

114TH CONGRESS
2D SESSION

H. R. 6437

To prohibit funds available for the United States Armed Forces to be obligated or expended for introduction of the Armed Forces into hostilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2016

Mr. HIMES introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Rules, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit funds available for the United States Armed Forces to be obligated or expended for introduction of the Armed Forces into hostilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reclamation of War
5 Powers Act”.

6 **SEC. 2. PURPOSE AND POLICY.**

7 (a) It is the purpose of this Act to fulfill the intent
8 of the Framers of the Constitution of the United States

1 and ensure that the collective judgment of both Congress
2 and the President will apply to the introduction of United
3 States Armed Forces into hostilities, or into situations
4 where imminent involvement in hostilities is clearly indi-
5 cated by the circumstances, and to the continued use of
6 such forces in hostilities or in such situations.

7 (b) Under article I, section 8, of the Constitution, it
8 is specifically provided that Congress shall have the power
9 to make all laws necessary and proper for carrying into
10 execution, not only its own powers but also all other pow-
11 ers vested by the Constitution in the Government of the
12 United States, or in any department or officer thereof.

13 (c) The constitutional powers of the President as
14 Commander-in-Chief to deploy United States Armed
15 Forces into hostilities, or into situations where imminent
16 involvement in hostilities is clearly indicated by the cir-
17 cumstances, may be exercised only pursuant to—

18 (1) a declaration of war;

19 (2) specific statutory authorization; or

20 (3) a national emergency created by attack or
21 imminent threat of attack upon the United States,
22 its territories or possessions, or its armed forces.

23 **SEC. 3. LIMITATION ON USE OF FUNDS.**

24 (a) LIMITATION.—

1 (1) IN GENERAL.—No funds available for the
2 United States Armed Forces may be obligated or ex-
3 pended for introduction of the Armed Forces into
4 hostilities, or into situations where imminent involve-
5 ment in hostilities is clearly indicated by the cir-
6 cumstances, in the absence of—

7 (A) a declaration of war;

8 (B) specific statutory authorization; or

9 (C) a national emergency created by an at-
10 tack or imminent threat of attack upon the
11 United States, its territories or possessions, or
12 the Armed Forces.

13 (2) ADDITIONAL LIMITATION RELATING TO NA-
14 TIONAL EMERGENCY.—Funds available for the
15 United States Armed Forces may be obligated or ex-
16 pended for introduction of the Armed Forces into
17 hostilities, or into situations where imminent involve-
18 ment in hostilities is clearly indicated by the cir-
19 cumstances, by reason of a national emergency cre-
20 ated by an attack or imminent threat of attack upon
21 the United States, its territories or possessions, or
22 the Armed Forces only during the 60-day period be-
23 ginning on such date of introduction of the Armed
24 Forces.

1 (b) PROHIBITION ON CONSIDERATION OF BILL OR
2 JOINT RESOLUTION IN VIOLATION OF SUBSECTION (a).—

3 (1) IN GENERAL.—It shall not be in order in
4 the House of Representatives or the Senate to con-
5 sider any bill or joint resolution that would make
6 funds available in violation of subsection (a).

7 (2) ENACTMENT AS EXERCISE OF RULEMAKING
8 POWER OF HOUSE OF REPRESENTATIVES AND SEN-
9 ATE.—This subsection is enacted by Congress—

10 (A) as an exercise of the rulemaking power
11 of the House of Representatives and the Sen-
12 ate, respectively, and as such are deemed a part
13 of the rules of each House, respectively, and
14 such procedures supersede other rules only to
15 the extent that they are inconsistent with such
16 other rules; and

17 (B) with full recognition of the constitu-
18 tional right of either House to change the rules
19 (so far as relating to the procedure of that
20 House) at any time, in the same manner, and
21 to the same extent as in the case of any other
22 rule of that House.

23 **SEC. 4. REPORTING REQUIREMENTS.**

24 (a) REPORT RELATING TO DECLARATION OF WAR OR
25 SPECIFIC STATUTORY AUTHORIZATION.—

1 (1) IN GENERAL.—The President shall, in the
2 case of a declaration of war or specific authorization
3 for introduction of the United States Armed Forces
4 into hostilities, or into situations where imminent in-
5 volvement in hostilities is clearly indicated by the
6 circumstances, submit to Congress a report on the
7 following:

8 (A) An analysis of the threat to be coun-
9 tered by the use of the Armed Forces.

10 (B) The specific objectives and justification
11 for such objectives to be achieved by the use of
12 the Armed Forces.

13 (C) A description of the scope and dura-
14 tion, cost, and likelihood of success of the use
15 of the Armed Forces.

16 (2) DEADLINES.—The initial report required
17 under paragraph (1) shall be submitted to Congress
18 not later than 90 days after the date of the enact-
19 ment of a bill or joint resolution that provides for
20 a declaration of war or specific authorization for in-
21 troduction of the United States Armed Forces as de-
22 scribed in paragraph (1), and an update of such re-
23 port shall be submitted to Congress every 90 days
24 thereafter until the United States Armed Forces are

1 no longer engaged in hostilities or situations as de-
2 scribed in paragraph (1).

3 (b) REPORT RELATING TO NATIONAL EMER-
4 GENCY.—

5 (1) IN GENERAL.—The President shall, in the
6 case of introduction of the United States Armed
7 Forces into hostilities, or into situations where im-
8 minent involvement in hostilities is clearly indicated
9 by the circumstances, by reason of a national emer-
10 gency created by an attack or imminent threat of at-
11 tack upon the United States, its territories or pos-
12 sessions, or the Armed Forces, submit to Congress
13 a report on the matters described in paragraphs (1),
14 (2), and (3) of subsection (a).

15 (2) DEADLINE.—The report required under
16 paragraph (1) shall be submitted to Congress not
17 later than 48 hours after introduction of United
18 States Armed Forces into hostilities, or into situa-
19 tions where imminent involvement in hostilities is
20 clearly indicated by the circumstances, as described
21 in paragraph (1), and an update of such report shall
22 be submitted to Congress not later than 60 days
23 after the date of submission of the initial report.

1 **SEC. 5. REPEAL OF WAR POWERS RESOLUTION AND PRIOR**
2 **AUTHORIZATIONS FOR USE OF UNITED**
3 **STATES ARMED FORCES.**

4 (a) WAR POWERS RESOLUTION.—The War Powers
5 Resolution (Public Law 93–148; 50 U.S.C. 1541 et seq.)
6 is repealed.

7 (b) PRIOR AUTHORIZATIONS FOR USE OF ARMED
8 FORCES.—The following provisions of law are repealed:

9 (1) The Authorization for Use of Military Force
10 Against Iraq Resolution of 2002 (Public Law 107–
11 243; 50 U.S.C. 1541 note).

12 (2) The Authorization for Use of Military Force
13 (Public Law 107–40; 50 U.S.C. 1541 note).

14 (3) The Authorization for Use of Military Force
15 Against Iraq Resolution (Public Law 102–1; 50
16 U.S.C. 1541 note).

17 (c) EFFECTIVE DATE.—The repeal made by sub-
18 section (b)(2) shall be effective as of the date that is 180
19 days after the date of the enactment of this Act.

20 **SEC. 6. RULES OF CONSTRUCTION.**

21 Nothing in this Act, or any amendment made by this
22 Act, shall be construed—

23 (1) to alter the constitutional authority of Con-
24 gress or of the President, or the provisions of exist-
25 ing treaties; or

1 (2) to apply to those activities approved and re-
2 ported pursuant to section 503 of the National Secu-
3 rity Act of 1947 (50 U.S.C. 3093).

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