

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MR. PANETTA OF CALIFORNIA

At the end of subtitle H of title XII, add the following new section:

1 **SEC. ____ . OPEN SKIES TREATY STABILITY ACT.**

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Open Skies Treaty Stability Act”.

4 (b) **FINDINGS.**—Congress finds the following:

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

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

12 (3) The Open Skies Treaty aims to build con-
13 fidence among signatories through participation in
14 overflights.

15 (4) Open Skies Treaty observation missions
16 contribute to greater transparency and stability in
17 the Euro-Atlantic region, benefitting both the
18 United States and United States allies and partners.

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

6 (6) In December 2018, the United States, along
7 with Canada, the United Kingdom, France, Ger-
8 many, and Romania, demonstrated that Open Skies
9 Treaty mechanisms can be used during times of cri-
10 sis.

11 (7) Following Russia’s unprovoked attack on
12 Ukrainian vessels near the Kerch Strait, the United
13 States and United States allies conducted an “ex-
14 traordinary” Open Skies Treaty observation mission
15 over Ukraine to reaffirm commitment to Ukraine.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the United States should forcefully address
19 Russian violations of its obligations under the Open
20 Skies Treaty;

21 (2) due to the significant benefits that observa-
22 tion missions under the Open Skies Treaty provide
23 to the United States and United States allies, the
24 United States should commit to continued participa-
25 tion in the Treaty; and

1 (3) the President should not withdraw the
2 United States from the Open Skies Treaty.

3 (d) STATEMENT OF POLICY.— It is the policy of the
4 United States—

5 (1) to continue to fulfill its obligations under
6 the Open Skies Treaty; and

7 (2) consistent with subsection (e), to reject any
8 efforts to withdraw the United States from the Open
9 Skies Treaty, or to indirectly withdraw from the
10 Open Skies Treaty in a manner that creates a de
11 facto withdrawal.

12 (e) PROHIBITION ON ACTIONS TO SUSPEND, TERMI-
13 NATE, OR WITHDRAW THE UNITED STATES FROM THE
14 OPEN SKIES TREATY.—The President may not take any
15 action to suspend, terminate, or withdraw the United
16 States from the Open Skies Treaty unless, not later than
17 180 days before such action is to take effect, the Secretary
18 of Defense and the Secretary of State jointly determine
19 and certify to the appropriate congressional committees
20 that—

21 (1) Russia is in material breach of its obliga-
22 tions under the Open Skies Treaty and is not taking
23 steps to return to compliance with such obligations,
24 and all other state parties to the Open Skies Treaty

1 have been consulted with respect to such determina-
2 tion of the Secretaries;

3 (2) withdrawing from the Open Skies Treaty
4 would be in the best interests of United States na-
5 tional security and the other state parties to the
6 Open Skies Treaty have been consulted with respect
7 to such withdrawal; and

8 (3) a comprehensive strategy to mitigate
9 against reduced military transparency, including po-
10 tential new multilateral confidence building meas-
11 ures, has been developed.

12 (f) DEFINITIONS.—In this section:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term “appropriate congressional com-
15 mittees” means—

16 (A) the congressional defense committees
17 (as such term is defined in section 101 of title
18 10, United States Code); and

19 (B) the Committee on Foreign Affairs of
20 the House of Representatives and the Com-
21 mittee on Foreign Relations of the Senate.

22 (2) OPEN SKIES TREATY; TREATY.—The term
23 “Open Skies Treaty” or “Treaty” means the Treaty

- 1 on Open Skies, done at Helsinki March 24, 1992,
- 2 and entered into force January 1, 2002.

