

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

At the end of title XVII, insert the following:

1 **Subtitle F—Preventing Actions Un-**
2 **dermining Security Without En-**
3 **dorsement**

4 **SEC. 1771. SHORT TITLE.**

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

8 **SEC. 1772. FINDINGS.**

9 Congress makes the following findings:

10 (1) The COVID–19 global pandemic has high-
11 lighted the need for United States leadership to ad-
12 dress the full range of international security chal-
13 lenges, which the Government of the United States
14 can do by reaffirming its steadfast commitment to
15 those mutually beneficial treaties and agreements
16 forged with its European and Indo-Pacific allies,
17 along with other states parties.

18 (2) For more than 70 years, the United States
19 has shown a bipartisan commitment to the North

1 Atlantic Treaty Organization (NATO), specifically to
2 the principle of collective defense enshrined in Arti-
3 cle 5 of the North Atlantic Treaty, signed at Wash-
4 ington April 4, 1949.

5 (3) Section 1242 of the National Defense Au-
6 thorization Act for Fiscal Year 2020 (Public Law
7 116–92) prohibited the use of funds for the United
8 States withdrawal from the North Atlantic Treaty in
9 recognition that the NATO alliance remains a cor-
10 nerstone for peace and prosperity throughout the
11 world.

12 (4) On January 22, 2019, the House of Rep-
13 resentatives passed H.R. 676 (116th Congress) on a
14 357–22 vote, prohibiting the use of funds for the
15 United States withdrawal from the North Atlantic
16 Treaty, and on December 17, 2019, the Committee
17 on Foreign Relations of the Senate reported out S.J.
18 Res. 4 (116th Congress), which if enacted into law,
19 would require approval of two-thirds of the Senate,
20 or both Houses of Congress, before the President
21 could withdraw the United States from the treaty.

22 (5) The Treaty on Open Skies, signed at Hel-
23 sinki March 24, 1992, provides a critical confidence-
24 building measure for Euro-Atlantic security to the
25 mutual benefit of the 34 States Parties to the trea-

1 ty, and the Open Skies Consultative Commission
2 (OSCC) is one of the few remaining operational dip-
3 lomatic forums from which the United States can
4 engage with the Russian Federation.

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

16 (7) The Mutual Defense Treaty Between the
17 United States and the Republic of Korea, signed at
18 Washington October 1, 1953, the ratification of
19 which the Senate advised and consented to on Janu-
20 ary 26, 1954, was born from mutual sacrifice during
21 the Korean War, is based on shared values and in-
22 terests, and remains critical to the national security
23 of the United States nearly 7 decades after its sign-
24 ing.

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

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

15 (10) The Constitution of the United States pro-
16 vides Congress an important role in the treaty proc-
17 ess, requiring the advice and consent of two-thirds
18 of the Senate for approval of a resolution of ratifica-
19 tion.

20 **SEC. 1773. SENSE OF CONGRESS.**

21 It is the sense of Congress that—

22 (1) the President should refrain from taking
23 any action to withdraw or terminate any inter-
24 national treaty to which the Senate has given its ad-
25 vice and consent to ratification without proper con-

1 sultation with, and affirmative approval from, Con-
2 gress;

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

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

19 **SEC. 1774. AFFIRMATIVE CONGRESSIONAL APPROVAL FOR**
20 **TERMINATION OR WITHDRAWAL FROM AN**
21 **INTERNATIONAL TREATY.**

22 No action to terminate or withdraw the United States
23 from any international treaty to which the Senate has
24 given its advice and consent to ratification may occur un-
25 less—

1 (1) the Secretary of Defense and the Secretary
2 of State meet the requirements under section 1775;
3 and

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

6 **SEC. 1775. JUSTIFICATION, CERTIFICATIONS, DETERMINA-**
7 **TION, AND STRATEGY ON ACTIONS TO TERMI-**
8 **NATE OR WITHDRAW THE UNITED STATES**
9 **FROM AN INTERNATIONAL TREATY.**

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

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

20 (2) if the justification described in paragraph
21 (1) includes that a state party to the treaty is in
22 material breach of one or more obligations under the
23 treaty, a detailed explanation of the steps taken by
24 that state party to return to compliance with such
25 obligations;

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

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

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

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

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

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

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

24 **SEC. 1776. DEFINITIONS.**

25 In this subtitle:

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

4 (A) the Committee on Armed Services and
5 the Committee on Foreign Relations of the Sen-
6 ate; and

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

10 (2) NEW START TREATY.—The term “New
11 START Treaty” means the Treaty between the
12 United States of America and the Russian Federa-
13 tion on Measures for the Further Reduction and
14 Limitation of Strategic Offensive Arms, signed at
15 Prague April 8, 2010.

