

115TH CONGRESS
1ST SESSION

S. 409

To provide that the President must seek congressional approval before engaging members of the United States Armed Forces in military humanitarian operations.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2017

Mr. LEE (for himself and Mr. PAUL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To provide that the President must seek congressional approval before engaging members of the United States Armed Forces in military humanitarian operations.

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 “Military Humanitarian
5 Operations Act of 2017”.

6 **SEC. 2. MILITARY HUMANITARIAN OPERATION DEFINED.**

7 (a) IN GENERAL.—In this Act, the term “military
8 humanitarian operation” means a military operation in-
9 volving the deployment of members or weapons systems

1 of the United States Armed Forces where hostile activities
2 are reasonably anticipated and with the aim of preventing
3 or responding to a humanitarian catastrophe, including its
4 regional consequences, or addressing a threat posed to
5 international peace and security. The term includes—

6 (1) operations undertaken pursuant to the prin-
7 ciple of the “responsibility to protect” as referenced
8 in United Nations Security Council Resolution 1674
9 (2006);

10 (2) operations specifically authorized by the
11 United Nations Security Council, or other inter-
12 national organizations; and

13 (3) unilateral deployments and deployments
14 made in coordination with international organiza-
15 tions, treaty-based organizations, or coalitions
16 formed to address specific humanitarian catas-
17 trophes.

18 (b) OPERATIONS NOT INCLUDED.—The term “mili-
19 tary humanitarian operation” does not mean a military
20 operation undertaken for the following purposes:

21 (1) Responding to or repelling attacks, or pre-
22 venting imminent attacks, on the United States or
23 any of its territorial possessions, embassies, or con-
24 sulates, or members of the United States Armed
25 Forces.

1 (2) Direct acts of reprisal for attacks on the
2 United States or any of its territorial possessions,
3 embassies, or consulates, or members of the United
4 States Armed Forces.

5 (3) Invoking the inherent right to individual or
6 collective self-defense in accordance with Article 51
7 of the Charter of the United Nations.

8 (4) Military missions to protect or rescue
9 United States citizens or military or diplomatic per-
10 sonnel abroad.

11 (5) Carrying out treaty commitments to directly
12 aid allies in distress.

13 (6) Humanitarian missions in response to nat-
14 ural disasters where no civil unrest or combat with
15 hostile forces is reasonably anticipated, and where
16 such operation is for not more than 30 days.

17 (7) Actions to maintain maritime freedom of
18 navigation, including actions aimed at combating pi-
19 racy.

20 (8) Training exercises conducted by the United
21 States Armed Forces abroad where no combat with
22 hostile forces is reasonably anticipated.

1 **SEC. 3. REQUIREMENT FOR CONGRESSIONAL AUTHORIZA-**
2 **TION.**

3 The President may not deploy members of the United
4 States Armed Forces into the territory, airspace, or waters
5 of a foreign country for a military humanitarian operation
6 not previously authorized by statute unless—

7 (1) the President submits to Congress a formal
8 request for authorization to use members of the
9 Armed Forces for the military humanitarian oper-
10 ation; and

11 (2) Congress enacts a specific authorization for
12 such use of forces.

13 **SEC. 4. SEVERABILITY.**

14 If any provision of this Act is held to be unconstitu-
15 tional, the remainder of the Act shall not be affected.

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