



# **Report to Congress on The Reasons that the Continued Implementation of the New START Treaty Is in the National Security Interests of the United States**

*This report is submitted in accordance with section 1247 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92)*

## **SUMMARY**

The United States continues to assess that Russia's violations of the New START Treaty have not led to Russia breaking out from the agreement's central limits and do not currently threaten U.S. national security interests.

- In its most recent annual report on New START implementation delivered to the Senate in January 2024, the State Department determined that it cannot certify Russia to be in compliance with the terms of the New START Treaty, noting five noncompliance findings and one serious concern.
- The United States assesses that Russia likely did not exceed the New START Treaty's deployed warhead limit in 2023.

- The United States continues to assess that there is not a strategic imbalance between the United States and Russia that endangers the national security interests of the United States.
- The United States continues to believe that mutual full compliance with the New START Treaty makes the United States, its allies and partners, the Russian Federation, and the entire world safer.

## **BACKGROUND**

The Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (commonly referred to as the New START Treaty) entered into force on February 5, 2011. Pursuant to an extension agreement between the Treaty parties that entered into force on February 3, 2021, the Treaty was extended until February 5, 2026. Under the Treaty, the United States and Russia were required to meet the following central limits on their strategic offensive arms by February 5, 2018, and to remain within the limits for the remaining duration of the Treaty:

- 700 deployed intercontinental ballistic missiles (ICBMs), submarine-launched ballistic missiles (SLBMs), and heavy bombers;
- 1,550 warheads on deployed ICBMs and SLBMs and warheads counted for deployed heavy bombers; and
- 800 deployed and non-deployed ICBM launchers, SLBM launchers, and heavy bombers.

On February 28, 2023, the Russian Federation purported to “suspend” the Treaty and ceased its implementation.

The United States has concluded that Russia’s purported suspension of the New START Treaty is legally invalid, given that it is predicated on an alleged U.S. material breach of the Treaty that never occurred. The Russian Federation, therefore, remains bound by its Treaty obligations.

The United States has taken several lawful countermeasures in response to Russia’s violations. Beginning in March 2023, the United States has refrained from providing biannual data updates to Russia. In addition, on June 1, 2023, the United States adopted additional lawful countermeasures for the purpose of encouraging Russia to return to compliance with the Treaty.

These countermeasures included:

- Withholding all notifications required under paragraph 2 of Article VII of the Treaty, which include information such as updates on the status and location of items subject to the Treaty;
- Refraining from facilitating Russian New START Treaty inspection activities on U.S. territory, specifically by revoking existing visas issued to Russian New START Treaty inspectors and aircrew members, denying pending applications for such visas, and revoking the standing diplomatic clearance number issued for Russian inspection airplanes; and

- Withholding the provision of telemetric information on launches of U.S. ICBMs and SLBMs.

These countermeasures also have the effect of ensuring Russia does not gain any advantage from its violations to the New START Treaty.

The United States continues to provide notifications of ICBM and SLBM launches in accordance with the 1988 Ballistic Missile Launch Notification Agreement (BMLNA) and notifications of exercises in accordance with the 1989 Agreement on Reciprocal Advance Notification of Major Strategic Exercises (MSE). The Russian Federation has continued to provide notifications under the BMLNA and indicated that it will provide notifications required under the MSE agreement.

On January 31, 2024, the State Department noted in its annual Report to Congress on Implementation of the New START Treaty for Calendar Year 2023 that it cannot certify Russia to be in compliance with the terms of the New START Treaty. The State Department detailed five noncompliance findings and one serious concern.

- Russia has failed to comply with its obligation to facilitate inspection activities and thus denied the United States its Treaty right to conduct such inspection activities.
- Russia has failed to comply with its Treaty obligations to convene no fewer than two sessions of the Bilateral Consultative Commission (BCC) each year unless otherwise agreed and convene a session of the BCC within the timeline set out by the Treaty.

- Russia has failed to provide Treaty-mandated notifications to the United States.
- Russia has failed to provide updated data on its strategic offensive arms by the Treaty-mandated biannual deadlines.
- Russia has failed to discuss and agree on the number of launches of ICBMs and SLBMs conducted in calendar year 2022 for which telemetric information would be exchanged.

In addition, Russia's violations of the New START Treaty's verification provisions negatively affect the ability of the United States to verify Russia's compliance with the New START Treaty's deployed warhead limit, and are therefore a matter of serious concern.

The United States assesses that Russia likely did not exceed the New START Treaty's deployed warhead limit in 2023. However, U.S. confidence in Russia's adherence to the Treaty's deployed warhead limit will diminish over time if Russia persists in not implementing the Treaty's verification provisions.

## **FINDINGS**

When fully implemented by the Russian Federation, the New START Treaty enhances U.S. national security by limiting Russian Federation nuclear forces and providing predictability, transparency, and unique insight into its ICBM, SLBM, and heavy bomber nuclear forces and planning. For that reason, the United States seeks the Russian Federation's return to compliance with the

New START Treaty. The Russian Federation has a clear path back to compliance with the New START Treaty.

Although the United States assesses that there is not a strategic imbalance between the United States and Russia that endangers U.S. national security interests, Russia's noncompliance with its obligations to facilitate U.S. inspection activities on Russian territory, provide biannual data updates, and send notifications pertaining to strategic offensive arms subject to the Treaty negatively affects the U.S. ability to verify Russia's compliance with the New START Treaty's deployed warhead limit.

The United States continues to assess that Russia's violations of the treaty do not currently threaten the national security interests of the United States. While the Treaty remains in force, the United States is prepared to adhere to the Treaty's central limits as long as it assesses Russia is doing so.

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. Russia's noncompliance with the New START Treaty underscores the vital importance of retaining and modernizing a safe, secure, and effective U.S. nuclear deterrent and achieving a resilient and adaptive nuclear security enterprise.

If the United States was to assess that the Russian Federation intended to or was acting to break out of the central limits of Treaty and endanger the U.S. national security interests, the Administration would immediately inform

the Committees on Foreign Relations and Armed Services of the Senate. If the United States were to assess that Russia's violations of the New START Treaty escalated to the level of threatening U.S. national security interests, the Administration would consult with the Senate regarding the implications.

The United States continues to believe that mutual full compliance with the New START Treaty makes the United States, its allies and partners, the Russian Federation, and the entire world safer.

The United States is prepared to work constructively with the Russian Federation on a pathway back to full implementation of the New START Treaty and on a post-2026 nuclear arms control framework.

**Approved By:** Mallory Stewart (ADS), Assistant Secretary [MAS]

**I confirm** the drafter received guidance on this paper's intent, objectives, topics, scope, and structure. ☒ **Yes** ☐ **No**

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EUR/RPM	Stieg, M	(ok)
L/NPA	Abramson, S	(ok)
P	Lynn, Nate	(ok)
D	Boening, Emily	(ok)
D-MR	Caruso, Dominic	(ok)
S/P	Martin, Chris	(info)
H/RGF	Padgett, Doug	(ok)
H/FO	Nicholas Johnson	(ok)
OSD	Richard Johnson	(ok)
JS	Kim Dernovsek	(ok)
NSC	John Warden	(ok)

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