

113TH CONGRESS
2D SESSION

S. 2725

To address noncompliance by the Russian Federation of its obligations under the Intermediate-Range Nuclear Forces (INF) Treaty.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. RUBIO (for himself, Mr. RISCH, Mr. HATCH, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To address noncompliance by the Russian Federation of its obligations under the Intermediate-Range Nuclear Forces (INF) Treaty.

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 “Consequences for Rus-
5 sia’s Arms Control Violations Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) A public report in The New York Times on
9 January 29, 2014, revealed that the Russian Fed-

1 eration is no longer in compliance with the Treaty
2 Between the United States of America and the
3 Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-
4 Range Missiles, signed at Washington December 8,
5 1987, and entered into force June 1, 1988 (commonly referred to as the “Intermediate-Range Nuclear Forces Treaty” or “INF Treaty”).

9 (2) On April 29, 2014, Acting Assistant Secretary of State for Arms Control, Verification and
10 Compliance Anita E. Friedt stated in testimony before the Committee on Foreign Affairs of the House
11 of Representatives that, “[w]e have concerns about
12 Russian compliance with the INF Treaty. We have
13 raised them with Russia and are pressing for clear
14 answers in an effort to resolve our concerns because
15 of the importance of the INF Treaty to Euro-Atlantic security. We’ve briefed our NATO allies on our
16 concerns and will continue to coordinate with them
17 on this and other matters that affect our common
18 security. We have been keeping Congress informed
19 on this matter through briefings with relevant congressional committees and will continue to do so. We
20 will continue to work with Russia to resolve our concerns, and to encourage mutual steps to help foster

1 a more stable, resilient, transparent security rela-
2 tionship. We're not going to drop the issue until our
3 concerns have been addressed.”.

4 (3) On March 5, 2014, Deputy Assistant Sec-
5 retary of Defense for Nuclear and Missile Defense
6 Policy Elaine Bunn said to the Committee on Armed
7 Services of the Senate, “[W]e are concerned about
8 Russian activity that appears to be inconsistent with
9 the Intermediate Range Nuclear Forces Treaty.
10 We’ve raised the issue with Russia. They provided
11 an answer that was not satisfactory to us, and we
12 will, we told them that the issue is not closed, and
13 we will continue to raise this.”.

14 (4) On April 2, 2014, the Commander, U.S.
15 European Command, and Supreme Allied Com-
16 mander Europe, General Breedlove, stated, “A
17 weapon capability that violates the INF, that is in-
18 troduced into the greater European land mass is ab-
19 solutely a tool that will have to be dealt with . . .
20 I would not judge how the alliance will choose to
21 react, but I would say they will have to consider
22 what to do about it. . . . It can’t go unanswered.”.

23 (5) The Russian Federation succeeded to the
24 INF Treaty obligations of the Union of Soviet So-

1 cialist Republics in a declaration issued at Biskek,
2 Kyrgyzstan, in October 1992.

3 (6) The flight test or deployment of any INF-
4 banned weapon delivery vehicle by the Russian Fed-
5 eration constitutes a militarily significant violation
6 of the INF Treaty.

7 (7) The INF Treaty has unlimited duration,
8 but, under the terms of the Treaty, inspections and
9 continuous monitoring of Russian missile production
10 under the Treaty ceased on June 1, 2001, thus the
11 Treaty no longer offers any verification to detect any
12 militarily significant violations.

13 (8) A major problem exists with respect to the
14 application of the INF Treaty to any new ballistic
15 or cruise missile that is flight tested or otherwise
16 flown once at a range not prohibited by the Treaty
17 (that is a range less than 500 kilometers or more
18 than 5,500 kilometers) but will be flown at a range
19 that is banned by the Treaty (at a range that is be-
20 tween 500 and 5,500 kilometers) as a weapon deliv-
21 ery vehicle.

22 (9) President Barack Obama has not made use
23 of any INF Treaty-provided means to address Rus-
24 sian Federation noncompliance with the Treaty, to
25 include convening a meeting of the Treaty's Special

1 Verification Commission under Article XIII of the
2 Treaty.

3 (10) The Committee on Foreign Relations of
4 the Senate noted in its 1988 report on the INF
5 Treaty, “In the event Soviet actions appear to con-
6 tradict their obligations under the treaty, Congress
7 should be kept fully informed. Any questionable ac-
8 tivity should be fully discussed in the Special
9 Verification Commission. If the Soviet Union has
10 not, after a sufficient period of time, satisfied
11 United States concerns or ceased the activity in
12 question, and if the Soviet activity is deemed to be
13 militarily significant, the President should propose
14 implementation of an appropriate and proportionate
15 response.”.

16 (11) The Administration has not made any seri-
17 ous or credible effort, over several years, to respond
18 to violations by the Russian Federation of its obliga-
19 tions under the INF Treaty.

20 (12) The INF Treaty is no longer effectively
21 verifiable.

22 (13) The Russian Federation’s actions, as de-
23 tailed in the January 29, 2014, report of The New
24 York Times, have defeated the object and purpose of
25 the INF Treaty.

1 (14) Continued noncompliance by the Russian
2 Federation with its obligations under the INF Trea-
3 ty and continued United States adherence to the
4 INF Treaty, in light of failure to respond in a timely
5 manner to Russian Federation noncompliance,
6 places the supreme interests of the United States
7 and its allies in the North Atlantic Treaty Organiza-
8 tion (NATO) in jeopardy.

9 (15) The Russian Federation has violated its
10 obligations under the 1994 Budapest Memorandum
11 on Security Assurances and has rendered null the ef-
12 fect and assurances of the NATO–Russia Founding
13 Act of 1997.

14 **SEC. 3. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) the Russian Federation, through its flight
17 testing of both a ballistic missile intended for inter-
18 mediate-range targets as well its flight testing of a
19 ground-launched cruise missile prohibited by the
20 INF Treaty, has acted contrary to the object and
21 purpose of a central purpose of the Treaty and is
22 therefore in material breach of its obligations under
23 the Treaty; and

24 (2) the President, after consultation with
25 United States allies directly affected by such Rus-

1 sian Federation ballistic missiles or cruise missiles,
 2 should take such actions as the President determines
 3 to be necessary to deny the Russian Federation any
 4 militarily significant advantage resulting from its
 5 noncompliance with the INF Treaty.

6 **SEC. 4. LIMITATION ON FUNDS FOR PROGRAMS, PROJECTS,**
 7 **OR ACTIVITIES OF THE U.S.-RUSSIA BILAT-**
 8 **ERAL PRESIDENTIAL COMMISSION.**

9 No funds made available to the Department of State
 10 may be used to carry out programs, projects, or activities
 11 of the U.S.-Russia Bilateral Presidential Commission until
 12 the President certifies to the appropriate congressional
 13 committees that the Russian Federation as of the date of
 14 the certification has not flight tested a ballistic missile at
 15 strategic range in a configuration (booster stages, post-
 16 boost vehicle, or reentry vehicles) that is unlike a configu-
 17 ration that is used for remaining tests of the system at
 18 ranges that are prohibited under the INF Treaty.

19 **SEC. 5. PROGRAM TO RESEARCH AND DEVELOP GROUND-**
 20 **LAUNCHED CRUISE MISSILE AND GROUND-**
 21 **LAUNCHED BALLISTIC MISSILE CAPABILI-**
 22 **TIES.**

23 (a) PROGRAM REQUIRED.—The President shall es-
 24 tablish and carry out a program to research and develop
 25 ground-launched cruise missile and ground-launched bal-

1 listic missile capabilities, including by modification of
2 existing United States military capabilities, with a range
3 between 500 and 5,500 kilometers.

4 (b) STUDY AND REPORT.—

5 (1) STUDY.—The President shall conduct a
6 study for potential sites of the cruise missile and
7 ballistic missile capabilities specified in subsection
8 (a). In conducting the study, the President shall
9 consider selecting sites on United States overseas
10 military installations and sites offered by United
11 States allies.

12 (2) REPORT.—Not later than 1 year after the
13 date of the enactment of this Act, the President
14 shall submit to the appropriate congressional com-
15 mittees a report that contains the results of the
16 study.

17 (c) WAIVER.—The President may waive the require-
18 ment to establish and carry out the program under sub-
19 section (a) if, on or before October 1, 2014, the President
20 certifies to the appropriate congressional committees
21 that—

22 (1) the Russian Federation is in compliance
23 with all of its obligations under the INF Treaty; and

24 (2) the Russian Federation has verifiably and
25 completely eliminated any military system that it has

1 developed, flight tested, and deployed in violation of
2 the INF Treaty.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the President
5 \$100,000,000 for fiscal year 2015 to carry out the pro-
6 gram under subsection (a).

7 **SEC. 6. ADDITIONAL DEFENSIVE RESPONSES TO RUSSIAN**
8 **FEDERATION’S VIOLATION OF INF TREATY.**

9 The Secretary of Defense shall ensure that the Aegis
10 Ashore sites in Romania and Poland are deployed, con-
11 sistent with the timelines established in the Ballistic Mis-
12 sile Defense Review of 2010, with an operational capa-
13 bility to defend against short-, medium-, and intermediate-
14 range ballistic missiles and cruise missiles launched by the
15 Russian Federation.

16 **SEC. 7. SANCTIONS.**

17 (a) IN GENERAL.—If, on or before the date that is
18 180 days after the date of the enactment of this section,
19 the President does not certify to the appropriate congres-
20 sional committees that the Russian Federation is not de-
21 veloping or deploying any military system that violates or
22 circumvents the INF Treaty, the President shall impose
23 the sanctions described in subsection (b).

24 (b) SANCTIONS DESCRIBED.—The sanctions referred
25 to in subsection (a) are the following:

1 (1) The President shall suspend any coopera-
2 tion with the Russian Federation related to any as-
3 pect of the United States program for national, the-
4 ater, or regional missile defense, including any provi-
5 sion of any data generated by the United States in
6 any test of any missile defense technology.

7 (2) The President shall deny any license pursu-
8 ant to section 57 b. of the Atomic Energy Act of
9 1954 (42 U.S.C. 2077 b.) for the export of any nu-
10 clear material, equipment, or technology to the Rus-
11 sian Federation.

12 (3) The President shall terminate the United
13 States of the Agreement Between the Government of
14 the United States of America and the Government
15 of the Russian Federation for Cooperation in the
16 Field of Peaceful Uses of Nuclear Energy, entered
17 into force January 12, 2011, in accordance with the
18 provisions of Article 20(1) of that Agreement.

19 (4) The President shall not award any United
20 States Government contract to a private or public
21 entity incorporated in the Russian Federation.

22 (c) WAIVER.—The President may waive the require-
23 ment to impose sanctions under this section beginning on
24 or after the date on which the President certifies to the
25 appropriate congressional committees that the Russian

1 Federation has provided to the United States the fol-
2 lowing:

3 (1) A list of all intermediate-range and shorter-
4 range missiles, as such terms are defined in the INF
5 Treaty, as well as their launchers, support struc-
6 tures, and support equipment that are not inter-
7 mediate-range and shorter-range missiles listed
8 under Article III of the Treaty as existing types and
9 which have been designed, developed, flight tested or
10 deployed by the Russian Federation since June 1,
11 2001.

12 (2) A list of all deployment bases for any inter-
13 mediate-range and shorter-range missiles, as such
14 terms are defined in the INF Treaty, including in
15 particular, any base for any road-mobile, ground-
16 launched ballistic and cruise missiles that are not
17 bases at which such missiles were located on June
18 1, 2001.

19 (3) A list of all flight tests carried out by the
20 Russian Federation for any new type of ground-
21 launched ballistic or cruise missile which has been
22 flight tested at one or more times below a range of
23 500 kilometers or above 5,500 kilometers.

1 (4) A list of all production facilities used for the
2 design and development of any ballistic or cruise
3 missile that is prohibited under the INF Treaty.

4 (5) A description of the reasons that the Gov-
5 ernment of the Russian Federation has provided for
6 undertaking the design, development, and deploy-
7 ment of any ballistic or cruise missile that is prohib-
8 ited under the INF Treaty.

9 **SEC. 8. RESTRICTION ON AGREEMENTS ON FURTHER RE-**
10 **DUCTION OF NUCLEAR FORCES.**

11 (a) STATEMENT OF POLICY.—It is the policy of the
12 United States to not engage in further negotiations with
13 the Russian Federation to reduce nuclear forces until the
14 Russian Federation is in full compliance with all existing
15 bilateral nuclear agreements with the United States, in-
16 cluding the INF Treaty.

17 (b) RESTRICTION.—Notwithstanding any other provi-
18 sion of law, the President shall not enter into any agree-
19 ment with the Government of the Russian Federation with
20 respect to the reduction of nuclear forces except with the
21 advice and consent of the Senate pursuant to article II,
22 section 2, clause 2 of the United States Constitution.

23 **SEC. 9. DEFINITIONS.**

24 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Appropriations, the
5 Committee on Armed Services, the Committee
6 on Foreign Affairs, and the Permanent Select
7 Committee on Intelligence of the House of Rep-
8 resentatives; and

9 (B) the Committee on Appropriations, the
10 Committee on Armed Services, the Committee
11 on Foreign Relations, and the Select Committee
12 on Intelligence of the Senate.

13 (2) INF TREATY OR TREATY.—The term “INF
14 Treaty” or “Treaty” means the Treaty Between the
15 United States of America and the Union of Soviet
16 Socialist Republics on the Elimination of Their In-
17 termediate-Range and Shorter-Range Missiles,
18 signed at Washington December 8, 1987, and en-
19 tered into force June 1, 1988.

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