

116TH CONGRESS
1ST SESSION

S. 312

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

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2019

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

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 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, then-Secretary of Defense Jim
13 Mattis met with his NATO counterparts to discuss
14 the full-range of diplomatic, economic, and INF-
15 compliant military options to pressure the Russian
16 Federation to return to compliance with the Treaty
17 as outlined in the “Trump Administration INF
18 Treaty Integrated Strategy” published December 8,
19 2017.

20 (7) Since the United States publicly declared in
21 July 2014 that the Russian Federation was in viola-
22 tion of the INF Treaty’s prohibition on possessing,
23 producing, or flight-testing a ground-launched cruise
24 missile (GLCM), which is the equivalent of the Rus-
25 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) On January 16, 2019, Under Secretary of
11 State for Arms Control and International Security
12 Andrea Thompson confirmed that the Russian Fed-
13 eration offered to exhibit the SSC-8 missile system
14 for the United States, which, while insufficient in
15 itself to resolve its Treaty violation, represented the
16 first such offer since the first United States finding
17 of non-compliance in 2014.

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

1 (11) The United States withdrawal from the
2 INF Treaty would free the Russian Federation to
3 expand 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 THE SENATE.**

8 It is the sense of the Senate that—

9 (1) President Trump’s announcement of the in-
10 tent of the United States to withdraw from the INF
11 Treaty, without proper consultation with Congress,
12 is a serious breach of Congress’s proper constitu-
13 tional role as a co-equal branch of government;

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

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

22 (4) the NATO alliance makes critical contribu-
23 tions to United States national security, and the
24 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 formally notifying the Rus-
4 sian Federation of the intention of the United States
5 to withdraw, the United States should continue to
6 advance other diplomatic, economic, and military
7 measures outlined in the “Trump Administration
8 INF Treaty Integrated Strategy”, to resolve the
9 concerns related to the Russian Federation’s viola-
10 tion of the Treaty and to reach agreement on meas-
11 ures to ensure the Treaty’s future viability.

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

17 (a) IN GENERAL.—No funds may be appropriated or
18 otherwise made available for the procurement, flight test-
19 ing, or deployment of a United States shorter- or inter-
20 mediate-range ground launched ballistic or cruise missile
21 system with a range between 500 and 5,500 kilometers
22 until the Secretary of Defense, in concurrence with the
23 Secretary of State and the Director of National Intel-
24 ligence, submits a report and offers a briefing to the ap-
25 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 it to host deployment of any such missile on its
4 own territory, and in the case of deployment on the
5 European continent, has the concurrence of the
6 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 or any other transparency measure,
10 which, while insufficient in itself to resolve Russia's
11 Treaty violation, may successfully move it closer to
12 returning to compliance with the Treaty;

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

18 (4) identifies what types of technologies and
19 programs the United States would need to pursue to
20 offset the additional Russian capabilities, and at
21 what cost;

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

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

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

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

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

17 (1) the Committee on Foreign Relations and
 18 the Committee on Armed Services of the Senate; and

19 (2) the Committee on Foreign Affairs and the
 20 Committee on Armed Services of the House of Rep-
 21 resentatives.

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