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:

SEC. 12. REPORTS RELATING TO THE NEW START TREATY.

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

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

(2) the Treaty is superseded by a new arms control agreement that provides equal or greater constraints, transparency, and verification measures with regard to Russia’s nuclear forces.

(b) PROHIBITION ON USE OF FUNDS TO WITHDRAW FROM THE NEW START TREATY.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2020 may
be used to take any action to withdraw the United States from the New START Treaty, unless the President determines and so informs the appropriate congressional committees that Russia is in material breach of the Treaty.

(c) Assessments From Director of National Intelligence.—

(1) Relating to Expiration of New START Treaty.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate congressional committees an intelligence assessment based on all sources of the national security and intelligence implications of the expiration of the New START Treaty without the United States and Russia having entered into a new arms control agreement that provides equal or greater constraints, transparency, and verification measures with regard to Russia’s nuclear forces. The assessment shall be submitted in an unclassified form, but may contain a classified annex, and shall include the following elements:

   (A) A description of the size and posture of Russia’s nuclear forces, including strategic nuclear warheads and strategic delivery vehicles, as well as predicted force levels through
February 2026 under each of the following potential scenarios:

(i) The Treaty expires in February 2026 without such a replacement agreement.

(ii) The Treaty is extended until February 2026.

(B) A description of Russia’s likely response to an expiration of the New START Treaty, including potential changes to Russia’s nuclear forces, conventional forces, as well as Russia’s willingness to negotiate an arms control agreement on Russian non-strategic or tactical nuclear weapons, short-and-intermediate-range delivery systems, (including dual-capable and nuclear-only), and new strategic delivery systems (such as the kinds announced by President Putin on March 1, 2018) in the future.

(C) An assessment of the strategic impact on United States and Russian strategic nuclear forces if the Treaty is not extended and such an agreement is not concluded, including the likelihood that Russia pursues new strategic offensive arms research and development programs.
(D) An assessment of the potential quantity of Russia’s new strategic delivery systems (such as the kinds announced by President Putin on March 1, 2018) between 2021 and 2026, and the impact to strategic stability between Russia and the United States as related to Russia’s existing strategic forces.

(E) An assessment of the impact on United States allies if the limitations on Russia’s nuclear forces are dissolved if the Treaty is not extended and such an agreement is not concluded.

(F) A description of the verification and transparency benefits of the Treaty and a description of the Treaty’s impact on the United States’ understanding of Russia’s military and nuclear forces.

(G) An assessment of how the United States’ confidence in its understanding of Russia’s strategic nuclear arsenal and future nuclear force levels would be impacted if the Treaty is not extended and such an agreement is not concluded.

(H) An assessment of what actions would be necessary for the United States to remediate
the loss of the Treaty’s verification and trans-
parency benefits if the Treaty is not extended
and such an agreement is not concluded, and
an estimate of the remedial resources required
to ensure no concomitant loss of understanding
of Russia’s military and nuclear forces.

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

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

(B) An assessment of Russia’s interest in
negotiating a broader arms control agreement
that would include nuclear weapons systems not
accountable under the New START Treaty, including non-strategic nuclear weapons.

(C) An assessment of what concessions Russia would likely seek from the United States during such negotiations, including what additional United States’ military capabilities Russia would seek to limit, in any broader arms control negotiation.

(d) Reports and Briefing From Secretary of State.—

(1) Relating to NATO, NATO member countries, and other United States allies.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall submit a report, which shall be in an unclassified form but may contain a classified annex, and provide a briefing to the appropriate congressional committees that includes—

(A) an assessment of the likely reactions of the North Atlantic Treaty Organization (NATO), NATO member countries, and other United States allies to a United States decision not to extend the New START Treaty or enter into a new agreement with Russia to replace
the Treaty that provides equal or greater con-
straints, transparency, and verification meas-
ures with regard to Russia’s nuclear forces; and

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

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

(A) Whether the Russian Federation re-
 mains in compliance with its obligations under
the New START Treaty.
(B) Whether implementation of the New START Treaty remains in the national security interest of the United States.

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

(A) A description of any discussions with Russia on the Treaty or on a broader, multilateral arms control treaty with Russia and other countries on the reduction and limitation of strategic offensive arms, and discussions addressing the disparity between the non-strategic nuclear weapons stockpiles of Russia and of the United States, at the Assistant Secretary level, Ambassadorial level, or higher.

(B) The dates, locations, discussion topics, agenda, outcomes, and Russian interlocutors involved in those discussions.
(C) An identification of the United States Government departments and agencies involved in the discussions.

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

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

(e) REPORT AND BRIEFING FROM SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Energy and the Secretary of State, shall submit a report, which shall be in unclassified form but may contain a classified annex, and provide a briefing to the appropriate congressional committees that includes—

(1) an assessment of the impact on the United States nuclear arsenal and posture of the expiration of the New START Treaty without the United States and Russia having entered into a new agreement with Russia to replace the Treaty that provides equal or greater constraints, transparency, and
verification measures with regard to Russia’s nuclear forces;

(2) a description of the potential changes to the expected force structure of the Armed Forces to respond to potential changes in Russia’s nuclear posture if the limitations in the Treaty are no longer in force, and in the absence of such a new bilateral or multilateral agreement, and an estimation of expected costs necessary to make such changes to the force structure of the Armed Forces;

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

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

(5) a description of potential changes regarding United States nuclear weapons forward deployed to Europe and regarding the nuclear deterrent of the United Kingdom and France, if the Treaty is not ex-
tended or such a new bilateral or multilateral agree-
ment is not concluded.

(f) **Presidential Certification in Advance of Expiration of New START Treaty.**—Not later than September 7, 2020, if the New START Treaty has not been extended, and if the United States and Russia have not entered into a new treaty to replace the New START Treaty, the President shall submit a report, which shall be in an unclassified form but may contain a classified annex, to the appropriate congressional committees that contains the following elements—

(1) an assessment as to whether the limits of the New START Treaty on Russia’s strategic nuclear forces advance United States national security interests;

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

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

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

(C) a plan to provide for the expiration of the Treaty, including—
(i) a justification for why the expiration of the Treaty is in the national security interest of the United States; and

(ii) a plan, including steps the United States military and the intelligence community will take before February 5, 2021, to account for the expiration of the Treaty and the failure to replace it with a new agreement to maintain confidence in United States nuclear deterrence requirements and a similar level of confidence in intelligence information regarding Russia’s nuclear forces.

(g) DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS IN EVENT OF EXPIRATION OF NEW START TREATY.—If the New START Treaty expires before the United States and Russia enter into a new arms control agreement to replace the Treaty that provides equal or greater constraints, transparency, and verification measures with regard to the Russia’s nuclear forces, not later than 30 days after such expiration—

(1) the Secretary of Defense shall submit to the appropriate congressional committees a report describing changes to the expected force structure of
the Armed Forces and estimating the expected costs necessary to make such changes; and

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

(A) describing the manner in which the current United States nuclear modernization plan, which anticipates the continued existence of the Treaty, will be modified without the existence of the Treaty; and

(B) including—

(i) the information required to be submitted in the report required by section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576);

(ii) a separate 10-year cost estimate from the Department of Defense to implement a nuclear sustainment plan; and

(iii) a separate 10-year cost estimate from the Department of Energy to implement a nuclear sustainment and modernization plan.

(h) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

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

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