

Questions Submitted to
Ambassador-Designate Michael McFaul by
Senator Mark Kirk
November 16, 2011

- 1) In May, Principal Deputy Under Secretary of Defense for Policy Dr. James Miller agreed to “take back” to the Administration a request by several Senators and their staff to read the draft Defense Technology Cooperation Agreement (DTCA) previously made available to the Russian Federation. To date, this draft DTCA has not been made available to me or my staff. When will you be making the draft DTCA available to me and my staff?

- 2) In a May letter to Dr. Miller, I requested a copy of the draft Ballistic Missile Defense Cooperation Agreement (BMDCA) that the Administration discussed with the Russian Federation. To date, this draft BMDCA has not been made available to me or my staff. When will you be making the draft BMDCA available to me and my staff?

- 3) In a May letter to Dr. Miller, I requested a follow-up briefing (suggested by Dr. Miller to be conducted in coordination with the National Security Agency and others) to discuss the more technical aspects of the concerns raised by several Senators regarding the security of sensitive U.S. data and systems in any sharing of missile defense data with the Russian Federation. To date, this briefing has not been made available. When will you be briefing concerned Senators on the technical aspects of how the Administration would guarantee the security of sensitive data and systems in any sharing of missile defense data with the Russian Federation?

- 4) On October 11, 2011, the Russian newspaper *Kommersant* published a report claiming that President Obama rejected a draft U.S.-Russia joint

statement on missile defense cooperation negotiated between Under Secretary of State Ellen Tauscher and Russian Federation Deputy Foreign Minister Sergey Ryabkov. When will you be providing my office with a copy of this previously undisclosed draft agreement that was accepted by Under Secretary Tauscher and rejected by President Obama?

5) I understand that the United States is prepared to offer written assurances to the Russian Federation concerning U.S. missile defenses. Is that correct?

a. Will the Administration support an effort to amend the NATO-Russia Council charter in any respect to reference U.S. missile defenses?

b. Will the Administration support an effort to provide a NATO guarantee or assurance, in any form, to Russia concerning missile defenses?

6) The Administration has repeatedly suggested that any missile defense information shared with Russia would be done so in accordance with the U.S. National Disclosure Policy.

a. Who sets the U.S. National Disclosure Policy?

i. What are its provisions concerning U.S. missile defense information?

ii. When were those provisions last revised?

iii. Is it possible that the Administration would revise the U.S. National Disclosure Policy with respect to sharing U.S. missile defense information with the Russian Federation?

b. Has the Administration shared any information about U.S. missile defense systems with the Russian Federation that is classified?

c. Will the Administration share any information about U.S. missile defenses with the Russian Federation that is classified?

d. Has the Administration shared any telemetric information on U.S. missile defense interceptors or target vehicles with the Russian Federation?

e. Will the Administration share any telemetric information on U.S. missile defense interceptors or target vehicles with the Russian Federation?

f. Will the Administration permit any Russian Federation observers at U.S. missile defense tests to bring cameras or technical devices capable of collecting telemetric data on either U.S. missile defense interceptors or target vehicles?

g. What technical means will Russian personnel have available to them at a U.S. missile defense test?

h. Will the Administration provide information to the Russian Federation about U.S. missile defense test events that would enable the Russian Federation to cue its national technical means?

7) Does the Administration intend to provide, in advance of next year's NATO Summit in Chicago, the Government of the Russian Federation with any technical data specifying the Velocity at Burn Out (VBO) of the Standard Missile 3 (SM-3)?

a. If so, on what basis would the Administration seek and obtain an exception to National Disclosure Policy (NDP-1), which would be required for such release?

b. Has the NDPC approved an exception for this purpose?

c. Has the NDPC ever approved an exception to NDP-1 in order to provide the Government of the Russian Federation with technical data related to any U.S. missile that is being developed, tested, and planned for deployment in order to intercept another missile?

d. How could a decision to release SM-3 VBO data, regardless of whether such decision is taken, be consistent with the Administration's decision that "the United States will not provide missile defense interceptor telemetry to Russia under the New START Treaty"? (Questions for the Record Submitted to Secretary Clinton, Secretary Gates, and Admiral Mullen by Senator James Risch, #8, Senate Foreign Relations Committee May 18, 2010).

8) As the Assad dictatorship continues to brutally murder peaceful protesters in the streets of Syria, the Russian Federation stands squarely with the Assad regime over the people of Syria. Just this month, the head of the Russian Federal Service for Military-Technical Cooperation, Mikhail Dmitriyev, stated publicly that a contract on the supply of advanced Russian anti-ship missiles to Syria is being implemented. Russia's veto-power in the U.N. Security Council prevented the imposition of international sanctions against the Assad regime. What steps are being taken to end Russia support for the Assad regime and the Russian Federation's complicity in the crimes against humanity being committed inside Syria?

9) As you may know, the State Department recently withdrew a U.S. visa previously issued to Mr. Eerik Kross, a member of the Estonian Defense Minister's Advisory Board and a senior advisor to the Georgian National Security Council. Can you explain why Mr. Kross' visa was withdrawn and whether the withdrawal was based, in whole or part, on information provided by any Russian Federation government agency, including any Russian Federation intelligence service?

10) What steps will the Administration take to ensure Georgian membership in NATO is on the agenda at next year's NATO summit in Chicago?

11) In its November 8, 2011 report, the International Atomic Energy Agency (IAEA) stated that "the Agency has strong indications that the development by Iran of the high explosives initiation system, and its development of the high speed diagnostic configuration used to monitor related experiments, were assisted by the work of a foreign expert who was not only knowledgeable in these technologies, but who, a Member State has informed the Agency, worked for much of his career with this technology in the nuclear weapon program of the country of his origin." Additional reports in the media have identified this expert as Russian nuclear scientist Vyacheslav V. Danilenko, who worked for three decades developing the Soviet nuclear program. Other IAEA documents support this assessment. Is it the Administration's view that Russian nationals assisted in Iran's

development of implosion detonation systems used in nuclear weapons? If so, what actions have been taken by the Administration to hold these individuals/entities accountable under U.S. law?

12) According to a November 10, 2011 report by *Reuters*, Russian officials stated that the Russian Federation is ready to construct additional nuclear reactors in Iran. Sergey Kiriyenko, the head of Russia's atomic nuclear agency, reportedly said, "We are looking into it, we have the orders, so we are working this proposal through, since building specifically nuclear reactors is not an issue of doubt in the international community." On November 12, 2011, after meeting with President Medvedev at the APEC Summit in Hawaii, President Obama said that the U.S. and Russia will "work and shape a common response so we can move Iran to follow its international obligations when it comes to its nuclear program." Do you think that Russian construction of additional nuclear reactors in Iran would be helpful to "move Iran to follow its international obligations"?

13) On October 1, 2010, two-year-old Melisande Izzard of Chicago, Illinois, was abducted by her mother, Tatiana Ivleva, and taken to Perm, Russia, where she remains to this day. Melisande is a U.S. citizen with no legal ties to the Russian Federation prior to her abduction. On December 29, 2010, the Circuit Court of Cook County, Illinois granted Melisande's father, Joshua Izzard, full custody of Melisande (Case No. 10 D 9886). The same court issued a civil order for the arrest of Ms. Ivleva on January 28, 2011. Additionally, the Federal Bureau of Investigation has opened an international kidnapping investigation (Case No.: 7B-CG-133114).

a. Have you raised this case with Vladislav Surkov, your Russian co-chair in the Civil Society Working Group of the U.S.-Russian Bilateral Presidential Commission?

b. If so, what was the Russian response to date? If not, will you commit to raising this issue directly with Mr. Surkov at the earliest opportunity?