

116TH CONGRESS
1ST SESSION

H. R. 5149

To prohibit actions to suspend, terminate, or withdraw the United States from the Open Skies Treaty.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2019

Mr. PANETTA (for himself, Mr. BACON, Mr. HASTINGS, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit actions to suspend, terminate, or withdraw the United States from the Open Skies 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 “Open Skies Treaty
5 Stability Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Open Skies Treaty is a vital component
9 of joint international arms control agreements.

1 (2) The Open Skies Treaty provides signatories
2 with the ability to conduct short-notice, unarmed re-
3 connaissance flights over the territories of other sig-
4 natories to gather information through aerial imag-
5 ing on military forces and activities of concern.

6 (3) The Open Skies Treaty aims to build con-
7 fidence among signatories through participation in
8 overflights.

9 (4) Open Skies Treaty observation missions
10 contribute to greater transparency and stability in
11 the Euro-Atlantic region, benefitting both the
12 United States and United States allies and partners.

13 (5) In May 2018, Secretary of Defense Jim
14 Mattis affirmed the Open Skies Treaty is an impor-
15 tant mechanism for engaging with United States al-
16 lies and partners, and it is in our Nation’s best in-
17 terest to remain a party to the Open Skies Treaty.

18 (6) In December 2018, the United States, along
19 with Canada, the United Kingdom, France, Ger-
20 many, and Romania, demonstrated that Open Skies
21 Treaty mechanisms can be used during times of cri-
22 sis.

23 (7) Following Russia’s unprovoked attack on
24 Ukrainian vessels near the Kerch Strait, the United
25 States and United States allies conducted an “ex-

1 traordinary” Open Skies Treaty observation mission
2 over Ukraine to reaffirm commitment to Ukraine.

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

4 It is the sense of Congress that—

5 (1) the United States should forcefully address
6 Russian violations of its obligations under the Open
7 Skies Treaty;

8 (2) due to the significant benefits that observa-
9 tion missions under the Open Skies Treaty provide
10 to the United States and United States allies, the
11 United States should commit to continued participa-
12 tion in the Treaty; and

13 (3) the President should not withdraw the
14 United States from the Open Skies Treaty.

15 **SEC. 4. STATEMENT OF POLICY.**

16 It is the policy of the United States—

17 (1) to continue to fulfill its obligations under
18 the Open Skies Treaty; and

19 (2) consistent with section 5, to reject any ef-
20 forts to withdraw the United States from the Open
21 Skies Treaty, or to indirectly withdraw from the
22 Open Skies Treaty in a manner that creates a de
23 facto withdrawal.

1 **SEC. 5. PROHIBITION ON ACTIONS TO SUSPEND, TERMINATE, OR WITHDRAW THE UNITED STATES**
2 **NATE, OR WITHDRAW THE UNITED STATES**
3 **FROM THE OPEN SKIES TREATY.**

4 The President may not take any action to suspend,
5 terminate, or withdraw the United States from the Open
6 Skies Treaty unless, not later than 180 days before such
7 action is to take effect, the Secretary of Defense and the
8 Secretary of State jointly determine and certify to the ap-
9 propriate congressional committees that—

10 (1) Russia is in material breach of its obliga-
11 tions under the Open Skies Treaty and is not taking
12 steps to return to compliance with such obligations,
13 and all other state parties to the Open Skies Treaty
14 have been consulted with respect to such determina-
15 tion of the Secretaries;

16 (2) withdrawing from the Open Skies Treaty
17 would be in the best interests of United States na-
18 tional security and the other state parties to the
19 Open Skies Treaty have been consulted with respect
20 to such withdrawal; and

21 (3) a comprehensive strategy to mitigate
22 against reduced military transparency, including po-
23 tential new multilateral confidence building meas-
24 ures, has been developed.

25 **SEC. 6. DEFINITIONS.**

26 In this Act:

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

4 (A) the congressional defense committees
5 (as such term is defined in section 101 of title
6 10, United States Code); and

7 (B) the Committee on Foreign Affairs of
8 the House of Representatives and the Com-
9 mittee on Foreign Relations of the Senate.

10 (2) OPEN SKIES TREATY; TREATY.—The term
11 “Open Skies Treaty” or “Treaty” means the Treaty
12 on Open Skies, done at Helsinki March 24, 1992,
13 and entered into force January 1, 2002.

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