

113TH CONGRESS
2D SESSION

H. R. 5293

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

IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2014

Mr. ROGERS of Alabama (for himself, Mr. FORBES, and Mr. TURNER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To address non-compliance 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 finds the following:

1 (1) A public report in the New York Times on
2 January 29, 2014, revealed that the Russian Fed-
3 eration is no longer in compliance with the Treaty
4 Between the United States of America and the
5 Union of Soviet Socialist Republics on the Elimini-
6 nation of Their Intermediate-Range and Shorter-
7 Range Missiles, commonly referred to as the Inter-
8 mediate-Range Nuclear Forces (INF) Treaty, signed
9 at Washington December 8, 1987, and entered into
10 force June 1, 1988.

11 (2) On April 29, 2014, Acting Assistant Sec-
12 retary of State for Arms Control, Verification and
13 Compliance Anita E. Friedt stated in testimony be-
14 fore the Committee on Foreign Affairs of the House
15 of Representatives that, “[w]e have concerns about
16 Russian compliance with the INF Treaty. We have
17 raised them with Russia and are pressing for clear
18 answers in an effort to resolve our concerns because
19 of the importance of the INF Treaty to Euro-Atlan-
20 tic security. We’ve briefed our NATO allies on our
21 concerns and will continue to coordinate with them
22 on this and other matters that affect our common
23 security. We have been keeping Congress informed
24 on this matter through briefings with relevant con-
25 gressional committees and will continue to do so. We

1 will continue to work with Russia to resolve our con-
2 cerns, and to encourage mutual steps to help foster
3 a more stable, resilient, transparent security rela-
4 tionship. We're not going to drop the issue until our
5 concerns have been addressed.”.

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

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

1 (5) The Russian Federation succeeded to the
2 INF Treaty obligations of the Union of Soviet So-
3 cialist Republics in a declaration issued at Biskek,
4 Kyrgyzstan, in October 1992.

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

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

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

24 (9) President Obama has not made use of any
25 INF Treaty-provided means to address Russian non-

1 compliance with the Treaty, to include convening a
2 meeting of the Treaty's Special Verification Commis-
3 sion under Article XIII of the Treaty.

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

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

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

23 (13) The Russian Federation's actions, as de-
24 tailed in the January 29, 2014, report of the New

1 York Times have defeated the object and purpose of
2 the INF Treaty.

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

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

16 **SEC. 3. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

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

1 (2) the President, after consultation with
2 United States allies directly affected by such Rus-
3 sian Federation ballistic missiles or cruise missiles,
4 should take such actions as the President determines
5 to be necessary to deny the Russian Federation any
6 militarily significant advantage resulting from its
7 noncompliance with the INF Treaty.

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

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

1 **SEC. 5. PROGRAM TO RESEARCH AND DEVELOP GROUND-**
2 **LAUNCHED CRUISE MISSILE AND GROUND-**
3 **LAUNCHED BALLISTIC MISSILE CAPABILI-**
4 **TIES.**

5 (a) PROGRAM REQUIRED.—The President shall es-
6 tablish and carry out a program to research and develop
7 ground-launched cruise missile and ground-launched bal-
8 listic missile capabilities, including by modification of
9 existing United States military capabilities, with a range
10 between 500 and 5,500 kilometers.

11 (b) STUDY AND REPORT.—

12 (1) STUDY.—The President shall conduct a
13 study for potential sites of the cruise missile and
14 ballistic missile capabilities specified in subsection
15 (a). In conducting the study, the President shall
16 consider selecting sites on United States overseas
17 military bases and sites offered by United States al-
18 lies.

19 (2) REPORT.—Not later than 1 year after the
20 date of the enactment of this Act, the President
21 shall submit to the appropriate congressional com-
22 mittees a report that contains the results of the
23 study.

24 (c) WAIVER.—The President may waive the require-
25 ment to establish and carry out the program under sub-
26 section (a) if, on or before October 1, 2014, the President

1 certifies to the appropriate congressional committees
2 that—

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

5 (2) the Russian Federation has verifiably and
6 completely eliminated any military system that it has
7 developed, flight tested, and deployed in violation of
8 the INF Treaty.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the President
11 \$100,000,000 for fiscal year 2015 to carry out the pro-
12 gram under subsection (a).

13 **SEC. 6. ADDITIONAL DEFENSIVE RESPONSES TO RUSSIAN**
14 **FEDERATION'S VIOLATION OF INF TREATY.**

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

22 **SEC. 7. SANCTIONS.**

23 (a) IN GENERAL.—If, on or before the date that is
24 180 days after the date of the enactment of this section,
25 the President does not certify to the appropriate congress-

1 sional committees that the Russian Federation is not de-
2 veloping or deploying any military system that violates or
3 circumvents the INF Treaty, the President shall impose
4 the sanctions described in subsection (b).

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

7 (1) The President shall suspend any coopera-
8 tion with the Russian Federation related to any as-
9 pect of the United States program for national, the-
10 ater, or regional missile defense, including any provi-
11 sion of any data generated by the United States in
12 any test of any missile defense technology.

13 (2) The President shall deny any license pursu-
14 ant to section 57 b. of the Atomic Energy Act of
15 1954 (42 U.S.C. 2077 b.) for the export of any nu-
16 clear material, equipment, or technology to the Rus-
17 sian Federation.

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

1 (4) The President shall not award any United
2 States Government contract to a private or public
3 entity in the Russian Federation.

4 (c) WAIVER.—The President may waive the require-
5 ment to impose sanctions under this section beginning on
6 or after the date on which the President certifies to the
7 appropriate congressional committees that the Russian
8 Federation has provided to the United States the fol-
9 lowing:

10 (1) A list of all intermediate-range and shorter-
11 range missiles, as such terms are defined in the INF
12 Treaty, as well as their launchers, support struc-
13 tures, and support equipment that are not inter-
14 mediate-range and shorter-range missiles listed
15 under Article III of the Treaty as existing types and
16 which have been designed, developed, flight tested or
17 deployed by the Russian Federation since June 1,
18 2001.

19 (2) A list of all deployment bases for any inter-
20 mediate-range and shorter-range missiles, as such
21 terms are defined in the INF Treaty, including in
22 particular, any base for any road-mobile, ground-
23 launched ballistic and cruise missiles that are not
24 bases at which such missiles were located on June
25 1, 2001.

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

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

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

14 **SEC. 8. DEFINITIONS.**

15 In this Act:

16 (1) APPROPRIATE CONGRESSIONAL COMMIT-
17 TEES.—The term “appropriate congressional com-
18 mittees” means—

19 (A) the Committee on Appropriations, the
20 Committee on Armed Services, the Committee
21 on Foreign Affairs, and the Permanent Select
22 Committee on Intelligence of the House of Rep-
23 resentatives; and

24 (B) the Committee on Appropriations, the
25 Committee on Armed Services, the Committee

1 on Foreign Relations, and the Select Committee
2 on Intelligence of the Senate.

3 (2) INF TREATY OR TREATY.—The term “INF
4 Treaty” or “Treaty” means the Treaty Between the
5 United States of America and the Union of Soviet
6 Socialist Republics on the Elimination of Their In-
7 termediate-Range and Shorter-Range Missiles, com-
8 monly referred to as the Intermediate-Range Nu-
9 clear Forces (INF) Treaty, signed at Washington
10 December 8, 1987, and entered into force June 1,
11 1988.

○