

Dangerous Legislation. “Formulating A U.S. Declaration of War”? US Senate Adopts 2024 National Defense Authorization (NDAA) Which Endorses NATO’s Article 5 Principle of “Collective Defense”

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The Senate version of the [2024 National Defense Authorization Act \(NDAA\)](#) which provides funding for the Department of Defense military activities, military construction and the Department of Energy nuclear programs was adopted on July 20th and now needs to be reconciled with the House version.

Some of the more significant amendments included:

- **Senator Rand Paul** (SC) introduced an amendment to the 2024 NDAA (S 2226) that was a “sense of the Senate” in clarifying that “*Article 5 of the North Atlantic Treaty does not supersede the constitutional requirement that Congress declare war before the United States engages in war.*”

Article 5 is a key pillar of the 1949 North Atlantic Treaty is based on the principle of collective defense. It means that an attack on one member of NATO is deemed to be an attack on all. The Senate vote was [83 - 16 against](#) the amendment with all Democrats voting No and twenty eight Republicans joining the Democrats to vote in favor of NATO and against the Constitution.

Those twenty eight Republican Senators are

Sens. Blackburn (Tenn.)*, Britt (Ala), Boozman (La.) Budd (NC), Graham (SC), Grassley (Iowa), Hoeven (ND), Hyde Smith (Miss.), Ricketts (Neb.), Risch (Idaho), Romney (Utah,)*

Round (SD), Scott (SC), Scott (Fl.),* Capito (W.Va.), Collins (Me.), Cornyn (Texas), Cassidy (La.) Crapo (Idaho), Ernst (Iowa), McConnell (Ky,) Fischer (Neb.),* Moran (Kansas), Young (Ind.)*, Wicker (Miss.)*, Tillis (NC), Thune (SD), and Sullivan (Alaska).

The Senators* are seeking re election in 2024. Two days after Sen. Paul offered the amendment, his Kentucky office was [firebombed](#).

- Sen. Tim Kaine (Va.) introduced an amendment to require an act of the Senate to suspend, terminate or withdraw from NATO which was adopted [65 - 28](#) with seven Not Voting. The 65 Aye votes included eighteen Republicans while the 28 Nay votes were all Republican with seven Not Voting.

It is important to note that NATO has had a foothold at the [Norfolk Naval Station](#) since July 2019 which is more recently renamed the [NATO Allied Command Transformation](#).

- Sen. Mike Lee (Utah) offered an amendment limiting the availability of financial assistance to Ukraine which failed [71 - 13](#) with sixteen Not Voting. The Aye vote included forty two Democrats, twenty six Republicans and three Independents. All the Nay votes were Republicans and the Not Voting were six Democrats and ten Republicans.
- Final passage vote on the NDAA was 72 - 25 with twenty six Republicans voting Aye. Three Democrats voted Nay along with seventeen Republicans and one Independent.

The Senate's version of the NDAA must now go to the House in an attempt to resolve differences between the two bills.

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