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S. 1674

To provide for better security and accountability with respect to the strategic and non-strategic nuclear arsenals of the Russian Federation and the People’s Republic of China, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18, 2023

Mr. COTTON (for himself, Mr. RISCH, Mr. RUBIO, Mr. CRAMER, Mr. SCOTT of Florida, Mr. BARRASSO, Mr. BUDD, Mr. RICKETTS, Mr. HAGERTY, Mr. ROUNDS, and Mr. CRUZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide for better security and accountability with respect to the strategic and non-strategic nuclear arsenals of the Russian Federation and the People’s Republic of China, 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 “No START Treaty
5 Act”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) The United States and the Russian Federa-
2 tion signed the New START Treaty in April 2010,
3 and the treaty entered into force in February 2011.

4 (2) The central limits of the New START Trea-
5 ty prohibit the United States and the Russian Fed-
6 eration from possessing any more than 700 deployed
7 strategic nuclear launchers, 800 deployed and non-
8 deployed strategic nuclear launchers, and 1,550 nu-
9 clear warheads attributed to those deployed launch-
10 ers.

11 (3) The New START Treaty includes an in-
12 spection and verification regime that includes 18 on-
13 site inspections per year, data exchanges and notifi-
14 cations, and a Bilateral Consultative Commission as
15 a compliance and implementation convening body.

16 (4) The New START Treaty allows each party
17 the right to withdraw if it decides that extraordinary
18 events related to the subject matter of the treaty
19 jeopardize its supreme interests.

20 (5) The New START Treaty placed no con-
21 straints on Russia's estimated 2,000 non-strategic
22 nuclear weapons, which can be delivered by a variety
23 of ground-based, air-based, and sea-based platforms.
24 In contrast, the United States possesses only a small

1 inventory of aircraft-deliverable non-strategic nuclear
2 gravity bombs.

3 (6) The New START Treaty did not constrain
4 the arsenal of the People's Republic of China, which
5 is now engaged in a strategic breakout of its nuclear
6 forces. The Department of Defense estimates that
7 China will have about 1,000 operational nuclear
8 warheads by 2030 and about 1,500 warheads by
9 2035 if it continues at its current pace.

10 (7) The Department of Defense acknowledged
11 in its 2022 Report on Military and Security Devel-
12 opments Involving the People's Republic of China
13 that China took only two years to double its nuclear
14 arsenal, far sooner than the Department's 2020 esti-
15 mate that it would take China until 2030 to double
16 its nuclear arsenal.

17 (8) Even when the Russian Federation was
18 found compliant with the New START Treaty, it de-
19 veloped multiple strategic nuclear-armed systems
20 that circumvented the spirit and intent of the treaty,
21 such as a nuclear-powered cruise missile and nu-
22 clear-powered torpedo.

23 (9) In March 2020, the United States and the
24 Russian Federation mutually agreed to suspend New

1 START Treaty inspections due to the COVID-19
2 pandemic.

3 (10) On February 3, 2021, Secretary of State
4 Antony Blinken announced the unconditional exten-
5 sion of the New START Treaty for an additional
6 five years, until February 5, 2026, the maximum ex-
7 tension allowed by the treaty.

8 (11) The Russian Federation refused United
9 States requests in August 2022 to resume New
10 START inspections and refused to engage in the Bi-
11 lateral Consultative Commission with the United
12 States in November 2022 to work towards resuming
13 inspections.

14 (12) Given Russia's refusal to resume manda-
15 tory inspections and refusal to participate in the Bi-
16 lateral Consultative Commission as required by the
17 treaty, the Department of State declared in January
18 2023 that Russia was noncompliant with the New
19 START Treaty.

20 (13) In February 2023, President of the Rus-
21 sian Federation Vladimir Putin announced that Rus-
22 sia would "suspend" its participation in the New
23 START Treaty. The New START Treaty has no
24 provision for suspension. Russia shortly thereafter

1 ceased providing to the United States the data on its
2 nuclear arsenal that is required under the treaty.

3 (14) The United States remains in compliance
4 with the central limits of the New START Treaty
5 and attempted in good faith to resume mutual in-
6 spections under the treaty.

7 (15) The United States has not deployed a new
8 nuclear-capable delivery system in over 30 years,
9 while the Russian Federation has in that same time
10 deployed over a dozen new nuclear-capable delivery
11 systems. Russia also has active nuclear production
12 facilities that enable it to produce large numbers of
13 new warheads.

14 (16) The United States nuclear modernization
15 program of record does not expand the United
16 States nuclear arsenal from current levels, while the
17 People's Republic of China is growing its nuclear ar-
18 senal as part of what former Commander of the
19 United States Strategic Command, Admiral Richard,
20 has labeled "breathtaking". China's deployed forces
21 will achieve effective parity with the United States
22 arsenal deployed under the New START Treaty by
23 2035, if not sooner.

24 (17) In its resolution of advice and consent to
25 ratification of the New START Treaty in 2010, the

1 Senate stated that “if, during the time the New
2 START Treaty remains in force, the President de-
3 termines that there has been an expansion of the
4 strategic arsenal of any country not party to the
5 New START Treaty so as to jeopardize the supreme
6 interests of the United States, then the President
7 should consult on an urgent basis with the Senate
8 to determine whether adherence to the New START
9 Treaty remains in the national interest of the
10 United States”. To date, the President has taken no
11 action to consult with the Senate on this issue, even
12 though China’s actions clearly meet this standard.

13 (18) For deterrence to be effective, United
14 States Strategic Command needs to be confident it
15 can hold at risk what an adversary values most, in-
16 cluding its nuclear forces. Therefore, the expansion
17 of the nuclear arsenals of the Russian Federation
18 and the People’s Republic of China directly impact
19 United States deterrence requirements.

20 **SEC. 3. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) arms control is not an end in and of itself,
23 and is only useful if it strengthens the security of
24 the United States and its allies;

1 (2) the extension of the New START Treaty in
2 2021 with no conditions attached and no attempts
3 to resolve the numerous shortcomings of the original
4 treaty harmed United States national security and
5 emboldened America’s adversaries;

6 (3) the Russian Federation is in material
7 breach of its commitments under the New START
8 Treaty, and Russia’s “suspension” of the treaty rep-
9 resents a de facto withdrawal from the treaty;

10 (4) Russia’s de facto withdrawal from the New
11 START Treaty removes the treaty’s value to the na-
12 tional security interest of the United States and its
13 allies of limiting strategic nuclear weapons, as the
14 United States is now unable to confirm Russia is ad-
15 hering to the central limits of the treaty;

16 (5) China’s nuclear buildup meets the Senate
17 criterion of an expansion of the strategic arsenal of
18 a country not party to the New START Treaty that
19 jeopardizes the supreme interests of the United
20 States;

21 (6) Due to Russia’s de facto withdrawal from
22 the New START Treaty and China’s nuclear expan-
23 sion, the New START Treaty is no longer in the
24 United States national interest and the United
25 States should withdraw;

1 (7) after the New START Treaty expires or be-
2 comes defunct, any new arms control agreement or
3 treaty that sets numerical limits on nuclear arsenals
4 should limit the Russian Federation’s nuclear arse-
5 nal—strategic and non-strategic—and should also
6 restrict the nuclear arsenal of the People’s Republic
7 of China without allowing China to increase its arse-
8 nal to reach treaty limits;

9 (8) the United States should not divest itself of,
10 or slow or halt the development or procurement of,
11 any nuclear-capable strategic or non-strategic deliv-
12 ery systems unless a new nuclear arms control treaty
13 is ratified that similarly constrains the nuclear arse-
14 nals of both the Russian Federation and the Peo-
15 ple’s Republic of China; and

16 (9) the United States should strengthen its nu-
17 clear forces, to include growing the size of its nu-
18 clear arsenal, strengthening its force posture, and
19 acquiring additional capabilities, to account for the
20 growth in deterrence requirements caused by the ex-
21 pansion of the nuclear arsenals of the People’s Re-
22 public of China and the Russian Federation since
23 the New START Treaty was signed, as well as to
24 hedge against a Russian breakout from New START
25 Treaty limits.

1 **SEC. 4. ASSESSMENT AND IMPLEMENTATION PLAN FOR NU-**
2 **CLEAR FORCE STRUCTURE IMPROVEMENTS**
3 **REQUIRED.**

4 (a) **IN GENERAL.**—Not later than 90 days after the
5 date of the enactment of this Act, the Secretary of De-
6 fense, in coordination with the Secretary of State, shall
7 submit to the appropriate congressional committees a re-
8 port on United States nuclear deterrence.

9 (b) **ELEMENTS.**—The report required under sub-
10 section (a) shall include the following elements:

11 (1) An assessment of the adequacy of the cur-
12 rent and planned nuclear arsenal of the United
13 States for purposes of facing its adversaries, with a
14 focus on the new dynamics associated with facing
15 two major nuclear powers simultaneously in both
16 peacetime and in conflict. The assessment shall de-
17 scribe—

18 (A) the sufficiency of the size and struc-
19 ture of the current and planned arsenal to
20 maintain deterrence with respect to two nu-
21 clear-peers without reduced levels of risk or re-
22 dundancy;

23 (B) the sufficiency of the size and struc-
24 ture of the current and planned arsenal to
25 maintain deterrence of two nuclear-peers with-
26 out reduced levels of risk or redundancy should

1 the Russian Federation grow its nuclear forces
2 beyond the levels allowed under the central lim-
3 its of the New START Treaty and should the
4 People’s Republic of China continue to grow its
5 nuclear forces after reaching parity with the
6 currently deployed United States nuclear arse-
7 nal under the New START Treaty;

8 (C) the impact of emerging technology,
9 such as nuclear-armed hypersonic weapons and
10 fractional orbital bombardment systems, on
11 United States nuclear posture and planning;
12 and

13 (D) the current and planned sufficiency of
14 nuclear command, control, and communications
15 capabilities in crisis or conflict scenarios.

16 (2) A proposed implementation plan to address
17 any deficiencies found in the assessment described in
18 paragraph (1). The plan shall include—

19 (A) needed changes to the planned nuclear
20 force structure and force posture based on any
21 gaps in deterrence and assurance capabilities;

22 (B) a proposal and timeline to improve the
23 survivability of the strategic bomber force;

1 (C) a proposal and timeline detailing the
2 steps necessary to return a portion of the stra-
3 tegic bomber force to heightened alert status;

4 (D) a proposal and timeline detailing the
5 steps necessary to reduce the time necessary to
6 upload nuclear weapons to the bomber force;

7 (E) a proposal and timeline detailing the
8 steps necessary—

9 (i) to upload additional warheads to
10 the Minuteman III ICBM fleet to its full
11 capacity; and

12 (ii) to deploy Sentinel missiles as they
13 come online with the maximum number of
14 warheads that can be deployed on each
15 missile; and

16 (F) a proposal and timeline detailing the
17 steps necessary to restore submarine-launched
18 ballistic missile tubes on Ohio-class submarines
19 that were rendered inoperable to comply with
20 the terms of the New START Treaty.

21 (3) The national security implications of—

22 (A) any unilateral reductions of the United
23 States nuclear arsenal without corresponding
24 reductions in Russia and China's nuclear arse-
25 nal; and

1 (B) any unilateral reductions in the United
2 States' national and theater missile defense
3 without corresponding reductions in Russia and
4 China's missile defense.

5 **SEC. 5. REQUIREMENTS FOR FUTURE NUCLEAR ARMS**
6 **AGREEMENTS.**

7 (a) REQUIREMENTS.—The President and any rep-
8 resentative of the President shall not negotiate, sign, or
9 otherwise agree to any treaty with the Russian Federation
10 pertaining to nuclear weapons where the number of nu-
11 clear warheads or nuclear-capable delivery systems pos-
12 sessed by the Russian Federation would be numerically
13 equal in size to, or greater than, the nuclear arsenal of
14 the United States, unless such treaty or agreement—

15 (1) also restricts the size of the nuclear arsenal
16 of the People's Republic of China without allowing
17 China to build up to treaty limits;

18 (2) includes an inspection regime and other
19 verification measures to ensure with high confidence
20 that the Russian Federation and the People's Re-
21 public of China are compliant with the terms of the
22 treaty or agreement;

23 (3) includes an inspection regime of the rel-
24 evant nuclear facilities of the People's Republic of
25 China that is comparable to the treaty's or agree-

1 ment's inspection regime of the relevant nuclear fa-
2 cilities of the Russian Federation;

3 (4) includes current and future Russian stra-
4 tegic nuclear systems of a strategic character that
5 are not currently limited by the New START Trea-
6 ty, including—

7 (A) non-ballistic missiles of interconti-
8 nental ranges;

9 (B) underwater unmanned systems of
10 intercontinental ranges; and

11 (C) hypersonic glide vehicles that can be
12 delivered by systems of intercontinental ranges;
13 and

14 (5) includes current and future non-strategic
15 nuclear weapons and delivery systems.

16 (b) PROHIBITION ON UNILATERAL REDUCTIONS.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the President shall not reduce the size of
19 the United States nuclear arsenal without a nuclear
20 arms treaty approved with the advice and consent of
21 the Senate, pursuant to article II, section 2, clause
22 2 of the Constitution of the United States that satis-
23 fies the requirements described in subsection (a).

24 (2) EXCEPTION.—The prohibition in paragraph
25 (1) does not apply to the following activities:

1 (A) The maintenance or sustainment of
2 United States nuclear systems.

3 (B) Ensuring the safety, security, or reli-
4 ability of United States nuclear systems.

5 (C) Facilitating the transition of existing
6 legacy systems to modern delivery systems.

7 (c) PROHIBITION ON BARGAINING WITH MISSILE
8 DEFENSE.—The President shall not negotiate, sign, or
9 otherwise agree to any agreement or treaty with the Rus-
10 sian Federation or the People’s Republic of China that
11 would limit or reduce the United States national or theater
12 missile defenses unless the United States has already rati-
13 fied a treaty that satisfies the requirements described in
14 subsection (a).

15 (d) WITHHOLDING OF FUNDS.—Beginning on the
16 date that is one year after the date of the enactment of
17 this Act, no funds shall be expended to implement the New
18 START Treaty, any successor agreement to the New
19 START Treaty, or any other new or newly amended nu-
20 clear arms control treaty or agreement with the Russian
21 Federation that limits the numbers of nuclear warheads
22 or nuclear-capable delivery systems possessed by the
23 United States unless—

24 (1) such treaties or agreements satisfy the re-
25 quirements described in subsection (a); or

1 (2) a different treaty or agreement is already in
2 effect that satisfies the requirements described in
3 subsection (a).

4 (e) WAIVER.—The President may waive the prohibi-
5 tion in subsection (d) with respect to a particular new or
6 newly amended agreement or treaty if—

7 (1) two-thirds of the Senate first agrees to a
8 joint resolution of approval in support of the new or
9 newly amended agreement or treaty; and

10 (2) the President certifies to the appropriate
11 congressional committees that the agreement or
12 treaty is in the national security interests of the
13 United States and does not harm the deterrent ca-
14 pability of the United States.

15 **SEC. 6. DEFINITIONS.**

16 In this Act:

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

20 (A) the Committee on Armed Services, the
21 Committee on Foreign Relations, and the Com-
22 mittee on Appropriations of the Senate; and

23 (B) the Committee on Armed Services, the
24 Committee on Foreign Affairs, and the Com-

1 committee on Appropriations of the House of Rep-
2 resentatives.

3 (2) NEW START TREATY.—the term “New
4 START Treaty” means the Treaty between the
5 United States of America and the Russian Federa-
6 tion on Measures for the Further Reduction and
7 Limitation of Strategic Offensive Arms, signed April
8 8, 2010, and entered into force February 5, 2011.

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