

AMENDMENT TO DIVISION A OF RULES
COMMITTEE PRINT 116-60
OFFERED BY MS. GABBARD OF HAWAII

At the end of division A (before the short title), insert the following new section:

1 SEC. _____. (a)(1) Except as provided in paragraph
2 (2), none of the funds appropriated or otherwise made
3 available by this Act may be obligated or expended for a
4 covert action (as such term is defined in section 503 of
5 the National Security Act of 1947 (50 U.S.C. 3093)) in
6 cyberspace that is carried out against a foreign power (as
7 such term is defined in section 101 of the Foreign Intel-
8 ligence Surveillance Act of 1978 (50 U.S.C. 1801)) un-
9 less—

10 (A) the President determines that the cov-
11 ert action is necessary to support identifiable
12 foreign policy objectives of the United States
13 and is important to the national security of the
14 United States;

15 (B) Congress has declared war against the
16 foreign power; or

17 (C) Congress has enacted specific statutory
18 authorization for a use of military force after

1 the date of the enactment of this Act that
2 meets the requirements of the War Powers Res-
3 olution (50 U.S.C. 1541 et seq.) and the covert
4 action is connected to such use of military
5 force.

6 (2) The prohibition under paragraph (1) shall
7 not apply to a covert action carried out in connec-
8 tion with a use of military force that is consistent
9 with section (2)(c) of the War Powers Resolution.

10 (b) Nothing in this section may be construed—

11 (1) to prevent the President from using nec-
12 essary and appropriate force to defend United States
13 allies and partners if Congress enacts specific statu-
14 tory authorization for such use of force consistent
15 with the requirements of the War Powers Resolution
16 (50 U.S.C. 1541 et seq.);

17 (2) to relieve the executive branch of restric-
18 tions on the use of force, reporting, or consultation
19 requirements set forth in the War Powers Resolution
20 (50 U.S.C. 1541 et seq.); or

21 (3) to authorize the use of military force.

