

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

Mr. MERKLEY (for himself, Ms. WARREN, Mrs. GILLIBRAND, Mr. MARKEY, Mr. WYDEN, Mr. SANDERS, Mr. VAN HOLLEN, Ms. BALDWIN, and Ms. HARRIS) introduced the following bill; which was read twice and 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 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.