

Frank
Kaine first Degree 1

AMENDMENT NO. _____

Calendar No. _____

Purpose: To require the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. _____

To provide for certain authorities of the Department of State, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. KAINE

Viz:

1 At the end of title VII, add the following:

2 **SEC. 716. LIMITATION ON WITHDRAWAL FROM NORTH AT-**
3 **LANTIC TREATY.**

4 (a) OPPOSITION OF CONGRESS TO SUSPENSION,
5 TERMINATION, DENUNCIATION, OR WITHDRAWAL FROM
6 NORTH ATLANTIC TREATY.—The President shall not sus-
7 pend, terminate, denounce, or withdraw the United States
8 from the North Atlantic Treaty, done at Washington, DC,
9 April 4, 1949, except by and with the advice and consent
10 of the Senate, provided that two-thirds of the Senators
11 present concur, or pursuant to an Act of Congress.

1 (b) LIMITATION ON THE USE OF FUNDS.—No funds
2 authorized or appropriated by any Act may be used to sup-
3 port, directly or indirectly, any efforts on the part of any
4 United States Government official to take steps to sus-
5 pend, terminate, denounce, or withdraw the United States
6 from the North Atlantic Treaty, done at Washington, DC,
7 April 4, 1949, until such time as both the Senate and the
8 House of Representatives pass, by an affirmative vote of
9 two-thirds of Members, a joint resolution approving the
10 withdrawal of the United States from the treaty or pursu-
11 ant to an Act of Congress.

12 (c) NOTIFICATION OF TREATY ACTION.—

13 (1) CONSULTATION.—Prior to the notification
14 described in paragraph (2), the President shall con-
15 sult with the Committee on Foreign Relations of the
16 Senate and the Committee on Foreign Affairs of the
17 House of Representatives in relation to any effort to
18 suspend, terminate, denounce, or withdraw the
19 United States from the North Atlantic Treaty.

20 (2) NOTIFICATION.—The President shall notify
21 the Committee on Foreign Relations of the Senate
22 and the Committee on Foreign Affairs of the House
23 of Representatives in writing of any effort to sus-
24 pend, terminate, denounce, or withdraw the United
25 States from the North Atlantic Treaty, as soon as

1 possible but in no event later than 180 days prior
2 to taking such action.

3 (d) AUTHORIZATION OF LEGAL COUNSEL TO REP-
4 RESENT CONGRESS.—Both the Senate Legal Counsel and
5 the General Counsel to the House of Representatives are
6 authorized to independently or collectively represent Con-
7 gress in initiating or intervening in any judicial pro-
8 ceedings in any Federal court of competent jurisdiction
9 on behalf of Congress in order to oppose any effort to sus-
10 pend, terminate, denounce, or withdraw the United States
11 from the North Atlantic Treaty in a manner inconsistent
12 with this section.

13 (e) REPORTING REQUIREMENT.—Any legal counsel
14 operating pursuant to subsection (d) shall report as soon
15 as practicable to the Committee on Foreign Relations of
16 the Senate and the Committee on Foreign Affairs of the
17 House of Representatives with respect to any judicial pro-
18 ceedings which the Senate Legal Counsel or the General
19 Counsel to the House of Representatives, as the case may
20 be, initiates or in which it intervenes pursuant to sub-
21 section (d).

22 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to authorize, imply, or otherwise
24 indicate that the President may suspend, terminate, de-
25 nounce, or withdraw from any treaty to which the Senate

1 has provided its advice and consent without the advice and
2 consent of the Senate to such act or pursuant to an Act
3 of Congress.

4 (g) SEVERABILITY.—If any provision of this section
5 or the application of such provision is held by a Federal
6 court to be unconstitutional, the remainder of this section
7 and the application of the provisions of such to any person
8 or circumstance shall not be affected thereby.

9 (h) DEFINITIONS.—In this section, the terms “with-
10 drawal”, “denunciation”, “suspension”, and “termi-
11 nation” have the meaning given the terms in the Vienna
12 Convention on the Law of Treaties, concluded at Vienna
13 May 23, 1969.