

115TH CONGRESS
2D SESSION

S. J. RES. 62

Formalizing congressional opposition to any withdrawal from the North Atlantic Treaty, requiring the advice and consent of the Senate to modify or terminate the North Atlantic Treaty, and authorizing litigation to advance the Senate's constitutional authority.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2018

Mr. KAINE (for himself, Mr. GARDNER, Mr. REED, and Mr. MCCAIN) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

Formalizing congressional opposition to any withdrawal from the North Atlantic Treaty, requiring the advice and consent of the Senate to modify or terminate the North Atlantic Treaty, and authorizing litigation to advance the Senate's constitutional authority.

Whereas the President is constitutionally required to seek the advice and consent of the Senate in order to enter into a treaty on behalf of the United States and must therefore seek the advice and consent of the Senate to withdraw from a treaty: Now, therefore, be it

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 WITHDRAWAL**
2 **FROM NORTH ATLANTIC TREATY.**

3 Congress opposes any effort to withdraw the United
4 States from the North Atlantic Treaty, done at Wash-
5 ington, DC, April 4, 1949.

6 **SEC. 2. REQUIREMENT TO RECEIVE THE ADVICE AND CON-**
7 **SENT OF THE SENATE TO MODIFY OR TERMI-**
8 **NATE THE NORTH ATLANTIC TREATY.**

9 The President may only withdraw from the North At-
10 lantic Treaty, in accordance with its terms, pursuant to
11 the advice and consent of the Senate, provided that two
12 thirds of the Senators present concur, or pursuant to an
13 Act of Congress.

14 **SEC. 3. AUTHORIZATION OF SENATE LEGAL COUNSEL TO**
15 **REPRESENT THE SENATE IN OPPOSITION TO**
16 **WITHDRAWAL FROM NORTH ATLANTIC TREA-**
17 **TY.**

18 The Senate Legal Counsel is authorized to represent
19 the Senate in initiating or intervening in any judicial pro-
20 ceedings in any Federal court of competent jurisdiction,
21 on behalf of the Senate, in order to oppose any withdrawal
22 of the United States from the North Atlantic Treaty and
23 to ensure that such withdrawal is pursuant to the advice
24 and consent of the Senate or an Act of Congress.

1 **SEC. 4. REPORTING REQUIREMENT.**

2 The Senate Legal Counsel shall report as soon as
3 practicable to the Committee on Foreign Relations of the
4 Senate and the Committee on Foreign Affairs of the
5 House of Representatives with respect to any judicial pro-
6 ceedings which the Senate Legal Counsel initiates or in
7 which it intervenes pursuant to this resolution.

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