

116TH CONGRESS
2D SESSION

S. 4016

To reiterate the support of Congress for the relationship between the United States and the Federal Republic of Germany, to prevent the weakening of the deterrence capacity of the United States in Europe, to prohibit use of funds to withdraw the United States Armed Forces from Europe, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2020

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To reiterate the support of Congress for the relationship between the United States and the Federal Republic of Germany, to prevent the weakening of the deterrence capacity of the United States in Europe, to prohibit use of funds to withdraw the United States Armed Forces from Europe, 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 “Maintaining United
5 States National Security Interests in Europe Act”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The 2017 National Security Strategy states,
5 “[t]he United States will deepen collaboration with
6 our European allies and partners to confront forces
7 threatening to undermine our common values, secu-
8 rity interests, and shared vision. The United States
9 and Europe will work together to counter Russian
10 subversion and aggression, and the threats posed by
11 North Korea and Iran. We will continue to advance
12 our shared principles and interests in international
13 forums.”.

14 (2) After the end of World War II, the presence
15 of foreign military forces in Germany was governed
16 by a law signed in April 1949 that allowed France,
17 the United Kingdom, and the United States to re-
18 tain forces in Germany.

19 (3) The initial law was succeeded by the Con-
20 vention on the Presence of Foreign Forces in the
21 Federal Republic of Germany, signed at Paris on
22 October 23, 1954, allowing eight North Atlantic
23 Treaty Organization (NATO) members, specifically
24 Belgium, Canada, Denmark, France, Luxembourg,
25 the Netherlands, the United Kingdom, and the

1 United States, to maintain a long-term presence of
2 military forces in the Federal Republic of Germany.

3 (4) The Federal Republic of Germany has made
4 significant contributions to the North Atlantic Trea-
5 ty Organization alliance, and by hosting the largest
6 United States Armed Forces presence in Europe, the
7 Federal Republic of Germany has borne a significant
8 burden in the interest of collective security.

9 (5) As of June 2020, the United States pres-
10 ence in various locations in the Federal Republic of
11 Germany, including in Stuttgart at the United
12 States European Command and the United States
13 Africa Command, consists of—

14 (A) approximately—

15 (i) 35,000 members of the Armed
16 Forces;

17 (ii) 10,000 Department of Defense ci-
18 vilian employees; and

19 (iii) 2,000 defense contractors;

20 (B) personnel of the Department of State
21 and other United States Government agencies;
22 and

23 (C) the dependents of individuals described
24 in subparagraphs (A) and (B).

1 (6) The United States presence in Europe, in-
2 cluding in the Federal Republic of Germany—

3 (A) protects and defends the United States
4 and United States allies and partners by deter-
5 ring conflict with the Russian Federation and
6 other adversaries;

7 (B) strengthens and supports the North
8 Atlantic Treaty Organization alliance and crit-
9 ical partnerships in Europe; and

10 (C) serves as an essential support platform
11 for carrying out vital national security engage-
12 ments in Afghanistan, the Middle East, Africa,
13 and Europe.

14 (7) The deep bilateral ties between the United
15 States and the Federal Republic of Germany have
16 led to decades of economic prosperity for both coun-
17 tries and their allies and have strengthened human
18 rights and democracy around the world.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) the United States should continue to main-
22 tain and strengthen the bilateral relationship with
23 the Federal Republic of Germany and the relation-
24 ships with other European allies;

1 (2) the United States should maintain a robust
2 military presence in the Federal Republic of Ger-
3 many so as to deter further aggression from the
4 Russian Federation or aggression from other adver-
5 saries against the United States and its allies and
6 partners; and

7 (3) the United States should remain committed
8 to strong collaboration with European allies as out-
9 lined in the 2017 National Security Strategy.

10 **SEC. 3. PROHIBITION ON USE OF FUNDS TO WITHDRAW**
11 **THE UNITED STATES ARMED FORCES FROM**
12 **EUROPE.**

13 (a) IN GENERAL.—Except as provided in subsection
14 (b), notwithstanding any other provision of law, no Fed-
15 eral funds are authorized to be appropriated, obligated,
16 expended, or otherwise made available to take any ac-
17 tion—

18 (1) to withdraw or otherwise reduce the overall
19 presence, including the rotational presence, of
20 United States Armed Forces personnel and civilian
21 employees of the Department of Defense in Europe;

22 (2) to close or change the status of any base or
23 other facility of the United States Armed Forces lo-
24 cated in Europe; or

1 (3) to withdraw or otherwise reduce the overall
2 presence of United States Armed Forces assets in
3 Europe.

4 (b) EXCEPTIONS.—The prohibition under subsection
5 (a) shall not apply if—

6 (1) the host government transmits to the
7 United States Government a written request for
8 such a withdrawal or other reduction; or

9 (2)(A) the President declares the intent to take
10 an action described in subsection (a);

11 (B) not later 180 days before initiating an ac-
12 tion described in subsection (a), the President sub-
13 mits to the appropriate committees of Congress no-
14 tice of such intent that includes—

15 (i) a justification for the action;

16 (ii) the number of members of the United
17 States Armed Forces or civilian employees of
18 the Department of Defense to be withdrawn or
19 reduced, as applicable;

20 (iii) a description of the United States
21 Armed Forces assets to be withdrawn or re-
22 duced, as applicable;

23 (iv) a description of any base or facility of
24 the United States Armed Forces in Europe to

1 be subject to closure or change of status, as ap-
2 plicable;

3 (v) an explanation of the national security
4 benefit of the action to the United States and
5 the North Atlantic Treaty Organization; and

6 (vi) a plan to offset the reduction in
7 United States and North Atlantic Treaty Orga-
8 nization conventional deterrence against Rus-
9 sian Federation aggression caused by the ac-
10 tion; and

11 (C) the action is expressly authorized by a joint
12 resolution of Congress or an Act of Congress en-
13 acted after the date of the declaration described in
14 subparagraph (A).

15 (c) PUBLIC TESTIMONY.—Not later than 14 days
16 after the submittal of the notice required by subparagraph
17 (B), the Secretary of State and the Secretary of Defense
18 shall testify before the appropriate committees of Congress
19 in public session on such withdrawal or reduction.

20 **SEC. 4. REPORT TO CONGRESS ON DECISION TO WITH-**
21 **DRAW THE UNITED STATES ARMED FORCES**
22 **FROM GERMANY.**

23 (a) IN GENERAL.—Not later than 60 days after the
24 date of the enactment of this Act, the President, in con-
25 sultation with the Secretary of State, the Secretary of De-

1 fense, and the Chairman of the Joint Chiefs of Staff, shall
2 submit to the appropriate committees of Congress, a re-
3 port that details the decisionmaking process used to arrive
4 at the decision to withdraw members of the Armed Forces
5 from the Federal Republic of Germany announced on
6 June 15, 2020.

7 (b) ELEMENTS.—The report required by subsection
8 (a) shall include the following:

9 (1) An assessment of whether any withdrawal
10 of or reduction in United States Armed Forces per-
11 sonnel in the Federal Republic of Germany was or-
12 dered by a Presidential directive.

13 (2) A description of the interagency process un-
14 dertaken to inform the decision outlined in any such
15 Presidential directive or other document calling for
16 such a withdrawal or reduction.

17 (3) A description of the communications with
18 the North Atlantic Treaty Organization, the Govern-
19 ment of the Federal Republic of Germany, or other
20 North Atlantic Treaty Organization member coun-
21 tries about the potential decision to change United
22 States force posture in the Federal Republic of Ger-
23 many.

24 (4) An analysis of the United States national
25 security implications of the proposed withdrawal or

1 reduction of United States Armed Forces presence
2 in the Federal Republic of Germany.

3 **SEC. 5. APPROPRIATE COMMITTEES OF CONGRESS DE-**
4 **FINED.**

5 In this Act, the term “appropriate committees of
6 Congress” means—

7 (1) the Committee on Foreign Relations, the
8 Committee on Armed Services, the Select Committee
9 on Intelligence, and the Committee on Appropria-
10 tions of the Senate; and

11 (2) the Committee on Foreign Affairs, the
12 Committee on Armed Services, the Permanent Select
13 Committee on Intelligence, and the Committee on
14 Appropriations of the House of Representatives.

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