

116TH CONGRESS
1ST SESSION

S. 845

To establish as United States policy that, pending confirmation of the Russian Federation's continued compliance with the New START Treaty, the United States should extend the Treaty through 2026.

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2019

Mr. MENENDEZ (for himself, Mr. REED, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish as United States policy that, pending confirmation of the Russian Federation's continued compliance with the New START Treaty, the United States should extend the Treaty through 2026.

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 “New START Policy
5 Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

4 (A) the Committee on Foreign Relations,
5 the Committee on Armed Services, and the Se-
6 lect Committee on Intelligence of the Senate;
7 and

8 (B) the Committee on Foreign Affairs, the
9 Committee on Armed Services, and the Perma-
10 nent Select Committee on Intelligence of the
11 House of Representatives.

12 (2) NEW START, TREATY.—The terms “New
13 START” and “Treaty” mean the Treaty between
14 the United States of America and the Russian Fed-
15 eration on Measures for the Further Reduction and
16 Limitation of Strategic Offensive Arms, signed April
17 8, 2010, and entered into force February 5, 2011
18 (commonly known as the “New START Treaty”).

19 **SEC. 3. FINDINGS.**

20 Congress makes the following findings:

21 (1) Since the end of World War II, the United
22 States has relied on a robust and effective nuclear
23 deterrent as part of our national defense, particu-
24 larly against the Soviet Union and its successor
25 state, the Russian Federation.

1 (2) In tandem with our nuclear deterrent, the
2 United States pursued a number of arms control,
3 disarmament, and nonproliferation agreements with
4 the Soviet Union as a means of ensuring strategic
5 stability and United States defense of the homeland,
6 such as the Strategic Arms Limitation Treaty and
7 the Strategic Arms Reduction Treaty.

8 (3) The Nuclear Posture Review issued in Feb-
9 ruary 2018 states that arms control agreements dur-
10 ing the Cold War “increased transparency, mod-
11 erated competition, codified rough parity in strategic
12 nuclear areas, and closed off areas of competition”.

13 (4) In the aftermath of the fall of the Soviet
14 Union, the United States continues to rely on a com-
15 bination of nuclear deterrence and strategic arms
16 control to protect the United States from nuclear at-
17 tack.

18 (5) On April 8, 2010, the United States and
19 the Russian Federation signed the New Strategic
20 Arms Reduction Treaty (New START).

21 (6) In an op-ed to the Washington Post dated
22 December 2, 2010, former Secretaries of State
23 Henry A. Kissinger, George P. Shultz, James A.
24 Baker III, Lawrence S. Eagleburger, and Colin L.
25 Powell all urged the Senate to ratify New START,

1 stating that it was in “the national interest to rat-
2 ify”.

3 (7) During the ratification process, New
4 START garnered bipartisan support, and the United
5 States Senate approved New START on December
6 22, 2010, by a 71–26 vote.

7 (8) New START entered into force on Feb-
8 ruary 5, 2011, placing limitations on United States
9 and Russian strategic systems, including interconti-
10 nental ballistic missiles, submarine launched ballistic
11 missiles, and heavy bombers, as well as warheads
12 that threatened the United States.

13 (9) On February 5, 2018, the central limits on
14 United States and Russia strategic nuclear arsenals
15 took effect.

16 (10) In March 2018, the United States and the
17 Russian Federation exchanged data on their respec-
18 tive strategic nuclear arsenals in accordance with the
19 Treaty.

20 (11) Through the Treaty’s verification regime,
21 which includes short-notice, on-site inspections at
22 military bases and facilities, the United States is
23 able to verify the data provided by the Russian Fed-
24 eration regarding its strategic nuclear arsenal. The
25 verification regime provides both countries insight

1 into each other's strategic nuclear delivery systems,
2 warheads, and facilities, as well as data exchanges to
3 track the status and makeup of nuclear weapons
4 systems.

5 (12) During a February 26, 2019, hearing of
6 the Committee on Armed Services of the Senate on
7 nuclear deterrence requirements, Commander of the
8 United States Strategic Command (STRATCOM)
9 and Air Force General John Hyten voiced his enthu-
10 siastic support for the Treaty, saying he was "a big
11 supporter of the New START agreement" stating,
12 "The New START treaty" provides "insights into
13 the Russians capabilities. Those are hugely bene-
14 ficial to me."

15 (13) During a March 2017 hearing of the Com-
16 mittee on Armed Services of the House of Rep-
17 resentatives on nuclear deterrence requirements, Air
18 Force General Paul Selva, the Vice Chairman of the
19 Joint Chiefs of Staff, also endorsed the treaty, say-
20 ing New START is "a bilateral, verifiable agreement
21 that gives us some degree of predictability on what
22 our potential adversaries look like".

23 (14) Lieutenant General Jack Weinstein, the
24 Air Force Deputy Chief of Staff for Strategic Deter-
25 rence and Nuclear Integration, asserted that New

1 START was of “huge value” to United States secu-
2 rity.

3 (15) The Nuclear Posture Review states that
4 arms control agreements can “foster transparency,
5 understanding, and predictability in adversary rela-
6 tions, thereby reducing the risk of misunderstanding
7 and miscalculation”.

8 (16) New START strengthens United States
9 nuclear security and strategic stability by reducing
10 the number of strategic systems in Russia’s nuclear
11 arsenal and provides the United States with the in-
12 spection and monitoring tools necessary to con-
13 fidently verify Russian compliance with New
14 START.

15 (17) New START does not restrict United
16 States nuclear modernization programs or limit
17 United States missile defense efforts.

18 (18) During a September 2018 hearing before
19 the Committee on Foreign Relations of the Senate,
20 Deputy Secretary of Defense for Policy David
21 Trachtenberg stated that “the transparency and
22 verification requirements of the New START Treaty
23 are a benefit” to United States security and, in re-
24 sponse to a question regarding missile defense, as-

1 serted that New START had “no” effect on limiting
2 our missile defense capabilities.

3 (19) In a March 2017 hearing of the Strategic
4 Forces Subcommittee of the Committee on Armed
5 Services of the House of Representatives, Retired
6 Air Force General and former commander of U.S.
7 Strategic Command Robert Kehler stated “I think
8 that we have gotten tremendous benefit out of those
9 kinds of agreements with the Russians over the
10 years, provided that the Russians comply” regarding
11 the importance of New START.

12 **SEC. 4. STATEMENT OF POLICY.**

13 It is the policy of the United States to extend New
14 START from its initial termination date in February 2021
15 to February 2026, as allowed in the Treaty, unless the
16 President determines and so informs Congress that Russia
17 is in material breach of New START.

18 **SEC. 5. REPORTS TO CONGRESS.**

19 (a) DIRECTOR OF NATIONAL INTELLIGENCE.—Not
20 later than 180 days after the date of the enactment of
21 this Act, the Director of National Intelligence shall submit
22 a report and provide a briefing to the appropriate congress-
23 sional committees that includes the following elements:

1 (1) A description of the Russian Federation's
2 current nuclear forces and predicted force levels in
3 2026.

4 (2) An analysis of the impact New START has
5 had on the size and posture of the Russian Federa-
6 tion's nuclear forces and strategic delivery systems.

7 (3) An assessment of how the Russian Federa-
8 tion's nuclear and missile arsenals would change if
9 the New START is not extended or if a follow-on
10 agreement to New START is not concluded.

11 (4) An assessment of how strategic stability
12 would be impacted if New START is not extended
13 or if a follow-on agreement to New START is not
14 concluded.

15 (5) A description of the strategic security rami-
16 fications for the United States and our allies if New
17 START is not extended or a follow-on agreement to
18 New START is not concluded.

19 (6) An assessment of how our allies will re-
20 spond if the limitations on the Russian Federation's
21 nuclear arsenal are dissolved because of New
22 START not being extended or a follow-on agreement
23 to New START not being concluded.

24 (7) An assessment of the impact on the United
25 States intelligence community's ability to accurately

1 assess the Russian Federation’s strategic nuclear ar-
2 senal and future nuclear force levels if New START
3 is not extended or if a follow-on agreement to New
4 START is not concluded.

5 (b) SECRETARY OF DEFENSE.—Not later than 180
6 days after the date of the enactment of this Act, the Sec-
7 retary of Defense shall submit a report and provide a
8 briefing to appropriate congressional committees that in-
9 cludes the following elements:

10 (1) An assessment by the Secretary of Defense
11 on the impact on the United States nuclear arsenal
12 and posture if New START is not extended or a fol-
13 low-on agreement is not concluded.

14 (2) A description of the options that the United
15 States has to respond to potential changes in the
16 Russian Federation’s nuclear posture if the limita-
17 tions contained in the New START treaty are re-
18 moved.

19 (3) A description of the adjustments to the De-
20 partment of Defense budget that will be necessary if
21 New START is not extended or a follow-on agree-
22 ment is not concluded.

- 1 (4) A description of the impact on strategic sta-
- 2 bility if New START is not extended or a follow-on
- 3 agreement is not concluded.

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