AMENDMENT TO RULES COMM. PRINT 116–57
OFFERED BY MR. ENGEL OF NEW YORK

At the end of title XII, add the following:

Subtitle H—Matters Relating to the
New START Treaty

SEC. 1281. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should extend the New
START Treaty from its initial expiration date as
provided for under Article XIV of the Treaty, unless
the President determines and informs the appro-
priate congressional committees that—

(A) Russia is in material breach of the
Treaty and that efforts to resolve any such
breach have been undertaken and not resolved;
or

(B) the United States and Russia have en-
tered into a new arms control agreement to re-
place the Treaty that provides equal or greater
constraints, transparency, and verification
measures with regard to Russia’s nuclear
forces;
(2) maintaining legally binding, verifiable limits on Russian strategic nuclear forces is in the national security interest of the United States;

(3) if the President does not extend the New START Treaty by February 5, 2021, the United States should provide continued application of arrangements under the Protocol to the Treaty, the Annex on Inspection Activities to such Protocol, and the Annex on Notifications to such Protocol; and

(4) an arms control dialogue with China, coordinated with United States allies and shaped by a coherent Indo-Pacific strategy, is in the national security interests of the United States.

SEC. 1282. AUTHORITY TO ACCORD PRIVILEGES AND IMMUNITIES.

(a) IN GENERAL.—For purposes of facilitating continued application of arrangements under the Protocol to the New START Treaty, the Annex on Inspection Activities to such Protocol, and the Annex on Notifications to such Protocol, the President is authorized to accord to eligible officials of Russia the privileges and immunities provided for in Part Five of the Protocol to the Treaty, subject to provisions of this subtitle.

(b) CONDITIONS OF PRIVILEGES AND IMMUNITIES.—
(1) ELIGIBILITY.—An official of Russia shall be eligible to be accorded privileges and immunities pursuant to subsection (a) only if the official has been invited by the United States Government after February 5, 2021, to perform within the territory of the United States inspection activities consistent with the procedures established in the Treaty.

(2) LIMITATION ON SCOPE.—Any privileges and immunities accorded to an official of Russia pursuant to subsection (a) shall only be in furtherance of the conduct of inspection activities consistent with the procedures established in the Treaty.

(3) DURATION.—Consistent with Section II of Part Five of the Protocol to the Treaty, any privileges and immunities accorded pursuant to subsection (a) may be accorded for the entire time the official of Russia is within the territory of the United States, and thereafter with respect to acts previously performed in the exercise of the official functions of such official.

(4) OBLIGATIONS.—Consistent with Section II of Part Five of the Protocol to the Treaty, an official of Russia accorded privileges and immunities under subsection (a) shall, for the duration of such official’s stay in the United States and without prej-
udice to such privileges and immunities, be obliged—

(A) to respect the laws and regulations of the United States;

(B) not to interfere in the internal affairs of the United States; and

(C) not to engage in any professional or commercial activity for personal profit.

(e) INAPPLICABILITY OF AUTHORITY.—The authority provided under this section shall not apply if the President determines and certifies to the appropriate congressional committees that an authority, provision, or program that is equivalent to the authority provided under this section has not been authorized by the Government of Russia.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate on February 2, 2026, or on the date of entry into force of an agreement between the United States and Russia that supersedes the New START Treaty, whichever occurs earlier.

SEC. 1283. CONTINUATION OF TRANSPARENCY PROCEDURES.

(a) IN GENERAL.—The President should share, through confidential diplomatic channels, information regarding United States nuclear forces as appropriate to continue implementing the transparency procedures de-
scribed in Article VII of the New START Treaty and inform the Treaty database created in accordance with Parts Two and Four of the Protocol to the Treaty.

(b) EXCEPTION.—The President may not take the action described in subsection (a) if the Government of Russia does not take reciprocal action.

SEC. 1284. PRESIDENTIAL CERTIFICATION IN ADVANCE OF EXPIRATION OF NEW START TREATY.

(a) IN GENERAL.—If the New START Treaty has not been extended by September 5, 2020, or if the United States and Russia have not 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 President shall, not later than 120 days before expiration of the Treaty, submit to the appropriate congressional committees a report that contains the certification and other matters described in subsection (b).

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A certification that extending the New START Treaty is not in the national security interest of the United States.
(2) A justification for why the Treaty should be allowed to expire, including the specific reasons for such expiration.

(3) An explanation of how the United States will address the expiration of the Treaty, including—

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

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

(C) a plan, including steps the United States military and intelligence community will take before February 2021, to ensure that United States nuclear deterrence requirements will not increase with respect to Russia as a result of the Treaty’s expiration and the United States will maintain a similar or higher level of confidence in information regarding Russia’s nuclear forces following the Treaty’s expiration.

(4) A description of consultations undertaken with European and Asian allies in advance of the Treaty’s expiration, including the dates and results of such consultations, including recommendations and reactions of allies.
SEC. 1285. REPORT ON UNITED STATES NUCLEAR FORCE STRUCTURE.

(a) IN GENERAL.—Not later than June 5, 2021, in the case of the expiration of the New START Treaty or its termination under Article XIV of the Treaty, the Secretary of Defense and the Administrator of the National Nuclear Security Administration, in coordination with the Secretary of the Navy, the Secretary of the Air Force, and the Commander of the United States Strategic Command, shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on changes to the predicted nuclear force structure of the United States in the absence of limits on strategic nuclear forces under the Treaty.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) The information required to be submitted in the report required by section 492a of title 10, United States Code.

(2) A description of the size, cost, composition, and posture of the alternative nuclear force structures, as compared to any such relevant information required to be submitted in the report described in paragraph (1), of the United States through February 2026 necessary for meeting the military objectives of nuclear deterrence, extended deterrence, as-
surance of allies, and defense for each of the following potential scenarios:

(A) Russia is increasing its strategic nuclear forces above New START Treaty limits in a militarily significant way.

(B) Russia is increasing its strategic nuclear forces above Treaty limits but not in a militarily significant way.

(C) Russia is keeping its strategic nuclear forces below Treaty limits.

(3) With respect to the description for each potential scenario described in paragraph (2), the following:

(A) A description of deployed and non-deployed intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers as defined in the Treaty.

(B) The types and number of warheads for each deployed delivery vehicle described in subparagraph (A).

(C) The number of non-deployed and retired warheads.

(D) A description of changes necessary to increase United States nuclear forces above the central limits of the Treaty, including—
(i) the manner in which each military
department plans to implement such
changes, including an implementation
schedule and associated key decision
points; and

(ii) a description of the associated
costs, the technical and operational impli-
cations, and impact of such changes on nu-
clear modernization program costs and
timelines.

SEC. 1286. PROHIBITIONS ON INCREASE IN CERTAIN WAR-
HEADS AND DEPLOYED DELIVERY VEHICLES.

(a) WARHEADS AND DELIVERY VEHICLES.—In the
case of the expiration of the New START Treaty or its
termination under Article XIV of the Treaty, none of the
funds authorized to be appropriated by this Act or other-
wise made available for fiscal year 2021 for the Depart-
ment of Defense may be obligated or expended to increase
above 1,550 the number of deployed warheads on inter-
continental ballistic missiles, submarine-launched ballistic
missiles, and heavy bombers, consistent with the counting
rules of the Treaty, or increase above 700 the number of
intercontinental ballistic missiles, submarine-launched bal-
listic missiles, and heavy bombers that count as deployed
under the terms of the Treaty, unless each of the following conditions are met:

(1) Not less than 30 days before the planned date of such deployment, the Director of National Intelligence submits to the appropriate congressional committees an assessment described in subsection (b).

(2) Not less than 30 days before the planned date of such deployment, the President submits to the appropriate congressional committees—

(A) a description of the type and number of warheads or delivery systems to be added to the deployed force;

(B) if applicable, a description of the type and number of delivery systems on which each warhead described in subparagraph (A) is deployed;

(C) if applicable, a description of the necessary changes to the composition of deployed intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers with respect to the deployment described in subparagraph (A);

(D) a certification by the Commander of the United States Strategic Command, in co-
ordination with the Secretary of Defense and
the Secretary of State, that the added warheads
or delivery vehicles are necessary for meeting
United States targeting requirements and mili-
tary objectives with respect to nuclear deter-
rence, extended deterrence, assurance of allies,
and defense;

(E) a description of the associated costs,
the technical and operational implications, and
impact of such deployment on nuclear mod-
ernization program costs and timelines;

(F) a justification with respect to the stra-
tegic and threat environments that necessitate
such deployment; and

(G) an assessment of the likely political
and military responses and countermeasures by
the Russia and China to such deployment, in-
cluding the strategic and threat implications of
such responses and countermeasures.

(b) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS-
MENT.—

(1) IN GENERAL.—The assessment described in
this subsection is an assessment of the size, composi-
tion, and posture of the strategic nuclear forces of
Russia.
(2) ELEMENTS.—An assessment described in this subsection shall include the following:

(A) An assessment of the size, composition, and posture of deployed and non-deployed intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers (as defined in the New START Treaty) of Russia.

(B) An assessment of the number of deployed warheads on the intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers of Russia, consistent with the counting rules under the Treaty.

(3) FORM.—An assessment described in this subsection shall be submitted in unclassified form, but may include a classified annex.

SEC. 1287. REPORT ON PLAN FOR ARMS CONTROL TALKS THAT INCLUDES THE CHINA AND RUSSIA.

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 to the appropriate congressional committees a report that describes—

(1) a concrete plan for arms control talks that includes the China and Russia;
(2) if trilateral arms control dialogue does not arise, what alternative plans the Department of State envisages for ensuring United States security from Chinese and Russian nuclear weapons;

(3) efforts at engaging China to join arms control talks, whether on a bilateral or multilateral basis;

(4) the interest level of the Government of China in joining arms control talks, whether on a bilateral or multilateral basis; and

(5) the types of delivery systems, including nuclear and non-nuclear delivery systems, discussed by the Government of the United States or the Government of China as the potential subjects of an agreement in any such discussion.

SEC. 1288. BRIEFING ON DISCUSSIONS WITH THE CHINA REGARDING REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE WEAPONS.

Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a briefing to the appropriate congressional committees that includes the following:

(1) A description of any discussion with the Government of China on the New START Treaty or
a similar agreement on the reduction and limitation
of strategic offensive weapons at the Assistant Sec-
retary level, Ambassadorial level, or higher.

(2) The date, location, discussion topic, and
name of Chinese individuals involved in any such
discussion.

(3) An identification of the United States Gov-
ernment departments and agencies involved in any
such discussion.

(4) The types of delivery systems, including nu-
clear and non-nuclear delivery systems, discussed by
the Government of the United States or the Govern-
ment of China as the potential subjects of an agree-
ment in any such discussion.

SEC. 1289. DEFINITIONS.

In this subtitle:

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

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs and
the Permanent Select Committee on Intelligence
of the House of Representatives; and
(C) the Committee on Foreign Relations 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(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).