

115TH CONGRESS
1ST SESSION

S. 1476

To safeguard the United States and our allies from Russian ballistic and cruise missile threats, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2017

Mr. CARDIN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To safeguard the United States and our allies from Russian ballistic and cruise missile threats, 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 “Countering Russian
5 Missiles Act of 2017”.

6 **SEC. 2. DEFINITIONS.**

7 (a) APPROPRIATE CONGRESSIONAL COMMITTEES.—

8 The term “appropriate congressional committees”

9 means—

1 (1) the Committee on Foreign Relations, the
2 Committee on Armed Services, the Committee on
3 Appropriations, and the Select Committee on Intel-
4 ligence of the Senate; and

5 (2) the Committee on Foreign Affairs, the
6 Committee on Armed Services, the Committee on
7 Appropriations, and the Permanent Select Com-
8 mittee on Intelligence of the House of Representa-
9 tives.

10 (b) INF TREATY.—The term “INF Treaty” means
11 the Treaty between the United States of America and the
12 Union of Soviet Socialist Republics on the Elimination of
13 Their Intermediate-Range and Shorter-Range Missiles,
14 signed at Washington, DC, December 8, 1987, and en-
15 tered into force June 1, 1988.

16 **SEC. 3. FINDINGS; STATEMENT OF POLICY.**

17 (a) FINDINGS.—Congress makes the following find-
18 ings:

19 (1) The INF Treaty, which entered into force
20 on June 1, 1988, banned the Union of Soviet Social-
21 ist Republics (USSR) from possessing ground-
22 launched nuclear and conventional missiles and
23 launchers retaining ranges between 500 and 5,500
24 kilometers (km).

1 (2) Implementation of the INF Treaty led to
2 the dismantlement of 2,692 short-, medium-, and in-
3 termediate-range missiles between the United States
4 and the USSR, representing a major reduction in
5 both nuclear arsenals and evidencing key efforts to
6 safeguard the United States and its allies from nu-
7 clear weapons.

8 (3) Since concerns regarding a noncompliant
9 ground-launched cruise missile (GLCM) were first
10 raised in 2008, the Russian Federation has devel-
11 oped and tested a GLCM (currently designated
12 “SSC-8”) that has a range violating the funda-
13 mental stipulations of the INF Treaty.

14 (4) In 2014, the United States labeled the Rus-
15 sian Federation to be “in violation” of the INF
16 Treaty in the Department of State Report entitled,
17 “Adherence to and Compliance with Arms Control,
18 Nonproliferation, and Disarmament Agreements and
19 Commitments”, and has maintained Russia’s non-
20 compliant status in each subsequent report due to
21 the development and testing of the SSC-8.

22 (5) During a March 2017 hearing at the Com-
23 mittee on Armed Services of the House of Rep-
24 resentatives, the Vice Chairman of the Joint Chiefs
25 of Staff, General Paul Selva, asserted that “we be-

1 lieve that the Russians have deployed a land-based
2 cruise missile that violates the spirit and intent of
3 the Intermediate Nuclear Forces Treaty” and that
4 such a system poses “a threat to NATO and to fa-
5 cilities within the NATO area of responsibility.”

6 (6) When examining the response options at the
7 United States disposal, the Department of Defense
8 stated in its 2016 Plan for Military Response Op-
9 tions to Russian Federation Violations of the Inter-
10 mediate-range Nuclear Forces (INF) Treaty that
11 “Russia’s return to compliance with its obligations
12 under the INF Treaty remains the preferable out-
13 come.”

14 (7) United States allies in Europe do not cur-
15 rently have sufficient defensive articles and material
16 to properly defend against the Russian Federation’s
17 new GLCM.

18 (b) STATEMENT OF POLICY.—It is the policy of the
19 United States to—

20 (1) protect the United States interests and as-
21 sets abroad and our allies from the burgeoning
22 threat stemming from Russia’s development of a
23 new GLCM that violates the INF Treaty;

1 (2) promote and expand cooperation and mu-
2 tual defense with European and Asian allies
3 through—

4 (A) strengthening the United States offen-
5 sive posture and defensive infrastructure on the
6 European continent; and

7 (B) enhancing military to military coordi-
8 nation with key allies in Europe and Asia;

9 (3) pressure the Russian Federation to abide by
10 its commitments regarding the INF Treaty and dis-
11 continue engaging in hostile activities regarding its
12 missile program by—

13 (A) diplomatically engaging the Russian
14 Federation within the Special Verification Com-
15 mission;

16 (B) articulating that the Russian Federa-
17 tion is in material breach of the INF Treaty;
18 and

19 (C) communicating to the Russian Federa-
20 tion that if they remain in non-compliance with
21 the INF Treaty by January 1, 2019, the
22 United States will—

23 (i) take military actions to improve
24 our European deterrence and defense capa-
25 bilities, including the development of a con-

1 ventional variant of the Long Range
2 Stand-off system (LRSO);

3 (ii) assist United States allies in im-
4 proving their air- and sea-launched conven-
5 tional strike capabilities by facilitating
6 sales of the extended-range variant of the
7 Joint Air-to-Surface Standoff Missile
8 (JASSM-ER) and sea-based Tomahawk
9 cruise missile; and

10 (iii) deploy limited defenses against
11 cruise missiles to protect key alliance as-
12 sets; and

13 (4) not precipitously withdraw from the INF
14 Treaty without fully consulting and coordinating
15 with European allies.

16 **SEC. 4. REPORTS.**

17 (a) REPORT ON THE MILITARY AND SECURITY RAMI-
18 FICATIONS OF RUSSIA'S GLCM.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, and an-
21 nually thereafter, the Secretary of Defense, with the
22 concurrence of the Secretary of State, shall submit
23 to the appropriate congressional committees a report
24 including the following elements:

1 (A) A description of the status of the Rus-
2 sian Federation's new GLCM (SSC-8), its ca-
3 pabilities, and the threat it poses to the United
4 States' European and Asian allies and assets in
5 the region.

6 (B) An assessment of whether the United
7 States faces significant military disadvantages
8 with the introduction of the SSC-8 to the Eu-
9 ropean continent.

10 (C) An assessment of gaps in the United
11 States current missile defense infrastructure in
12 Europe and what capabilities may be required
13 to defend United States and European assets
14 against the threat posed by the SSC-8.

15 (D) An assessment of capability gaps that
16 a new United States intermediate range missile,
17 which is not compliant with the INF Treaty,
18 would address in Europe and Asia.

19 (E) The timeline for fielding an INF range
20 missile, including time for research, develop-
21 ment, and deployment of the system, and the
22 total cost for development and deployment of
23 the system.

1 (2) FORM.—The report required under sub-
2 section (a) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (b) REPORT ON PLANS FOR GREATER MISSILE DE-
5 FENSE COORDINATION WITH ALLIES.—Not later than
6 180 days after the date of the enactment of this Act, and
7 annually thereafter, the Secretary of State, with the con-
8 currence of the Secretary of Defense, shall submit to the
9 appropriate congressional committees a report that in-
10 cludes a plan including—

11 (1) a description of how the United States will
12 coordinate with its European allies to enhance mis-
13 sile detection and defense; and

14 (2) any recommendations for additional foreign
15 military sales, financing, or international military
16 education and training to be made available to Euro-
17 pean allies for strengthening missile defense capa-
18 bilities.

19 **SEC. 5. CONSULTATION WITH CONGRESS.**

20 (a) COMMISSION PROPOSALS.—Not later than 15
21 days before any meeting of the Special Verification Com-
22 mission to discuss and resolve implementation and compli-
23 ance issues regarding additional procedures to improve the
24 viability and effectiveness of the Treaty, the President
25 shall consult with the Chairman and Ranking Member of

1 the Committee on Foreign Relations of the Senate with
2 regard to whether the proposal, if adopted, would con-
3 stitute an amendment to the INF Treaty requiring the
4 advice and consent of the Senate, as set forth in Article
5 II, section 2, clause 2 of the Constitution of the United
6 States.

7 (b) ENSURING COMPLIANCE.—Not later than 180
8 days after the date of the enactment of this Act, and semi-
9 annually thereafter, the Secretary of State shall consult
10 with the Chairman and Ranking Member regarding
11 whether the Russian Federation is in compliance with the
12 INF Treaty, and if not, what steps the United States is
13 taking to bring them back into compliance.

14 **SEC. 6. RESTRICTION OF FUNDS TO LEAVE THE INF TREA-**
15 **TY.**

16 (a) IN GENERAL.—Except as provided under sub-
17 section (b), no funds may be made available or expended
18 for any action that effects the withdrawal of the United
19 States from the INF Treaty.

20 (b) EXCEPTION.—The restriction in subsection (a)
21 shall not apply—

22 (1) after Congress has received the report re-
23 quired by section 4(a); and

24 (2) 90 days after the President certifies to the
25 appropriate congressional committees that with-

1 drawal of the United States from the INF Treaty is
2 in the vital national security interests of the United
3 States, including the reasons for such certification
4 and an explanation of how the INF Treaty would
5 prohibit the President's intended actions.

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