

# Ballistic Missile Defense and New START Treaty

Bureau of Verification, Compliance, and Implementation  
Fact Sheet  
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**Key Point: The New START Treaty does not constrain the United States from deploying the most effective missile defenses possible, nor does it add any additional cost or inconvenience.**

The United States is developing and fielding missile defenses to defend the United States, our forces abroad, and our allies and partners against the threat of ballistic missile attack. The New START Treaty does not contain any constraints on the testing, development, or deployment of current or planned U.S. missile defense programs. There are, however, references to missile defense in the Preamble, Article V, and unilateral statements made by both Parties.

**Preamble.** The Preamble of the Treaty contains a statement acknowledging the interrelationship of strategic offensive and strategic defensive arms, as President Obama and President Medvedev agreed in their Joint Statement of July 2009, and recognizes that this relationship will become more important as strategic offensive arms are reduced. But the Preamble also affirms that currently deployed strategic defensive arms do not undermine the viability and effectiveness of either Party's strategic offensive arms. This preambular language is not legally binding.

**Silo conversion.** Article V, Section 3 of the Treaty prohibits the conversion of ICBM or SLBM launchers to missile defense launchers and vice versa, that is, the conversion of missile defense launchers to launch ICBMs or SLBMs. The Article also "grandfathers" the five former ICBM silos at Vandenberg AFB which were converted for Ground Based Interceptors (GBI) several years ago. In testimony before the House Armed Services Subcommittee on Strategic Forces on April 15, 2010, Lieutenant General Patrick O'Reilly, Director, Missile Defense Agency, commented on these provisions and other New START matters, stating:

"The New START Treaty has no constraints on current and future components of the Ballistic Missile Defense System (BMDS)...MDA never had a plan to convert additional ICBM silos at Vandenberg and intends to hedge against increased BMDS requirements by completing construction of Missile Field 2 at Fort Greely. Moreover, we determined that if more interceptors were to be added at Vandenberg AFB, it would be less expensive to build a new GBI missile field (which is not prohibited by the treaty). Regarding SLBM launchers, some time ago we examined the concept of launching missile defense interceptors from submarines and found it an unattractive and extremely expensive option. As the committee knows, we have a very good and significantly growing capability for sea-based missile defense on Aegis-capable ships."

Lieutenant General O'Reilly also noted other advantages for development of the U.S. BMDS under the New START Treaty: "Relative to the recently expired START Treaty, the New START Treaty actually reduces constraints on the development of the missile defense program. Unless they have New-START accountable first stages (which we do not plan to use), our targets will no longer be subject to START constraints, which limited our use of air-to-surface and waterborne launches of targets which are essential for the cost-effective testing of missile defense interceptors against MRBM and IRBM targets in the Pacific area. In addition, under New START, we will no longer be limited to five space launch facilities for target launches."

The United States will continue to invest in improvements to both strategic and theater missile defenses, both qualitatively and quantitatively, as needed for our security and the security of our allies.

**Unilateral statements.** On April 7, 2010, just prior to the signing of the New START Treaty, both the United States and the Russian Federation released unilateral statements concerning ballistic missile defense. These statements are not part of the Treaty – that is why they are called "unilateral statements."

Russia asserted in its unilateral statement that any build-up in U.S. missile defenses that would “give rise to a threat to the strategic nuclear force potential of the Russian Federation” would justify Russia’s withdrawal from the Treaty. This statement is not legally binding and therefore does not constrain U.S. missile defense programs. In fact, both sides have the right to withdraw from the Treaty, if they deem it necessary for their supreme national interests. Such withdrawal clauses are common to treaties, especially in the case of arms control agreements.

The Soviet Union made a similar unilateral statement asserting its prerogative to withdraw when the START treaty was signed in 1991. At that time, the Soviet Government said it would be justified in withdrawing from the START Treaty if the United States withdrew from the Anti-Ballistic Missile Treaty (ABM Treaty). As it happened, the United States did withdraw from the ABM Treaty, but the Russian government did not withdraw from START.

The United States also issued a unilateral statement concerning missile defense in connection with the New START Treaty, stating that “the United States intends to continue improving and deploying its missile defense systems in order to defend itself against limited attack and as part of our collaborative approach to strengthening stability in key regions.” The statement takes note of Russia’s views expressed in its unilateral statement and making clear that U.S. missile defenses “are not intended to affect the strategic balance with Russia,” but instead are intended to defend the United States, our allies and partners against “limited missile launches, and... regional threats.”

**Conclusion.** As the U.S. unilateral statement, the Ballistic Missile Defense Review, and our budgetary plans all make clear, the United States will continue to improve our missile defenses, as needed to defend the U.S. homeland, our deployed forces, and our allies and partners. Nothing in the New START Treaty limits our ability to do this.