

AMENDMENT TO THE RULES COMMITTEE PRINT

117-13

OFFERED BY MR. GOSAR OF ARIZONA

In division E, insert after title LIII the following:

1 **TITLE LIV—CONGRESSIONAL**
2 **WAR POWERS RESTORATION**

3 **SEC. 5401. SHORT TITLE.**

4 This title may be cited as the “Congressional War
5 Powers Restoration Act”.

6 **SEC. 5402. FINDINGS.**

7 Congress makes the following findings:

8 (1) Article I of the Constitution invests in the
9 Congress the power to declare war, to create and
10 fund a national military force, and call forth the mi-
11 litia to suppress threats to national security.

12 (2) Article II of the Constitution makes the
13 President the Commander in Chief of the military
14 and state militias “when called into the actual Serv-
15 ice of the United States”.

16 (3) Federalist 69 confirms that the President
17 assumes command of the militia or the military
18 when called into actual service of the Nation, and
19 that the divestiture of the authority to declare war

1 or raise or authorize military forces is what makes
2 the American executive democratic rather than mo-
3 narchical.

4 (4) Federalist 4, in discussing prevention of ab-
5 solute monarchs, identifies that executives shall not
6 have war declaration power as a variety of motives,
7 such as personal or glory, “affect the mind of the
8 sovereign, and often lead him to engage in wars not
9 sanctioned by justice, or the voice and interests of
10 his people”.

11 (5) The War Powers Resolution (50 U.S.C.
12 1541 et seq.) and authorizations to use military
13 force are an unconstitutional investment of the
14 power to declare war, enter United States forces into
15 conflict, and raise military forces into the executive
16 in violation of the enumerated powers of Article I of
17 the Constitution.

18 (6) Congress has willfully shed its national se-
19 curity powers to the executive branch in violation of
20 the Constitution and its duties under Article I of the
21 Constitution.

22 (7) Failure to uphold the Constitution has led
23 to the use of United States Armed Forces abroad
24 243 times since the last formal declaration of war in

1 1942, as opposed to 11 formal declarations of war
2 in American history.

3 (8) Lengthy conflicts in Vietnam, Iraq, and Af-
4 ghanistan absent explicit authorizations under Arti-
5 cle I of the Constitution have killed or maimed
6 countless Americans and exhausted American re-
7 sources in a manner which weakened the American
8 people, public, and economy.

9 **SEC. 5403. STATEMENT OF POLICY.**

10 It shall be the policy of the United States Govern-
11 ment to—

12 (1) reorient United States national security
13 around a traditional definition focused solely on the
14 defense of the American people, homeland, and way
15 of life;

16 (2) to use all tools of statecraft short of the
17 military to achieve America's national security inter-
18 ests; and

19 (3) adhere to the constitutional separation of
20 powers in regard to war and conflict to ensure
21 American decisions to go to war are formed around
22 threats to traditional American national security and
23 informed through robust policy making and debate
24 with the consent of the American people.

1 **SEC. 5404. REPEAL OF WAR POWERS RESOLUTION.**

2 The War Powers Resolution (50 U.S.C. 1541 et seq.)
3 is repealed.

4 **SEC. 5405. REFORM OF AUTHORIZATION OF USE OF UNITED**
5 **STATES ARMED FORCES.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Article I of the Constitution invests in Con-
9 gress the power to declare war or call up the militia
10 in times of insurrection or rebellion.

11 (2) Modern security is largely absent of de-
12 clared wars and dominated by great power competi-
13 tion and managing a host of other technological,
14 cyber, and advanced weaponry threats from state
15 and non-state actors.

16 (3) The United States should have a method to
17 adapt to this unique modern security climate short
18 of formal declared war in a manner which entrusts
19 the decision to take action to defend the Nation in
20 Congress and is limited in scope.

21 (b) AUTHORIZATION.—The President is authorized to
22 use the Armed Forces of the United States against the
23 forces of a hostile state or non-state actor only if Con-
24 gress—

25 (1) in consultation with the Secretary of De-
26 fense and the heads of other relevant Federal de-

1 partments and agencies, determines there is a legiti-
2 mate, immediate threat to United States national se-
3 curity posed by such forces; and

4 (2) enacts a law that—

5 (A) provides the President the authority to
6 use the Armed Forces to respond to such
7 threat; and

8 (B) meets the requirements of subsection
9 (c).

10 (c) REQUIREMENTS.—A law described in subsection
11 (b)(2) shall—

12 (1) identify—

13 (A) the applicable forces of the hostile
14 state or non-state actor; and

15 (B) the scope and location of the use of
16 the Armed Forces of the United States; and

17 (2) provide that the authority to use the Armed
18 Forces shall expire on the date that is 90 days after
19 the date of the enactment of such law; and

20 (3) require the President, in coordination with
21 the Secretary of Defense and the heads of other rel-
22 evant Federal departments and agencies, to develop
23 and execute a plan to withdraw the Armed Forces
24 not later than the date described in paragraph (2).

1 (d) EXTENSIONS.—The authority to use the Armed
2 Forces of the United States may be extended—

3 (1) for a period of an additional 60 days if Con-
4 gress enacts a law that provides for such an exten-
5 sion; and

6 (2) for one or more additional 30-day periods,
7 not to exceed a total of three such 30-day periods,
8 if Congress enacts a law that provides for each such
9 an extension.

10 (e) CONGRESSIONAL RESPONSE TO UNCONSTITU-
11 TIONAL EXECUTIVE ACTION.—

12 (1) CONSIDERATION OF MEASURE.—Not later
13 than fourteen calendar days after any action of the
14 President taken in contravention of the requirements
15 of this section, each House of Congress shall meet
16 to consider a measure terminating funding, re-
17 sources, and supplementary measures with respect to
18 such action.

19 (2) REFERRAL OF MEASURE.—Such a measure
20 shall be referred to the appropriate Committee of
21 the House of Representatives or the Senate. One
22 such joint resolution shall be reported out by such
23 committee together with its recommendations within
24 five calendar days after the day on which such reso-
25 lution is referred to such committee.

1 (3) REPORTING OF MEASURE.—Such a measure
2 so reported shall become the pending business of the
3 House in question (in the case of the Senate the
4 time for debate shall be equally divided between the
5 proponents and the opponents) and shall be voted on
6 within two calendar days after the day on which
7 such resolution is reported.

8 (4) REFERRAL TO OTHER HOUSE.—Such a
9 measure passed by one House shall be referred to
10 the appropriate committee of the other House and
11 shall be reported out by such committee together
12 with its recommendations within five calendar days
13 after the day on which such resolution is referred to
14 such committee and shall thereupon become the
15 pending business of such House and shall be voted
16 upon within two calendar days after the day on
17 which such resolution is reported.

18 (5) DISAGREEMENT BETWEEN HOUSES.—In the
19 case of any disagreement between the two Houses of
20 Congress with respect to a joint resolution passed by
21 both Houses, conferees shall be promptly appointed
22 and the committee of conference shall make and file
23 a report with respect to such joint resolution within
24 six calendar days after the day on which managers
25 on the part of the Senate and the House have been

1 appointed. Notwithstanding any rule in either House
2 concerning the printing of conference reports or con-
3 cerning any delay in the consideration of such re-
4 ports, such report shall be acted on by both Houses
5 not later than six calendar days after the conference
6 report is filed in the House in which such report is
7 filed first. In the event the conferees are unable to
8 agree within forty-eight hours, they shall report back
9 to their respective Houses in disagreement.

10 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
11 tion may be construed to infringe on the authorities pro-
12 vided for in Article II of the Constitution, prohibit the
13 President from taking action to rescue United States per-
14 sons abroad, deny the President access to legal covert ac-
15 tion, respond to hostilities against United States persons
16 or facilities, interfere in the carrying out of legal treaties
17 the United States is a party to, or repel attacks or to take
18 other defensive actions.

19 **SEC. 5406. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated such sums as
21 may be necessary to carry out this title.

22 **SEC. 5407. REPEAL OF OUTSTANDING AUTHORIZATIONS**
23 **FOR USE OF MILITARY FORCE.**

24 The following laws are hereby repealed:

1 (1) The Authorization for Use of Military Force
2 Against Iraq Resolution of 2002 (Public Law 107–
3 243; 50 U.S.C. 1541 note).

4 (2) The Authorization for Use of Military Force
5 Against Iraq Resolution (Public Law 102–1; 50
6 U.S.C. 1541 note).

7 (3) The Authorization for Use of Military Force
8 (Public Law 107–40; 50 U.S.C. 1541 note).

9 (4) The joint resolution entitled “A joint resolu-
10 tion to promote peace and stability in the Middle
11 East” (Public Law 85–7; 22 U.S.C. 1961 et seq.).

