

118TH CONGRESS
1ST SESSION

S. J. RES. 37

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

JULY 12, 2023

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

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,*
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

1 Atlantic Treaty, done at Washington, DC, April 4, 1949,
2 except by and with the advice and consent of the Senate,
3 provided that two-thirds of the Senators present concur,
4 or pursuant to an Act of Congress.

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

6 No funds authorized or appropriated by any Act may
7 be used to support, directly or indirectly, any decision on
8 the part of any United States Government official to sus-
9 pend, terminate, denounce, or withdraw the United States
10 from the North Atlantic Treaty, done at Washington, DC,
11 April 4, 1949, until such time as both the Senate and the
12 House of Representatives pass, by an affirmative vote of
13 two-thirds of Members, a joint resolution approving the
14 withdrawal of the United States from the treaty, or pursu-
15 ant to an Act of Congress.

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

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

24 (b) NOTIFICATION.—The President shall notify the
25 Committee on Foreign Relations of the Senate and the

1 Committee on Foreign Affairs of the House of Representa-
2 tives in writing of any deliberation or decision to suspend,
3 terminate, denounce, or withdraw the United States from
4 the North Atlantic Treaty, as soon as possible but in no
5 event later than 180 days prior to taking such action.

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

8 (a) IN GENERAL.—By adoption of a resolution of the
9 Senate or the House of Representatives, respectively, the
10 Senate Legal Counsel or the General Counsel to the House
11 of Representatives may be authorized to initiate, or inter-
12 vene in, in the name of the Senate or the House of Rep-
13 resentatives, as the case may be, independently, or jointly,
14 any judicial proceedings in any Federal court of competent
15 jurisdiction in order to oppose any action to suspend, ter-
16 minate, denounce, or withdraw the United States from the
17 North Atlantic Treaty in a manner inconsistent with this
18 resolution.

19 (b) CONSIDERATION.—Any resolution or joint resolu-
20 tion introduced relevant to North Atlantic Treaty-related
21 matters and pursuant to section 4(a) of this title shall be
22 considered in accordance with the procedures of section
23 601(b) of the International Security Assistance and Arms
24 Export Control Act of 1976 (Public Law 94–329; 90 Stat.
25 765).

1 **SEC. 5. REPORTING REQUIREMENT.**

2 Any legal counsel operating pursuant to section 4
3 shall report as soon as practicable to the Committee on
4 Foreign Relations of the Senate or the Committee on For-
5 eign Affairs of the House of Representatives with respect
6 to any judicial proceedings which the Senate Legal Coun-
7 sel or the General Counsel to the House of Representa-
8 tives, as the case may be, initiates or in which it intervenes
9 pursuant to section 4.

10 **SEC. 6. RULE OF CONSTRUCTION.**

11 Nothing in this resolution shall be construed to au-
12 thorize, imply, or otherwise indicate that the President
13 may suspend, terminate, denounce, or withdraw from any
14 treaty to which the Senate has provided its advice and con-
15 sent without the advice and consent of the Senate to such
16 act or pursuant to an Act of Congress.

17 **SEC. 7. SEVERABILITY.**

18 If any provision of this resolution or the application
19 of such provision is held by a Federal court to be unconsti-
20 tutional, the remainder of this resolution and the applica-
21 tion of such provisions to any other person or cir-
22 cumstance shall not be affected thereby.

23 **SEC. 8. 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.

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