

IIA

Calendar No. _____

117TH CONGRESS
2D SESSION

S. J. RES. 17

Requiring 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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 15, 2021

Mr. KAINE (for himself, Mr. RUBIO, Mr. BLUMENTHAL, Ms. COLLINS, Mr. COONS, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. KING, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. MORAN, Mrs. SHAHEEN, Mr. WARNER, Mr. CRUZ, Mr. CARDIN, and Mr. ROMNEY) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

_____ (legislative day, _____), _____

Reported by Mr. MENENDEZ, with an amendment

[Strike out all after the resolving clause and insert the part printed in *italic*]

JOINT RESOLUTION

Requiring 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, and for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

1 **SECTION 1. OPPOSITION OF CONGRESS TO SUSPENSION,**
2 **TERMINATION, DENUNCIATION, OR WITH-**
3 **DRAWAL FROM NORTH ATLANTIC TREATY.**

4 The President shall not suspend, terminate, de-
5 nounce, or withdraw the United States from the North
6 Atlantic Treaty, done at Washington, DC, April 4, 1949,
7 except by and with the advice and consent of the Senate,
8 provided that two-thirds of the Senators present concur,
9 or pursuant to an Act of Congress.

10 **SEC. 2. LIMITATION ON THE USE OF FUNDS.**

11 No funds authorized or appropriated by any Act may
12 be used to support, directly or indirectly, any efforts on
13 the part of any United States Government official to take
14 steps to suspend, terminate, denounce, or withdraw the
15 United States from the North Atlantic Treaty, done at
16 Washington, DC, April 4, 1949, until such time as both
17 the Senate and the House of Representatives pass, by an
18 affirmative vote of two-thirds of Members, a joint resolu-
19 tion approving the withdrawal of the United States from
20 the treaty or pursuant to an Act of Congress.

21 **SEC. 3. NOTIFICATION OF TREATY ACTION.**

22 The President shall notify the Committee on Foreign
23 Relations of the Senate and the Committee on Foreign
24 Affairs of the House of Representatives in writing of any
25 effort to suspend, terminate, denounce, or withdraw the
26 United States from the North Atlantic Treaty, as soon

1 as possible but in no event later than 48 hours after any
2 such action is taken.

3 **SEC. 4. AUTHORIZATION OF LEGAL COUNSEL TO REP-**
4 **RESENT CONGRESS.**

5 Both the Senate Legal Counsel and the General
6 Counsel to the House of Representatives are authorized
7 to independently or collectively represent Congress in initi-
8 ating or intervening in any judicial proceedings in any
9 Federal court of competent jurisdiction on behalf of Con-
10 gress in order to oppose any effort to suspend, terminate,
11 denounce, or withdraw the United States from the North
12 Atlantic Treaty in a manner inconsistent with this joint
13 resolution.

14 **SEC. 5. REPORTING REQUIREMENT.**

15 Any legal counsel operating pursuant to section 4
16 shall report as soon as practicable to the Committee on
17 Foreign Relations of the Senate and the Committee on
18 Foreign Affairs of the House of Representatives with re-
19 spect to any judicial proceedings which the Senate Legal
20 Counsel or the General Counsel to the House of Rep-
21 resentatives, as the case may be, initiates or in which it
22 intervenes pursuant to section 4.

23 **SEC. 6. DEFINITIONS.**

24 In this resolution, the terms "withdrawal", "denun-
25 ciation", "suspension", and "termination" have the mean-

1 ing given the terms in the Vienna Convention on the Law
2 of Treaties, concluded at Vienna May 23, 1969.

3 **SECTION 1. OPPOSITION OF CONGRESS TO SUSPENSION,**
4 **TERMINATION, DENUNCIATION, OR WITH-**
5 **DRAWAL FROM NORTH ATLANTIC TREATY.**

6 *The President shall not suspend, terminate, denounce,*
7 *or withdraw the United States from the North Atlantic*
8 *Treaty, done at Washington, DC, April 4, 1949, except by*
9 *and with the advice and consent of the Senate, provided*
10 *that two-thirds of the Senators present concur, or pursuant*
11 *to an Act of Congress.*

12 **SEC. 2. LIMITATION ON THE USE OF FUNDS.**

13 *No funds authorized or appropriated by any Act may*
14 *be used to support, directly or indirectly, any efforts on the*
15 *part of any United States Government official to take steps*
16 *to suspend, terminate, denounce, or withdraw the United*
17 *States from the North Atlantic Treaty, done at Washington,*
18 *DC, April 4, 1949, until such time as both the Senate and*
19 *the House of Representatives pass, by an affirmative vote*
20 *of two-thirds of Members, a joint resolution approving the*
21 *withdrawal of the United States from the treaty or pursu-*
22 *ant to an Act of Congress.*

23 **SEC. 3. NOTIFICATION OF TREATY ACTION.**

24 *(a) CONSULTATION.—Prior to the notification de-*
25 *scribed in subsection (b), the President shall consult with*

1 *the Committee on Foreign Relations of the Senate and the*
2 *Committee on Foreign Affairs of the House of Representa-*
3 *tives in relation to any effort to suspend, terminate, de-*
4 *nounce, or withdraw the United States from the North At-*
5 *lantic Treaty.*

6 (b) *NOTIFICATION.—The President shall notify the*
7 *Committee on Foreign Relations of the Senate and the Com-*
8 *mittee on Foreign Affairs of the House of Representatives*
9 *in writing of any effort to suspend, terminate, denounce,*
10 *or withdraw the United States from the North Atlantic*
11 *Treaty, as soon as possible but in no event later than 180*
12 *days prior to taking such action.*

13 **SEC. 4. AUTHORIZATION OF LEGAL COUNSEL TO REP-**
14 **RESENT CONGRESS.**

15 *Both the Senate Legal Counsel and the General Coun-*
16 *sel to the House of Representatives are authorized to inde-*
17 *pendently or collectively represent Congress in initiating or*
18 *intervening in any judicial proceedings in any Federal*
19 *court of competent jurisdiction on behalf of Congress in*
20 *order to oppose any effort to suspend, terminate, denounce,*
21 *or withdraw the United States from the North Atlantic*
22 *Treaty in a manner inconsistent with this joint resolution.*

23 **SEC. 5. REPORTING REQUIREMENT.**

24 *Any legal counsel operating pursuant to section 4 shall*
25 *report as soon as practicable to the Committee on Foreign*

1 *Relations of the Senate and the Committee on Foreign Af-*
2 *airs of the House of Representatives with respect to any*
3 *judicial proceedings which the Senate Legal Counsel or the*
4 *General Counsel to the House of Representatives, as the case*
5 *may be, initiates or in which it intervenes pursuant to sec-*
6 *tion 4.*

7 **SEC. 6. RULE OF CONSTRUCTION.**

8 *Nothing in this resolution shall be construed to author-*
9 *ize, imply, or otherwise indicate that the President may*
10 *suspend, terminate, denounce, or withdraw from any treaty*
11 *to which the Senate has provided its advice and consent*
12 *without the advice and consent of the Senate to such act*
13 *or pursuant to an Act of Congress.*

14 **SEC. 7. SEVERABILITY.**

15 *If any provision of this resolution or the application*
16 *of such provision is held by a Federal court to be unconsti-*
17 *tutional, the remainder of this resolution and the applica-*
18 *tion of the provisions of such to any person or circumstance*
19 *shall not be affected thereby.*

20 **SEC. 8. DEFINITIONS.**

21 *In this resolution, the terms "withdrawal", "denuncia-*
22 *tion", "suspension", and "termination" have the meaning*
23 *given the terms in the Vienna Convention on the Law of*
24 *Treaties, concluded at Vienna May 23, 1969.*