



**Report to Congress on  
Implementation of the New START Treaty**

**Pursuant to paragraph (a)(10) of the Senate's Resolution of Advice and Consent  
to Ratification of the New START Treaty (Treaty Doc. 111-5)**

**NEW START TREATY ANNUAL IMPLEMENTATION REPORT**

## Introduction

This report is transmitted in response to Condition (a)(10) of the Senate's December 22, 2010, Resolution of Advice and Consent to Ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (the "New START Treaty"). The New START Treaty was signed in Prague on April 8, 2010, and entered into force on February 5, 2011, upon exchange of the instruments of ratification.

Condition (a)(10) of the Resolution of Advice and Consent to Ratification of the New START Treaty calls for the President to submit a report to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year, beginning with January 31, 2012, providing:

- A. details on each Party's reductions in strategic offensive arms between the date the New START Treaty entered into force and December 31, 2011, or, in subsequent reports, during the previous year;
- B. a certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation;
- C. a certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or -

- (i) a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and
  - (ii) a comprehensive explanation of the steps the United States has taken with respect to each such case;
- D. an assessment of the operation of the New START Treaty's transparency mechanisms, including -
  - (i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and
  - (ii) the extent and usefulness of exchanges of telemetric information; and
- E. an assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

On November 2, 2011, the President delegated authority to submit the Condition (a)(10) Report to the Secretary of State. On December 14, 2011, the Secretary of State delegated this authority to the Under Secretary of State for Arms Control and International Security. This Report is divided into sections covering each of the items listed in Condition (a)(10).

**A. Details on each Party's reductions in strategic offensive arms subject to the New START Treaty between January 1, 2022, and December 31, 2022.**

Below are each Party's aggregate numbers of strategic offensive arms as of September 1, 2022, as drawn from the exchange of data by the Parties.

### **NEW START TREATY**

#### **AGGREGATE NUMBERS OF STRATEGIC OFFENSIVE ARMS**

<b>Category of Data</b>	<b>United States of America</b>	<b>Russian Federation</b>
Deployed Intercontinental Ballistic Missiles (ICBMs), Deployed Submarine-Launched Ballistic Missiles (SLBMs), and Deployed Heavy Bombers	659	540
Warheads on Deployed ICBMs, on Deployed SLBMs, and Nuclear Warheads Counted for Deployed Heavy Bombers	1,420	1,549
Deployed and Non-deployed Launchers of ICBMs, Deployed and Non-deployed Launchers of SLBMs, and Deployed and Non-deployed Heavy Bombers	800	759

The New START Treaty obligates the Parties to reduce and limit their forces so that seven years after entry into force of the Treaty, that is, by February 5, 2018, and for the remaining duration of the Treaty, each Party's aggregate numbers of strategic offensive arms as counted in accordance with the Treaty do not exceed: 700 for deployed ICBMs, deployed SLBMs,

and deployed heavy bombers; 1,550 for warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers; and 800 for deployed and non-deployed ICBM launchers, deployed and non-deployed SLBM launchers, and deployed and non-deployed heavy bombers.

**B. Certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation.**

Based on the information available as of December 31, 2022, the United States cannot certify the Russian Federation to be in compliance with the terms of the New START Treaty. In refusing to permit the United States to conduct inspection activities on Russian territory, based on an invalid invocation of the “temporary exemption” provision, Russia has failed to comply with its obligation to facilitate U.S. inspection activities, and denied the United States its right to conduct such inspection activities. The Russian Federation has also failed to comply with the obligation to convene a session of the Bilateral Consultative Commission (BCC) within the timeline set out by the Treaty.

The United States also has a concern regarding Russian compliance with the New START Treaty warhead limit. This concern stems from Russia’s noncompliance with its obligation to facilitate inspection activities, coupled with its close proximity to the New START Treaty warhead limit. The continued lack of U.S. inspection activities in Russia poses a threat to the U.S. ability to adequately verify Russian compliance with the treaty limit on

deployed warheads. As a result of Russia's close proximity to the warhead limit in its September 2022 data update and our inability to spot-check the accuracy of Russian warhead declarations, the United States is unable to make a determination that Russia remained in compliance throughout 2022 with its obligation to limit its warheads on deployed delivery vehicles subject to the New START Treaty to 1,550. While this is a serious concern, it is not a determination of noncompliance. Additionally, the United States assesses that Russia did not engage in significant activity above the Treaty limits in 2022. The United States also assesses that Russia was likely under the New START warhead limit at the end of 2022.

While the United States cannot certify that the Russian Federation is in compliance with the terms of the New START Treaty, it does not determine, per Condition (a)(1) of the Senate's Resolution of Advice and Consent to Ratification of the New START Treaty, that Russia's noncompliance specified in this report threatens the national security interests of the United States.

### **Refusal to Permit U.S. Inspection Activities on Russian Territory**

**Noncompliance Finding:** The United States concludes that Russia is not in compliance with its obligation to facilitate inspection activities under paragraph 1 of Section I of Part Five of the Protocol to the Treaty, and is denying the United States its Article XI right to conduct such inspection activities, because Russia has refused to permit such activities at any facilities on its territory in reliance on an invalid invocation of paragraph 5 of Section I of Part Five of the Protocol to the Treaty.

Paragraph 5 of Section I of Part Five of the Protocol to the Treaty provides a limited right to temporarily exempt appropriate facilities from inspection activities in exceptional cases for purposes not inconsistent with the Treaty. In August 2022, Russia invoked the provision to purportedly exempt all of its treaty facilities from inspection activities and refused a duly notified U.S. inspection on this basis. Russia's purported exemption of all of its treaty facilities from inspection activities remained in place as of the end of 2022. Russia's use of the provision here is incompatible with its intended meaning and use. This issue is discussed in more detail below.

The United States also concludes that Russia's resumption of facilitating U.S. inspection activities, in accordance with the terms of the Treaty, would bring Russia back into compliance with these provisions and remedy the noncompliance.

**Background:** Paragraph 1 of Article XI of the Treaty states

For the purpose of confirming the accuracy of declared data on strategic offensive arms subject to this Treaty and ensuring verification of compliance with the provisions of this Treaty, each party shall have the right to conduct inspection activities in accordance with this Article and Part Five of the Protocol to this Treaty.

Paragraph 1 of Section I of Part Five of the Protocol to the Treaty states that:

For the purpose of helping to ensure verification of compliance with the provisions of the Treaty, each Party shall facilitate the conduct of inspection activities by the other Party in accordance with the provisions of this Part.

Beginning in March 2020, the United States and the Russian Federation coordinated a mutual and voluntary pause of inspection activities under the New START Treaty due to the COVID-19 pandemic. In June 2021, the United States initiated correspondence in an attempt to reach a mutual understanding on the resumption of inspection activities. Since that time and despite two in-person bilateral meetings, numerous calls, and an extensive exchange of papers, Russia has only increased the number of its ostensible COVID-19 requirements and additional preconditions it claimed to require before assenting to the resumption of inspection activities.

In June 2022, the United States, judging that the remaining issues related to the resumption of inspection activities were manageable under the terms of the Treaty, chose not to continue the mutual pause. The Russian side took no action to propose extending the pause in inspection activities before it lapsed. On August 8, 2022, the United States transmitted to Russia a treaty notification of intent to conduct an inspection. On August 9, 2022, Russia responded by “temporarily exempting” from inspection activities all of its facilities that are subject to New START Treaty inspection activities, citing paragraph 5 of Section I of Part Five of the Protocol to the Treaty, which states:



In exceptional cases, and for purposes not inconsistent with the Treaty, the inspected Party may temporarily exempt from inspection activities appropriate facilities subject to Type One or Type Two inspections and appropriate facilities at which exhibitions are to be conducted.

The Russian Ministry of Foreign Affairs (MFA) issued a public statement regarding Russia's rationale for invoking this Treaty provision and provided a diplomatic note to the United States elaborating on the reasons for its actions. The Russian MFA publicly stated, "Russia was forced to resort to this measure as a result of Washington's persistent desire to implicitly achieve a restart of inspection activities on conditions that do not take into account existing realities, create unilateral advantages for the United States and effectively deprive the Russian Federation of the right to carry out inspections on American soil." While Russia cited "incomplete" work between the United States and Russia regarding protocol for COVID-19 precautions during New START inspection activities, its rationale for invoking paragraph 5 of Section I of Part Five of the Protocol to the Treaty centered on Russian grievances regarding U.S. and other countries' measures imposed on Russia in response to its unprovoked, full-scale invasion of Ukraine.

The United States subsequently informed Russia that it would not conduct the notified inspection activity and expressed concern about Russia's invocation of the "temporary exemption" provision. As of December 31, 2022, Russia had not rescinded its purported "exemption" of all of its treaty facilities from inspection activities. The United States sought to discuss its

concerns about Russia's "temporary exemption" at a session of the BCC scheduled for November 29, which Russia unilaterally postponed four days before the session's scheduled start date. Russia subsequently refused to reschedule.

**Compliance Analysis:** The "temporary exemption" provision was intended to apply when specific conditions at a specific facility or facilities make it difficult for the inspected party to host an inspection at that facility or facilities for a finite period of time tied to those specific conditions at each specific facility. Notably, the article-by-article analysis that the U.S. Executive Branch submitted to the Senate together with the New START Treaty states (emphasis added):

The Parties agreed that this provision was necessary **in order to preclude inspections at facilities that were involved in contingency operations important to the national security interests of the Parties unrelated to the U.S.-Russian strategic relationship.** The Parties also agreed that such exemptions should be infrequent and would only be employed for purposes not inconsistent with the Treaty. Examples of such circumstances include, but are not limited to, the involvement of an air base in support of on-going military operations or substantial damage and disruption of a facility due to a natural disaster.

Russia's purported reliance on this provision in the circumstances presented here is not consistent with the provision's intended meaning and use. Russia invoked the provision to refuse U.S. inspection activities at *all*

facilities on Russian territory until the resolution of an alleged, though unsubstantiated, “inequality” between the two countries relating to the U.S. and international response to Russian military aggression against Ukraine. In invoking the “temporary exemption” provision, Russia has not cited any specific conditions at any specific facilities. Instead, Russia has publicly attempted to justify its blanket exemption by citing broader Russian grievances in the bilateral strategic relationship and Russia’s relationship with U.S. allies and partners. Thus, Russia’s current reliance on the provision is not predicated on any particular impediment to permitting inspection activities at specific Russian facilities.

Russia’s explanation of its invocation of the exemption includes several rationales that are inconsistent with the intended use of this Treaty provision.

Russia claims that it cannot exercise its inspection rights and that it therefore must deny U.S. inspection activities to avoid suffering a unilateral disadvantage under the New START Treaty. Russia’s claim of being unable to exercise its inspection rights in the United States is false. The United States has repeatedly informed Russia that the United States is prepared to fulfill its obligation to facilitate Russian inspection activities on U.S. territory. Contrary to Russia’s claim that Russian inspectors cannot travel to the United States to conduct inspections, Russian inspectors can in fact travel to the United States via commercial flights or authorized inspection airplanes. There are no impediments arising from U.S. sanctions that would prevent Russia’s full exercise of its inspection rights under the Treaty. The

United States has been extremely clear with the Russian Federation on this point.

Russia's military and foreign policy grievances, including those related to U.S. support for Ukraine, similarly fail to provide a sound basis for Russia's invocation of the exemption provision. The U.S. article-by-article analysis indicates that the provision's intent was to permit exemption of facilities from inspection activities in order to safeguard national security interests "unrelated to the U.S.-Russian strategic relationship." Russia's desire to respond to broader grievances with the United States over Ukraine by keeping the United States from inspecting Russian facilities is not a "purpose not inconsistent with the Treaty," and runs counter to the intent of the Parties, as described in the article-by-article analysis.

Lastly, Russia also claims that its use of this provision is justified because of unresolved issues "related to the resumption of inspection activities under the New START Treaty in the context of the ongoing COVID-19 pandemic." The unresolved issues Russia references center on differing views about COVID-19 precautions and protocols. This element of Russia's justification also lacks merit. The political commitment to pause inspection activities was a voluntary, time-bound measure and was never contingent upon mutual agreement or acceptance of COVID-19 protocols. Furthermore, there is no basis in paragraph 5 of Section I of Part Five of the Protocol to the Treaty for exempting facilities from inspection activities due to disagreements over protocols for mitigating infectious diseases or responding to medical issues during inspection activities. The exercise of the inspection rights under the New START Treaty is not contingent upon a

new mutual agreement or understanding on COVID-19 issues. The Treaty text as written already provides sufficient protocol and flexibility for contingencies that may arise with respect to COVID-19 during inspection activities.

The provisions in the New START Treaty are legally binding and implementation of COVID-19 protocols during inspection activities must remain consistent with these provisions. Both sides have an obligation to provide medical treatment, as necessary, to the other's personnel during inspection activities. Per paragraph 7(f) of Section II of Part Five of the Protocol to the Treaty, "without prejudice to the privileges and immunities provided for this paragraph, inspectors and aircrew members shall be obliged to respect the laws and regulations of the inspected party." The United States has repeatedly expressed its willingness to adhere to Russia's COVID-19 requirements in a manner consistent with U.S. rights under the New START Treaty. Perhaps most relevant to Russia's unresolved COVID-19 issues, paragraph 5 of Section IX of Part Five of the Protocol establishes rights and obligations for interrupting and canceling inspection activities for reasons of personnel security and equipment safety. The parties designed this provision to provide both sides the flexibility to ensure the safety of all individuals involved in inspection activities without compromising the inspecting party's inspection rights and without placing an undue operational burden on the inspected party. This provision provides the applicable framework for handling the emergence of COVID-19 symptoms and positive COVID-19 tests among personnel on the inspection and escort teams.

The United States sought to establish a mutual and voluntary treaty-consistent understanding with Russia on COVID-19 precautions and protocols in order to increase the prospects for an efficient resumption of inspection activities following the expiration of the political commitment to pause inspection activities. The sides made some progress on these issues, but Russia prevented further progress by unilaterally and abruptly postponing the November 2022 BCC session scheduled to address both sides' priority issues, including the issue of the resumption of inspection activities. Russia's compliance with obligations relating to the BCC is addressed in the following section.

### **Russia's Refusal to Meet in the BCC**

**Noncompliance Finding:** The Russian Federation failed to comply with the obligation under paragraph 2 of Section III of Part Six of the Protocol to the Treaty regarding convening a session of the BCC within the timeline set out by the Treaty.

**Background:** Article XII of the New START Treaty states: "To promote the objectives and implementation of the provisions of this treaty, the Parties hereby establish the Bilateral Consultative Commission, the authority and procedures for the operation of which are set forth in Part Six of the Protocol to this Treaty." Paragraph 2 of Section III of Part Six of the Protocol to the Treaty states: "A session of the BCC shall be convened not later than 45 days after the date proposed in the request provided for in paragraph 1 of this Section."

In the spring of 2022, the United States and Russia mutually agreed to postpone the spring session of the BCC. During the following months, the United States sought to reach an understanding with Russia to convene the BCC at the earliest possible date. In October 2022, Russia proposed convening a BCC in Cairo on November 29, 2022; the United States accepted the proposed date and location.

On November 25, 2022, Russia informed the United States that it was unilaterally postponing the scheduled BCC session for “technical reasons.” In subsequent public statements, Russian officials have explained that the postponement was intended to send a political signal about Russian objections to U.S. military support for Ukraine and as a reaction to purported U.S. unwillingness to discuss Russia’s New START Treaty implementation concerns at the BCC.

**Compliance Analysis:** The United States accepted Russia’s proposed November 29, 2022, start date for BCC-XX. Russia unilaterally postponed the session and, despite U.S. requests, refused to provide alternate dates to convene the session by January 13, 2023, 45 days after the initially proposed start date. Russia’s rationale for this continued postponement was again disagreements in the broader U.S.-Russia relationship. However, there is no provision in the New START Treaty to excuse a failure to convene a BCC session within 45 days of its proposed start date on such a basis. Contrary to Russian public statements, the United States was prepared to engage constructively on all BCC agenda items, including items Russia proposed and prioritized.

## Deployed Warhead Limit

**Compliance Concern:** Because of Russia's noncompliance with its obligation to facilitate inspection activities, the United States has less confidence in the accuracy of Russia's declarations regarding the number of warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers during 2022. In Russia's most recent data update, as of September 1, 2022, it declared 1,549 treaty-accountable warheads. This warhead declaration is only one under 1,550 and is closer to the limit than any of Russia's previous declarations since the New START warhead limit took effect on February 5, 2018. As a result of Russia's close proximity to the warhead limit and our inability to spot-check the accuracy of Russian warhead declarations, the United States is unable to make a determination that Russia remained in compliance throughout 2022 with its obligation to limit its deployed warheads on delivery vehicles subject to the New START Treaty to 1,550. While this is a serious concern, it is not a determination of noncompliance. Additionally, the United States assesses that Russia did not engage in significant activity above the Treaty limits in 2022. The United States also assesses that Russia was likely under the New START warhead limit at the end of 2022.

**Background:** Article II(b) of the New START Treaty limits the warheads on deployed ICBMs, warheads on deployed SLBMs, and nuclear warheads counted for deployed heavy bombers to 1,550. The New START Treaty obligates the United States and Russia to declare and count toward the numerical limit warheads on deployed ICBMs and SLBMs (and each deployed heavy bomber subject to the Treaty counts as one warhead



toward the 1,550 limit). For ICBMs and SLBMs, the number of warheads is the number of reentry vehicles emplaced on deployed ICBMs and on deployed SLBMs.

The New START Treaty verification regime includes several measures to strengthen each side's ability to assess the other's compliance with the deployed warhead limit. Twice a year in data updates, each side must declare the number of total deployed warheads that count toward the 1,550 limit, the number of warheads on deployed delivery vehicles at each ICBM base and submarine base subject to inspection, the total number of warheads on deployed ICBMs, and the total number of warheads on deployed SLBMs. As part of a Type One inspection, the inspected party must declare the number of reentry vehicles on each deployed ICBM and deployed SLBM present at the ICBM base or submarine base subject to the inspection. The inspecting party then selects one missile at the inspected base and visually confirms the actual number of reentry vehicles declared on it.

Conducting ten such visual spot checks year after year under the New START Treaty has increased U.S. confidence in its assessments of the accuracy of Russian warhead data declarations. Russia has not known in advance which bases and which specific missiles the United States would select during its ten Type One inspections per year. Additionally, the potential risk of U.S. detection of Russian inaccurate declarations during Type One inspections may have helped deter Russia from issuing false warhead declarations due to the risk of being caught during a spot check.

In 2022, the United States did not conduct any New START Treaty inspection activities, despite attempting to do so in August 2022, at which time Russia purported to exempt all its facilities from inspection activities.

**Compliance Analysis:** Russia's close proximity to the limit in 2022, coupled with the continued lack of onsite inspection activities, constitutes a serious compliance concern. Because of Russia's close proximity to the warhead limit, Type One inspections would have been uniquely valuable for verifying Russian compliance with its Article II(b) obligation in 2022. Had Russia permitted the resumption of inspection activities in August 2022, the United States would have had the opportunity to conduct up to 10 Type One inspections to confirm the accuracy of Russian warhead data declarations on missiles designated for inspection. If the number of reentry vehicles on the inspected missiles matched the number Russia declared for those missiles, U.S. confidence in the accuracy of Russian warhead declarations would have increased.

### **Other Implementation Concerns**

Certain other technical concerns and implementation-related issues remain under discussion with the Russian Federation through diplomatic channels and in the context of the BCC; however, those discussions did not occur in 2022 as a result of Russia's refusal to convene a session of the BCC.

The New START Treaty established the BCC to promote the objectives and implementation of the provisions of the Treaty. This forum for resolving questions relating to implementation and compliance consists of members from both the United States and Russian Federation.

Concerns that remain unresolved and under discussion are described in the classified version of this report for 2021.

**C. Certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or –**

**(i) a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and**

**(ii) a comprehensive explanation of the steps the United States has taken with respect to each such case.**

During the course of this reporting period (January 1, 2022, through December 31, 2022), no conversion or elimination procedures have been adopted pursuant to Article VI of the Treaty and Part Three of the Protocol.

**D. An assessment of the operation of the New START Treaty's transparency mechanisms, including –**

**(i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and**

**(ii) the extent and usefulness of exchanges of telemetric information.**

The New START Treaty provides for the exchange of telemetric information on an equal number of U.S. and Russian launches of ICBMs and SLBMs, but no more than five per calendar year. The provisions of the New START Treaty's Annex on Telemetric Information state that the Party conducting a launch of an ICBM or SLBM that it intends to consider for provision of telemetric information to the other Party shall, in a notification of such a launch, specify all frequencies and modulation methods to be used to broadcast telemetric information subject to provision to the other Party. The Party conducting such launches shall not take any measures to deny access to the telemetric signal broadcast and shall not encrypt telemetric information that may be provided to the other Party.

Although no BCC session was convened in the spring of 2022, the two sides agreed on April 11, 2022, through a decision signed by both BCC Commissioners, to exchange, in 2022, telemetric information on one launch of an ICBM or SLBM conducted by each Party during the period from January 1, 2021, through December 31, 2021. That exchange was accomplished on June 1, 2022.

For additional assessment of the operation of the New START Treaty's transparency mechanisms, please see the classified version of this Report.

**E. An assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.**

The United States continues to assess that there is not a strategic imbalance between the United States and the Russian Federation that endangers the national security interest of the United States.

As detailed in the 2022 Nuclear Posture Review, the United States retains a safe, secure, and effective nuclear arsenal that is sufficient to deter strategic attack, assure allies and partners, and respond in the event of adversary attack. Although the United States has less confidence in Russian warhead declarations in 2022 as a result of Russia preventing the United States from exercising its right to conduct inspection activities, the New START Treaty continues to constrain Russian strategic nuclear forces and provides insight into Russian forces that the United States would not have without the Treaty. The United States assesses that Russia did not engage in significant activity above the Treaty limits in 2022.

The United States continues to monitor the strategic implications of Russia's development of new kinds of strategic offensive arms.

The United States has made clear its concerns about Russia's arsenal of theater-range, or so-called nonstrategic, nuclear weapons. The IC assesses that Russia's arsenal of theater-range nuclear weapons comprises 1,000-2,000 warheads and is likely to grow by an uncertain amount. Theater-range nuclear weapons have strategic implications because any adversary use of nuclear weapons, regardless of location or yield, would fundamentally alter the nature of a conflict and create the potential for uncontrolled escalation. The United States has repeatedly conveyed these sentiments to the Russian Federation.

Although the United States suspended the Strategic Stability Dialogue with Russia in response to Russia's February 2022 full-scale invasion of Ukraine, the United States remains committed to the objective of addressing all

Russian nuclear weapons, including theater-range nuclear weapons, in New START Treaty follow-on measures. As President Biden stated in written remarks to the 2022 Nuclear Non-Proliferation Treaty Review Conference, “Today, my Administration is ready to expeditiously negotiate a new arms control framework to replace New START when it expires in 2026. But negotiation requires a willing partner operating in good faith.” Russia’s return to compliance with and full implementation of the New START Treaty would be a critical step toward demonstrating good faith.