



(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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 HOUSE OF REPRESENTATIVES

Ms. FRANKEL introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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 2019".

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) On February 1, 2019, Secretary of State  
2           Mike Pompeo announced the United States would  
3           immediately suspend its obligations and would with-  
4           draw, in six months, from 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, to-  
8           gether with the Memorandum of Understanding and  
9           Two Protocols (commonly known as the “INF Trea-  
10          ty”), signed at Washington December 8, 1987, and  
11          entered into force June 1, 1988.

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

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

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

1 in total—supported by on-site inspections that al-  
2 lowed both sides to “trust but verify” compliance  
3 with the Treaty.

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

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

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

1       sian SSC–8 missile system, the United States has  
2       worked with its NATO allies to identify a unified ap-  
3       proach on the best way forward.

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

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

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

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

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

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

20           (14) The Secretary General of NATO, Jens  
21 Stoltenberg, stated on October 24, 2018, that “we  
22 don’t want a new Cold War, we don’t want a new  
23 arms race and therefore I don’t foresee that Allies  
24 will deploy more nuclear weapons in Europe as a re-  
25 sponse to the new Russian missile,” which precedes

1 United States National Security Advisor John  
2 Bolton's statement of November 9, 2018, that  
3 "there are no American plans to seek to deploy INF  
4 non-compliant missiles in Europe for the foreseeable  
5 future".

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

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

22 (17) The Congressional Budget Office in Octo-  
23 ber 2017 estimated that the costs of United States  
24 nuclear weapons spending over the next three dec-  
25 ades will amount to \$1,200,000,000,000, or

1       \$1,700,000,000,000 when adjusted for inflation,  
2       which does not include new systems proposed in the  
3       2018 United States Nuclear Posture Review such as  
4       a low-yield submarine-launched ballistic missile  
5       (SLBM), a sea-launched cruise missile (SLCM), and  
6       a ground launched cruise missile (GLCM).

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

8       It is the sense of Congress that—

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

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

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

23               (4) the NATO alliance makes critical contribu-  
24       tions to United States national security, and the  
25       failure to weigh the concerns of NATO allies risks

1       weakening the joint resolve necessary to counter  
2       Russia's aggressive behavior; and

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

11 **SEC. 4. PROHIBITION ON USE OF FUNDS FOR PROCURE-**  
12                           **MENT, FLIGHT TESTING, OR DEPLOYMENT OF**  
13                           **SHORTER-       OR       INTERMEDIATE-RANGE**  
14                           **GROUND LAUNCHED BALLISTIC OR CRUISE**  
15                           **MISSILE SYSTEM.**

16       (a) IN GENERAL.—No funds may be appropriated or  
17      otherwise made available for the procurement, flight test-  
18      ing, or deployment of a United States short- or inter-  
19      mediate-range ground launched ballistic or cruise missile  
20      system with a range between 500 and 5,500 kilometers  
21      until the Secretary of Defense, in concurrence with the  
22      Secretary of State and the Director of National Intel-  
23      ligence, submits a report and offers a briefing to the ap-  
24      propriate committees of Congress that—

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

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

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

22 (4) identifies what types of technologies and  
23 programs the United States would need to pursue to  
24 offset the additional Russian capabilities, and at  
25 what cost;

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

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

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

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

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

20 (1) the Committee on Foreign Relations and  
21 the Committee on Armed Services of the Senate; and

22 (2) the Committee on Foreign Affairs and the  
23 Committee on Armed Services of the House of Rep-  
24 resentatives.