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:

SEC. ______. (a)(1) Except as provided in paragraph (2), none of the funds appropriated or otherwise made available by this Act may be obligated or expended for a covert action (as such term is defined in section 503 of the National Security Act of 1947 (50 U.S.C. 3093)) in cyberspace that is carried out against a foreign power (as such term is defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) unless—

(A) the President determines that the covert action is necessary to support identifiable foreign policy objectives of the United States and is important to the national security of the United States;

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

(C) Congress has enacted specific statutory authorization for a use of military force after
the date of the enactment of this Act that meets the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.) and the covert action is connected to such use of military force.

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

(b) Nothing in this section may be construed—

(1) to prevent the President from using necessary and appropriate force to defend United States allies and partners if Congress enacts specific statutory authorization for such use of force consistent with the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.);

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

(3) to authorize the use of military force.