

116TH CONGRESS
2^D SESSION

H. R. 6991

To prohibit actions to terminate or withdraw the United States from international treaties without affirmative approval from both Houses of Congress, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2020

Mr. PANETTA introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To prohibit actions to terminate or withdraw the United States from international treaties without affirmative approval from both Houses of Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Actions
5 Undermining Security without Endorsement Act” or the
6 “PAUSE Act”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) The COVID–19 global pandemic has high-
2 lighted the need for United States leadership to ad-
3 dress the full range of international security chal-
4 lenges, which the Government of the United States
5 can do by reaffirming its steadfast commitment to
6 those mutually beneficial treaties and agreements
7 forged with its European and Indo-Pacific allies,
8 along with other states parties.

9 (2) For more than 70 years, the United States
10 has shown a bipartisan commitment to the North
11 Atlantic Treaty Organization (NATO), specifically to
12 the principle of collective defense enshrined in Arti-
13 cle 5 of the North Atlantic Treaty, signed at Wash-
14 ington April 4, 1949.

15 (3) Section 1242 of the National Defense Au-
16 thorization Act for Fiscal Year 2020 (Public Law
17 116–92) prohibited the use of funds for the United
18 States withdrawal from the North Atlantic Treaty in
19 recognition that the NATO alliance remains a cor-
20 nerstone for peace and prosperity throughout the
21 world.

22 (4) On January 22, 2019, the House of Rep-
23 resentatives passed H.R. 676 (116th Congress) on a
24 357–22 vote, prohibiting the use of funds for the
25 United States withdrawal from the North Atlantic

1 Treaty, and on December 17, 2019, the Committee
2 on Foreign Relations of the Senate reported out S.J.
3 Res. 4 (116th Congress), which if enacted into law,
4 would require approval of two-thirds of the Senate,
5 or both Houses of Congress, before the President
6 could withdraw the United States from the treaty.

7 (5) The Treaty on Open Skies, signed at Hel-
8 sinki March 24, 1992, provides a critical confidence-
9 building measure for Euro-Atlantic security to the
10 mutual benefit of the 34 States Parties to the trea-
11 ty, and the Open Skies Consultative Commission
12 (OSCC) is one of the few remaining operational dip-
13 lomatic forums from which the United States can
14 engage with the Russian Federation.

15 (6) Although the Government of the United
16 States is right to diplomatically press the Govern-
17 ment of the Russian Federation to return to full
18 compliance with its obligations under the Treaty on
19 Open Skies, withdrawal or termination of the treaty
20 would deprive United States allies and partners of
21 the benefits derived from observation missions over
22 Russian territory and Russian occupied Eastern
23 Ukraine, missions that have vastly outnumbered
24 Russian overflights of United States territory since
25 entry into force of the treaty.

1 (7) The Mutual Defense Treaty Between the
2 United States and the Republic of Korea, signed at
3 Washington October 1, 1953, the ratification of
4 which the Senate advised and consented to on Janu-
5 ary 26, 1954, was born from mutual sacrifice during
6 the Korean War, is based on shared values and in-
7 terests, and remains critical to the national security
8 of the United States nearly 7 decades after its sign-
9 ing.

10 (8) A February 2020 report from the Depart-
11 ment of State confirmed, in part, that verifiable lim-
12 its on “Russia’s strategic nuclear force” under the
13 New START Treaty “currently contribute to the na-
14 tional security of the United States”.

15 (9) A decision by the President to allow the
16 New START Treaty to expire on February 5, 2021,
17 without the United States having first successfully
18 concluded a verifiable and binding agreement in its
19 place, would lead to the United States losing visi-
20 bility into the location, movement, and disposition of
21 the strategic arsenal of the Russian Federation to
22 the detriment of the national security of the United
23 States and its allies.

24 (10) The Constitution of the United States pro-
25 vides Congress an important role in the treaty proc-

1 ess, requiring the advice and consent of two-thirds
2 of the Senate for approval of a resolution of ratifica-
3 tion.

4 **SEC. 3. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the President should refrain from taking
7 any action to withdraw or terminate any inter-
8 national treaty to which the Senate has given its ad-
9 vice and consent to ratification without proper con-
10 sultation with, and affirmative approval from, Con-
11 gress;

12 (2) the 1979 Supreme Court decision in Gold-
13 water v. Carter, 444 U.S. 996 (1979), is not control-
14 ling legal precedent with respect to the role of Con-
15 gress in the withdrawal or termination of the United
16 States from an international treaty, as the Court di-
17 rected the lower court to dismiss the complaint and
18 did not address the constitutionality of the decision
19 by President Carter to terminate the Mutual De-
20 fense Treaty between the United States of America
21 and the Republic of China, signed at Washington
22 December 2, 1954 (commonly referred to as the
23 “Sino-American Mutual Defense Treaty”); and

24 (3) the United States should take every action
25 to reinforce its global reputation as a country that

1 fully complies with its obligations under the inter-
2 national treaties to which it is a party.

3 **SEC. 4. AFFIRMATIVE CONGRESSIONAL APPROVAL FOR**
4 **TERMINATION OR WITHDRAWAL FROM AN**
5 **INTERNATIONAL TREATY.**

6 No action to terminate or withdraw the United States
7 from any international treaty to which the Senate has
8 given its advice and consent to ratification may occur un-
9 less—

10 (1) the Secretary of Defense and the Secretary
11 of State meet the requirements under section 5; and

12 (2) there is enacted into law a joint resolution
13 that approves such action.

14 **SEC. 5. JUSTIFICATION, CERTIFICATIONS, DETERMINA-**
15 **TION, AND STRATEGY ON ACTIONS TO TERMI-**
16 **NATE OR WITHDRAW THE UNITED STATES**
17 **FROM AN INTERNATIONAL TREATY.**

18 (a) IN GENERAL.—Not later than 180 days before
19 the provision of notice of intent to terminate or withdraw
20 the United States from any international treaty to which
21 the Senate has given its advice and consent to ratification,
22 the Secretary of Defense and the Secretary of State, in
23 consultation with the Director of National Intelligence,
24 shall each submit to the appropriate committees of Con-
25 gress—

1 (1) a detailed justification for the withdrawal
2 from or termination of the treaty;

3 (2) if the justification described in paragraph
4 (1) includes that a state party to the treaty is in
5 material breach of one or more obligations under the
6 treaty, a detailed explanation of the steps taken by
7 that state party to return to compliance with such
8 obligations;

9 (3) a certification that all other state parties to
10 the treaty have been consulted with respect to the
11 justification described in paragraph (1);

12 (4) a certification that withdrawal from or ter-
13 mination of the treaty would be in the best national
14 interests of the United States;

15 (5) a certification that the United States ra-
16 tionale and all steps taken for withdrawal from the
17 treaty are made in compliance with the treaty; and

18 (6) a comprehensive strategy to mitigate
19 against lost capacity of benefits, including a super-
20 seding treaty or potential new bilateral or multilat-
21 eral confidence-building measures.

22 (b) FORM.—The submission required by subsection
23 (a) shall be submitted in unclassified form, but may in-
24 clude a classified annex.

1 (c) APPLICABILITY TO NEW STRATEGIC ARMS RE-
2 DUCTION TREATY.—This section shall apply to a decision
3 by the President to not renew the New START Treaty
4 for up to an additional 5 years.

5 **SEC. 6. DEFINITIONS.**

6 In this Act:

7 (1) APPROPRIATE COMMITTEES OF CON-
8 GRESS.—The term “appropriate committees of Con-
9 gress” means—

10 (A) the Committee on Armed Services and
11 the Committee on Foreign Relations of the Sen-
12 ate; and

13 (B) the Committee on Armed Services and
14 the Committee on Foreign Affairs of the House
15 of Representatives.

16 (2) NEW START TREATY.—The term “New
17 START Treaty” means the Treaty between the
18 United States of America and the Russian Federa-
19 tion on Measures for the Further Reduction and
20 Limitation of Strategic Offensive Arms, signed at
21 Prague April 8, 2010.

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