Senate Committee Approves New START

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Amid a highly partisan pre-election season and new allegations about Russian treaty compliance, the Senate Foreign Relations Committee on Sept. 16 passed a resolution of ratification for the New Strategic Arms Reduction Treaty (New START) with bipartisan support.

The 14-4 vote “sends an important signal that even in the most partisan, polarized season, ratifying this treaty is not a matter of politics, it’s a national security imperative,” committee Chairman Sen. John Kerry (D-Mass.) said in a statement.

The committee’s action opens the way for a debate and vote by the full Senate, which must approve the resolution of advice and consent by a two-thirds majority for ratification.

The Senate is in recess this month and will not vote on New START until after the Nov. 2 elections. Kerry and Secretary of State Hillary Rodham Clinton told reporters Sept. 30 they were both looking forward to a full Senate vote on New START in the postelection congressional session, slated to begin Nov. 15. Prospects for a Senate vote are uncertain but improved after Congress passed a “continuing resolution” to fund the federal government to Dec. 3 that includes a 10% increase for nuclear weapons maintenance and weapons complex modernization, which undecided senators have been demanding. Sens. Joe Lieberman (I-Conn.) and Lindsey Graham (R-S.C.), who are thought to be tilting in support of New START, told CQ Today Online News Sept. 30 that the new money will help. “It’s a good confidence-building step,” said Graham.

The White House released a statement the day of the committee vote in which President Barack Obama urged the full Senate to “move forward quickly with a vote to approve this Treaty.” Administration officials are pushing for a floor vote as soon as possible to re-establish inspections that ended when START, which was signed in 1991, expired last December. The loss of access for U.S. inspectors has been one of the administration’s major arguments for New START.

Committee member Sen. Bob Corker (R-Tenn.) made a similar point in a Sept. 20 written statement. “When START I expired we lost our ability to know what is happening with Russia’s nuclear arsenal and if New START is ratified we will once again have those assurances,” he said.

Corker joined fellow committee Republicans Sens. Richard Lugar (Ind.) and Johnny Isakson (Ga.), as well as the 11 Democrats on the panel, in voting to approve the resolution. Republican Sens. Jim Risch (Idaho), John Barrasso (Wyo.), Roger Wicker (Miss.), and James Inhofe (Okla.) voted no. Sen. Jim DeMint (R-S.C.) did not vote on final passage.

Given the Democrats’ 11-8 committee advantage, it was no surprise that the treaty won majority support. However, it was not known how many Republican senators would ultimately vote to send the treaty to the Senate floor. Although Lugar, the ranking member, had endorsed the treaty early on, Corker announced his intention to vote in favor only two days before the vote; five other Republicans were officially undecided. Inhofe had previously announced his opposition.

New START, which was signed April 8 by Russia and the United States, would replace the 1991 START. New START would mandate reductions of both sides’ deployed strategic nuclear warheads by about 30 percent and associated delivery systems by about 50 percent below previous treaty limits,
and it would re-establish a system of inspections and data exchanges to ensure compliance. (See [ACT, May 2010](https://www.armscontrol.org).)

### Risch Seeks Delay

Soon after Kerry gavelled the Sept. 16 meeting to order, Risch tried to hold up the proceedings on the basis of late-breaking intelligence information that he said should prevent the committee from voting on New START. “Yesterday the intelligence community brought to us some very serious information that directly affects what we’re doing here, not only the actual details of this but actually whether or not we should debate going forward with this,” he told the committee. Risch told *The Cable* after the meeting that the information was about Russian cheating on arms control agreements.

At the meeting, Kerry replied to Risch that he had held a briefing on the issue for committee members and staff the previous day and consulted Vice President Joe Biden before deciding that the ratification process should move ahead. “The conclusion of the intelligence community is that it in no way alters their judgment, already submitted to this committee, with respect to the START treaty and the impact of the START treaty,” Kerry told the committee. “It has no impact, in their judgment,” he said.

“We would not have proceeded today if this information had any effect on this vote or the substance of this treaty,” Kerry said. “Before we go to the floor, this issue will further be vetted by the intelligence community and everybody else,” he said.

In July, a National Intelligence Estimate on New START prepared by the intelligence community and a separate report on the treaty’s verifiability from the Department of State were circulated to members of the foreign relations panel and other key committees. These reports apparently did not trigger any public concerns; one Republican senator on the Foreign Relations Committee described the findings as “reassuring.” On Sept. 29, the administration sent new Director of National Intelligence James R. Clapper Jr. to brief the Senate on the new intelligence. Corker told CQ Sept. 30 that Clapper did not provide additional information beyond what had already been provided. “I’d already heard everything,” he said.

Ratification resolutions generally do not modify the treaty in question, but serve to clarify administration policy on issues relating to the treaty and the Senate’s interpretation of the treaty provisions.

### Lugar’s Substitute

Kerry’s staff circulated a draft resolution to committee members Sept. 3, saying they expected the draft to be amended. Lugar subsequently circulated his own version, which became the focus of behind-the-scenes negotiations with Kerry, committee Republicans, and the White House. After numerous rounds of drafting, Corker announced in a Sept. 14 written statement that he would cosponsor the Lugar resolution and, if it was not weakened by amendments, would vote for it. Lugar, introducing his resolution at the committee meeting, said it was intended to “incorporate suggestions expressed by witnesses, Members of this Committee, and other Senators, as well as to address the major substantive concerns that emerged in our deliberations.”

For instance, the Lugar resolution states that New START “does not impose any limitations on the deployment of missile defenses” other than the treaty’s ban on converting intercontinental ballistic missile (ICBM) and submarine-launched ballistic missile launchers for use by missile defense interceptors. It also clarifies that the Russian unilateral statement on missile defense, issued in conjunction with the treaty, “does not impose a legal obligation on the United States” and that any further limitations would require treaty amendment subject to the Senate’s advice and consent. The resolution reaffirms language in the 1999 Missile Defense Act that it is U.S. policy to “deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)” and states that nothing in the treaty limits future planned enhancements to the Ground-Based Midcourse Defense system and to all phases of the European
Phased Adaptive Approach. (See ACT, March 2010.)

On verification, the Lugar resolution conditions ratification of New START on presidential certification, prior to the treaty’s entry into force, of the U.S. ability to monitor Russian compliance and on immediate consultations with the committee should there be a Russian breakout from the treaty.

The resolution states that nothing in New START prohibits the research, development, testing, evaluation, or deployment of Prompt Global Strike systems, in which conventional warheads could be placed on ICBMs or other strategic systems. Another understanding reaffirms administration testimony that if Russia should develop any rail-mobile ICBM system, the system would count under the provisions of New START. Some critics of New START have said that if Moscow were to build rail-mobile ICBMs, such as the now-retired Russian SS-24, those missiles might not count under treaty limits because they are not specifically mentioned in the text. (See ACT, July/August 2010.)

The Lugar resolution states a commitment to “proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal.” It includes a requirement for the president to submit to Congress a plan for overcoming any future resource shortfall associated with the Obama administration’s 10-year modernization plan on the nuclear weapons stockpile. That blueprint is known as the Section 1251 plan, for the provision of the fiscal year 2010 defense authorization law that established the requirement for the report.

Lugar’s resolution urges the president to pursue an “agreement” with Russia to “secure and reduce tactical nuclear weapons in a verifiable manner.” It requires prompt presidential consultation with the committee concerning substantive activities of the Bilateral Consultative Commission (BCC) in order to ensure that substantive changes to the treaty are made only with the Senate’s advice and consent. Treaty critics have claimed that the BCC could make substantive changes to the treaty—for example, on missile defense—without Senate approval.

The resolution calls on “other nuclear weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.”

At the committee meeting, Kerry announced that he would support the Lugar resolution, which Corker had cosponsored; Isakson also said he would support it. After Risch failed to delay the vote, a motion to substitute the Lugar resolution for the original Kerry resolution passed by voice vote. Risch and DeMint were opposed.

The committee then considered nine amendments to the Lugar resolution. Kerry first addressed an amendment submitted by Barrasso, which was the only one that would have resulted in altering the treaty itself. Barrasso wanted to strike all language in the preamble of the treaty that related to missile defense. Kerry told the committee that preambles are not amendable because they are nonbinding and the Senate only has jurisdiction over binding treaty language. The amendment failed 13-6.

Risch then offered three amendments: one expressing a U.S. commitment to “accomplishing the modernization and replacement of its strategic nuclear delivery vehicles,” which was accepted by voice vote, and two others on missile defense and tactical nuclear weapons, which failed 12-7 in separate votes.

Sparring on Missile Defense

DeMint then offered the most controversial amendment to the resolution, which expressed a U.S. commitment to a layered missile defense system and said mutual assured destruction (MAD) does not serve U.S. interests. “This START agreement does not defend the people of the United States,” DeMint said. “We are agreeing, with the START treaty, to continue the policy of mutually assured destruction, which doesn’t protect the American people.” MAD is the decades-old strategic policy of depending on the threat of U.S. nuclear retaliation to deter nuclear attack by Russia or other states. Stating his preference for missile defense over MAD, DeMint said, “If we can shoot down their missiles, they won’t build nuclear weapons.”
Kerry and other committee Democrats appeared frustrated with DeMint, but reluctant to cast a vote that DeMint and others could portray as supporting MAD and opposing missile defense. Sen. Jeanne Shaheen (D-N.H.) said to DeMint, “Are you suggesting that if we vote against your amendment, that we in some way are not defending this country and don’t believe that we should defend this country against our enemies? Because if that’s what you’re suggesting, Senator, then I personally resent that.”

“It’s not my intent to offend anyone,” DeMint responded, “but to try to make sure that there is an understanding that this START agreement does not defend the people of the United States.”

Sen. Jim Webb (D-Va.), in the sole instance of Democratic party disunity, then surprised observers by speaking in favor of the DeMint amendment, raising the possibility that it might pass. Webb reminded the committee that he had once been a Reagan administration defense official who supported building a missile defense system. Facing uncertain prospects, Kerry took advantage of a committee break to continue the conversation behind closed doors. Kerry and DeMint reached a compromise during the break, and the committee agreed to the revised language by voice vote.

The revised DeMint language states that “the United States and the Russian Federation share a common interest in moving cooperatively as soon as possible away from a strategic relationship based on mutual assured destruction” and that “the United States is and will remain free to reduce the vulnerability to attack by constructing a layered missile defense system capable of countering missiles of all ranges.” It also says that the United States “stands ready to cooperate with the Russian Federation on strategic defensive capabilities, as long as such cooperation is aimed at fostering and in no way constrains the defensive capabilities of both sides.”

After the meeting, Kerry told reporters the revised DeMint amendment was acceptable because it had “some key language changes that we think better frames the transformation that we’re all looking for, away from mutual assured destruction, towards something that doesn’t rely on the destruction of our population to protect us,” he said. The new language “commits us to continue to develop the ability to be able to protect our people and to have a robust missile defense system,” Kerry said.

Inhofe offered three amendments: one on delivery vehicle modernization, which failed 14-5; one on missile defense, which failed 14-5; and one on re-entry vehicle covers, which was set aside.

Barrasso, whose state of Wyoming is home to F.E. Warren Air Force Base and its ICBMs, offered an amendment saying that, under New START, the United States would have to deploy 450 ICBMs, instead of the 420 planned. It failed by voice vote.

After all amendments had been offered, Kerry called a vote on final passage of the Lugar resolution, as amended. DeMint did not return to vote after the committee break, nor did he leave his proxy vote in writing, as required, with Lugar. “Anybody have any idea where Senator DeMint is?” Kerry asked before calling the roll. Committee Republicans assured Kerry that the vote could proceed without DeMint, whose office did not return phone inquiries about his absence.

Inhofe and Risch said that they would reserve the right to offer minority views to the resolution of ratification before it was sent to the full Senate. Once the floor debate begins, senators will have another chance to offer amendments to the resolution. A senator’s vote in committee does not guarantee the same vote on the floor.

Corker said in his Sept. 20 written statement that even though he had received a “preliminary written commitment from the Vice President that the Administration intends to update estimates and fully fund modernization, I will not vote for this treaty in the full Senate until I have seen the changes that the Administration intends to submit as an amendment to the modernization plan for the nuclear weapons complex.” Corker has been calling for increases to the administration’s budget for modernizing the nuclear weapons complex. Part of the modernization plan is the construction of a major new facility in Tennessee.
Floor Vote Prospects

Immediately after the committee vote, Kerry told reporters, “I personally believe we will have the votes to ratify this” on the Senate floor. Senate Democratic leaders have said that New START is one of three top priorities for votes in the postelection session. The chance for a vote may depend on Senate Minority Whip Jon Kyl (R-Ariz.) “because if he’s comfortable then this can pass with more than enough votes,” Lieberman told CQ Sept. 30. “If he’s not, my guess is it doesn’t come up.”

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