that have agreed to have American missile defense installations on their soil or that could do so in the future.

But there is no doubt that the possible effect of such a step would be outweighed by a whole series of negative consequences for Russia's security and for international stability. Five main conclusions support this affirmation.

One. Whatever the Polish and Czech authorities' desire to upset Russia and earn points with the USA, the main initiator of the missile defense project in general and its deployment in Europe in particular is across the ocean—beyond the reach of any intermediate-range missiles Russia could build after withdrawing from the INF Treaty. These missiles would be able to reach targets in Europe and Asia. Punishing European countries for American policy, including Germany, France, Italy and others, with whom Russia has good relations and who are not joining the missile defense system, would be too 'asymmetrical' a response.

If Russia really wants to take this road, a far worthier response would be to withdraw from the 2002 Treaty on Strategic Offensive Reductions (SORT). This would be more logical in political and military terms. Despite an original agreement, the USA did not take the step towards reaching agreement on the treaty's counting rules, verification measures, and destruction procedures. The treaty will lose much of its strategic sense once the START-1 treaty, which provides for at least indirect monitoring of strategic nuclear reductions, expires in December 2009. And plans to build a missile defense system in Europe, as was already noted, are not in keeping with the spirit of the Joint Declaration signed simultaneously with the Strategic Offensive Reductions Treaty in 2002.

Two. Developing, testing, producing and deploying a new intermediate-range missile system would require a lot of money. In the case of the Iskander-M, the development costs have already been taken care of for the most part, it seems. But increasing the range, carrying out additional tests, producing the missile and deploying it in the armed forces, carrying out training and building the infrastructure for it will all be quite costly. Some defense industry firms and Defense Ministry agencies no doubt stand to benefit from this, but as Lomonosov stated in his formula, if there is an increase in one place, there is a decrease in another. In other words, where will the money to finance an intermediate-range missile program come from? Will the money come from the program to develop the strategic nuclear forces (production of Topol-M ICBMs at the slow pace of 6–7 missiles a year, construction of the Yury Dolgoruky 955-class submarines, already more than ten years behind schedule, and development of the Bulava-30 SLBM)? Or will it come from the funding of the general forces' technical modernization, for raising officers' living standards and making the transition to a professional army, and for housing construction or improving combat preparedness?

All of these expenditure items are not less but much more important. If it is possible to find additional funds for financing an intermediate-range missile program, would it not make more sense to spend them on, say, increasing production of the Topol-M from 6–7 a year to at least 10–20 a year? This would make all the more sense as the Topol-M can carry out all the functions of an intermediate-range missile, and at the same time is the best means of strengthening the strategic deterrent with regard to the USA and any other nuclear or missile power.

Three. Withdrawal from the INF Treaty and development of intermediate and short-range missiles would imply that Russia takes the military threat from the USA and NATO very

seriously and suspects them of having evil designs. But within the framework of this very logic, if Russia were indeed to deploy new intermediate-range missiles, the other side would most likely follow with measures in response. This could include revival of the Pershing-2 and ground-based cruise missile programs or development of new improved U.S. intermediate-range missiles and their deployment in Europe, which would probably make the new NATO members overjoyed.

American deployment of intermediate-range missiles was seen as a huge threat in the Soviet Union at the start of the 1980s, and for Russia today the consequences would be worse still. Today, the two sides have a different balance of nuclear and conventional forces, a different situation with military alliances, and different geostrategic situations. The U.S. Pershing-2 missiles deployed back then were barely able to reach Moscow Oblast, but if deployed in the future in the new NATO member states (Poland, the Baltic States), similar missiles with a shortened flight time would cover the whole of Russia's territory to the Urals and even far beyond. This really would jeopardize Russia's nuclear deterrent capability (unlike the missile defense installations in Poland and the Czech Republic), forcing Russia to completely restructure its nuclear forces and command and warning systems at enormous cost.

Four. Withdrawal from the INF Treaty would once again unite NATO on an anti-Russian basis, including on issues such as expanding the alliance to new members in the post-Soviet area, increasing military spending, and coordinating the development of offensive and defensive weapons, including perhaps expanding the missile defense system to NATO's entire European territory.

Five. Washington's policy of dismantling the nuclear disarmament treaties over the last few years has earned it fierce criticism from most UN members, especially the parties to the NPT. If Russia withdrew from the INF Treaty it would inevitably become the scapegoat taking all the flack, and the USA would end up being pardoned for its sins. Furthermore, this step would only further undermine the NPT, because it would be seen as a direct violation of the nuclear weapons states' nuclear disarmament obligations stipulated in Article VI of the treaty. Further proliferation of nuclear weapons would undermine Russia's national security because it is located a lot closer to the unstable regions than is the USA and its European allies.

It was probably for some of the above reasons that the Pentagon's reaction to Russia's suggestions that it could withdraw from the INF Treaty was outwardly indifferent. But one can imagine that on the inside, the former American government would welcome such a step very much. One can only hope that next U.S. administration and the Russian leadership will succeed in finding comprehensive and constructive solutions to the above issues and preserve the INF Treaty, enhancing it with a series of important new agreements.

^[1] See for example: *Myasnikov V.* The Ministry of Defence withdraws from the Intermediate-Range Nuclear Forces Treaty // *Nezavisimoe Voennoe Obozrenie* (Independent Military Review). _31(489), 1 September 2006. p. 1; *Litovkin D.* An adequate «Iskander» // *Izvestia*. 21 February 2007. (<http://www.izvestia.ru/russia/article3101392/index.html>); *Safranchuk I.* A mess of military and diplomatic bearings // *Nezavisimaia Gazeta*. 26 February 2007. p. 3.]

^[2] On the INF Treaty see: *Dean, J.* "The INF negotiations", *SIPRI Yearbook 1988: World Armaments and Disarmament*. Oxford, 1998.

^[3] *Kotenok Y.* "Rossia ustroit iz PRO resheto". <http://www.utro.ru/articles/2007/06/04/652965.shtml>.

^[4] Speech and Discussion at the Munich Conference on Politics and Security Issues, February 10

2007, Munich.

http://www.kremlin.ru/appears/2007/02/10/1737_type63374type63376type63377type63381type82634_118097.shtml.

⁵ See: Litovkin D. Op. Cit.; Safranchuk I. Op. cit.

⁶ See: Mizin V. "Missiles and Missile Technology", in *Nuclear Weapons after the Cold War*, Edited by A. Arbatov and V. Dvorkin; Carnegie Moscow Center. M.: ROSSPEN, 2006. — pp. 274—277.

⁷ *Aktualniye zadachi razvitiya Vooruzhennykh Sil Rossiiskoy Federatsii*. Russian Federation Ministry of Defense. M., 2003. — P. 42.

⁸ *Non-Strategic Nuclear Weapons: Problems of the Control and the Reductions*. The Center for Arms Control, Energy and Environmental Studies of Moscow Inst. of Physics and Technology. Dolgoprudny, 2004.

⁹ See: Interview with Henry Obering, Director of the U.S. Missile Defense Agency: *RLS i protivorakety SSha stanut na dezhurstvo do 2013*. *Nezavisimaya gazeta*. 20 April 2007.

¹⁰ See: *Nuclear Weapons after the Cold War*, Edited by A. Arbatov and V. Dvorkin; Carnegie Moscow Center. M.: ROSSPEN, 2006. — P.528.

¹¹ See: Postol T. A., Lewes G. N. *The Proposed US Missile Defense in Europe: Technological Issues Relevant to Policy*. Washington, 2007.

¹² Myasnikov V. "Polny nazad". *Nezavisimoye voyennoye obozreniye*. 2007. — Nov. 23 ¹³
Kotenok Y. Op. cit.]

[†] The views presented in this document refer only to Open Sources and do not reflect the views of any agency, employer or other entity with which I maintain a professional relationship.

[†] Michael R. Gordon, "U.S. Says Russia Tested Missile, Despite Treaty," *The New York Times*, January 29, 2014, available at http://www.nytimes.com/2014/01/30/world/europe/us-says-russia-tested-missile-despite-treaty.html?_r=0, and last accessed on June 27, 2014.

[§] See T. Doc. Number 100-11, January 25, 1988.

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

JULY 17, 2014

QUESTIONS SUBMITTED BY MR. ROGERS

Mr. ROGERS. How important is it that the U.S. shows the Russian Federation that they cannot profit from this violation?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. It's pretty clear that the Russian Federation vehemently dislikes U.S. missile defenses and plans for more missile defenses. Is that leverage in this case? How so?

a. If Aegis Ashore can defend against these capabilities, with "minor" modifications according to the Director of the Missile Defense Agency, should we be sure that capability is deployed in Romania and Poland?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. It's pretty clear that the Russian Federation vehemently dislikes U.S. prompt global strike systems planning and development. Is that leverage in this case?

a. Please describe the role of these systems in Asia.

b. Please describe why you understand DOD wants these systems and has a military requirement for them.

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. If the Administration knew about the INF violation since 2008, was it obligated to advise Congress of it at the earliest opportunity? Could there be a good reason to decide not to share that information with the Senate at the time?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. If the Administration has decided to call the INF violation a "violation" does the Administration owe it to the Congress to advise the Congress before it informs Russia? Does it have an obligation to share this determination with our Article V NATO allies before Russia?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. In a report appearing on the Daily Beast website, it was reported that, while serving as Chairman of the Senate Foreign Relations Committee, then-Senator John Kerry held a classified hearing of his committee on Russia's INF violations. He is reported to have stated:

"If we're going to have treaties with people, we've got to adhere to them ... We're not going to pass another treaty in the U.S. Senate if our colleagues are sitting up here knowing somebody is cheating."

Do you agree with Senator Kerry's position?

a. In response to the Soviet Union's violation of the Anti-Ballistic Missile Treaty, 23 members of the House of Representatives, led by Les Aspin, Harry Reid, and Barney Frank, wrote that violations of the ABM treaty went "to the heart of the arms control process" and that "adherence to existing treaties is a necessity in order for future agreements to be possible" and that "[i]f this problem is not resolved in a satisfactory manner, it will have serious consequences for the future of the arms control process".

Was the current majority leader of the Senate correct when he wrote that letter? Is that the standard that should apply today?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. How long should the U.S. continue to unilaterally be bound by the INF treaty? We are at present, apparently, the only party complying with the treaty. Do we let this drag on for 6 years—in some ways it already, reportedly, has (according to the New York Times)—like the Russian violations of CFE did?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. What are the benefits and risks of seeking to "multilateralize" the INF treaty? What are the odds China is willing to eliminate its hundreds of intermediate-range ballistic missiles and cruise missiles?

a. Is there a risk to going down this road? Can we be diplomatically out-manuevered by the Russians? Does it risk making their violation look legitimate?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Is the INF treaty still relevant for today's security environment?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. What about other violations? Russia is known not to be complying with the CTBT. Do we need to resolve that too?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Russia is seeking U.S. support for new aircraft and sensors under the Open Skies treaty. But, Russia isn't complying with that treaty; should we approve those new aircraft and sensors if Russia isn't in compliance? Should we use this treaty, which Russia clearly values, as leverage to obtain Russian compliance with INF?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Russia got the U.S. to agree to unilateral reductions, while Russia is actually building up its nuclear forces under New START. Do we need to let Russia know that continued U.S. compliance with New START cannot be assured if Russia is going to violate INF and threaten our allies?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Should the U.S. be concerned about new Russian missiles, like the RS-26 Rubezh, which Russia has tested at intermediate-range, but, Russia is calling an ICBM? Or should we be content that Russia promises us it will agree to count that missile under New START?

a. Russia is said to be preparing to deploy this system in 2015 in Irkutsk, suggestion that, for an intermediate range missile, the target is China. What does this do to claims that Russia is breaking out of INF due to U.S. missile defense?

b. Do you believe that there is a loophole in New START and INF allowing Russia to develop an IRBM but to call it an ICBM?

c. If this was known during New START ratification, is there any reason to allow Russia to negotiate in this loophole?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Should our allies feel safe and secure because they are promising to count these intermediate range missiles as ICBMs? Why or why not?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Are ground-launched intermediate range ballistic missiles and cruise missiles different than submarine-launched, or air-launched, missiles of the same type and range? How?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. If you believe in arms control, shouldn't you be the most committed to seeing this treaty enforced? To punishing cheating and violations in all forms?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. What are some political and economic consequences that the President and Congress should impose?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Why is Russia developing and deploying a new ground-launched cruise missile in violation of the INF Treaty? What are the military and/or geopolitical benefits for Russia derived from this new intermediate-range missile?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. How important is the continuation of the INF treaty to U.S. interests? What would be the positive and/or negative impact from its demise? Would there be a significant impact on PGS and other planned or existing programs? On balance, should we walk away from the treaty?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. Would any of our allies feel sufficiently threatened to take compensatory action or would they assume that is solely the responsibility of the U.S.?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. The INF treaty is the only treaty the U.S. has ratified that has eliminated whole types and classes of nuclear weapons. What is the impact to President Obama's legacy if this treaty is "broken" on his watch?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. ROGERS. How important is it that the U.S. shows the Russian Federation that they cannot profit from this violation?

Mr. THOMAS. It is very important that Russia comply with its treaty obligations. Failure on the part of Russia to do so in the case of the INF Treaty calls into question the credibility of its other treaty commitments, as well as the wisdom of entering into any future arms control agreements with it. A muted response to a violation of the INF Treaty on the part of the U.S. could embolden Russia to further violate the Treaty or assume that it can similarly violate other arms control agreements with impunity and potentially endanger the prospects for continued strategic stability.

Mr. ROGERS. It's pretty clear that the Russian Federation vehemently dislikes U.S. missile defenses and plans for more missile defenses. Is that leverage in this case? How so?

a. If Aegis Ashore can defend against these capabilities, with “minor” modifications according to the Director of the Missile Defense Agency, should we be sure that capability is deployed in Romania and Poland?

Mr. THOMAS. U.S. plans for enhancing the defense of CONUS, its field forces and facilities in Europe, as well as protecting NATO allies from ballistic missile attack should move ahead irrespective of Russian compliance or non-compliance with the INF Treaty. “Leverage” implies that a certain capability or action is conditional on something else. Pursuit of enhanced missile defense capabilities should be unconditional.

a. I believe that Aegis Ashore should be deployed in Romania and Poland irrespective of the status of the INF Treaty or any potential capability modifications.

Mr. ROGERS. It’s pretty clear that the Russian Federation vehemently dislikes U.S. prompt global strike systems planning and development. Is that leverage in this case?

a. Please describe the role of these systems in Asia.

b. Please describe why you understand DOD wants these systems and has a military requirement for them.

Mr. THOMAS. Again, we should make decisions about Prompt Strike on the merits of the program, rather than viewing the capability as a bargaining chip vis-à-vis Russia regarding the INF Treaty. At the same time, demonstrating that the United States has credible military options to pursue should the INF Treaty no longer be in force may backstop diplomatic efforts to bring Russia back into compliance and/or modify the Treaty in the future. That would require initiating significant research and development efforts to ensure that the United States has a capability it would be able to deploy should the treaty end up being abrogated.

a. IRBM-class systems could play a very important role in Asia to symmetrically counter China’s extant, large arsenal of same-class systems.

b. From the Unclassified version of the Joint Staff Report on Conventional Prompt Global Strike, “[Conventional Prompt Global Strike] systems could be employed to strike globally, precisely, and rapidly with lethal kinetic effects against high-payoff, time-sensitive targets in denied and/or geographically isolated areas when other forces are not available, not responsive enough, or not preferred.” These conditions could exist when required to strike targets in one or more theaters simultaneously, there is limited or no military presence in a region, and/or anti-access/area-denial systems pose high risks projecting conventional U.S. forces into those theaters. Prompt, extended-range strike systems could mitigate these risks and complicate potential adversaries’ planning. They could play a crucial role, moreover, in deterring multiple countries simultaneously.

Mr. ROGERS. If the Administration knew about the INF violation since 2008, was it obligated to advise Congress of it at the earliest opportunity? Could there be a good reason to decide not to share that information with the Senate at the time?

Mr. THOMAS. I am not privy to the Administration’s thinking on compliance issues or the considerations that might have influenced the timing of its most recent report submission and declaration of a Russian INF Treaty violation. My understanding is that the Congress requires the submission of a compliance report on an annual basis. Current and previous administrations have spotty records on the timely submission of compliance reports, but good governance would suggest they should provide the basic facts in a timely manner that would inform Congressional deliberations, not limited to the INF Treaty.

Mr. ROGERS. If the Administration has decided to call the INF violation a “violation” does the Administration owe it to the Congress to advise the Congress before it informs Russia? Does it have an obligation to share this determination with our Article V NATO allies before Russia?

Mr. THOMAS. Informing the Congress and U.S. Allies of any determination of a treaty violation would be prudent as it would foster a unified, coordinated response and increase the pressure that could be applied to resolve the violation swiftly and bring all Parties into compliance.

Mr. ROGERS. In a report appearing on the Daily Beast website, it was reported that, while serving as Chairman of the Senate Foreign Relations Committee, then-Senator John Kerry held a classified hearing of his committee on Russia’s INF violations. He is reported to have stated:

“If we’re going to have treaties with people, we’ve got to adhere to them ... We’re not going to pass another treaty in the U.S. Senate if our colleagues are sitting up here knowing somebody is cheating.”

Do you agree with Senator Kerry’s position?

a. In response to the Soviet Union’s violation of the Anti-Ballistic Missile Treaty, 23 members of the House of Representatives, led by Les Aspin, Harry Reid, and Barney Frank, wrote that violations of the ABM treaty went “to the heart of the

arms control process” and that “adherence to existing treaties is a necessity in order for future agreements to be possible” and that “[i]f this problem is not resolved in a satisfactory manner, it will have serious consequences for the future of the arms control process”.

Was the current majority leader of the Senate correct when he wrote that letter? Is that the standard that should apply today?

Mr. THOMAS. Yes.

a. Yes, adherence to existing arms control agreements should weigh heavily in contemplating future arms control initiatives, since it speaks fundamentally to the necessary political underpinnings of any such arrangement.

Mr. ROGERS. How long should the U.S. continue to unilaterally be bound by the INF treaty? We are at present, apparently, the only party complying with the treaty. Do we let this drag on for 6 years—in some ways it already, reportedly, has (according to the New York Times)—like the Russian violations of CFE did?

Mr. THOMAS. Russian violation of the INF Treaty comes at a time of great strategic uncertainty. While compliance issues must be swiftly addressed, the United States should also evaluate the INF Treaty in broader, global context. A treaty that bars two countries from pursuing certain classes of missiles, while imposing no restriction on other states—some of which pose serious threats towards the United States and its allies—doing the same, must be constantly re-evaluated to determine the tipping point when the costs of arms control overtake the benefits. That day is quickly approaching. The United States must look beyond the INF Treaty and begin taking appropriate precautionary steps. Paradoxically, doing so may offer the best course to preserving the viability of the treaty farther into the future.

Mr. ROGERS. What are the benefits and risks of seeking to “multilateralize” the INF treaty? What are the odds China is willing to eliminate its hundreds of intermediate-range ballistic missiles and cruise missiles?

a. Is there a risk to going down this road? Can we be diplomatically out-manuevered by the Russians? Does it risk making their violation look legitimate?

Mr. THOMAS. Multilateralizing the treaty, assuming all signatories would come into full compliance and eliminate their INF-class weapons, would, in theory, be the best option to safeguard the viability of the treaty much farther into the future. Absent efforts to multilateralize or otherwise amend it, the treaty will increasingly be at odds with broader U.S. and allied interests. Conventional wisdom holds that China would never be willing to sign onto the treaty and eliminate its inventory of intermediate-range ballistic and cruise missiles. This is reminiscent of conventional wisdom that preceded the original INF Treaty in the 1980s. Many felt that Russia would never eliminate its intermediate-range ballistic and cruise missiles. However, in the face of a determined effort by the United States to develop and field INF-class systems and the willingness of European allies for host forward-based systems, Russia returned to the negotiations that quickly led to the Treaty’s endgame. Similarly, if China faced a credible prospect of neighboring countries and/or the United States developing and eventually deploying such systems, it too might be highly incentivized to become of signatory.

a. The issues should be addressed sequentially. Ideally, the United States and Russia should satisfactorily resolve the issues surrounding Russian violation of the INF Treaty before taking on the issue of multilateralization.

Mr. ROGERS. Is the INF treaty still relevant for today’s security environment?

Mr. THOMAS. Suspected Russian violations of the INF Treaty come at a time of great strategic uncertainty. While compliance issues must be swiftly addressed, the United States should also evaluate the INF Treaty in broader, global context. A treaty that bars two countries from pursuing certain classes of missiles, while imposing no restriction on other states—some of which pose serious threats towards the United States and its allies—doing the same, must be constantly re-evaluated to determine the tipping point when the costs of arms control overtake the benefits. That day is quickly approaching. The United States must look beyond the INF Treaty and begin taking appropriate precautionary steps. Paradoxically, doing so may offer the best course to preserving the viability of the treaty farther into the future.

Mr. ROGERS. What about other violations? Russia is known not to be complying with the CTBT. Do we need to resolve that too?

Mr. THOMAS. In general, turning a blind eye to any treaty violation might encourage further violations. All allegations of treaty violations should be carefully and fully investigated and resolved.

Mr. ROGERS. Russia is seeking U.S. support for new aircraft and sensors under the Open Skies treaty. But, Russia isn’t complying with that treaty; should we approve those new aircraft and sensors if Russia isn’t in compliance? Should we use this treaty, which Russia clearly values, as leverage to obtain Russian compliance with INF?

Mr. THOMAS. I am unfamiliar with these specific Open Skies issues, but consistent with my earlier answers I believe non-compliance issues are always serious matters that should logically be resolved prior to undertaking new initiatives under existing agreements or contemplating new arms control agreements.

Mr. ROGERS. Russia got the U.S. to agree to unilateral reductions, while Russia is actually building up its nuclear forces under New START. Do we need to let Russia know that continued U.S. compliance with New START cannot be assured if Russia is going to violate INF and threaten our allies?

Mr. THOMAS. I would expect the United States, just as I would expect Russia or any other signatory, to honor binding treaty commitments.

INF violations should be considered carefully and factored into consideration of any future arms control initiatives involving Russia.

Mr. ROGERS. Should the U.S. be concerned about new Russian missiles, like the RS-26 Rubezh, which Russia has tested at intermediate-range, but, Russia is calling an ICBM? Or should we be content that Russia promises us it will agree to count that missile under New START?

a. Russia is said to be preparing to deploy this system in 2015 in Irkutsk, suggestion that, for an intermediate range missile, the target is China. What does this do to claims that Russia is breaking out of INF due to U.S. missile defense?

b. Do you believe that there is a loophole in New START and INF allowing Russia to develop an IRBM but to call it an ICBM?

c. If this was known during New START ratification, is there any reason to allow Russia to negotiate in this loophole?

Mr. THOMAS. The development of systems such as the RS-26 at the seam between the INF Treaty and New START should be of concern to the United States and its allies. Ballistic missiles launched from Russia would obviously have shorter time of flight to targets in Europe than in North America thereby reducing warning time and the opportunities to engage them, which would diminish strategic stability.

a. If Russia does indeed deploy intermediate-range missiles to operating areas from which they could range China, it would suggest it views the PRC as a military threat. This is likely only one of a variety of factors that would weigh in any Russian decision to exit the treaty, which suggests U.S. missile defense deployments are possibly a pretext more than a reason for Russian dissatisfaction with the Treaty.

b. There is no safeguard in New START that would preclude a country from firing an ICBM at less than continental ranges.

c. One of the pitfalls of arms control agreements is that they may have unforeseen (or at least not widely appreciated or publicized) consequences.

Mr. ROGERS. Should our allies feel safe and secure because they are promising to count these intermediate range missiles as ICBMs? Why or why not?

Mr. THOMAS. Our allies should be concerned about any capabilities that could be deployed and used to target them for short-warning nuclear attack.

Mr. ROGERS. Are ground-launched intermediate range ballistic missiles and cruise missiles different than submarine-launched, or air-launched, missiles of the same type and range? How?

Mr. THOMAS. Ground-based missile systems have several advantages over submarine and air-launched missile platforms. First, ground-based missile platforms do not need to be as sophisticated as their airborne and undersea counterparts. This reduces their cost significantly, allowing far greater numbers to be constructed at similar cost. Second, ground-based systems have survivability advantages. Fixed-placement systems can be hardened, while mobile systems can quickly relocate after firing and thus present targeting challenges. Third, ground-based systems are easier to develop with partner states, which facilitates burden sharing. Together, these factors suggest that the proliferation of ground-based intermediate-range missile systems are an effective way to hold adversary targets at risk, imposing steep costs for relatively less investment compared to airborne and undersea systems.

Mr. ROGERS. If you believe in arms control, shouldn't you be the most committed to seeing this treaty enforced? To punishing cheating and violations in all forms?

Mr. THOMAS. The failure to enforce arms control agreements erodes confidence in arms control as a viable national security instrument. It is difficult to see why the United States should pursue future arms control initiatives with a party that is violating existing agreements.

Mr. ROGERS. What are some political and economic consequences that the President and Congress should impose?

Mr. THOMAS. There is a range of political and economic steps that could be taken to impose costs on Russia for non-compliance, but they will be most effective with the support and active participation of like-minded nations. Russian violations of the INF Treaty pose an even greater threat to allies overseas than they do to the United States. Ideally, U.S. allies would take a far more prominent role in con-

fronting Russia. The United States should therefore endeavor to ensure that it maintains, and where necessary strengthens, its strategic solidarity with its allies around the world.

Mr. ROGERS. Why is Russia developing and deploying a new ground-launched cruise missile in violation of the INF Treaty? What are the military and/or geopolitical benefits for Russia derived from this new intermediate-range missile?

Mr. THOMAS. Providing means of delivery for either a conventional or nuclear warhead, an intermediate-range GLCM would have benefits for Russia in terms of greater accuracy, flight path/survivability, and covert deployment.

Mr. ROGERS. How important is the continuation of the INF treaty to U.S. interests? What would be the positive and/or negative impact from its demise? Would there be a significant impact on PGS and other planned or existing programs? On balance, should we walk away from the treaty?

Mr. THOMAS. Continuation of the INF Treaty would be important to safeguard U.S. interests insofar as it encompasses additional countries possessing INF-class systems worldwide. The demise of the treaty could have a positive outcome should it allow the United States to develop INF-class conventional missiles, should the United States choose to field them in significant numbers, and should allies and partners agree to host forward-based systems.

The major downside of exiting the treaty would be the risk of horizontal and vertical proliferation of the same systems in ways that could threaten our allies.

Paradoxically, the best ways to bolster the U.S. negotiating position to amend the treaty, or to hedge against the treaty's demise, are the same: to develop credible IRBM and GLCM options. Before abandoning the treaty, the United States would be well-served to attempt to adapt and modify the treaty, including in ways to ensure the adherence of all parties to the amended requirements, in ways that suit U.S. interests. Backstopping such a negotiating effort, the Department of Defense should pursue research and development options that would make far more credible the threat of the United States fielding a robust intermediate-range missile force if the treaty lapsed.

Mr. ROGERS. Would any of our allies feel sufficiently threatened to take compensatory action or would they assume that is solely the responsibility of the U.S.?

Mr. THOMAS. Our allies' interests are at risk with the Russian INF violation. This is not just an issue for the United States. Indeed, NATO Secretary General Fogh Rasmussen said on July 30 that "[the INF Treaty] remains a key element of Euro-Atlantic security—one that benefits our mutual security and must be preserved." U.S. allies beyond Europe should also give the issues surrounding intermediate-range weapons greater attention, as it affects the security and interests of allies in multiple theaters.

One possibility is that in the future, even if the United States remained bound by the Treaty, its allies and partners which are not parties to the Treaty could independently develop, test and deploy INF-proscribed systems. One of the United States' distinct advantages over its rivals is its portfolio of alliances. Were U.S. allies and partners to field IRBMs and GLCMs while Russia and the United States remained parties to the Treaty, this could disadvantage Russia and create a favorable asymmetry for the United States.

Mr. ROGERS. The INF treaty is the only treaty the U.S. has ratified that has eliminated whole types and classes of nuclear weapons. What is the impact to President Obama's legacy if this treaty is "broken" on his watch?

Mr. THOMAS. Irrespective of the historical legacy of the INF Treaty, if it is broken due to Russian violations, Moscow should bear the fully responsibility for the treaty's demise.

Mr. ROGERS. Do you now believe you were misled by Deputy Assistant Secretary of State Frank Rose when he counseled you to write an article that has been proven to be at least misleading, and in reality inaccurate; and which Mr. Rose knew (or at least should have known) at the time to be inaccurate?

Ambassador PIFER. Mr. Rose did not mislead me, and I do not believe that my July 16, 2013 article, "Allegations of Russian Intermediate-Range Nuclear Forces Treaty Violations—Where's the Beef?," was misleading or inaccurate. I wrote "Where's the Beef" after reading news articles in late June and the first half of July 2013 that asserted that the Russian Yars-M ballistic missile (also referred to as the RS-26) was a violation of the INF Treaty.

The articles—see, for example, Bill Gertz's "Russian Aggression: Putin Violating Nuclear Missile Treaty" in the June 25, 2013 Washington Free Beacon—asserted that the Yars-M/RS-26 was a violation of the INF Treaty because it had been tested to a range of 2000 kilometers, whereas the INF Treaty bans all ground-launched ballistic missiles with ranges between 500 and 5500 kilometers. The Yars-M/RS-26, however, had also been tested to a range of 5800 kilometers.

The 2010 New START Treaty, as the 1991 START I Treaty, defines an intercontinental ballistic missile (ICBM) as “a land-based missile with a range in excess of 5500 kilometers,” while the INF Treaty bans ground-launched ballistic missiles with ranges “in excess of 500 kilometers” but “not in excess of 5500 kilometers.” My assessment thus was that, because the Yars-M/RS-26 had flown in excess of 5500 kilometers, it was a permitted ICBM, not a ground-launched intermediate-range ballistic missile.

That seemed straightforward to me. When writing “Where’s the Beef?” I contacted Mr. Rose and asked whether my assessment of the Yars-M/RS-26 was correct. He confirmed that my understanding that the Yars-M/RS-26 was a permitted ICBM was consistent with the U.S. government’s view.

That is the assessment reflected in “Where’s the Beef?” That article dealt solely with the allegation regarding the Yars-M/RS-26 ballistic missile. At the time when I wrote the article, I was not aware of U.S. government concerns about the Russian test of a ground-launched intermediate-range cruise missile.

Mr. ROGERS. If the article focused on the RS-26 as you say, do you think it was incumbent upon DAS Frank Rose to tell you there were other INF violations that were of concern so that you did not write such allegations were “frivolous,” when it turns out they are quite substantial, and were substantial at the time, as DAS Frank Rose knew (or at least should have known)?

Ambassador PIFER. The “Where’s the Beef?” article clearly addresses only the allegation that the Yars-M/RS-26 ballistic missile was a violation of the INF Treaty. That was the only allegation of a Russian INF Treaty violation of which I was aware when I wrote the article, and my question to Mr. Rose dealt solely with the Yars-M/RS-26 ballistic missile.

Had Mr. Rose volunteered information about the cruise missile concern, I certainly would have been interested. However, given what I understand to be the classified level at which information regarding the cruise missile issue was held at the time, it would have been a serious breach of security regulations for him to share it with me.

Mr. ROGERS. Why is the article still up on the Brookings web page? In the name of intellectual and academic honesty, shouldn’t it be rescinded and taken down (or at a minimum updated/corrected)?

Ambassador PIFER. The “Where’s the Beef?” article clearly addresses only the allegation that the Yars-M/RS-26 ballistic missile was a violation of the INF Treaty. I believe that the article’s conclusion that the Yars-M/RS-26 is a permitted ICBM, not a ground-launched intermediate-range ballistic missile, remains valid and that this allegation of a violation has no basis in the treaty.

The New York Times carried a story by Michael Gordon on January 29, 2014, “U.S. Says Russia Tested Missile, Despite Treaty,” which revealed the U.S. government’s concern that Russia had tested a ground-launched intermediate-range cruise missile in violation of the INF Treaty. My articles subsequent to that (which are posted on the Brookings web-page) draw a distinction between the allegation regarding the Yars-M/RS-26 ballistic missile and the reported violation by the testing of a ground-launched intermediate-range cruise missile. See, for example, “The Moscow Missile Mystery: Is Russia Actually Violating the INF Treaty?” in *Foreign Policy*, January 31, 2014 and “Don’t Scrap the INF Treaty” in *The National Interest*, June 9, 2014.

QUESTIONS SUBMITTED BY MR. COOPER

Mr. COOPER. How did the administration deal with the ABM Treaty violations, and what was the outcome?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. COOPER. How did the administration deal with the ABM Treaty violations, and what was the outcome?

Mr. THOMAS. Following the Reagan administration’s discovery that the Soviet Union’s large phased-array radar at Krasnoyarsk violated the 1972 Anti-Ballistic Missile Treaty, the administration decided not allow that violation to affect its broader arms control agenda, even as U.S. and Soviet officials worked to resolve the violation. Ultimately, under enormous pressure, the Soviet Union granted U.S. inspectors access to Krasnoyarsk enabling them to establish beyond doubt that it constituted an ABM Treaty violation, which the Soviets finally acknowledged. Had the entire arms control process been halted, the United States and Soviet Union would not have entered into the INF Treaty a few years later. Some have said that the United States should bear this incident in mind when considering how the INF Treaty violation should affect the broader arms control agenda. Others might argue

that the situation is different today and requires a different approach. Whereas broad trends in the mid-1980s suggested a thawing in Soviet-U.S. relations, the opposite appears to be occurring at the present time.

Mr. COOPER. Is the INF treaty of enduring significance, militarily or otherwise, to the United States, Russia or NATO and its members? Why?

Ambassador PIFER. The INF Treaty was a landmark arms control agreement, resulting in the elimination of nearly 2700 U.S. and Soviet missiles, their launchers and other associated equipment. It dramatically reduced the nuclear threat to American allies in Europe and Asia and was warmly welcomed by those allies, as well as by other states.

The INF Treaty continues to be in the security interest of the United States and its allies, as it constrains the Russian nuclear threat. This is particularly the case as there are no plans and, as far as I know, no serious U.S. military requirement for ground-launched intermediate-range ballistic or cruise missiles. (U.S. strategic nuclear forces, U.S. dual-capable aircraft and nuclear bombs deployed in Europe, and the ability to forward deploy U.S. dual-capable aircraft and nuclear bombs to the Western Pacific currently provide the nuclear umbrella to U.S. allies in Europe and Asia.)

Were the INF Treaty to cease to be in force, I would expect U.S. allies in Europe and Asia to be concerned that Russia would then be free to build without any constraint ground-launched intermediate-range ballistic and cruise missiles that could directly threaten their territory. Such missiles would also pose a direct threat to U.S. forces deployed forward in Europe and Asia.

At several points over the past decade, senior Russian officials have publicly questioned whether continued adherence to the INF Treaty was in Russia's interest. They have noted that the treaty's ban applies only to Russia and the United States (actually, it also applies to Belarus, Kazakhstan and Ukraine). They have expressed concern that other countries near Russia possess or are developing intermediate-range missiles. Russia thus may hold a different view of the significance of the INF Treaty than do the United States and U.S. allies.

Mr. COOPER. If Russia is found to be in violation of the INF treaty in the upcoming report, what should the U.S. do?

a. What are our options for bringing Russia back into compliance with the treaty? [Question #51, for cross-reference.]

Ambassador PIFER. The U.S. government has concluded that Russia violated the INF Treaty by testing a prohibited ground-launched intermediate-range cruise missile. This is a serious matter. The U.S. government should take several measures in response, with the objective of having Russia return to full compliance with the treaty:

First, the administration should use opportunities in diplomatic channels, including meetings at the cabinet/ministerial-level, to raise the question with Russian officials and press them to resolve U.S. concerns and come back into full compliance with the treaty.

Second, the administration should contact Russia, Belarus, Kazakhstan and Ukraine and convene a meeting of the Special Verification Commission, established by the INF Treaty in part as a venue for addressing INF compliance issues.

Third, U.S. officials should brief NATO allies, Asian allies (particularly Japan and South Korea) and other interested countries, including China and India, about U.S. concerns. Were Russia to deploy a new ground-launched intermediate-range cruise missile, it would pose a direct threat to countries in Europe and Asia. This should not remain just a bilateral U.S.-Russian issue; Washington should do what it can to make this a question between the Russian government and its neighbors—the states that would be directly threatened were Russia to deploy new intermediate-range missiles.

Fourth, the Pentagon could consider a feasibility study on possible new U.S. ground-launched intermediate-range missiles. Given budget pressures and the current lack of a defined priority military requirement, there would be little sense in proceeding to develop or acquire such missiles. However, the prospect of a future Pershing III or new ground-launched intermediate-range cruise missile might remind Moscow of the value of the INF Treaty.

While pursuing these steps, it would be in the U.S. interest to continue to observe the INF Treaty. Although at some later date it might be appropriate to consider withdrawal, for example, if Russia deployed intermediate-range missiles, at this point there are sound reasons for continuing to adhere to the treaty:

First, if Washington withdrew from the treaty, it could be seen as responsible for ending the agreement. Moscow would certainly prefer that Washington initiate withdrawal and take the political heat for ending the treaty, and it would do everything in its power to place the blame on the United States.

Second, a U.S. withdrawal that ended the treaty would leave Russia free to test, produce and deploy ground-launched intermediate-range ballistic and cruise missiles without constraint. That would increase the threat to and raise concern on the part of U.S. allies.

Third, at present, the Pentagon has no plans for ground-launched intermediate-range ballistic or cruise missiles. A U.S. withdrawal from the treaty would leave Russia free to deploy missiles for which the United States has no counterpart.

Developing new U.S. intermediate-range missiles would take time and would impose a new burden on an already stretched Pentagon budget. It would draw funds from other defense accounts, such as the modernization of strategic nuclear forces, missile defense or new conventional weapons systems.

Fourth, even if the United States were to build new ground-launched intermediate-range missiles, it is not clear where it would deploy them. Those missiles would pose a serious response to a Russian treaty violation only if deployed in Europe, Japan or South Korea, but it is unlikely that any of those allies would welcome the prospect of hosting such missiles. Deploying intermediate-range missiles in the continental United States would make little sense, as they could only hold targets in the Western Hemisphere at risk.

Mr. COOPER. How did the administration deal with the ABM Treaty violations, and what was the outcome?

Ambassador PIFER. (I understand this to refer to the Reagan and George H. W. Bush administrations.)

The Reagan administration had several concerns regarding Soviet compliance with the 1972 Anti-Ballistic Missile (ABM) Treaty and its 1974 protocol. The primary concern dealt with Soviet construction of a large-phased array radar near Krasnoyarsk in central Siberia.

The ABM Treaty and its protocol limited the United States and Soviet Union each to one ABM interceptor deployment area. In order to ensure that large phased-array radars (LPARs) located outside deployment areas would be used for permitted early warning purposes but not for battle management (i.e., guiding ABM interceptors to their targets), the treaty required that LPARs outside of the deployment areas be located on the periphery of a country's territory and oriented outward.

In 1983, the U.S. intelligence community detected construction of an LPAR at Krasnoyarsk. The radar was more than 800 kilometers (500 miles) from the Russian-Mongolian border and, instead of being oriented outward—i.e., toward the south—it faced to the east, over a broad expanse of Soviet territory.

The Reagan administration judged that the radar constituted a violation of the ABM Treaty. U.S. officials raised the radar at the fall 1983 session of the Standing Consultative Commission, the body established by the ABM Treaty to address, among other issues, questions about treaty compliance.

The Soviets asserted that the Krasnoyarsk LPAR would be used for space-tracking purposes, an implausible claim given that few space orbits would pass through the radar's field of view. However, the LPAR did have an excellent view of the attack corridor for U.S. submarine-launched ballistic missiles flying out of the northern Pacific Ocean to targets in the central Soviet Union. The radar plugged a gap in the Soviets' early warning radar coverage; to gain the same early warning coverage without violating the ABM Treaty, the Soviets would have had to build two LPARs in the Soviet Far East.

A January 1984 White House report to Congress assessed that the Krasnoyarsk LPAR "constitutes a violation of legal obligations under the Anti-Ballistic Missile Treaty of 1972 in that in its associated siting, orientation and capability, it is prohibited by this Treaty." U.S. officials continued to press the Soviets on the radar.

The Reagan administration later considered declaring the radar a "material breach" of the ABM Treaty, a term that would have provided stronger grounds for withdrawal from the treaty. But Washington did not withdraw.

In 1989, the Soviets conceded that the radar was a "technical" violation of the ABM Treaty in that its location was inconsistent with the treaty's requirements. They argued that the radar was for early warning purposes (likely true, though that did not make the radar compliant with the letter of the treaty). In 1990, the Soviets agreed to dismantle the radar—seven years after the U.S. intelligence community first detected it.

Over the seven years between the discovery of the Krasnoyarsk radar's construction and the Soviet decision to dismantle it, the Reagan and George H. W. Bush administrations continued to observe the ABM Treaty, even as they raised their concerns about the radar and its compliance with the treaty. They also continued to observe other arms control agreements. The Reagan administration, which considered the 1979 Strategic Arms Limitation Treaty II (SALT II) "fatally flawed," observed a policy of not undercutting that unratified treaty until late 1986.

Moreover, the Reagan administration also continued to negotiate new nuclear arms control agreements with the Soviets. The Reagan administration concluded the INF Treaty in 1987. It made major progress on the START I Treaty, reaching agreement on the levels of strategic forces to be allowed each side. The George H. W. Bush administration completed and signed START I in 1991.

Mr. COOPER. Why should we abide by the Treaty if Russia is unwilling?

Ambassador PIFER. If Russia proceeds to violate the INF Treaty by deploying ground-launched intermediate-range ballistic and/or cruise missiles, it may make little sense for the United States to continue to abide by its terms. The current public charge is that Russia violated the treaty by testing a prohibited ground-launched cruise missile. The U.S. government has not charged, at least not publically, that Russia has deployed such missiles.

Any violation of a treaty needs to be taken seriously. Given that continued application of the INF Treaty is in the security interest of the United States and its allies, the U.S. government's goal now should be to get Russia back into full compliance with the treaty. I have outlined in my response to QFR #51 recommendations as to steps that Washington should take to achieve this.

If the United States were now to withdraw from the INF Treaty, it could have several effects, all negative for the United States. Washington rather than Moscow could bear the political costs of ending the treaty. A U.S. withdrawal that ended the treaty would leave Russia free to test, produce and deploy intermediate-range missiles without constraint. As the Pentagon has no plans for land-based intermediate-range ballistic or cruise missiles, a U.S. withdrawal from the treaty would leave Russia free to deploy missiles for which the United States has no counterpart. Even were the United States to build a counterpart, it is not clear it could deploy such missiles within range of Russia.

QUESTIONS SUBMITTED BY MS. SANCHEZ

Ms. SANCHEZ. If there were no INF Treaty, would we deploy intermediate-based land systems in Europe, and would the NATO allies support such a deployment? And, if there were no INF Treaty, would we deploy land-based systems in Asia, or are sea-based systems sufficient to meet our growing needs there?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Ms. SANCHEZ. Why is it taking us so long to determine what Russia is doing, and whether or not it is in compliance with the treaty?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Ms. SANCHEZ. What might Russia do if it were no longer bound by the INF Treaty? What might they develop and deploy if they were totally freed from the limits?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Ms. SANCHEZ. Are our allies paying attention to this issue, how have NATO countries responded? How would that affect U.S. and allied security (in both Europe and Asia)?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Ms. SANCHEZ. If there were no INF Treaty, would we deploy intermediate-based land systems in Europe, and would the NATO allies support such a deployment? And, if there were no INF Treaty, would we deploy land-based systems in Asia, or are sea-based systems sufficient to meet our growing needs there?

Mr. THOMAS. In the 1980's, in response to Russia's build up of IRBMs and GLCMs, NATO allies supported the development and deployment of U.S. IRBMs and GLCMs in Europe. Paradoxically, it was their deployment that ultimately drove the Soviet Union back to the negotiating table, resulting in the 1987 INF Treaty that eliminate all ground-launched missiles with ranges between 500–5,500 km. If Russia were to again develop and deploy intermediate range missile systems that could threaten European allies, it stands to reason that U.S. allies might again welcome and host U.S. land-based intermediate-range systems in response.

In Asia, the principle missile threat to our allies comes not from Russia but from China, which has already deployed hundreds of intermediate-range missiles that can hold allied territory at risk. Those countries might similarly welcome conventionally armed intermediate-range missiles that could have a stabilizing effect on the regional military balance.

Sea-based systems, given the inherent payload limitations of submarines and surface combatants, are unlikely to be able to fully meet our growing needs for conventional strike capacity in the Asia-Pacific theater. Nevertheless, sea-launched and air-launched long-range conventional strike systems—both standoff and penetrating—remain essential as part of an appropriate mix of capabilities for deterrence.

Ms. SANCHEZ. What might Russia do if it were no longer bound by the INF Treaty? What might they develop and deploy if they were totally freed from the limits?

Mr. THOMAS. Unconstrained by the INF Treaty, Russia could build up and deploy large numbers of intermediate-range missiles to hold at risk targets both in Europe and in Asia. Interestingly, a sizable deployment of Russian missiles into its Far East would likely be of greatest concern to China. Thus, the demise of the INF Treaty could create a "double jeopardy" problem for China.

Ms. SANCHEZ. Are our allies paying attention to this issue, how have NATO countries responded? How would that affect U.S. and allied security (in both Europe and Asia)?

Mr. THOMAS. NATO is alive to the Russian INF Treaty violation. As NATO Secretary General Fogh Rasmussen said on July 30, "Russia should work constructively to resolve this critical Treaty issue and preserve the viability of the INF Treaty by returning to full compliance in a verifiable manner." In Asia, to date, I am not aware of any public response by our allies. Given that they also have clear interests at stake, they should also weigh in on the issue.

Ms. SANCHEZ. If there were no INF Treaty, would we deploy intermediate-based land systems in Europe, and would the NATO allies support such a deployment? And, if there were no INF Treaty, would we deploy land-based systems in Asia, or are sea-based systems sufficient to meet our growing needs there?

Ambassador PIFER. As far as I am aware, the Pentagon does not have an identified military requirement for a new ground-launched intermediate-range ballistic or cruise missile. Were there to be no INF Treaty, it would be prudent, before building such missiles, for the U.S. government to determine the military requirement and also to ascertain whether allies in Europe or Asia would be prepared to host such missiles. If based in the continental United States, intermediate-range missiles could only hold at risk targets in the Western Hemisphere; there does not appear to be a military requirement for that.

My assessment is that it would not be easy to find allies willing to host U.S. ground-launched intermediate-range missiles on their territory.

U.S. deployment of INF missiles (Pershing IIs and ground-launched cruise missiles) to Europe in the 1980s was a key factor in motivating Moscow to agree to ban intermediate-range missiles. But deployment in Europe was by no means guaranteed; in the end, it proved a close thing. Some U.S. officials at the time feared that deployment could tear NATO apart.

Today, it is not clear that any NATO members would be eager to host such missiles, especially if they were nuclear-armed. Those allies most likely to offer to accept U.S. intermediate-range missiles would be in Central Europe. Deployment there, however, would put the missiles in places where they would be more vulnerable to a preemptive strike. Such deployments would also be hugely provocative to Moscow—and would probably be opposed by some NATO members.

I do not believe the United States would find takers for ground-launched intermediate-range missiles in Asia, either. Japan would worry about the effect of such deployments on its relationship with Russia and, in any case, would not accept nuclear-armed missiles. South Korea is building its own missiles to hold targets in North Korea at risk and would fear that deployment of U.S. missiles on its territory would disrupt its warming relations with China.

Ms. SANCHEZ. Why is it taking us so long to determine what Russia is doing, and whether or not it is in compliance with the treaty?

Ambassador PIFER. I have not been a part of the U.S. government process regarding Russia's INF Treaty violation and do not know why it took until July to reach a compliance judgment.

Ms. SANCHEZ. What might Russia do if it were no longer bound by the INF Treaty? What might they develop and deploy if they were totally freed from the limits?

Ambassador PIFER. I believe that, if Russia were no longer bound by the INF Treaty, the Russians would give serious consideration to building and deploying intermediate-range ballistic and/or cruise missiles. Senior Russian officials over the past decade have publicly questioned whether continued adherence to the INF Treaty was in Russia's interest. They have noted that other countries—countries closer (in most cases, much closer) to Russia than to the United States—possess or are developing intermediate-range missiles, which the INF Treaty bans Russia from having.

Were Russia to be freed from the INF Treaty's limits, some Russian officials would almost certainly argue for developing and deploying intermediate-range missiles to counter those deployed or being developed by third countries. Some Russian officials might also see new intermediate-range missiles as having utility in politically intimidating U.S. allies in Europe or Asia, just as the Soviets used the SS-20 in the early 1980s.

Ms. SANCHEZ. Are our allies paying attention to this issue, how have NATO countries responded? How would that affect U.S. and allied security (in both Europe and Asia)?

Ambassador PIFER. Following release of the State Department's compliance report on July 29, the NATO Secretary General released a statement on July 30 in which he said that the United States had briefed NATO on its determination regarding Russia's violation of the INF Treaty, termed the treaty a "key element of Euro-Atlantic security," and called on Russia to work constructively to resolve the issue and return to full treaty compliance.

The Polish foreign ministry also released a statement on July 30 that noted that the INF Treaty "is one of the foundations of the arms control and nuclear disarmament regime," said that "its undermining would represent a serious challenge to Europe's security," and called on Russia to explain the issue and return to observance of the treaty. The statement also noted Poland's intention to consult with NATO allies on the issue.

The September 4-5 NATO summit declaration stated that "it is of paramount importance that disarmament and non-proliferation commitments under existing treaties are honored, including the Intermediate-Range Nuclear Forces (INF) Treaty, which is a crucial element of Euro-Atlantic security. In that regard, Allies call on Russia to preserve the viability of the INF Treaty through ensuring full and verifiable compliance."

As noted in my response to QFR #51, I believe the United States should engage allies in Europe and Asia (and others, such as China) on this issue with the objective of multilateralizing the question. Rather than leaving this as just a U.S.-Russia issue, Washington should seek to mobilize other countries—particularly those states in Europe and Asia that would be directly threatened were Russia to build new intermediate-range missiles—to make their concerns known directly to Moscow.

QUESTIONS SUBMITTED BY MR. GARAMENDI

Mr. GARAMENDI. Do you believe the U.S. has adequate verification measures in place to detect cheating of nuclear arms control agreements? Is verification important?

Mr. RADEMAKER. [The information was not available at the time of printing.]

Mr. GARAMENDI. Do you believe the U.S. has adequate verification measures in place to detect cheating of nuclear arms control agreements? Is verification important?

Mr. THOMAS. Verification is absolutely crucial. When it comes to the INF Treaty, once the weapons were verified to have been destroyed, verification monitoring was curtailed. One lesson from the INF Treaty experience is the need for continued inspections and monitoring to detect testing or reconstitution of programs after systems have been eliminated.

Mr. GARAMENDI. What is the significance of a violation of that treaty? Please define, as you understand it, the difference between a treaty "violation" and a "material breach"?

Ambassador PIFER. I understand the difference between "violation" and "material breach" to be as follows:

"Violation" refers to any activity that is inconsistent with a treaty's requirements and obligations. A violation can be major or minor. For example, the 1991 START I Treaty limited the United States and Soviet Union (later Russia) each to no more than 1600 deployed ICBMs, SLBMs and heavy bombers after December 5, 2001. Had Russia after that date deployed 2000 ICBMs, SLBMs and heavy bombers, that would have constituted a major violation of the treaty. START I's Conversion and Elimination Protocol required that ICBM silos, if eliminated by explosion, have the top six meters of their headworks destroyed. If a side had destroyed only the top five meters of the headworks, that would have constituted a violation, though it almost certainly would have rendered the silo inoperable, thus achieving the treaty's purpose.

"Material breach" refers to a major violation of a treaty provision(s) that is core to the purpose of the treaty. Material breach would normally be invoked by a party to the treaty in preparation for withdrawing from the treaty or suspending it.

Mr. GARAMENDI. Do you believe the U.S. has adequate verification measures in place to detect cheating of nuclear arms control agreements? Is verification important?

Ambassador PIFER. Verification is critical to any arms control agreement. It is my understanding that, before signing an arms control treaty, the U.S. Intelligence

Community conducts a review to ensure that the verification and monitoring measures are appropriate to the agreement.

This does not mean that the United States has—or needs to have—the capability to detect every violation of an agreement. Doing so would require extremely intrusive monitoring measures that likely would not prove acceptable to the Russian or U.S. militaries.

I support the standard of “effective verification” articulated by Ambassador Paul Nitze in the 1980s. Ambassador Nitze called a treaty effectively verifiable as long as “if the other side moves beyond the limits of the treaty in a militarily significant way, we would be able to detect such violation in time to respond effectively, and thereby deny the other side the benefit of the violation.” The focus is not on detecting every violation but on detecting those that are militarily significant and doing so in time to ensure an adequate response so that U.S. security is not degraded.

