AMENDMENT TO THE RULES COMMITTEE PRINT

117–13

OFFERED BY MR. GOSAR OF ARIZONA

In division E, insert after title LIII the following:

TITLE LIV—CONGRESSIONAL WAR POWERS RESTORATION

SEC. 5401. SHORT TITLE.

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

SEC. 5402. FINDINGS.

Congress makes the following findings:

(1) Article I of the Constitution invests in the Congress the power to declare war, to create and fund a national military force, and call forth the militia to suppress threats to national security.

(2) Article II of the Constitution makes the President the Commander in Chief of the military and state militias “when called into the actual Service of the United States”.

(3) Federalist 69 confirms that the President assumes command of the militia or the military when called into actual service of the Nation, and that the divestiture of the authority to declare war
or raise or authorize military forces is what makes
the American executive democratic rather than mo-
narchical.

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

1541 et seq.) and authorizations to use military
force are an unconstitutional investment of the
power to declare war, enter United States forces into
conflict, and raise military forces into the executive
in violation of the enumerated powers of Article I of
the Constitution.

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

(7) Failure to uphold the Constitution has led
to the use of United States Armed Forces abroad
243 times since the last formal declaration of war in
1942, as opposed to 11 formal declarations of war in American history.

(8) Lengthy conflicts in Vietnam, Iraq, and Afghanistan absent explicit authorizations under Article I of the Constitution have killed or maimed countless Americans and exhausted American resources in a manner which weakened the American people, public, and economy.

SEC. 5403. STATEMENT OF POLICY.

It shall be the policy of the United States Government to—

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

(2) to use all tools of statecraft short of the military to achieve America’s national security interests; and

(3) adhere to the constitutional separation of powers in regard to war and conflict to ensure American decisions to go to war are formed around threats to traditional American national security and informed through robust policy making and debate with the consent of the American people.
SEC. 5404. REPEAL OF WAR POWERS RESOLUTION.

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

SEC. 5405. REFORM OF AUTHORIZATION OF USE OF UNITED STATES ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) Article I of the Constitution invests in Congress the power to declare war or call up the militia in times of insurrection or rebellion.

(2) Modern security is largely absent of declared wars and dominated by great power competition and managing a host of other technological, cyber, and advanced weaponry threats from state and non-state actors.

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

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

(1) in consultation with the Secretary of Defense and the heads of other relevant Federal de-
partments and agencies, determines there is a legitimate, immediate threat to United States national security posed by such forces; and

(2) enacts a law that—

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

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

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

(1) identify—

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

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

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

(3) require the President, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, to develop and execute a plan to withdraw the Armed Forces not later than the date described in paragraph (2).
(d) Extensions.—The authority to use the Armed Forces of the United States may be extended—

(1) for a period of an additional 60 days if Congress enacts a law that provides for such an extension; and

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

(e) Congressional Response to Unconstitutional Executive Action.—

(1) Consideration of measure.—Not later than fourteen calendar days after any action of the President taken in contravention of the requirements of this section, each House of Congress shall meet to consider a measure terminating funding, resources, and supplementary measures with respect to such action.

(2) Referral of measure.—Such a measure shall be referred to the appropriate Committee of the House of Representatives or the Senate. One such joint resolution shall be reported out by such committee together with its recommendations within five calendar days after the day on which such resolution is referred to such committee.
(3) REPORTING OF MEASURE.—Such a measure so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within two calendar days after the day on which such resolution is reported.

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

(5) DISAGREEMENT BETWEEN HOUSES.—In the case of any disagreement between the two Houses of Congress with respect to a joint resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such joint resolution within six calendar days after the day on which managers on the part of the Senate and the House have been
appointed. Notwithstanding any rule in either House
concerning the printing of conference reports or con-
cerning any delay in the consideration of such re-
ports, such report shall be acted on by both Houses
not later than six calendar days after the conference
report is filed in the House in which such report is
filed first. In the event the conferees are unable to
agree within forty-eight hours, they shall report back
to their respective Houses in disagreement.

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

SEC. 5406. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 5407. REPEAL OF OUTSTANDING AUTHORIZATIONS
FOR USE OF MILITARY FORCE.

The following laws are hereby repealed:


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