

112TH CONGRESS  
2D SESSION

# S. 3176

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

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## IN THE SENATE OF THE UNITED STATES

MAY 14, 2012

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

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## 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 2012”.

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 a limited duration.

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 (a) **AUTHORIZATION REQUIRED.**—The President  
4 may not deploy members of the United States Armed  
5 Forces into the territory, airspace, or waters of a foreign  
6 country for a military humanitarian operation not pre-  
7 viously authorized by statute unless—

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

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

14 (b) **JOINT RESOLUTION OF APPROVAL.**—

15 (1) **INTRODUCTION AND PLACEMENT ON CAL-**  
16 **ENDAR.**—If the President submits a formal request  
17 under subsection (a)(1) for authorization to use  
18 members of the Armed Forces for a military human-  
19 itarian operation, then within 1 calendar day of such  
20 request, the majority leader of the Senate and the  
21 Speaker of the House of Representatives shall intro-  
22 duce an identical joint resolution in the Senate and  
23 the House of Representatives calling for consider-  
24 ation of the military humanitarian operation and  
25 shall place such resolution directly on the calendar  
26 of the respective House.

1 (2) FLOOR CONSIDERATION.—

2 (A) IN GENERAL.—It shall be in order for  
3 any Member of the respective House to move to  
4 proceed to the consideration of a resolution in-  
5 troduced under paragraph (1), and all points of  
6 order against the resolution (and against con-  
7 sideration of the resolution) are waived. The  
8 motion is highly privileged in the House of Rep-  
9 resentatives and is privileged in the Senate and  
10 is not debatable. The motion is not subject to  
11 amendment, to a motion to postpone, or to a  
12 motion to proceed to the consideration of other  
13 business. A motion to reconsider the vote by  
14 which the motion is agreed to or disagreed to  
15 shall not be in order. If a motion to proceed to  
16 the consideration of the resolution is agreed to,  
17 the resolution shall remain the unfinished busi-  
18 ness of the respective House until disposed of.

19 (B) DEBATE.—Debate on the resolution,  
20 and on all debatable motions and appeals in  
21 connection therewith, shall be limited to not  
22 more than 4 hours, which shall be divided  
23 equally between those favoring and those oppos-  
24 ing the resolution. A motion further to limit de-  
25 bate is in order and not debatable. An amend-

1           ment to, or a motion to postpone, or a motion  
2           to proceed to the consideration of other busi-  
3           ness, or a motion to recommit the resolution is  
4           not in order. A motion to reconsider the vote by  
5           which the resolution is agreed to or disagreed to  
6           is not in order.

7           (C) VOTE ON FINAL PASSAGE.—Imme-  
8           diately following the conclusion of the debate on  
9           the resolution, and a single quorum call at the  
10          conclusion of the debate if requested in accord-  
11          ance with the rules of the appropriate House,  
12          the vote on final passage of the resolution shall  
13          occur. The vote shall occur not later than 48  
14          hours after submission of a formal request  
15          under subsection (a)(1), unless the President  
16          waives such deadline, in which case the vote in  
17          each House shall occur on the next calendar  
18          day each respective House is in session.

19          (D) RULINGS OF THE CHAIR ON PROCE-  
20          DURE.—Appeals from the decisions of the Chair  
21          relating to the application of the rules of the  
22          Senate or the House of Representatives, as the  
23          case may be, to the procedure relating to a res-  
24          olution described in paragraph (1) shall be de-  
25          cided without debate.

1           (3) COORDINATION WITH ACTION BY OTHER  
2 HOUSE.—If, before the passage by one House of a  
3 resolution of that House described in paragraph (1),  
4 that House receives from the other House a resolu-  
5 tion described in paragraph (1)—

6           (A) the resolution of the other House shall  
7 not be referred to a committee; and

8           (B) with respect to the resolution of the  
9 House receiving the resolution, the procedure in  
10 the receiving House shall be the same as if no  
11 joint resolution had been received from the  
12 other House until the vote on final passage,  
13 when the joint resolution received from the  
14 other House shall supplant the joint resolution  
15 of the receiving House.

16           (4) RULES OF HOUSE OF REPRESENTATIVES  
17 AND SENATE.—This subsection is enacted by Con-  
18 gress—

19           (A) as an exercise of the rulemaking power  
20 of the Senate and House of Representatives, re-  
21 spectively, and as such it is deemed a part of  
22 the rules of each House, respectively, but appli-  
23 cable only with respect to the procedure to be  
24 followed in that House in the case of a resolu-  
25 tion described in paragraph (1), and it super-

1            sedes other rules only to the extent that it is in-  
2            consistent with such rules; and

3            (B) with full recognition of the constitu-  
4            tional right of either House to change the rules  
5            (so far as relating to the procedure of that  
6            House) at any time, in the same manner and  
7            to the same extent as in the case of any other  
8            rule of that House.

9    **SEC. 4. SEVERABILITY.**

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

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