

AMENDMENT TO RULES COMM. PRINT 116–19
OFFERED BY MR. ENGEL OF NEW YORK

At the appropriate place in subtitle D of title XII,
insert the following:

1 **SEC. 12 ____ . REPORTS RELATING TO THE NEW START TREA-**
2 **TY.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the United States should seek to extend the
5 New START Treaty, from its initial termination date in
6 February 2021 to February 2026, as provided for under
7 Article XIV of the Treaty, unless—

8 (1) the President determines and informs the
9 appropriate congressional committees that Russia is
10 in material breach of the Treaty; or

11 (2) the Treaty is superseded by a new arms
12 control agreement that provides equal or greater
13 constraints, transparency, and verification measures
14 with regard to Russia’s nuclear forces.

15 (b) PROHIBITION ON USE OF FUNDS TO WITHDRAW
16 FROM THE NEW START TREATY.—Notwithstanding any
17 other provision of law, none of the funds authorized to
18 be appropriated by this Act or otherwise made available
19 to the Department of Defense for fiscal year 2020 may

1 be used to take any action to withdraw the United States
2 from the New START Treaty, unless the President deter-
3 mines and so informs the appropriate congressional com-
4 mittees that Russia is in material breach of the Treaty.

5 (c) ASSESSMENTS FROM DIRECTOR OF NATIONAL
6 INTELLIGENCE.—

7 (1) RELATING TO EXPIRATION OF NEW START
8 TREATY.—Not later than 180 days after the date of
9 the enactment of this Act, the Director of National
10 Intelligence shall submit to the appropriate congress-
11 sional committees an intelligence assessment based
12 on all sources of the national security and intel-
13 ligence implications of the expiration of the New
14 START Treaty without the United States and Rus-
15 sia having entered into a new arms control agree-
16 ment that provides equal or greater constraints,
17 transparency, and verification measures with regard
18 to Russia's nuclear forces. The assessment shall be
19 submitted in an unclassified form, but may contain
20 a classified annex, and shall include the following
21 elements:

22 (A) A description of the size and posture
23 of Russia's nuclear forces, including strategic
24 nuclear warheads and strategic delivery vehi-
25 cles, as well as predicted force levels through

1 February 2026 under each of the following po-
2 tential scenarios:

3 (i) The Treaty expires in February
4 2026 without such a replacement agree-
5 ment.

6 (ii) The Treaty is extended until Feb-
7 ruary 2026.

8 (B) A description of Russia's likely re-
9 sponse to an expiration of the New START
10 Treaty, including potential changes to Russia's
11 nuclear forces, conventional forces, as well as
12 Russia's willingness to negotiate an arms con-
13 trol agreement on Russian non-strategic or tac-
14 tical nuclear weapons, short-and-intermediate-
15 range delivery systems, (including dual-capable
16 and nuclear-only), and new strategic delivery
17 systems (such as the kinds announced by Presi-
18 dent Putin on March 1, 2018) in the future.

19 (C) An assessment of the strategic impact
20 on United States and Russian strategic nuclear
21 forces if the Treaty is not extended and such an
22 agreement is not concluded, including the likeli-
23 hood that Russia pursues new strategic offen-
24 sive arms research and development programs.

1 (D) An assessment of the potential quan-
2 tity of Russia's new strategic delivery systems
3 (such as the kinds announced by President
4 Putin on March 1, 2018) between 2021 and
5 2026, and the impact to strategic stability be-
6 tween Russia and the United States as related
7 to Russia's existing strategic forces.

8 (E) An assessment of the impact on
9 United States allies if the limitations on Rus-
10 sia's nuclear forces are dissolved if the Treaty
11 is not extended and such an agreement is not
12 concluded.

13 (F) A description of the verification and
14 transparency benefits of the Treaty and a de-
15 scription of the Treaty's impact on the United
16 States' understanding of Russia's military and
17 nuclear forces.

18 (G) An assessment of how the United
19 States' confidence in its understanding of Rus-
20 sia's strategic nuclear arsenal and future nu-
21 clear force levels would be impacted if the Trea-
22 ty is not extended and such an agreement is not
23 concluded.

24 (H) An assessment of what actions would
25 be necessary for the United States to remediate

1 the loss of the Treaty's verification and trans-
2 parency benefits if the Treaty is not extended
3 and such an agreement is not concluded, and
4 an estimate of the remedial resources required
5 to ensure no concomitant loss of understanding
6 of Russia's military and nuclear forces.

7 (2) RELATING TO RUSSIA'S WILLINGNESS TO
8 ENGAGE IN NUCLEAR ARMS CONTROL NEGOTIA-
9 TIONS.—Not later than 180 days after the date of
10 the enactment of this Act, the Director of National
11 Intelligence shall submit to the appropriate congress-
12 sional committees an intelligence assessment based
13 on all sources of Russia's willingness to engage in
14 nuclear arms control negotiations and Russia's pri-
15 orities in these negotiations. The assessment shall be
16 submitted in an unclassified form but may contain
17 a classified annex, and shall include the following
18 elements:

19 (A) An assessment of Russia's willingness
20 to extend the New START Treaty and its likely
21 negotiating position to discuss such an exten-
22 sion with the United States.

23 (B) An assessment of Russia's interest in
24 negotiating a broader arms control agreement
25 that would include nuclear weapons systems not

1 accountable under the New START Treaty, in-
2 cluding non-strategic nuclear weapons.

3 (C) An assessment of what concessions
4 Russia would likely seek from the United States
5 during such negotiations, including what addi-
6 tional United States' military capabilities Rus-
7 sia would seek to limit, in any broader arms
8 control negotiation.

9 (d) REPORTS AND BRIEFING FROM SECRETARY OF
10 STATE.—

11 (1) RELATING TO NATO, NATO MEMBER COUN-
12 TRIES, AND OTHER UNITED STATES ALLIES.—Not
13 later than 180 days after the date of the enactment
14 of this Act, the Secretary of State, in consultation
15 with the Secretary of Defense, shall submit a report,
16 which shall be in an unclassified form but may con-
17 tain a classified annex, and provide a briefing to the
18 appropriate congressional committees that in-
19 cludes—

20 (A) an assessment of the likely reactions of
21 the North Atlantic Treaty Organization
22 (NATO), NATO member countries, and other
23 United States allies to a United States decision
24 not to extend the New START Treaty or enter
25 into a new agreement with Russia to replace

1 the Treaty that provides equal or greater con-
2 straints, transparency, and verification meas-
3 ures with regard to Russia's nuclear forces; and

4 (B) a description of the consultations un-
5 dertaken with such allies in which the New
6 START Treaty was raised, and the level of al-
7 lied interest in, recommendations on, or con-
8 cerns raised with respect to discussions between
9 the United States and Russia relating to the
10 Treaty and other related matters.

11 (2) RELATING TO ONGOING IMPLEMENTATION
12 OF THE NEW START TREATY.—Not later than 60
13 days after the date of the enactment of this Act, and
14 every 90 days thereafter until the New START
15 Treaty is extended or expires, the Secretary of
16 State, in consultation with the Secretary of Defense,
17 shall submit a report, which shall be in an unclassi-
18 fied form but may contain a classified annex, to the
19 appropriate congressional committees with an as-
20 sessment of the following elements:

21 (A) Whether the Russian Federation re-
22 mains in compliance with its obligations under
23 the New START Treaty.

1 (B) Whether implementation of the New
2 START Treaty remains in the national security
3 interest of the United States.

4 (3) RELATING TO OTHER MATTERS.—Not later
5 than 90 days after the date of the enactment of this
6 Act, and every 180 days thereafter until the New
7 START Treaty is extended or expires, the Secretary
8 of State, in consultation with the Secretary of De-
9 fense, shall provide a briefing to the appropriate
10 congressional committees that includes the following
11 elements:

12 (A) A description of any discussions with
13 Russia on the Treaty or on a broader, multilat-
14 eral arms control treaty with Russia and other
15 countries on the reduction and limitation of
16 strategic offensive arms, and discussions ad-
17 dressing the disparity between the non-strategic
18 nuclear weapons stockpiles of Russia and of the
19 United States, at the Assistant Secretary level,
20 Ambassadorial level, or higher.

21 (B) The dates, locations, discussion topics,
22 agenda, outcomes, and Russian interlocutors in-
23 volved in those discussions.

1 (C) An identification of the United States
2 Government departments and agencies involved
3 in the discussions.

4 (D) The types of systems, both nuclear
5 and nonnuclear, discussed by either side in such
6 discussions as the potential subjects of an
7 agreement.

8 (E) Whether an offer of extension of the
9 Treaty for any length of time, or to negotiate
10 a new agreement, has been offered by either
11 side.

12 (e) REPORT AND BRIEFING FROM SECRETARY OF
13 DEFENSE.—Not later than 180 days after the date of the
14 enactment of this Act, the Secretary of Defense, in con-
15 sultation with the Secretary of Energy and the Secretary
16 of State, shall submit a report, which shall be in unclassi-
17 fied form but may contain a classified annex, and provide
18 a briefing to the appropriate congressional committees
19 that includes—

20 (1) an assessment of the impact on the United
21 States nuclear arsenal and posture of the expiration
22 of the New START Treaty without the United
23 States and Russia having entered into a new agree-
24 ment with Russia to replace the Treaty that provides
25 equal or greater constraints, transparency, and

1 verification measures with regard to Russia's nuclear
2 forces;

3 (2) a description of the potential changes to the
4 expected force structure of the Armed Forces to re-
5 spond to potential changes in Russia's nuclear pos-
6 ture if the limitations in the Treaty are no longer in
7 force, and in the absence of such a new bilateral or
8 multilateral agreement, and an estimation of ex-
9 pected costs necessary to make such changes to the
10 force structure of the Armed Forces;

11 (3) a description, to be submitted jointly with
12 the Secretary of Energy, of potential changes to the
13 modernization plan for the United States nuclear
14 weapons complex, which anticipates the continued
15 existence of the Treaty, if the Treaty is not extended
16 or such a new bilateral or multilateral agreement is
17 not concluded;

18 (4) a description of the strategic impact on
19 United States and Russian strategic nuclear forces
20 if the Treaty is not extended or such a new bilateral
21 or multilateral agreement is not concluded; and

22 (5) a description of potential changes regarding
23 United States nuclear weapons forward deployed to
24 Europe and regarding the nuclear deterrent of the
25 United Kingdom and France, if the Treaty is not ex-

1 tended or such a new bilateral or multilateral agree-
2 ment is not concluded.

3 (f) PRESIDENTIAL CERTIFICATION IN ADVANCE OF
4 EXPIRATION OF NEW START TREATY.—Not later than
5 September 7, 2020, if the New START Treaty has not
6 been extended, and if the United States and Russia have
7 not entered into a new treaty to replace the New START
8 Treaty, the President shall submit a report, which shall
9 be in an unclassified form but may contain a classified
10 annex, to the appropriate congressional committees that
11 contains the following elements—

12 (1) an assessment as to whether the limits of
13 the New START Treaty on Russia’s strategic nu-
14 clear forces advance United States national security
15 interests;

16 (2) an explanation of how the United States
17 will address the imminent expiration of the New
18 START Treaty, including—

19 (A) a plan to extend the New START
20 Treaty before it expires;

21 (B) a plan to otherwise retain the Treaty’s
22 limits on Russia’s nuclear forces; or

23 (C) a plan to provide for the expiration of
24 the Treaty, including—

1 (i) a justification for why the expira-
2 tion of the Treaty is in the national secu-
3 rity interest of the United States; and

4 (ii) a plan, including steps the United
5 States military and the intelligence com-
6 munity will take before February 5, 2021,
7 to account for the expiration of the Treaty
8 and the failure to replace it with a new
9 agreement to maintain confidence in
10 United States nuclear deterrence require-
11 ments and a similar level of confidence in
12 intelligence information regarding Russia's
13 nuclear forces.

14 (g) DEPARTMENT OF DEFENSE REPORTING RE-
15 QUIREMENTS IN EVENT OF EXPIRATION OF NEW START
16 TREATY.—If the New START Treaty expires before the
17 United States and Russia enter into a new arms control
18 agreement to replace the Treaty that provides equal or
19 greater constraints, transparency, and verification meas-
20 ures with regard to the Russia's nuclear forces, not later
21 than 30 days after such expiration—

22 (1) the Secretary of Defense shall submit to the
23 appropriate congressional committees a report de-
24 scribing changes to the expected force structure of

1 the Armed Forces and estimating the expected costs
2 necessary to make such changes; and

3 (2) the Secretary of Defense and the Secretary
4 of Energy shall jointly submit to the appropriate
5 congressional committees a report—

6 (A) describing the manner in which the
7 current United States nuclear modernization
8 plan, which anticipates the continued existence
9 of the Treaty, will be modified without the ex-
10 istence of the Treaty; and

11 (B) including—

12 (i) the information required to be sub-
13 mitted in the report required by section
14 1043 of the National Defense Authoriza-
15 tion Act for Fiscal Year 2012 (Public Law
16 112–81; 125 Stat. 1576);

17 (ii) a separate 10-year cost estimate
18 from the Department of Defense to imple-
19 ment a nuclear sustainment plan; and

20 (iii) a separate 10-year cost estimate
21 from the Department of Energy to imple-
22 ment a nuclear sustainment and mod-
23 ernization plan.

24 (h) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Foreign Affairs, the
5 Committee on Armed Services, and the Perma-
6 nent Select Committee on Intelligence of the
7 House of Representatives; and

8 (B) the Committee on Foreign Relations,
9 the Committee on Armed Services, and the Se-
10 lect Committee on Intelligence of the Senate.

11 (2) INTELLIGENCE COMMUNITY.—The term
12 “intelligence community” has the meaning given
13 that term in section 3 of the National Security Act
14 of 1947 (50 U.S.C. 3003).

15 (3) NEW START TREATY; TREATY.—The terms
16 “New START Treaty” and “Treaty” mean the
17 Treaty between the United States of America and
18 the Russian Federation on Measures for the Further
19 Reduction and Limitation of Strategic Offensive
20 Arms, signed on April 8, 2010, and entered into
21 force on February 5, 2011.

