

116TH CONGRESS
1ST SESSION

S. 2394

To require certain reports and briefings to Congress relating to the expiration of the New START Treaty, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2019

Mr. VAN HOLLEN (for himself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To require certain reports and briefings to Congress relating to the expiration of the New START Treaty, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Richard G. Lugar and
5 Ellen O. Tauscher Act to Maintain Limits on Russian Nu-
6 clear Forces”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

9 (1) Since the end of World War II, the United
10 States has relied on a robust and effective nuclear

1 deterrent as part of its national defense, particularly
2 against the Soviet Union and its successor state, the
3 Russian Federation.

4 (2) The United States nuclear arsenal must re-
5 main safe, secure, and reliable such that it can effec-
6 tively ensure the security of the United States and
7 its allies.

8 (3) Along with its nuclear deterrent, the United
9 States has pursued a number of arms control, disar-
10 mament, and nonproliferation agreements with the
11 Soviet Union and Russia to ensure strategic stability
12 and the protection of the United States homeland,
13 such as—

14 (A) the Interim Agreement Between the
15 United States of America and the Union of So-
16 viet Socialist Republics on Certain Measures
17 with Respect to the Limitation of Strategic Of-
18 fensive Arms, done at Moscow May 26, 1972
19 (commonly referred to as “SALT I”); and

20 (B) the Treaty Between the United States
21 of America and the Union of Soviet Socialist
22 Republics on Strategic Offensive Reductions,
23 done at Moscow July 31, 1991 (commonly re-
24 ferred to as “START I”).

1 (4) In the aftermath of the fall of the Soviet
2 Union, the United States continues to rely on a com-
3 bination of nuclear deterrence and strategic arms
4 control to help protect the United States from nu-
5 clear attack.

6 (5) On April 8, 2010, the United States and
7 Russia signed the Treaty between the United States
8 of America and the Russian Federation on Measures
9 for the Further Reduction and Limitation of Stra-
10 tegic Offensive Arms (commonly referred to as “New
11 START Treaty”).

12 (6) In an op-ed to the Washington Post dated
13 December 2, 2010, former Secretaries of State
14 Henry A. Kissinger, George P. Shultz, James A.
15 Baker III, Lawrence S. Eagleburger, and Colin L.
16 Powell urged the Senate to ratify the New START
17 Treaty, stating that it was in “the national interest
18 to ratify”.

19 (7) During the ratification process, the New
20 START Treaty garnered bipartisan support, and the
21 United States Senate approved the Treaty on De-
22 cember 22, 2010, by a 71–26 vote.

23 (8) The New START Treaty entered into force
24 on February 5, 2011, placing numerical limits on
25 United States and Russian strategic systems, includ-

1 ing intercontinental ballistic missiles, submarine
2 launched ballistic missiles, and heavy bombers, as
3 well as warheads.

4 (9) On February 5, 2018, the Treaty’s central
5 limits on strategic arms took effect.

6 (10) Through the New START Treaty’s
7 verification regime, which includes short-notice, on-
8 site inspections at military bases and facilities, the
9 United States is able to verify the data provided by
10 the Russian Federation regarding its strategic nu-
11 clear arsenal. The verification regime provides both
12 countries insight into each other’s strategic nuclear
13 delivery systems, warheads, and facilities, as well as
14 data exchanges to track the status and makeup of
15 nuclear weapons systems.

16 (11) During a February 26, 2019, hearing on
17 nuclear deterrence requirements of the Committee
18 on Armed Services of the Senate, Commander of the
19 United States Strategic Command (STRATCOM)
20 General John Hyten voiced his support for the Trea-
21 ty, saying he was “a big supporter of the New
22 START agreement” and stating, “The New START
23 treaty” provides “insights into the Russians capa-
24 bilities. Those are hugely beneficial to me.”.

1 (12) During a March 2017 hearing on nuclear
2 deterrence requirements of the Committee on Armed
3 Services of the House of Representatives, Air Force
4 General Paul Selva, the Vice Chairman of the Joint
5 Chiefs of Staff, also endorsed the New START
6 Treaty, saying the Treaty is “a bilateral, verifiable
7 agreement that gives us some degree of predict-
8 ability on what our potential adversaries look like”.

9 (13) Lieutenant General Jack Weinstein, the
10 Air Force Deputy Chief of Staff for Strategic Deter-
11 rence and Nuclear Integration, asserted that the
12 New START Treaty was of “huge value” to United
13 States security.

14 (14) During a September 2018 hearing before
15 the Committee on Foreign Relations of the Senate,
16 Deputy Secretary of Defense for Policy David
17 Trachtenberg stated that “the transparency and
18 verification requirements of the New START Treaty
19 are a benefit” to the security of the United States
20 and, in response to a question regarding missile de-
21 fense, asserted that the Treaty had “no” effect on
22 limiting United States missile defense capabilities.

23 (15) In a March 2017 hearing of the Strategic
24 Forces Subcommittee of the Committee on Armed
25 Services of the House of Representatives, Retired

1 Air Force General and former commander of United
2 States Strategic Command Robert Kehler stated, “I
3 think that we have gotten tremendous benefit out of
4 those kinds of agreements with the Russians over
5 the years, provided that the Russians comply,” re-
6 garding the importance of the New START Treaty.

7 (16) The Department of State confirmed in
8 February 2018 that the Russian Federation had met
9 the Treaty’s central limits on strategic arms and
10 stated that “implementation of the New START
11 Treaty enhances the safety and security of the
12 United States”.

13 (17) The Nuclear Posture Review states that
14 arms control agreements can “foster transparency,
15 understanding, and predictability in adversary rela-
16 tions, thereby reducing the risk of misunderstanding
17 and miscalculation”.

18 (18) The New START Treaty strengthens
19 United States nuclear security and strategic stability
20 by reducing the number of strategic systems in the
21 Russian Federation’s nuclear arsenal and provides
22 the United States with the inspection and moni-
23 toring tools necessary to confidently verify Russian
24 compliance with the Treaty.

1 (19) The New START Treaty does not restrict
2 United States nuclear modernization programs or
3 limit United States missile defense efforts.

4 (20) If the New START Treaty is not extended
5 or replaced before it expires in 2021, the United
6 States runs the risk of having no legally binding,
7 verifiable limits on the Russian Federation’s stra-
8 tegic nuclear arsenal for the first time since 1972.

9 **SEC. 3. SENSE OF CONGRESS.**

10 It is the sense of Congress that the United States
11 should seek to extend the New START Treaty from its
12 initial termination date in February 2021 to February
13 2026, as provided for under Article XIV of the Treaty,
14 unless the President determines and informs the appro-
15 priate congressional committees that—

16 (1) the Russian Federation is in material
17 breach of the Treaty; or

18 (2) the United States and the Russian Federa-
19 tion have entered into a new arms control agreement
20 to replace the Treaty that provides equal or greater
21 constraints, transparency, and verification measures
22 with regard to the Russian Federation’s nuclear
23 forces.

1 **SEC. 4. REPORTS AND BRIEFINGS TO CONGRESS.**

2 (a) DIRECTOR OF NATIONAL INTELLIGENCE ASSESS-
3 MENTS.—

4 (1) RELATING TO RUSSIAN FEDERATION NU-
5 CLEAR FORCES.—Not later than 180 days after the
6 date of the enactment of this Act, the Director of
7 National Intelligence shall submit to the appropriate
8 congressional committees an intelligence assessment
9 based on all sources of the national security and in-
10 telligence implications of the expiration of the New
11 START Treaty without the United States and the
12 Russian Federation having entered into a new arms
13 control agreement to replace the Treaty that pro-
14 vides equal or greater constraints, transparency, and
15 verification measures with regard to the Russian
16 Federation’s nuclear forces. The assessment shall be
17 submitted in an unclassified form, but may contain
18 a classified annex, and shall include the following
19 elements:

20 (A) A description of the size and posture
21 of the Russian Federation’s nuclear forces and
22 strategic delivery vehicles, as well as predicted
23 force levels through February 2026 under each
24 of the following potential scenarios:

1 (i) The Treaty expires in February
2 2021 without such a replacement agree-
3 ment.

4 (ii) The Treaty is extended until Feb-
5 ruary 2026.

6 (B) An assessment of how strategic sta-
7 bility would be impacted if the Treaty is not ex-
8 tended or such a replacement agreement is not
9 concluded.

10 (C) An assessment of the impact on
11 United States allies if the limitations on the
12 Russian Federation's nuclear forces are dis-
13 solved if the Treaty is not extended or such a
14 replacement agreement is not concluded.

15 (D) A description of the intelligence collec-
16 tion benefits of the Treaty.

17 (E) An assessment of how the United
18 States intelligence community's confidence in
19 its assessments of the Russian Federation's
20 strategic nuclear arsenal and future nuclear
21 force levels would be impacted if the Treaty is
22 not extended or such a replacement agreement
23 is not concluded.

24 (F) An assessment of what specific capa-
25 bilities the United States intelligence commu-

1 nity would have to develop, deploy, or realign to
2 ensure no loss of collection capability occurs if
3 the Treaty is not extended or such a replace-
4 ment agreement is not concluded.

5 (2) RELATING TO PEOPLE'S REPUBLIC OF
6 CHINA NUCLEAR FORCES.—Not later than 180 days
7 after the date of the enactment of this Act, the Di-
8 rector of National Intelligence shall submit to the
9 appropriate congressional committees an assessment
10 of the relative size and posture of the strategic nu-
11 clear forces of the People's Republic of China com-
12 pared to that of the United States and the Russian
13 Federation. The assessment shall be submitted in an
14 unclassified form, but may contain a classified
15 annex, and shall include the following elements:

16 (A) An assessment of the size, force struc-
17 ture, and operational status of the People's Re-
18 public of China's long-range nuclear-capable de-
19 livery vehicles that meet the definitions of sys-
20 tems counted under the New START Treaty.

21 (B) An assessment of the number of nu-
22 clear warheads that the Government of the Peo-
23 ple's Republic of China possesses.

24 (C) A description of the efforts of the Gov-
25 ernment of the People's Republic of China to

1 modernize and modify its nuclear force struc-
2 ture.

3 (D) A description of the potential changes
4 to the nuclear force structure and posture of
5 the People's Republic of China if the United
6 States and Russian Federation are no longer
7 bound by the limits in the New START Treaty.

8 (b) SECRETARY OF STATE.—

9 (1) RELATING TO NATO, NATO MEMBER COUN-
10 TRIES, AND OTHER UNITED STATES ALLIES.—Not
11 later than 180 days after the date of the enactment
12 of this Act, the Secretary of State, in consultation
13 with the Secretary of Defense, shall submit a report,
14 which shall be in an unclassified form, but may con-
15 tain a classified annex, and provide a briefing to the
16 appropriate congressional committees that includes
17 an assessment of the likely reactions of the North
18 Atlantic Treaty Organization (NATO), NATO mem-
19 ber countries, and other United States allies to a
20 United States decision not to extend the New
21 START Treaty or enter into a new arms control
22 agreement with the Russian Federation to replace
23 the Treaty that provides equal or greater con-
24 straints, transparency, and verification measures
25 with regard to Russia's nuclear forces.

1 (2) RELATING TO OTHER MATTERS.—Not later
2 than 60 days after the date of the enactment of this
3 Act, and every 180 days thereafter until the New
4 START Treaty is extended or expires, the Secretary
5 of State, in consultation with the Secretary of De-
6 fense, shall provide a briefing to the appropriate
7 congressional committees that includes the following
8 elements:

9 (A) A description of any discussions with
10 the Russian Federation on the Treaty or a
11 similar agreement on the reduction and limita-
12 tion of strategic offensive arms at the Assistant
13 Secretary, Ambassadorial level or higher.

14 (B) The dates, locations, discussion topics,
15 agenda, outcomes, and Russian Federation
16 interlocutors involved in those discussions.

17 (C) An identification of the United States
18 Government departments and agencies involved
19 in the discussions.

20 (D) The types of systems, both nuclear
21 and nonnuclear, discussed by either side in such
22 discussions.

23 (E) Whether an offer of extension of the
24 Treaty, of any length of time, has been offered
25 by either side.

1 **SEC. 5. PRESIDENTIAL CERTIFICATION IN EVENT OF EXPI-**
2 **RATION OF NEW START TREATY.**

3 If the New START Treaty is allowed to expire before
4 the United States and the Russian Federation enter into
5 a new arms control agreement to replace the Treaty that
6 provides equal or greater constraints, transparency, and
7 verification measures with regard to the Russian Federa-
8 tion's nuclear forces, not later than 30 days after such
9 expiration the President shall submit to the appropriate
10 congressional committees—

11 (1) a justification for why the New START
12 Treaty was allowed to expire; and

13 (2) a certification that extending the Treaty
14 was not in the national security interest of the
15 United States.

16 **SEC. 6. DEFINITIONS.**

17 In this Act:

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

21 (A) the Committee on Foreign Affairs, the
22 Committee on Armed Services, and the Perma-
23 nent Select Committee on Intelligence of the
24 House of Representatives; and

1 (B) the Committee on Foreign Relations,
2 the Committee on Armed Services, and the Se-
3 lect Committee on Intelligence of the Senate.

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

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 on April 8, 2010, and entered into
14 force on February 5, 2011.

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