

## Manager's Amendment

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. MENENDEZ

Viz:

1 Strike all after the resolving clause and insert the fol-  
2 lowing:

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, de-  
7 nounce, or withdraw the United States from the North  
8 Atlantic Treaty, done at Washington, DC, April 4, 1949,  
9 except by and with the advice and consent of the Senate,  
10 provided that two-thirds of the Senators present concur,  
11 or pursuant to an Act of Congress.

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

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

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

13 (a) CONSULTATION.—Prior to the notification de-  
14 scribed in subsection (b), the President shall consult with  
15 the Committee on Foreign Relations of the Senate and  
16 the Committee on Foreign Affairs of the House of Rep-  
17 resentatives in relation to any effort to suspend, termi-  
18 nate, denounce, or withdraw the United States from the  
19 North Atlantic Treaty.

20 (b) NOTIFICATION.—The President shall notify the  
21 Committee on Foreign Relations of the Senate and the  
22 Committee on Foreign Affairs of the House of Representa-  
23 tives in writing of any effort to suspend, terminate, de-  
24 nounce, or withdraw the United States from the North  
25 Atlantic Treaty, as soon as possible but in no event later  
26 than 180 days prior to taking such action.

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

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

12 **SEC. 5. REPORTING REQUIREMENT.**

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

21 **SEC. 6. RULE OF CONSTRUCTION.**

22 Nothing in this resolution shall be construed to au-  
23 thorize, imply, or otherwise indicate that the President  
24 may suspend, terminate, denounce, or withdraw from any  
25 treaty to which the Senate has provided its advice and con-

1 sent without the advice and consent of the Senate to such  
2 act or pursuant to an Act of Congress.

3 **SEC. 7. SEVERABILITY.**

4 If any provision of this resolution or the application  
5 of such provision is held by a Federal court to be unconsti-  
6 tutional, the remainder of this resolution and the applica-  
7 tion of the provisions of such to any person or cir-  
8 cumstance shall not be affected thereby.

9 **SEC. 8. DEFINITIONS.**

10 In this resolution, the terms “withdrawal”, “denun-  
11 ciation”, “suspension”, and “termination” have the mean-  
12 ing given the terms in the Vienna Convention on the Law  
13 of Treaties, concluded at Vienna May 23, 1969.