AMENDMENT
TO RULES COMMITTEE PRINT 116–57
OFFERED BY MR. PANETTA OF CALIFORNIA

At the end of title XVII, insert the following:

Subtitle F—Preventing Actions Undermining Security Without Endorsement

SEC. 1771. SHORT TITLE.

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

SEC. 1772. FINDINGS.

Congress makes the following findings:

(1) The COVID–19 global pandemic has highlighted the need for United States leadership to address the full range of international security challenges, which the Government of the United States can do by reaffirming its steadfast commitment to those mutually beneficial treaties and agreements forged with its European and Indo-Pacific allies, along with other states parties.

(2) For more than 70 years, the United States has shown a bipartisan commitment to the North
Atlantic Treaty Organization (NATO), specifically to
the principle of collective defense enshrined in Article
5 of the North Atlantic Treaty, signed at Washing-
ton April 4, 1949.

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

(4) On January 22, 2019, the House of Rep-
resentatives passed H.R. 676 (116th Congress) on a
357–22 vote, prohibiting the use of funds for the
United States withdrawal from the North Atlantic
Treaty, and on December 17, 2019, the Committee
on Foreign Relations of the Senate reported out S.J.
Res. 4 (116th Congress), which if enacted into law,
would require approval of two-thirds of the Senate,
or both Houses of Congress, before the President
could withdraw the United States from the treaty.

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

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

(7) The Mutual Defense Treaty Between the United States and the Republic of Korea, signed at Washington October 1, 1953, the ratification of which the Senate advised and consented to on January 26, 1954, was born from mutual sacrifice during the Korean War, is based on shared values and interests, and remains critical to the national security of the United States nearly 7 decades after its signing.
(8) A February 2020 report from the Department of State confirmed, in part, that verifiable limits on “Russia’s strategic nuclear force” under the New START Treaty “currently contribute to the national security of the United States”.

(9) A decision by the President to allow the New START Treaty to expire on February 5, 2021, without the United States having first successfully concluded a verifiable and binding agreement in its place, would lead to the United States losing visibility into the location, movement, and disposition of the strategic arsenal of the Russian Federation to the detriment of the national security of the United States and its allies.

(10) The Constitution of the United States provides Congress an important role in the treaty process, requiring the advice and consent of two-thirds of the Senate for approval of a resolution of ratification.

SEC. 1773. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the President should refrain from taking any action to withdraw or terminate any international treaty to which the Senate has given its advice and consent to ratification without proper con-
sultation with, and affirmative approval from, Con-
gress;

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

(3) the United States should take every action
to reinforce its global reputation as a country that
fully complies with its obligations under the inter-
national treaties to which it is a party.

SEC. 1774. AFFIRMATIVE CONGRESSIONAL APPROVAL FOR
TERMINATION OR WITHDRAWAL FROM AN
INTERNATIONAL TREATY.

No action to terminate or withdraw the United States
from any international treaty to which the Senate has
given its advice and consent to ratification may occur un-
less—
(1) the Secretary of Defense and the Secretary of State meet the requirements under section 1775;

and

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

SEC. 1775. JUSTIFICATION, CERTIFICATIONS, DETERMINATION, AND STRATEGY ON ACTIONS TO TERMINATE OR WITHDRAW THE UNITED STATES FROM AN INTERNATIONAL TREATY.

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

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

(2) if the justification described in paragraph (1) includes that a state party to the treaty is in material breach of one or more obligations under the treaty, a detailed explanation of the steps taken by that state party to return to compliance with such obligations;
(3) a certification that all other state parties to
the treaty have been consulted with respect to the
justification described in paragraph (1);

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

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

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

This subsection does not apply to the abrogation of a trea-
ty with another country with whom the United States is
engaged in hostilities.

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

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

SEC. 1776. DEFINITIONS.

In this subtitle:
(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

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

(2) **NEW START TREATY.**—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed at Prague April 8, 2010.