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2D SESSION

S. 3843

To establish a positive agenda and framework for the future of arms control with the Russian Federation and the People’s Republic of China.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish a positive agenda and framework for the future of arms control with the Russian Federation and the People’s Republic of China.

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 “Future of Arms Con-
5 trol Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term “appropriate congressional com-
10 mittees” means—

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

5 (B) the Committee on Foreign Affairs, the
6 Committee on Armed Services, and the Perma-
7 nent Select Committee on Intelligence of the
8 House of Representatives.

9 (2) NEW START.—The term “New START”
10 means the Treaty between the United States and the
11 Russian Federation on Measures for the Further
12 Reduction and Limitation of Strategic Offensive
13 Arms, signed April 8, 2010, and entered into force
14 February 5, 2011 (commonly known as the “New
15 START Treaty”).

16 **SEC. 3. FINDINGS.**

17 Congress makes the following findings:

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

23 (2) In tandem with its nuclear deterrent, the
24 United States pursued a number of arms control,
25 disarmament, and nonproliferation agreements with

1 the Soviet Union as a means of ensuring strategic
2 stability, providing transparency into the Soviet
3 Union's nuclear forces, reducing United States nu-
4 clear expenditures, and defending the United States,
5 including the Strategic Arms Limitation Treaty and
6 the Strategic Arms Reduction Treaty.

7 (3) After the dissolution of the Soviet Union,
8 the United States continued to pursue arms control
9 with the Russian Federation along with a credible
10 nuclear deterrent as a means of ensuring United
11 States security from nuclear attack.

12 (4) The New START Treaty, ratified with bi-
13 partisan support on December 22, 2010, remains an
14 important tool for limiting and verifying the Russian
15 Federation's strategic nuclear arsenal.

16 (5) The New START Treaty, which expires in
17 February 2021, can be extended until February
18 2026 if both parties agree to such an extension.

19 (6) The United States engages in robust,
20 verifiable arms control because it fundamentally pro-
21 tects United States and allied security interests.

22 (7) On April 17, 2020, Secretary of State Mike
23 Pompeo met with Russian Foreign Minister Sergey
24 Lavrov, and in those talks asserted that any future

1 arms control talks must include the People’s Repub-
2 lic of China.

3 (8) The Government of the People’s Republic of
4 China has signaled that it has no intention of engag-
5 ing in trilateral arms control talks with the United
6 States and the Russian Federation.

7 (9) Since 1964, the People’s Republic of China
8 has been a nuclear weapons state and has developed
9 strategic and tactical systems capable of threatening
10 the United States, United States allies and partners,
11 and United States and alliance assets in the Indo-
12 Pacific region.

13 (10) Today, the People’s Republic of China re-
14 tains a limited but survivable nuclear deterrent with
15 an extensive modernization program which, accord-
16 ing to the Defense Intelligence Agency’s 2019 China
17 Military Power Report, will make its arsenal “more
18 mobile, responsive, and accurate”.

19 (11) It is in the security interests of the United
20 States to engage with the People’s Republic of China
21 on relevant arms control issues, whether in a bilat-
22 eral or multilateral format, through a coherent, co-
23 ordinated strategy.

24 **SEC. 4. STATEMENT OF POLICY.**

25 It is the policy of the United States that—

1 (1) unless the President determines and so in-
2 forms Congress that the Russian Federation is not
3 in material compliance with New START such that
4 the object and purpose of the Treaty is significantly
5 undermined, and that efforts to resolve any such
6 material noncompliance have been undertaken and
7 not resolved such noncompliance, the United States
8 shall extend New START from its initial termi-
9 nation date in February 2021 to February 2026, as
10 permitted under Article XIV of the Treaty;

11 (2) if the President has not extended New
12 START by November 3, 2020, the United States
13 Government should encourage the Government of
14 the Russian Federation not to exceed or prepare to
15 exceed the limitations of the New START Treaty
16 prior to the expiration of the Treaty on February 5,
17 2021, providing an opportunity from January 20,
18 2021, until February 5, 2021, for the United States
19 and the Russian Federation to negotiate an exten-
20 sion to and continued implementation of the treaty;

21 (3) if the President does not extend the New
22 START Treaty by November 3, 2020, no action or
23 activity should be taken by any United States offi-
24 cial, agency, or department that would violate or

1 lead to the violation of the treaty while the treaty re-
2 mains in force;

3 (4) the United States must maintain a credible
4 nuclear deterrent capable of defending the homeland
5 and United States allies covered under extended de-
6 terrence;

7 (5) the United States, in conjunction with New
8 START's extension, should pursue additional arms
9 control frameworks with the Russian Federation
10 that limit the possibility of purposeful or accidental
11 nuclear war and advance United States security, in-
12 cluding—

13 (A) further reductions to the Russian Fed-
14 eration's strategic nuclear arsenal, including the
15 number of its warheads and deployed delivery
16 systems;

17 (B) limitations or elimination of the Rus-
18 sian Federation's tactical and intermediate
19 range systems that directly threaten United
20 States allies and partners in Europe and the
21 Indo-Pacific;

22 (C) control, limitation, or elimination of
23 the Russian Federation's novel nuclear weap-
24 ons, such as hypersonic weapons, undersea nu-
25 clear weapons, or other delivery systems;

1 (D) transparency and confidence-building
2 measures to avoid, manage, or control nuclear,
3 conventional, and unconventional military esca-
4 lation between the United States and the Rus-
5 sian Federation;

6 (E) areas of potential dialogue between the
7 governments of the United States and the Rus-
8 sian Federation on space, cyberspace, and con-
9 ventional forces, as well as other strategic do-
10 mains, which could reduce the likelihood of war,
11 limit escalation if a conflict were to occur, and
12 constrain a destabilizing arms race; and

13 (F) rigorous inspection and monitoring
14 mechanisms to verify compliance with any fu-
15 ture arms control framework; and

16 (6) the United States Government should for-
17 mulate a coherent strategy to engage the Govern-
18 ment of the People's Republic of China on relevant
19 bilateral issues that lays the groundwork for bring-
20 ing the People's Republic of China into an arms con-
21 trol framework, including—

22 (A) fostering bilateral dialogue on arms
23 control leading to the convening of bilateral
24 strategic stability talks;

25 (B) negotiating norms for outer space;

1 (C) developing pre-launch notification re-
2 gimes aimed at reducing nuclear miscalculation;
3 and

4 (D) expanding lines of communication be-
5 tween both governments for the purposes of re-
6 ducing the risks of conventional war and in-
7 creasing transparency.

8 **SEC. 5. RESTRICTION ON NUCLEAR WEAPONS POLICY.**

9 (a) IN GENERAL.—If the President does not extend
10 the New START Treaty by November 3, 2020, no action
11 or activity may be taken by any United States official,
12 agency, or department that would violate or lead to the
13 violation of the treaty until March 1, 2021.

14 (b) WAIVER.—

15 (1) IN GENERAL.—The President may waive
16 the restriction in subsection (a) 15 days after certi-
17 fying to the appropriate congressional committees
18 that the Government of the Russian Federation has
19 materially violated the New START Treaty such
20 that the security of the United States has been
21 gravely threatened. The certification shall include
22 the reasons for making such determination. The cer-
23 tification shall be unclassified to the maximum ex-
24 tent possible, but may include a classified annex.

25 (2) EFFECTIVENESS.—

1 (A) IN GENERAL.—A waiver under sub-
2 section (a) shall take effect if, at the end of 15
3 days after the President makes the certification
4 described under such subsection, Congress has
5 not enacted a joint resolution of disapproval.

6 (B) CONSIDERATION OF JOINT RESOLU-
7 TION OF DISAPPROVAL.—A joint resolution in-
8 troduced pursuant to subparagraph (A) shall be
9 considered in the Senate in accordance with the
10 provisions of section 601(b) of the International
11 Security Assistance and Arms Export Control
12 Act of 1976 (Public Law 94–329; 90 Stat.
13 765).

14 **SEC. 6. REPORTS.**

15 (a) IMPLEMENTATION OF UNITED STATES POL-
16 ICY.—Not later than 90 days after the date of the enact-
17 ment of this Act, the Secretary of State, in coordination
18 with the Secretary of Defense, shall submit to the appro-
19 priate congressional committees a report, and a separate
20 classified annex, detailing the United States Government’s
21 plans for implementing the policy of the United States
22 stated in section 4 with respect to the Russian Federation.

23 (b) ARMS CONTROL TALKS WITH THE RUSSIAN
24 FEDERATION AND THE PEOPLE’S REPUBLIC OF CHINA.—
25 Not later than 180 days after the date of the enactment

1 of this Act, the Secretary of State, in consultation with
2 the Secretary of Defense, shall submit to the appropriate
3 congressional committees a report that describes—

4 (1) a concrete plan for arms control talks that
5 includes both the People’s Republic of China and the
6 Russian Federation;

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

11 (3) efforts at engaging the People’s Republic of
12 China to join arms control talks, whether on a bilat-
13 eral or multilateral basis; and

14 (4) the interest level of the Government of the
15 People’s Republic of China in joining arms control
16 talks, whether on a bilateral or multilateral basis.

17 (c) EXTENSION OF NEW START.—Not later than 90
18 days after the date of the enactment of this Act, the Sec-
19 retary of State, in coordination with the Secretary of De-
20 fense and the Director of National Intelligence, shall sub-
21 mit to the appropriate congressional committees a report,
22 and a separate classified annex, that includes the following
23 elements:

24 (1) The strategy behind the decision to extend
25 or not extend New START.

1 (2) If New START is set to expire, an assess-
2 ment whether such an expiration is in the national
3 security interests of the United States, including the
4 specific reasons for such conclusion.

5 (3) An examination of the effects of the expira-
6 tion of New START on—

7 (A) strategic stability with the Russian
8 Federation;

9 (B) the United States nuclear budget;

10 (C) spending on United States conven-
11 tional forces as a result of increased nuclear
12 spending; and

13 (D) international nuclear nonproliferation
14 efforts.

15 (4) An assessment of how the Government of
16 the Russian Federation will modify its nuclear forces
17 in an unconstrained environment and how the
18 United States Government will respond if the Gov-
19 ernment of the Russian Federation expands its arse-
20 nal.

21 (5) An assessment of how the United States
22 Government will need to alter intelligence capabili-
23 ties and spending to regain, if possible, the knowl-
24 edge of the Russian Federation's arsenal that is cur-

- 1 rently provided by the inspection and verification
- 2 mechanisms inherent to New START.

