

118TH CONGRESS
1ST SESSION

H. J. RES. 89

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 HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Ms. McCLELLAN (for herself, Mr. FITZPATRICK, Mr. CONNOLLY, Mr. TURNER, Ms. ADAMS, Ms. NORTON, Ms. PORTER, Ms. CROCKETT, Mr. SWALWELL, Mr. BOYLE of Pennsylvania, Mr. VEASEY, Mr. PETERS, Mr. SCHIFF, Mrs. WATSON COLEMAN, Mr. COSTA, Mr. GALLEGGO, Ms. SHERRILL, Mr. ALLRED, Mr. MAGAZINER, Ms. WEXTON, Mrs. KIGGANS of Virginia, Mr. LARSEN of Washington, Mr. GREEN of Texas, Mr. MCCORMICK, Mr. KILDEE, Mr. CLEAVER, Ms. DEAN of Pennsylvania, Ms. SPANBERGER, and Ms. ROSS) submitted the following joint resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 decision on
13 the part of any United States Government official to sus-
14 pend, terminate, denounce, or withdraw the United States
15 from the North Atlantic Treaty, done at Washington, DC,
16 April 4, 1949, until such time as both the Senate and the
17 House of Representatives pass, by an affirmative vote of
18 two-thirds of Members, a joint resolution approving the
19 withdrawal of the United States from the treaty, or pursu-
20 ant to an Act of Congress.

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

22 (a) CONSULTATION.—Prior to the notification de-
23 scribed in subsection (b), the President shall consult with
24 the Committee on Foreign Relations of the Senate and
25 the Committee on Foreign Affairs of the House of Rep-
26 resentatives in relation to any initiative to suspend, termi-

1 nate, denounce, or withdraw the United States from the
2 North Atlantic Treaty.

3 (b) NOTIFICATION.—The President shall notify the
4 Committee on Foreign Relations of the Senate and the
5 Committee on Foreign Affairs of the House of Representa-
6 tives in writing of any deliberation or decision to suspend,
7 terminate, denounce, or withdraw the United States from
8 the North Atlantic Treaty, as soon as possible but in no
9 event later than 180 days prior to taking such action.

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

12 (a) IN GENERAL.—By adoption of a resolution of the
13 Senate or the House of Representatives, respectively, the
14 Senate Legal Counsel or the General Counsel to the House
15 of Representatives may be authorized to initiate, or inter-
16 vene in, in the name of the Senate or the House of Rep-
17 resentatives, as the case may be, independently, or jointly,
18 any judicial proceedings in any Federal court of competent
19 jurisdiction in order to oppose any action to suspend, ter-
20minate, denounce, or withdraw the United States from the
21 North Atlantic Treaty in a manner inconsistent with this
22 resolution.

23 (b) CONSIDERATION.—Any resolution or joint resolu-
24 tion introduced relevant to North Atlantic Treaty-related
25 matters and pursuant to section 4(a) of this title shall be

1 considered in accordance with the procedures of section
2 601(b) of the International Security Assistance and Arms
3 Export Control Act of 1976 (Public Law 94–329; 90 Stat.
4 765).

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

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

14 **SEC. 6. RULE OF CONSTRUCTION.**

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

21 **SEC. 7. SEVERABILITY.**

22 If any provision of this resolution or the application
23 of such provision is held by a Federal court to be unconsti-
24 tutional, the remainder of this resolution and the applica-

1 tion of such provisions to any other person or cir-
2 cumstance shall not be affected thereby.

3 **SEC. 8. DEFINITIONS.**

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

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