

115TH CONGRESS  
2D SESSION

# S. 3667

To prevent a nuclear arms race resulting from weakened international restrictions on the proliferation of intermediate- and shorter-range missiles, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 28, 2018

Mr. MERKLEY (for himself, Ms. WARREN, Mrs. GILLIBRAND, Mr. MARKEY, Mr. WYDEN, Mr. SANDERS, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To prevent a nuclear arms race resulting from weakened international restrictions on the proliferation of intermediate- and shorter-range missiles, 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 “Prevention of Arms  
5 Race Act of 2018”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) On October 20, 2018, President Donald J.  
2           Trump announced his intent to withdraw the United  
3           States from the Treaty between the United States of  
4           America and the Union of Soviet Socialist Republics  
5           on the Elimination of Their Intermediate-Range and  
6           Shorter-Range Missiles, together with the Memo-  
7           randum of Understanding and Two Protocols (com-  
8           monly known as the “INF Treaty”), signed at  
9           Washington December 8, 1987, and entered into  
10          force June 1, 1988.

11          (2) The United States Senate provided its ad-  
12          vice and consent to ratification of the INF Treaty  
13          on May 27, 1988, by a vote of 93 to 5.

14          (3) The INF Treaty permanently bans the  
15          United States and twelve former Soviet republics, in-  
16          cluding Russia, Belarus, Ukraine, and Kazakhstan,  
17          from testing or possessing ground-launched cruise or  
18          ballistic missiles of intermediate range (500 to 5,500  
19          kilometers, or roughly 300 to 3,400 miles).

20          (4) The INF Treaty, signed by President Ron-  
21          ald Reagan and Soviet General Secretary Mikhail  
22          Gorbachev, led to the elimination of entire classes of  
23          United States and Russian nuclear and conventional  
24          ground-launched ballistic and cruise missiles—2,692  
25          in total—supported by on-site inspections that al-

1       lowed both sides to “trust but verify” compliance  
2       with the Treaty.

3               (5) The North Atlantic Treaty Organization  
4       (NATO) allies were deeply involved in the pursuit of  
5       negotiation on the INF Treaty and have significant  
6       national security interests in the Treaty’s preserva-  
7       tion. The communique from the July 11, 2018,  
8       NATO Summit in Brussels stated that the INF  
9       Treaty “has been crucial to Euro-Atlantic security”.

10              (6) Less than one month prior to the announce-  
11       ment of the United States intent to withdraw from  
12       the INF Treaty, Secretary of Defense Jim Mattis  
13       met with his NATO counterparts to discuss the full-  
14       range of diplomatic, economic, and INF-compliant  
15       military options to pressure the Russian Federation  
16       to return to compliance with the Treaty as outlined  
17       in the “Trump Administration INF Treaty Inte-  
18       grated Strategy” published December 8, 2017.

19              (7) Since the United States publicly declared in  
20       July 2014 that the Russian Federation was in viola-  
21       tion of the INF Treaty’s prohibition on possessing,  
22       producing, or flight-testing a ground-launched cruise  
23       missile (GLCM), which is the equivalent of the Rus-  
24       sian SSC–8 missile system, the United States has

1 worked with its NATO allies to identify a unified ap-  
2 proach on the best way forward.

3 (8) The United States has yet to exhaust diplo-  
4 matic, economic, and military means to bring the  
5 Russian Federation back into compliance with the  
6 Treaty, and in 2018 alone, the United States has  
7 cancelled at least two strategic stability dialogues  
8 planned to be conducted with the Russian Federa-  
9 tion.

10 (9) The United States withdrawal from the  
11 INF Treaty would allow the Russian Federation to  
12 escape international criticism for its violation of the  
13 Treaty and sow division among NATO allies at a  
14 time when Alliance unity is critical to respond to a  
15 range of destabilizing actions by the Russian Fed-  
16 eration.

17 (10) The United States withdrawal from the  
18 INF Treaty would free the Russian Federation to  
19 expand deployment of the SSC-8 missile system in  
20 ways that threaten NATO and Indo-Pacific allies  
21 without bearing any international legal cost in doing  
22 so.

23 (11) The Department of Defense has also not  
24 yet identified the full estimated research, develop-  
25 ment, testing, and evaluation, procurement, or per-

1       sonnel costs of producing, testing, and deploying a  
2       new shorter- or intermediate-range ground-launched  
3       cruise or ballistic missile currently prohibited by the  
4       INF Treaty.

5           (12) No European or Asian ally has publicly de-  
6       clared its willingness or readiness to host a future  
7       United States intermediate- or shorter-range  
8       ground-launched cruise or ballistic missile currently  
9       prohibited by the INF Treaty should the United  
10      States seek to deploy that capability.

11          (13) The Secretary General of NATO, Jens  
12      Stoltenberg, stated on November 12, 2018, that  
13      “NATO has no intention to deploy new nuclear mis-  
14      siles in Europe,” which follows United States Na-  
15      tional Security Advisor John Bolton’s statement of  
16      November 9, 2018, that “there are no American  
17      plans to seek to deploy INF non-compliant missiles  
18      in Europe for the foreseeable future”.

19          (14) Any effort by the United States Govern-  
20      ment to proceed beyond research and development of  
21      an intermediate-range cruise or ballistic missile that  
22      is nuclear armed will be portrayed in as deeply in-  
23      consistent with the United States obligation under  
24      Article VI of the Treaty on the Non-Proliferation of  
25      Nuclear Weapons, signed at Washington July 1,

1 1968 (commonly known as the “NPT”), to “pursue  
2 negotiations in good faith on effective measures re-  
3 lating to the cessation of the nuclear arms race”.

4 (15) Achieving the objective of expanding the  
5 INF Treaty’s membership to the People’s Republic  
6 of China, which has deployed intermediate-range  
7 missile systems in great number, is greatly dimin-  
8 ished if parties to the existing Treaty cease imple-  
9 mentation.

10 (16) The Congressional Budget Office in Octo-  
11 ber 2017 estimated that the costs of United States  
12 nuclear weapons spending over the next three dec-  
13 ades will amount to \$1,200,000,000,000, or  
14 \$1,700,000,000,000 when adjusted for inflation,  
15 which does not include new systems proposed in the  
16 2018 United States Nuclear Posture Review such as  
17 a low-yield submarine-launched ballistic missile  
18 (SLBM), sea-launched cruise missile (SLCM), and a  
19 ground launched cruise missile (GLCM).

20 **SEC. 3. SENSE OF THE SENATE.**

21 It is the sense of the Senate that—

22 (1) President Trump’s announcement of the in-  
23 tent of the United States to withdraw from the INF  
24 Treaty, without proper consultation with Congress,

1 is a serious breach of Congress’s proper constitu-  
2 tional role as a co-equal branch of government;

3 (2) United States withdrawal from the INF  
4 Treaty would free the Russian Federation to deploy  
5 greater quantities of the SSC–8 missile to the det-  
6 riment of United States national security and that  
7 of our allies in Europe and the Indo-Pacific;

8 (3) withdrawal from the INF Treaty will fail to  
9 limit or eliminate China’s shorter- and intermediate-  
10 range missiles; and

11 (4) as opposed to formally notifying the Rus-  
12 sian Federation of the intention of the United States  
13 to withdraw, the United States should seek one or  
14 more additional meetings of the Special Verification  
15 Commission (SVC), and other measures outlined in  
16 the “Trump Administration INF Treaty Integrated  
17 Strategy”, to resolve the concerns related to the  
18 Russian Federation’s violation of the Treaty and to  
19 reach agreement on measures to ensure the Treaty’s  
20 future viability.

1 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR PROCURE-**  
2 **MENT OR DEPLOYMENT OF SHORTER- OR IN-**  
3 **TERMEDIATE-RANGE GROUND LAUNCHED**  
4 **BALLISTIC OR CRUISE MISSILE SYSTEM.**

5 (a) IN GENERAL.—No funds may be appropriated or  
6 otherwise made available for the procurement or deploy-  
7 ment of a United States shorter- or intermediate-range  
8 ground launched ballistic or cruise missile system with a  
9 range between 500 and 5,500 kilometers until the Sec-  
10 retary of Defense, in consultation with the Secretary of  
11 State and the Director of National Intelligence, submits  
12 a report and offers a briefing to the appropriate commit-  
13 tees of Congress that—

14 (1) includes a Memorandum of Understanding  
15 (MOU) from a NATO or Indo-Pacific ally commit-  
16 ting it to host deployment of any such missile on its  
17 own territory;

18 (2) confirms that the United States has initi-  
19 ated efforts through the Special Verification Com-  
20 mission (SVC) and/or other high-level bilateral fo-  
21 rums since January 1, 2018, to resolve the Russian  
22 Federation’s violation of the INF Treaty;

23 (3) assesses the implications, in terms of the  
24 military threat to the United States and its allies in  
25 Europe and the Indo-Pacific, of a Russian Federa-



1       tion deployment of intermediate-range cruise and  
2       ballistic missiles without restriction;

3           (4) assesses what mission requirements with re-  
4       spect to the Russian Federation and the People’s  
5       Republic of China cannot be met by INF-compliant  
6       capabilities;

7           (5) identifies what types of technologies and  
8       programs the United States would need to pursue to  
9       offset the additional Russian capabilities, and at  
10      what cost; and

11          (6) identifies the ramifications of a collapse of  
12      the INF Treaty on the ability to generate consensus  
13      among States Parties to the NPT Treaty ahead of  
14      the 2020 NPT Review Conference and assess the de-  
15      gree to which the Russian Federation will use the  
16      United States unilateral withdrawal to sow discord  
17      within the NATO alliance.

18      (b) FORM OF REPORT.—The report required under  
19      subsection (a) shall be unclassified with a classified annex.

20      (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
21      FINED.—In this section, the term “appropriate commit-  
22      tees of Congress” means—

23           (1) the Committee on Foreign Relations and  
24      the Committee on Armed Services of the Senate; and

1           (2) the Committee on Foreign Affairs and the  
2           Committee on Armed Services of the House of Rep-  
3           resentatives.

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