

**AMENDMENT TO RULES COMM. PRINT 116–57**

**OFFERED BY MR. ENGEL OF NEW YORK**

At the end of title XII, add the following:

1 **Subtitle H—Matters Relating to the**  
2 **New START Treaty**

3 **SEC. 1281. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

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

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

14 (B) the United States and Russia have en-  
15 tered into a new arms control agreement to re-  
16 place the Treaty that provides equal or greater  
17 constraints, transparency, and verification  
18 measures with regard to Russia’s nuclear  
19 forces;

1           (2) maintaining legally binding, verifiable limits  
2           on Russian strategic nuclear forces is in the national  
3           security interest of the United States;

4           (3) if the President does not extend the New  
5           START Treaty by February 5, 2021, the United  
6           States should provide continued application of ar-  
7           rangements under the Protocol to the Treaty, the  
8           Annex on Inspection Activities to such Protocol, and  
9           the Annex on Notifications to such Protocol; and

10          (4) an arms control dialogue with China, co-  
11          ordinated with United States allies and shaped by a  
12          coherent Indo-Pacific strategy, is in the national se-  
13          curity interests of the United States.

14 **SEC. 1282. AUTHORITY TO ACCORD PRIVILEGES AND IMMUN-**  
15 **NITIES.**

16          (a) IN GENERAL.—For purposes of facilitating con-  
17          tinued application of arrangements under the Protocol to  
18          the New START Treaty, the Annex on Inspection Activi-  
19          ties to such Protocol, and the Annex on Notifications to  
20          such Protocol, the President is authorized to accord to eli-  
21          gible officials of Russia the privileges and immunities pro-  
22          vided for in Part Five of the Protocol to the Treaty, sub-  
23          ject to provisions of this subtitle.

24          (b) CONDITIONS OF PRIVILEGES AND IMMUNITIES.—

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

8           (2) LIMITATION ON SCOPE.—Any privileges and  
9 immunities accorded to an official of Russia pursu-  
10 ant to subsection (a) shall only be in furtherance of  
11 the conduct of inspection activities consistent with  
12 the procedures established in the Treaty.

13           (3) DURATION.—Consistent with Section II of  
14 Part Five of the Protocol to the Treaty, any privi-  
15 leges and immunities accorded pursuant to sub-  
16 section (a) may be accorded for the entire time the  
17 official of Russia is within the territory of the  
18 United States, and thereafter with respect to acts  
19 previously performed in the exercise of the official  
20 functions of such official.

21           (4) OBLIGATIONS.—Consistent with Section II  
22 of Part Five of the Protocol to the Treaty, an offi-  
23 cial of Russia accorded privileges and immunities  
24 under subsection (a) shall, for the duration of such  
25 official's stay in the United States and without prej-

1           udice to such privileges and immunities, be obli-  
2           gated—

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

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

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

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

15           (d) **TERMINATION OF AUTHORITY.**—The authority  
16   provided under this section shall terminate on February  
17   2, 2026, or on the date of entry into force of an agreement  
18   between the United States and Russia that supersedes the  
19   New START Treaty, whichever occurs earlier.

20   **SEC. 1283. CONTINUATION OF TRANSPARENCY PROCE-**  
21                   **DURES.**

22           (a) **IN GENERAL.**—The President should share,  
23   through confidential diplomatic channels, information re-  
24   garding United States nuclear forces as appropriate to  
25   continue implementing the transparency procedures de-

1 scribed in Article VII of the New START Treaty and in-  
2 form the Treaty database created in accordance with  
3 Parts Two and Four of the Protocol to the Treaty.

4 (b) EXCEPTION.—The President may not take the ac-  
5 tion described in subsection (a) if the Government of Rus-  
6 sia does not take reciprocal action.

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

9 (a) IN GENERAL.—If the New START Treaty has  
10 not been extended by September 5, 2020, or if the United  
11 States and Russia have not entered into a new arms con-  
12 trol agreement that provides equal or greater constraints,  
13 transparency, and verification measures with regard to  
14 Russia’s nuclear forces, the President shall, not later than  
15 120 days before expiration of the Treaty, submit to the  
16 appropriate congressional committees a report that con-  
17 tains the certification and other matters described in sub-  
18 section (b).

19 (b) MATTERS TO BE INCLUDED.—The report re-  
20 quired by subsection (a) shall include the following:

21 (1) A certification that extending the New  
22 START Treaty is not in the national security inter-  
23 est of the United States.

1           (2) A justification for why the Treaty should be  
2           allowed to expire, including the specific reasons for  
3           such expiration.

4           (3) An explanation of how the United States  
5           will address the expiration of the Treaty, includ-  
6           ing—

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

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

11                  (C) a plan, including steps the United  
12                  States military and intelligence community will  
13                  take before February 2021, to ensure that  
14                  United States nuclear deterrence requirements  
15                  will not increase with respect to Russia as a re-  
16                  sult of the Treaty's expiration and the United  
17                  States will maintain a similar or higher level of  
18                  confidence in information regarding Russia's  
19                  nuclear forces following the Treaty's expiration.

20           (4) A description of consultations undertaken  
21           with European and Asian allies in advance of the  
22           Treaty's expiration, including the dates and results  
23           of such consultations, including recommendations  
24           and reactions of allies.

1 **SEC. 1285. REPORT ON UNITED STATES NUCLEAR FORCE**  
2 **STRUCTURE.**

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

15 (b) MATTERS TO BE INCLUDED.—The report re-  
16 quired by subsection (a) shall include the following:

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

20 (2) A description of the size, cost, composition,  
21 and posture of the alternative nuclear force struc-  
22 tures, as compared to any such relevant information  
23 required to be submitted in the report described in  
24 paragraph (1), of the United States through Feb-  
25 ruary 2026 necessary for meeting the military objec-  
26 tives of nuclear deterrence, extended deterrence, as-

1           surance of allies, and defense for each of the fol-  
2           lowing potential scenarios:

3                   (A) Russia is increasing its strategic nu-  
4                   clear forces above New START Treaty limits in  
5                   a militarily significant way.

6                   (B) Russia is increasing its strategic nu-  
7                   clear forces above Treaty limits but not in a  
8                   militarily significant way.

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

11                 (3) With respect to the description for each po-  
12                 tential scenario described in paragraph (2), the fol-  
13                 lowing:

14                   (A) A description of deployed and non-de-  
15                   ployed intercontinental ballistic missiles, sub-  
16                   marine-launched ballistic missiles, and heavy  
17                   bombers as defined in the Treaty.

18                   (B) The types and number of warheads for  
19                   each deployed delivery vehicle described in sub-  
20                   paragraph (A).

21                   (C) The number of non-deployed and re-  
22                   tired warheads.

23                   (D) A description of changes necessary to  
24                   increase United States nuclear forces above the  
25                   central limits of the Treaty, including—



1 (i) the manner in which each military  
2 department plans to implement such  
3 changes, including an implementation  
4 schedule and associated key decision  
5 points; and

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

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

13 (a) **WARHEADS AND DELIVERY VEHICLES.**—In the  
14 case of the expiration of the New START Treaty or its  
15 termination under Article XIV of the Treaty, none of the  
16 funds authorized to be appropriated by this Act or other-  
17 wise made available for fiscal year 2021 for the Depart-  
18 ment of Defense may be obligated or expended to increase  
19 above 1,550 the number of deployed warheads on inter-  
20 continental ballistic missiles, submarine-launched ballistic  
21 missiles, and heavy bombers, consistent with the counting  
22 rules of the Treaty, or increase above 700 the number of  
23 intercontinental ballistic missiles, submarine-launched bal-  
24 listic missiles, and heavy bombers that count as deployed

1 under the terms of the Treaty, unless each of the following  
2 conditions are met:

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

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

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

14 (B) if applicable, a description of the type  
15 and number of delivery systems on which each  
16 warhead described in subparagraph (A) is de-  
17 ployed;

18 (C) if applicable, a description of the nec-  
19 essary changes to the composition of deployed  
20 intercontinental ballistic missiles, submarine-  
21 launched ballistic missiles, and heavy bombers  
22 with respect to the deployment described in  
23 subparagraph (A);

24 (D) a certification by the Commander of  
25 the United States Strategic Command, in co-

1 ordination with the Secretary of Defense and  
2 the Secretary of State, that the added warheads  
3 or delivery vehicles are necessary for meeting  
4 United States targeting requirements and mili-  
5 tary objectives with respect to nuclear deter-  
6 rence, extended deterrence, assurance of allies,  
7 and defense;

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

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

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

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

22 (1) IN GENERAL.—The assessment described in  
23 this subsection is an assessment of the size, composi-  
24 tion, and posture of the strategic nuclear forces of  
25 Russia.

1 (2) ELEMENTS.—An assessment described in  
2 this subsection shall include the following:

3 (A) An assessment of the size, composi-  
4 tion, and posture of deployed and non-deployed  
5 intercontinental ballistic missiles, submarine-  
6 launched ballistic missiles, and heavy bombers  
7 (as defined in the New START Treaty) of Rus-  
8 sia.

9 (B) An assessment of the number of de-  
10 ployed warheads on the intercontinental ballistic  
11 missiles, submarine-launched ballistic missiles,  
12 and heavy bombers of Russia, consistent with  
13 the counting rules under the Treaty.

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

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

19 Not later than 180 days after the date of the enact-  
20 ment of this Act, the Secretary of State, in consultation  
21 with the Secretary of Defense, shall submit to the appro-  
22 priate congressional committees a report that describes—

23 (1) a concrete plan for arms control talks that  
24 includes the China and Russia;

1           (2) if trilateral arms control dialogue does not  
2           arise, what alternative plans the Department of  
3           State envisages for ensuring United States security  
4           from Chinese and Russian nuclear weapons;

5           (3) efforts at engaging China to join arms con-  
6           trol talks, whether on a bilateral or multilateral  
7           basis;

8           (4) the interest level of the Government of  
9           China in joining arms control talks, whether on a bi-  
10          lateral or multilateral basis; and

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

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

19          Not later than 60 days after the date of the enact-  
20          ment of this Act, and every 180 days thereafter, the Sec-  
21          retary of State, in consultation with the Secretary of De-  
22          fense, shall provide a briefing to the appropriate congres-  
23          sional committees that includes the following:

24                 (1) A description of any discussion with the  
25                 Government of China on the New START Treaty or

1 a similar agreement on the reduction and limitation  
2 of strategic offensive weapons at the Assistant Sec-  
3 retary level, Ambassadorial level, or higher.

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

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

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

15 **SEC. 1289. DEFINITIONS.**

16 In this subtitle:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
18 TEES.—The term “appropriate congressional com-  
19 mittees” means—

20 (A) the congressional defense committees;

21 (B) the Committee on Foreign Affairs and  
22 the Permanent Select Committee on Intelligence  
23 of the House of Representatives; and

1 (C) the Committee on Foreign Relations  
2 and the Select Committee on Intelligence of the  
3 Senate.

4 (2) INTELLIGENCE COMMUNITY.—The term  
5 “intelligence community” has the meaning given  
6 that term in section 3(4) of the National Security  
7 Act of 1947 (50 U.S.C. 3003(4)).

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

