

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 1960
OFFERED BY MR. RIGELL OF VIRGINIA**

At the end of subtitle E of title XII of division A,
add the following new section:

1 SEC. 12_. WAR POWERS OF CONGRESS.

2 (a) FINDINGS.—Congress finds the following:

3 (1) In 1793, George Washington said, “The
4 constitution vests the power of declaring war in Con-
5 gress; therefore no offensive expedition of impor-
6 tance can be undertaken until after they shall have
7 deliberated upon the subject and authorized such a
8 measure.”.

9 (2) In a letter to Thomas Jefferson in 1798,
10 James Madison wrote: “The constitution supposes,
11 what the History of all Governments demonstrates,
12 that the Executive is the branch of power most in-
13 terested in war, and most prone to it. It has accord-
14 ingly with studied care vested the question of war to
15 the Legislature.”

16 (3) In 1973, Congress passed the War Powers
17 Resolution which states in section 2: “The constitu-
18 tional powers of the President as Commander-in-

1 Chief to introduce United States Armed Forces into
2 hostilities, or into situations where imminent involve-
3 ment in hostilities is clearly indicated by the cir-
4 cumstances, are exercised only pursuant to (1) a
5 declaration of war, (2) specific statutory authoriza-
6 tion, or (3) national emergency created by attack
7 upon the United States, its territories or posses-
8 sions, or its armed forces.”.

9 (4) In its April 1, 2011, Memorandum to Presi-
10 dent Obama, the Office of Legal Counsel concluded:
11 “President Obama could rely on his constitutional
12 power to safeguard the national interest by directing
13 the anticipated military operations in Libya—which
14 were limited in their nature, scope, and duration—
15 without prior congressional authorization.”.

16 (5) On June 15, 2011, in a letter to the Speak-
17 er of the House of Representatives from the Depart-
18 ment of Defense and Department of State, the De-
19 partments informed Congress that “The President is
20 of the view that the current U.S. military operations
21 in Libya are consistent with the War Powers Resolu-
22 tion and do not under that law require further con-
23 gressional authorization, because U.S. military oper-
24 ations are distinct from the kind of ‘hostilities con-

1 templated by the Resolution’s 60 day termination
2 provision’.”.

3 (6) The precedence set by the Executive Branch
4 in its assertion that Congress plays no role in mili-
5 tary actions like those taken in Libya is contrary to
6 the intent of the Framers and of the Constitution
7 which vests sole authority to declare war in the Leg-
8 islative Branch.

9 (b) RULE OF CONSTRUCTION.—Nothing in this Act
10 shall be construed to authorize any use of military force.

