

AMENDMENT TO H.R. 1960  
OFFERED BY M. Rogers

At the appropriate place in title X, insert the following new section:

1 SEC. 10. STATEMENT OF POLICY ON IMPLEMENTATION  
2 OF ANY AGREEMENT FOR FURTHER ARMS  
3 REDUCTION BELOW THE LEVELS OF THE  
4 NEW START TREATY; LIMITATION ON RETIRE-  
5 MENT OR DISMANTLEMENT OF STRATEGIC  
6 DELIVERY SYSTEMS.

7 (a) FINDING; STATEMENT OF POLICY.—

8 (1) FINDING.—Congress finds that it was the  
9 Declaration of the United States Senate in its Reso-  
10 lution of Advice and Consent to the New START  
11 Treaty that “[t]he Senate declares that further arms  
12 reduction agreements obligating the United States to  
13 reduce or limit the Armed Forces or armaments of  
14 the United States in any militarily significant man-  
15 ner may be made only pursuant to the treaty-mak-  
16 ing power of the President as set forth in Article II,  
17 section 2, clause 2 of the Constitution of the United  
18 States”.

1           (2) STATEMENT OF POLICY.—Congress reaffirms the Declaration described in paragraph (1) and states that any agreement for further arms reduction below the levels of the New START Treaty, including those that may seek to use the Treaty’s verification regime, may only be made pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States or by Act of Congress, as set forth in the Arms Control and Disarmament Act (22 U.S.C. 2551 et seq.).

12           (b) LIMITATION.—

13           (1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2014 or any fiscal year thereafter for the Department of Defense may be obligated or expended to retire, dismantle, or deactivate, or prepare to retire, dismantle, or deactivate, any covered strategic delivery vehicle if such action reduces the number of covered strategic delivery vehicles to less than the 800 required to implement the New START Treaty.

23           (2) WAIVER.—In accordance with subsection (c), the President may waive the limitation under paragraph (1) with respect to a fiscal year if the

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1 President submits to the appropriate congressional  
2 committees written notification that—

3 (A) the Senate has given its advice and  
4 consent to ratification of a nuclear arms reduc-  
5 tion treaty with the Russian Federation that re-  
6 quires Russia to significantly and proportionally  
7 reduce its number of nonstrategic nuclear war-  
8 heads, or an international agreement for such  
9 purpose is entered into pursuant to an Act of  
10 Congress as set forth in the Arms Control and  
11 Disarmament Act (22 U.S.C. 2551 et seq.);

12 (B) such treaty or agreement has entered  
13 into force; and

14 (C) such waiver is required during such  
15 fiscal year to implement such treaty or agree-  
16 ment.

17 (c) ADDITIONAL LIMITATIONS.—

18 (1) CERTAIN COMPLIANCE OF NUCLEAR ARMS  
19 CONTROL AGREEMENTS.—If the President makes a  
20 waiver under subsection (b)(2), none of the funds  
21 authorized to be appropriated by this Act or other-  
22 wise made available for fiscal year 2014 or any fiscal  
23 year thereafter for the Department of Defense may  
24 be obligated or expended to retire, dismantle, or de-  
25 activate, or prepare to retire, dismantle, or deacti-

1 vate, any covered strategic delivery vehicle until 30  
2 days elapses following the date on which the Presi-  
3 dent submits to the appropriate congressional com-  
4 mittees and the congressional intelligence commit-  
5 tees written certification that the Russian Federa-  
6 tion is in compliance with its nuclear arms control  
7 agreements and obligations with the United States.

8 (2) CERTAIN INTELLIGENCE.—If the President  
9 makes a waiver under subsection (b)(2), none of the  
10 funds authorized to be appropriated by this Act or  
11 otherwise made available for fiscal year 2014 or any  
12 fiscal year thereafter for the Department of Defense  
13 may be obligated or expended to retire, dismantle, or  
14 deactivate, or prepare to retire, dismantle, or deacti-  
15 vate, any covered strategic delivery vehicle in accord-  
16 ance with a treaty or international agreement en-  
17 tered into pursuant to an Act of Congress requiring  
18 such actions unless the President submits to the ap-  
19 propriate congressional committees and the congress-  
20 sional intelligence committees written certification  
21 that the intelligence community has high confidence  
22 judgments with respect to—

23 (A) the nuclear weapons production capac-  
24 ity of the People's Republic of China;

1 (B) the nature, number, location, and  
2 targetability of the nuclear weapons and stra-  
3 tegic delivery systems of China; and

4 (C) the nuclear doctrine of China.

5 (d) EXCEPTION.—The limitations in subsection (b)  
6 and (c) shall not apply to reductions made to ensure the  
7 safety, security, reliability, and credibility of the nuclear  
8 weapons stockpile and strategic delivery systems of the  
9 United States, including activities related to surveillance,  
10 assessment, certification, testing, and maintenance of nu-  
11 clear warheads and strategic delivery system.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “appropriate congressional com-  
14 mittees” means the following:

15 (A) The congressional defense committees.

16 (B) The Committee on Foreign Affairs of  
17 the House of Representatives and the Com-  
18 mittee on Foreign Relations of the Senate.

19 (2) The term “congressional intelligence com-  
20 mittees” means the following:

21 (A) The Permanent Select Committee on  
22 Intelligence of the House of Representatives.

23 (B) The Select Committee on Intelligence  
24 of the Senate.

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1 (3) The term “covered strategic delivery vehi-  
2 cle” means the following:

3 (A) B-52H bomber aircraft.

4 (B) B-2 Spirit bomber aircraft.

5 (C) Trident ballistic missile submarines.

6 (D) Trident II D5 submarine launched  
7 ballistic missiles.

8 (E) Minuteman III intercontinental bal-  
9 listic missiles.

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

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