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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To require the President to consult with Congress regarding withdrawal from the North Atlantic Treaty Organization, to provide for procedures to terminate such withdrawal, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To require the President to consult with Congress regarding withdrawal from the North Atlantic Treaty Organization, to provide for procedures to terminate such withdrawal, 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 “NATO Shield Act”.

5 **SEC. 2. FINDINGS AND PURPOSE.**

6 (a) FINDINGS.—Congress finds that:

1 (1) The North Atlantic Treaty Organization
2 constitutes a cornerstone of United States national
3 security and collective defense.

4 (2) The North Atlantic Treaty Organization
5 creates binding mutual defense obligations that di-
6 rectly affect the likelihood and scope of armed con-
7 flict involving the United States.

8 (3) Withdrawal from such a treaty would sub-
9 stantially alter United States exposure to hostilities,
10 deterrence posture, and global military commit-
11 ments.

12 (4) Under article I of the Constitution, Con-
13 gress retains authority to declare war and to regu-
14 late and govern the armed forces.

15 (5) The War Powers Resolution reflects Con-
16 gress intent to ensure collective judgment in deci-
17 sions that may lead to hostilities.

18 (b) PURPOSE.—The purpose of this Act is to clarify
19 that withdrawal from a mutual defense treaty constitutes
20 a decision with direct war powers implications requiring
21 congressional participation.

22 **SEC. 3. PROCEDURES REGARDING TREATY WITHDRAWAL**
23 **ACTIONS.**

24 (a) CONGRESSIONAL NOTIFICATION FOR WITH-
25 DRAWAL ACTION.—

1 (1) CONSULTATION REQUIREMENT.—The Presi-
2 dent shall consult with Congress not later than 72
3 hours after—

4 (A) considering a withdrawal action;

5 (B) determining that a withdrawal action
6 is under consideration by any member of the
7 Cabinet; or

8 (C) beginning to make a plan to initiate a
9 withdrawal action.

10 (2) REPORTING REQUIREMENT.—Not later than
11 48 hours after initiating a withdrawal action, the
12 President shall submit to Congress a report, includ-
13 ing—

14 (A) a legal justification for the withdrawal
15 action;

16 (B) a strategic rationale for the withdrawal
17 action; and

18 (C) expected military and alliance effects
19 of the withdrawal action.

20 (b) APPROVAL OR TERMINATION BY JOINT RESOLU-
21 TION.—

22 (1) AUTHORIZATION REQUIRED AFTER 30
23 DAYS.—A withdrawal action shall terminate on the
24 date that is 30 days after the withdrawal action is

1 initiated unless Congress enacts a joint resolution
2 approving the withdrawal action.

3 (2) TERMINATION BY JOINT RESOLUTION.—
4 Notwithstanding paragraph (1), during the 30-day
5 period beginning on the date a withdrawal action is
6 initiated, the President shall terminate the with-
7 drawal action if Congress so directs by joint resolu-
8 tion.

9 (3) FUNDING PROHIBITION.—No Federal funds
10 may be used to implement or continue any with-
11 drawal action terminated pursuant to paragraph (1)
12 or paragraph (2).

13 (c) EXPEDITED CONGRESSIONAL PROCEDURES.—

14 (1) REFERRAL OF JOINT RESOLUTION.—A joint
15 resolution described in paragraph (1) or (2) of sub-
16 section (b) shall be referred to the Committee on
17 Foreign Affairs of the House of Representatives or
18 the Committee on Foreign Relations of the Senate,
19 as the case may be, and such committee shall report
20 one such joint resolution, together with its rec-
21 ommendations, not later than twelve calendar days
22 after the date the applicable withdrawal action is ini-
23 tiated, unless such House shall otherwise determine
24 by the yeas and nays.

1 (2) VOTE ON JOINT RESOLUTION.—Any joint
2 resolution so reported shall become the pending busi-
3 ness of the House in question (in the case of the
4 Senate the time for debate shall be equally divided
5 between the proponents and the opponents), and
6 shall be voted on within three calendar days there-
7 after, unless such House shall otherwise determine
8 by yeas and nays.

9 (3) REPORTED JOINT RESOLUTION.—Such a
10 joint resolution passed by one House shall be re-
11 ferred to the committee of the other House named
12 in paragraph (1) and shall be reported out not later
13 than fourteen calendar days after such referral. The
14 joint resolution so reported shall become the pending
15 business of the House in question and shall be voted
16 on within three calendar days after it has been re-
17 ported, unless such House shall otherwise determine
18 by yeas and nays.

19 (4) CONFERENCE ON JOINT RESOLUTION.—In
20 the case of any disagreement between the two
21 Houses of Congress with respect to a joint resolution
22 passed by both Houses, conferees shall be promptly
23 appointed and the committee of conference shall
24 make and file a report with respect to such resolu-
25 tion or bill not later than four calendar days after

1 such appointment. In the event the conferees are un-
2 able to agree within 48 hours of such appointment,
3 they shall report back to their respective Houses in
4 disagreement. Notwithstanding any rule in either
5 House concerning the printing of conference reports
6 in the Record or concerning any delay in the consid-
7 eration of such reports, such report shall be acted on
8 by both Houses not later than five days after such
9 report.

10 (d) STANDING FOR RELIEF.—

11 (1) IN GENERAL.—In the case of any violation
12 of this section, a Member of Congress may bring an
13 action in the appropriate Federal district court for
14 appropriate relief.

15 (2) EXPEDITED REVIEW.—A court shall ad-
16 vance on the docket and consider an action under
17 paragraph (1) on an expedited basis, and shall, to
18 the extent practicable, make a disposition of such ac-
19 tion not later than 30 days after such action is filed.

20 (e) WITHDRAWAL ACTION DEFINED.—In this sec-
21 tion, the term “withdrawal action” means any formal or
22 informal step to suspend or terminate the membership of
23 the United States in or withdraw the United States from
24 the North Atlantic Treaty Organization, including trans-
25 mitting a notification of withdrawal or intent to withdraw

- 1 from such Organization to a foreign country that is a
- 2 member of such Organization.