

116TH CONGRESS
1ST SESSION

H. R. 1231

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2019

Ms. FRANKEL (for herself, Mr. TED LIEU of California, Mr. KHANNA, and Mr. POCAN) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, 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 prevent a nuclear arms race resulting from weakened international restrictions on the proliferation of intermediate- and short-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 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) On February 1, 2019, Secretary of State
4 Mike Pompeo announced the United States would
5 immediately suspend its obligations and would with-
6 draw, in six months, from the Treaty between the
7 United States of America and the Union of Soviet
8 Socialist Republics on the Elimination of Their In-
9 termediate-Range and Shorter-Range Missiles, to-
10 gether with the Memorandum of Understanding and
11 Two Protocols (commonly known as the “INF Trea-
12 ty”), signed at Washington, December 8, 1987, and
13 entered into force June 1, 1988.

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

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

23 (4) The INF Treaty, signed by President Ron-
24 ald Reagan and Soviet General Secretary Mikhail
25 Gorbachev, led to the elimination of entire classes of
26 United States and Russian nuclear and conventional

1 ground-launched ballistic and cruise missiles—2,692
2 in total—supported by on-site inspections that al-
3 lowed both sides to “trust but verify” compliance
4 with the Treaty.

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

12 (6) Less than one month prior to the announce-
13 ment of the United States intent to withdraw from
14 the INF Treaty, then-Secretary of Defense Jim
15 Mattis met with his NATO counterparts to discuss
16 the full-range of diplomatic, economic, and INF-
17 compliant military options to pressure the Russian
18 Federation to return to compliance with the Treaty
19 as outlined in the “Trump Administration INF
20 Treaty Integrated Strategy” published December 8,
21 2017.

22 (7) Since the United States publicly declared in
23 July 2014 that the Russian Federation was in viola-
24 tion of the INF Treaty’s prohibition on possessing,
25 producing, or flight-testing a ground-launched cruise

1 missile (GLCM), which is the equivalent of the Rus-
2 sian SSC-8 missile system, the United States has
3 worked with its NATO allies to identify a unified ap-
4 proach on the best way forward.

5 (8) The United States did not exhaust diplo-
6 matic, economic, and military means to bring the
7 Russian Federation back into compliance with the
8 Treaty, and in 2018 alone, the United States can-
9 celled at least two strategic stability dialogues
10 planned to be conducted with the Russian Federa-
11 tion.

12 (9) On January 16, 2019, Under Secretary of
13 State for Arms Control and International Security
14 Andrea Thompson confirmed that the Russian Fed-
15 eration offered to exhibit the SSC-8 missile system
16 for the United States, which, while insufficient in
17 itself to resolve its Treaty violation, represented the
18 first such offer since the first United States finding
19 of non-compliance in 2014.

20 (10) The United States withdrawal from the
21 INF Treaty will allow the Russian Federation to es-
22 cape international criticism for its violation of the
23 Treaty and sow division among NATO allies at a
24 time when Alliance unity is critical to respond to a

1 range of destabilizing actions by the Russian Fed-
2 eration.

3 (11) The United States withdrawal from the
4 INF Treaty will free the Russian Federation to ex-
5 pand deployment of the SSC-8 missile system in
6 ways that threaten NATO and Indo-Pacific allies
7 without bearing any international legal cost in doing
8 so.

9 (12) The Department of Defense has also not
10 yet identified the full estimated research, develop-
11 ment, testing, and evaluation, procurement, or per-
12 sonnel costs of producing, testing, and deploying a
13 new short- or intermediate-range ground-launched
14 cruise or ballistic missile currently prohibited by the
15 INF Treaty.

16 (13) No European or Asian ally has publicly de-
17 clared its willingness or readiness to host a future
18 United States short- or intermediate-range ground-
19 launched cruise or ballistic missile currently prohib-
20 ited by the INF Treaty should the United States
21 seek to deploy that capability.

22 (14) The Secretary General of NATO, Jens
23 Stoltenberg, stated on October 24, 2018, that “we
24 don’t want a new Cold War, we don’t want a new
25 arms race and therefore I don’t foresee that Allies

1 will deploy more nuclear weapons in Europe as a re-
2 sponse to the new Russian missile,” which precedes
3 United States National Security Advisor John
4 Bolton’s statement of November 9, 2018, that
5 “there are no American plans to seek to deploy INF
6 non-compliant missiles in Europe for the foreseeable
7 future”.

8 (15) Any effort by the United States Govern-
9 ment to proceed beyond research and development of
10 an intermediate-range cruise or ballistic missile that
11 is nuclear armed will be portrayed in as deeply in-
12 consistent with the United States obligation under
13 Article VI of the Treaty on the Non-Proliferation of
14 Nuclear Weapons, signed at Washington, July 1,
15 1968 (commonly known as the “NPT”), to “pursue
16 negotiations in good faith on effective measures re-
17 lating to the cessation of the nuclear arms race”.

18 (16) Achieving the objective of expanding the
19 INF Treaty’s membership to the People’s Republic
20 of China, which has deployed intermediate-range
21 missile systems in great number, is greatly dimin-
22 ished if parties to the existing Treaty cease imple-
23 mentation.

24 (17) The Congressional Budget Office in Octo-
25 ber 2017 estimated that the costs of United States

1 nuclear weapons spending over the next three dec-
2 ades will amount to \$1,200,000,000,000, or
3 \$1,700,000,000,000 when adjusted for inflation,
4 which does not include new systems proposed in the
5 2018 United States Nuclear Posture Review such as
6 a low-yield submarine-launched ballistic missile
7 (SLBM), a sea-launched cruise missile (SLCM), and
8 a ground-launched cruise missile (GLCM).

9 **SEC. 3. SENSE OF CONGRESS.**

10 It is the sense of Congress that—

11 (1) Secretary of State Pompeo’s announcement
12 of the decision of the United States to withdraw
13 from the INF Treaty, without proper consultation
14 with Congress, is a serious breach of Congress’s
15 proper constitutional role as a co-equal branch of
16 government;

17 (2) United States withdrawal from the INF
18 Treaty will free the Russian Federation to deploy
19 greater quantities of the SSC–8 missile to the det-
20 riment of United States national security and that
21 of our allies in Europe and the Indo-Pacific;

22 (3) withdrawal from the INF Treaty will fail to
23 limit or eliminate China’s short- and intermediate-
24 range missiles;

1 (4) the NATO alliance makes critical contribu-
2 tions to United States national security, and the
3 failure to weigh the concerns of NATO allies risks
4 weakening the joint resolve necessary to counter
5 Russia’s aggressive behavior; and

6 (5) as opposed to withdrawing from the INF
7 Treaty, the United States should continue to ad-
8 vance other diplomatic, economic, and military meas-
9 ures outlined in the “Trump Administration INF
10 Treaty Integrated Strategy” to resolve the concerns
11 related to the Russian Federation’s violation of the
12 Treaty and to reach agreement on measures to en-
13 sure the Treaty’s future viability.

14 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR PROCURE-**
15 **MENT, FLIGHT TESTING, OR DEPLOYMENT OF**
16 **SHORT- OR INTERMEDIATE-RANGE GROUND-**
17 **LAUNCHED BALLISTIC OR CRUISE MISSILE**
18 **SYSTEM.**

19 (a) IN GENERAL.—No funds may be appropriated or
20 otherwise made available for the procurement, flight test-
21 ing, or deployment of a United States short- or inter-
22 mediate-range ground-launched ballistic or cruise missile
23 system with a range between 500 and 5,500 kilometers
24 until the Secretary of Defense, in concurrence with the
25 Secretary of State and the Director of National Intel-

1 ligen­ce, submits a report and offers a briefing to the ap-
2 propriate committees of Congress that—

3 (1) includes a Memorandum of Understanding
4 (MOU) from a NATO or Indo-Pacific ally that com-
5 mits such ally to host deployment of any such mis-
6 sile on its own territory, and in the case of deploy-
7 ment on the European continent, has the concur-
8 rence of the North Atlantic Council;

9 (2) confirms that the United States has not re-
10 jected any diplomatic offer to exhibit the SSC-8
11 missile system, negotiations on a verifiable mutual
12 agreement prohibiting the placement of INF-range
13 missiles on NATO territory or within range of a
14 NATO Member State, or any other transparency
15 measure which may successfully move Russia closer
16 to returning to compliance with the Treaty or pre-
17 vent a proliferation of INF-range systems on the
18 continent;

19 (3) assesses the implications, in terms of the
20 military threat to the United States and its allies in
21 Europe and the Indo-Pacific, of a Russian Federa-
22 tion deployment of intermediate-range cruise and
23 ballistic missiles without restriction;

24 (4) identifies what types of technologies and
25 programs the United States would need to pursue to

1 offset the additional Russian capabilities, and at
2 what cost;

3 (5) identifies what mission requirements with
4 respect to the Russian Federation and the People's
5 Republic of China will be met by INF-type systems;

6 (6) identifies the degree to which INF-compli-
7 ant capabilities, such as sea and air-launched cruise
8 missiles, can meet those same mission requirements;
9 and

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

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

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

22 (1) the Committee on Foreign Relations and
23 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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