The Heritage Foundation

ISSUE BRIEF
No. 5043 | MARCH 6, 2020
CENTER FOR NATIONAL DEFENSE

New START: The U.S. Should Not Extend the Dangerously Flawed Treaty for Five More Years

Patty-Jane Geller

KEY TAKEAWAYS

Arms control agreements do not have intrinsic merit; the United States should always reject agreements that do not serve U.S. national security interests.

New START, which expires in February 2021, undermines U.S. security interests as currently structured, and the U.S. should focus on negotiating needed changes.

While the U.S. should continue to engage Russia, absent concrete reforms, the U.S. should let New START expire and focus on modernizing U.S. nuclear programs.

The New Strategic Arms Reduction Treaty (New START) between the United States and Russia is set to expire on February 5, 2021. The treaty officially restricts the number of delivery systems and warheads that each country can deploy, and technically provides a monitoring and verification regime—but the treaty's many flaws have allowed Russia to build up its forces without even violating the treaty. Arms control advocates have encouraged the President to extend New START for another five years, but extending a flawed treaty would only create a false sense of security. While the current Administration should continue its worthwhile effort to engage the Russians in nuclear discussions, absent concrete progress on fixing the treaty, the Administration should let New START expire and continue to focus on modernizing U.S. nuclear programs. Russia will ultimately have an

incentive to negotiate an improved arms control agreement once the United States begins to field new systems.

New START: Flawed and Outdated

New START was a flawed agreement from the very beginning. It did not require Russia to reduce its deployed warheads or delivery vehicles; instead it allowed Russia to build up its forces to reach treaty limitations.[1] As Russia built up its forces in accordance with the treaty, it took advantage of the capabilities not covered by New START. The treaty does not contain limits on the throw-weight of intercontinental ballistic missiles (ICBMs), which measures the weight of the payload the ICBM can carry, or on the number of warheads that can be deployed as multiple independently targeted re-entry vehicles (MIRVs).[2] Russia took advantage of this lack of constraint by deploying ICBMs and submarine-launched ballistic missiles (SLBMs) with MIRVs, a destabilizing force posture that places a premium on having a Russian first-strike capability.[3] If Russia can use a smaller number of missiles with MIRVs to take out the U.S. strategic deterrent, it will have an incentive to do so and strike first.

Moreover, Russia's current ICBM force comprises 318 missiles that carry about 860 deployed warheads, but have the capacity to carry up to 1,165 warheads.[4] This "upload" capability allows Russia to quickly and easily surpass New START limits. This capability will significantly increase when Russia deploys its new Sarmat heavy ICBM, which can reportedly carry up to 24 warheads. It would replace the SS-18 ICBM, which can only carry 10 warheads.[5] In addition, New START counts one bomber as one warhead regardless of how many warheads a bomber can actually carry, so Russia could deploy more than 1,550 warheads while technically abiding by New START. Russia sought to increase the allowed number of deployed warheads in New START negotiations above the declared limits, and New START clearly allowed Russia to achieve that goal.[6]

Russia has also pursued capabilities outside the New START framework. Despite the United States' strong concern over Russia's tactical warhead stockpile, New START did not limit tactical warheads, and Russia maintains a tactical arsenal of an estimated 2,000 warheads.[7] The United States has about 500 in its arsenal.[8] Despite President Barack Obama's promise to Congress that he would address Russia's tactical nuclear warhead stockpile after signing New START,[9] no progress has been achieved. Russia has also been developing destabilizing new delivery systems outside of New START, including an unmanned, underwater nuclear drone, a nuclear-powered cruise missile, and an air-launched ballistic missile, all nuclear-armed.

While Russia built up its desired forces—both compliant with and not covered by New START—the United States not only reduced its deployed warhead and delivery vehicle count, but decided to limit its own capabilities that are not restricted by the treaty. The United States has unilaterally de-MIRVed its ICBMs, and therefore has no upload capability comparable to Russia's. Re-MIRVing the Minutemen III missiles would require a substantial undertaking. Instead of modernizing its forces or developing new systems, the United States has let its nuclear enterprise age, opting to rely on repeated life extensions of Cold War technologies.

Further, New START's verification regime does not sufficiently enable the United States to prove that Russia is not cheating or preparing to break out of the treaty. As just one example, during onsite inspections, the United States is authorized to select a Russian ICBM for inspection and compare its number of re-entry vehicles (RVs) with the number of RVs that Russia reported in the New START database.[10] But the time and place of these inspections are announced 24 hours in advance, allowing Russia to remove any unreported RVs in the meantime.[11] Even confirming the number of RVs on one missile does not give the United States information on the types and numbers of warheads Russia has on the rest of its missiles. Since any missile could legally carry any number of warheads, the mere 10 allowed inspections per year make it difficult if not impossible for the United States to tell whether Russia complies with the total warhead limit of 1,550.[12]

Under the previous Strategic Arms Reduction Treaty, known as START I, the United States could use access to telemetry[13] from Russian flight tests to figure out how many warheads a missile can carry, but New START eliminated this check by allowing Russia to deny the United States access to telemetry.[14] If Russia is cheating or preparing to break out of New START, the United States will likely not detect it.

The ideal solution to the problem of a bad treaty is to negotiate a better one. Absent progress on negotiations, the Administration should let it expire, and pressure Russia to enter an improved arms control agreement that provides a higher degree of confidence that Russia is abiding by the treaty, as well as including new capabilities. As opposed to the Obama Administration's flawed strategy of negotiating New START to further the goal of "nuclear zero"—a goal that Russia did not, and does not, share[15]—producing a successful arms control agreement requires negotiating from a position of strength. President Ronald Reagan succeeded in negotiating the Intermediate-Range Nuclear Forces (INF) Treaty because he used the deployment of the Pershing missiles in Europe to bring Russia to the negotiating table.[16] The deployed missiles gave the United States an advantage

that it could leverage to secure Russian concessions to meet U.S. interests. The United States needs similar leverage today in order to be able to compel Russia to limit its destabilizing weapon systems and tactical stockpile.

Yet this time around, Russia has the negotiating leverage. According to Defense Intelligence Agency (DIA) Director Lieutenant General Robert Ashley, Russia maintains active nuclear warhead production facilities. In addition to increasing its non-strategic nuclear weapon stockpile, Russia is developing new high-yield and earth-penetrating warheads to attack hardened U.S. military targets.[17] The DIA believes that Russia has been conducting yield-producing nuclear tests that would improve Russia's nuclear weapons capabilities.[18] Russia is modernizing all three legs of its nuclear triad to include advanced capabilities, such as its Sarmat heavy ICBM, which can carry up to 24 warheads, as well as the Avangard hypersonic glide vehicle.[19] Russia's ability to produce both higher numbers of, and more advanced, nuclear warheads combined with its MIRV capacity indicates an advanced capability to quickly increase its deployed warhead count. Russia's new exotic delivery systems, including its nuclear-armed, unmanned, underwater nuclear drone, a nuclear-powered cruise missile, and an air-launched ballistic missile, also function as leverage against the United States.

While Russia has, or is developing, capabilities that the United States would like to limit, the United States is just now beginning early modernization efforts for its nuclear forces while simultaneously sustaining an aging and expensive existing nuclear force. U.S. Minuteman III missiles have already been extended 30 years past their intended lifetime,[20] the B-52H bomber no longer carries gravity bombs due to its obsolescence against Russian air defense systems,[21] and due to obsolescence, the Ohio-class ballistic missile submarine (SSBN) fleet must be retired by 2039 whether the Columbia-class SSBNs are ready or not.[22] The United States maintains a warhead stockpile built based on Cold War requirements, forgoes a test readiness capability, and is the only nuclear weapons state lacking the capability to produce plutonium pits—which is essential for modernizing the nuclear arsenal. Yet despite these weaknesses, critics argue that the United States spends too much on nuclear weapons and should instead adopt policies like "No First Use," or eliminate its ICBM force, which would make America less safe.

This asymmetry between the current state of Russian and U.S. nuclear enterprises matters for negotiating a new arms control agreement. It is unclear what the United States would have to offer to Russia in return for limiting or forgoing its non-strategic warhead stockpile and exotic weapons systems. Russia sees negotiations as a chance to restrict U.S. homeland

missile defense, but the United States should not negotiate away any of its homeland defense systems and end up unable to defend the homeland from a North Korean or Iranian missile attack. Fortunately, the United States is on a path to gaining some of its negotiating power back—as long as it continues to modernize its nuclear enterprise and deploy enhanced missile defenses. Deploying the W76-2 low-yield warhead on SLBMs marked a significant first step; developing the nuclear-armed sea-launched cruise missile (SLCM-N), as the Administration has proposed, will be another. Modernization will be crucial for future negotiations with Russia.

Next Steps

The Administration does not have time on its side; as U.S. modernization programs are nearly a decade from actual deployments, New START expires in 11 months. But, extending New START absent any improvements to the treaty would create a false sense of security for the United States by assuming a level of stability from a binding arms control agreement that does not actually exist. Due to New START's weak verification and transparency system, flawed counting rules, and lack of accountability for Russia's new systems, the United States would *not* be more secure.

Some in favor of extending New START reasonably argue that New START can at least constrain Russia from significantly exceeding the 1,550 deployed warhead limit if it complies with the treaty while buying the United States time to modernize its nuclear enterprise. However, while the United States does indeed need time to modernize to gain its negotiating leverage back, extending New START will likely have little or no impact on this gambit. Russia pursues its interests whether constrained by a treaty or not—as proven by Russian violations of the INF Treaty, START I, and the Open Skies Treaty. Since New START does not currently reliably limit Russia to 1,550 warheads, nor does it provide a trusted verification system, expiration is unlikely to result in a drastic change in Russia's forces posture since Russia already builds the forces it wants. Therefore, the Administration and Congress should:

- **Continue efforts to engage Russia in nuclear discussions.** The Administration has reached out to Russia to begin a nuclear dialogue, and it should continue this effort by immediately appointing a senior envoy for negotiations. The Administration must discuss the inclusion of Russia's new nuclear-capable systems and tactical warheads into any extended agreement, as well as fixing the counting and verification problems in New START. While a solution within the next 11 months is

unlikely, attempting dialogue with Russia will give the Administration the ability to convey its concerns with the current New START framework and reveal Russia's provocative behavior.

- **Allow New START to expire in February 2021, absent concrete progress in negotiations.** The treaty is flawed, outdated, and does not provide the United States with useful constraints on Russian capabilities. If U.S. and Russian diplomats have made concrete progress on negotiating an improved agreement before the expiration date, a short extension might be justified in order for negotiations to be finalized—but even then, the Administration should not extend the Treaty for five years.

- **Launch an immediate campaign to educate the U.S. public, allies, and key leaders on the shortcomings of New START.** The U.S. government must quell the idea frequently cited in the news that this Administration categorically opposes arms control and wants to start an arms race, and instead must explain New START's flaws and highlight Russia's one-sided build-up of nuclear weapons. An informed discussion about these issues will make it more difficult for the Russian propaganda machine to continue to spread disinformation.

- **Fund modernization of the U.S. nuclear enterprise to field new systems as quickly as possible.** Proponents in Congress must continue to ensure that the Administration's request for modernization programs receives full funding. The Department of Defense should request funding for the SLCM-N as a program of record in fiscal year 2022 to bring on this new capability as quickly as possible.[23] Substantial progress on these programs will eventually help to compel Russia back to the negotiating table.

- **Lay the groundwork to commence arms control discussions with China.** Even though China currently has a limited stockpile of about 300 warheads, it continues to advance its stockpile and nuclear triad. The Administration should continue reaching out to China to pursue even minor confidence-building measures for nuclear verification and transparency. The Administration should push its allies to do the same. It should also look to field capabilities that might compel China to the negotiating table, such as ground-launched cruise missiles deployed to the Pacific.

Arms control agreements do not have intrinsic merit; the United States should always reject agreements that do not serve U.S. national security interests. While the future of arms control remains unknown, it is important for the United States to begin laying the groundwork now to eventually compel both Russia and China to the negotiating table to agree on genuine arms control that serves U.S. security interests, enhances stability, and prevents U.S. adversaries from realizing their hegemonic ambitions.

Patty-Jane Geller is Policy Analyst for Nuclear Deterrence and Missile Defense in the Center for National Defense, of the Kathryn and Shelby Cullom Davis Institute for Foreign Policy and National Security, at The Heritage Foundation.

Endnotes

1. Mark B. Schneider, "New START: The Anatomy of a Failed Negotiation," National Institute for Public Policy, July 2012, p. 45, https://www.nipp.org/wp-content/uploads/2014/12/New-start.pdf (accessed March 2, 2020).
2. Michaela Dodge, "New START and the Future of U.S. National Security," Heritage Foundation *Backgrounder* No. 3407, May 21, 2019, p. 5, https://www.heritage.org/sites/default/files/2019-05/BG3407_0.pdf (accessed February 20, 2020).
3. Dodge, "New START and the Future of U.S. National Security," p. 4.
4. Amy F. Woolf, "Russia's Nuclear Weapons: Doctrine, Forces, and Modernization," Congressional Research Service *Report for Congress*, January 2, 2020, p. 14, https://fas.org/sgp/crs/nuke/R45861.pdf (accessed February 20, 2020).
5. Jill Hruby, "Russia's New Nuclear Weapon Delivery Systems: An Open-Source Technical Review," Nuclear Threat Initiative, November 2019, p. 22, https://media.nti.org/documents/NTI-Hruby_FINAL.PDF (accessed February 20, 2020), and Woolf, "Russia's Nuclear Weapons," p. 14.
6. Schneider, "New START," p. 45.
7. Lt. General Robert P. Ashley Jr., "Russian and Chinese Nuclear Modernization Trends," remarks at the Hudson Institute, May 29, 2019, https://www.dia.mil/News/Speeches-and-Testimonies/Article-View/Article/1859890/russian-and-chinese-nuclear-modernization-trends/ (accessed February 20, 2020).
8. Amy F. Woolf, "Nonstrategic Nuclear Weapons," Congressional Research Service *Report for Congress*, September 6, 2019, https://fas.org/sgp/crs/nuke/RL32572.pdf (accessed February 28, 2020).
9. Alan Greenblatt, "In Win for Obama, New START Clears Senate," NPR, December 22, 2010, https://www.npr.org/2010/12/22/132235420/after-new-start-arms-control-gets-more-difficult (accessed February 20, 2020.
10. Amy F. Woolf, "The New START Treaty: Central Limits and Key Provisions," Congressional Research Service *Report to Congress*, November 27, 2019, p. 16, https://fas.org/sgp/crs/nuke/R41219.pdf (accessed March 2, 2020).
11. The New START Working Group, "New START: Potemkin Village Verification," Heritage Foundation *Backgrounder* No.2428, June 24, 2010, p. 4, https://www.heritage.org/arms-control/report/new-start-potemkin-village-verification (accessed March 3, 2020).
12. Schneider, "New START," p. 27.
13. Telemetry is the measurement of key variables of a device, in this case a missile during flight, converted into electrical signals that can provide useful information about the missile.
14. Dodge, "New START and the Future of U.S. National Security," p. 5.
15. Schneider, "New START," p. 50.
16. Richard Perle and Kim R. Holmes, "On Arms Control, Learn from Reagan," *National Review Online*, December 20, 2010, https://www.nationalreview.com/2010/12/arms-control-learn-reagan-richard-perle-and-kim-r-holmes/ (accessed February 20, 2020).
17. Ashley, "Russian and Chinese Nuclear Modernization Trends."
18. Ibid.
19. The Sarmat can reportedly carry up to 24 re-entry vehicles, whereas its predecessor, the SS-18, could carry 10. Hruby, "Russia's New Nuclear Weapon Delivery Systems," p. 22, and Woolf, "Russia's Nuclear Weapons," p. 14.
20. U.S. Department of Defense, Office of the Secretary of Defense, *Nuclear Posture Review*, February 2018, p. 46, https://media.defense.gov/2018/Feb/02/2001872886/-1/-1/1/2018-NUCLEAR-POSTURE-REVIEW-FINAL-REPORT.PDF (accessed February 20, 2020).
21. Oriana Pawlyk, "The B-52 Will No Longer Carry Certain Nuclear Weapons. Here's Why," Military.com, January 18, 2020, https://www.military.com/daily-news/2020/01/18/b-52-will-no-longer-carry-certain-nuclear-weapons-heres-why.html (accessed February 20, 2020).
22. Dakota L. Wood, ed., *2020 Index of U.S. Military Strength* (Washington, DC: The Heritage Foundation, 2020), p. 389, https://www.heritage.org/military-strength.
23. Aaron Mehta, "The US Navy's New Nuclear Cruise Missile Starts Getting Real Next Year," *Defense News*, February 21, 2020, https://www.defensenews.com/smr/nuclear-arsenal/2020/02/21/the-navys-new-nuclear-cruise-missile-starts-getting-real-next-year/ (accessed February 24, 2020).