

116TH CONGRESS
1ST SESSION

H. R. 2529

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

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2019

Mr. ENGEL (for himself and Mr. McCAUL) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Permanent Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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:

1 (1) Since the end of World War II, the United
2 States has relied on a robust and effective nuclear
3 deterrent as part of its national defense, particularly
4 against the Soviet Union and its successor state, the
5 Russian Federation.

6 (2) The United States nuclear arsenal must re-
7 main, safe, secure, and reliable such that it can ef-
8 fectively ensure the security of the United States
9 and its allies.

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

16 (A) the Interim Agreement Between the
17 United States of America and the Union of So-
18 viet Socialist Republics on Certain Measures
19 with Respect to the Limitation of Strategic Of-
20 fensive Arms, signed on May 26, 1972 (com-
21 monly referred to as SALT I); and

22 (B) the Treaty Between the United States
23 of America and the Union of Soviet Socialist
24 Republics on Strategic Offensive Reductions,

1 signed on July 31, 1991 (commonly referred to
2 as START I).

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

8 (5) On April 8, 2010, the United States and
9 the Russia signed the Treaty between the United
10 States of America and the Russian Federation on
11 Measures for the Further Reduction and Limitation
12 of Strategic Offensive Arms (commonly referred to
13 as “New Start Treaty”).

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

20 (7) During the ratification process, the Treaty
21 garnered bipartisan support, and the United States
22 Senate approved the Treaty on December 22, 2010,
23 by a 71–26 vote.

24 (8) The Treaty entered into force on February
25 5, 2011, placing numerical limits on United States

1 and Russian strategic systems, including interconti-
2 nental ballistic missiles, submarine launched ballistic
3 missiles, and heavy bombers, as well as warheads.

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

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

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

24 (12) During a March 2017 hearing on nuclear
25 deterrence requirements of the House Armed Serv-

1 ices Committee, Air Force General Paul Selva, the
2 Vice Chairman of the Joint Chiefs of Staff, also en-
3 dorsed the New START Treaty, saying the Treaty
4 is “a bilateral, verifiable agreement that gives us
5 some degree of predictability on what our potential
6 adversaries look like”.

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

12 (14) During a September 2018 hearing before
13 the Senate Committee on Foreign Relations, Deputy
14 Secretary of Defense for Policy David Trachtenberg
15 stated that “the transparency and verification re-
16 quirements of the New START Treaty are a ben-
17 efit” to the security of the United States and, in re-
18 sponse to a question regarding missile defense, as-
19 serted that the Treaty had “no” effect on limiting
20 United States missile defense capabilities.

21 (15) In a March 2017 hearing of the Strategic
22 Forces Subcommittee of the House Armed Services
23 Committee, Retired Air Force General and former
24 commander of United States Strategic Command
25 Robert Kehler stated, “I think that we have gotten

1 tremendous benefit out of those kinds of agreements
2 with the Russians over the years, provided that the
3 Russians comply,” regarding the importance of the
4 New START Treaty.

5 (16) The Department of State confirmed in
6 February 2018 that Russia had met the Treaty’s
7 central limits on strategic arms and stated that “im-
8 plementation of the New START Treaty enhances
9 the safety and security of the United States”.

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

15 (18) The New START Treaty strengthens
16 United States nuclear security and strategic stability
17 by reducing the number of strategic systems in Rus-
18 sia’s nuclear arsenal and provides the United States
19 with the inspection and monitoring tools necessary
20 to confidently verify Russian compliance with the
21 Treaty.

22 (19) The New START Treaty does not restrict
23 United States nuclear modernization programs or
24 limit United States missile defense efforts.

1 (20) If the New START Treaty is not extended
2 or replaced before it expires in 2021, the United
3 States runs the risk of having no legally binding,
4 verifiable limits on Russia's strategic nuclear arsenal
5 for the first time since 1972.

6 **SEC. 3. SENSE OF CONGRESS.**

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

13 (1) Russia is in material breach of the Treaty;
14 or

15 (2) the United States and Russia have entered
16 into a new arms control agreement to replace the
17 Treaty that provides equal or greater constraints,
18 transparency, and verification measures with regard
19 to Russia's nuclear forces.

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

21 (a) DIRECTOR OF NATIONAL INTELLIGENCE.—Not
22 later than 180 days after the date of the enactment of
23 this Act, the Director of National Intelligence shall submit
24 to the appropriate congressional committees an intel-
25 ligence assessment based on all sources of the national se-

1 curity and intelligence implications of the expiration of the
2 New START Treaty without the United States and Rus-
3 sia having entered into a new arms control agreement to
4 replace the Treaty that provides equal or greater con-
5 straints, transparency, and verification measures with re-
6 gard to Russia's nuclear forces. The assessment shall be
7 submitted in an unclassified form, but may contain a clas-
8 sified annex, and shall include the following elements:

9 (1) A description of the size and posture of
10 Russia's nuclear forces and strategic delivery vehi-
11 cles, as well as predicted force levels through Feb-
12 ruary 2026 under each of the following potential sce-
13 narios:

14 (A) The Treaty expires in February 2021
15 without such a replacement agreement.

16 (B) The Treaty is extended until February
17 2026.

18 (2) An assessment of how strategic stability
19 would be impacted if the Treaty is not extended or
20 such a replacement agreement is not concluded.

21 (3) An assessment of the impact on United
22 States allies if the limitations on Russia's nuclear
23 forces are dissolved if the Treaty is not extended or
24 such a replacement agreement is not concluded.

1 (4) A description of the intelligence collection
2 benefits of the Treaty.

3 (5) An assessment of how the United States in-
4 telligence community's confidence in its assessments
5 of Russia's strategic nuclear arsenal and future nu-
6 clear force levels would be impacted if the Treaty is
7 not extended or such a replacement agreement is not
8 concluded.

9 (6) An assessment of what specific capabilities
10 the United States intelligence community would have
11 to develop, deploy, or realign to ensure no loss of
12 collection capability occurs if the Treaty is not ex-
13 tended or such a replacement agreement is not con-
14 cluded.

15 (b) SECRETARY OF STATE.—

16 (1) RELATING TO NATO, NATO MEMBER COUN-
17 TRIES, AND OTHER UNITED STATES ALLIES.—Not
18 later than 180 days after the date of the enactment
19 of this Act, the Secretary of State, in consultation
20 with the Secretary of Defense, shall submit a report,
21 which shall be in an unclassified form, but may con-
22 tain a classified annex, and provide a briefing to the
23 appropriate congressional committees that includes
24 an assessment of the likely reactions of the North
25 Atlantic Treaty Organization (NATO), NATO mem-

1 ber countries, and other United States allies to a
2 United States decision not to extend the New
3 START Treaty or enter into a new arms control
4 agreement with Russia to replace the Treaty that
5 provides equal or greater constraints, transparency,
6 and verification measures with regard to Russia's
7 nuclear forces.

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

16 (A) A description of any discussions with
17 Russia on the Treaty or a similar agreement on
18 the reduction and limitation of strategic offen-
19 sive arms at the Assistant Secretary, Ambassa-
20 dorial 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.

7 (E) Whether an offer of extension of the
8 Treaty, of any length of time, has been offered
9 by either side.

10 **SEC. 5. PRESIDENTIAL CERTIFICATION IN EVENT OF EXPI-**
11 **RATION OF NEW START TREATY.**

12 If the New START Treaty is allowed to expire before
13 the United States and Russia enter into a new arms con-
14 trol agreement to replace the Treaty that provides equal
15 or greater constraints, transparency, and verification
16 measures with regard to Russia's nuclear forces, not later
17 than 30 days after such expiration the President shall sub-
18 mit to the appropriate congressional committees—

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

21 (2) a certification that extending the Treaty
22 was not in the national security interest of the
23 United States.

24 **SEC. 6. DEFINITIONS.**

25 In this Act:

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.

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