

113TH CONGRESS
1ST SESSION

H. R. 2496

To prohibit the deployment of United States Armed Forces in support of a United Nations or mutual security treaty military operation absent express prior statutory authorization from Congress for such deployment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2013

Mr. JONES introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on 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 the deployment of United States Armed Forces in support of a United Nations or mutual security treaty military operation absent express prior statutory authorization from Congress for such deployment, 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. FINDINGS.**

4 Congress finds the following:

5 (1) Article I, section 8 of the Constitution vests
6 solely in Congress the power to declare war.

1 (2) The Constitution does not permit the Presi-
2 dent and the Senate through the treaty process to
3 transfer article I congressional authority to inter-
4 national and regional organizations.

5 (3) From 1789 to 1950, all offensive wars were
6 either declared or authorized by Congress. From
7 1950 forward, presidents have circumvented Con-
8 gress and the Constitution by claiming to receive au-
9 thority from the United Nations Security Council
10 and from such mutual security treaties as the North
11 Atlantic Treaty.

12 (4) The Charter of the United Nations requires
13 each member nation to determine its “constitutional
14 processes” for reaching a special agreement that
15 contributes troops and equipment to a United Na-
16 tions military operation. Congress defined United
17 States constitutional processes by enacting the
18 United Nations Participation Act of 1945. Section 6
19 of such Act (22 U.S.C. 287d) provides: “The Presi-
20 dent is authorized to negotiate a special agreement
21 or agreements with the Security Council which shall
22 be subject to the approval of the Congress by appro-
23 priate Act or joint resolution”

24 (5) Section 8(a)(2) of the War Powers Resolu-
25 tion (50 U.S.C. 1547(a)(2)) specifically states that

1 the authority to introduce United States Armed
2 Forces into hostilities shall not be inferred “from
3 any treaty heretofore or hereafter ratified unless
4 such treaty is implemented by legislation specifically
5 authorizing the introduction of United States Armed
6 Forces into hostilities or into such situations and
7 stating that it is intended to constitute specific stat-
8 utory authorization within the meaning of this joint
9 resolution”.

10 (6) An authorization by the United Nations or
11 any other international or regional body for the in-
12 troduction of United States Armed Forces into hos-
13 tilities is not a constitutional substitute for a con-
14 gressional declaration of war or authorization for the
15 use of force.

16 **SEC. 2. STATEMENT OF POLICY.**

17 It is the policy of the United States that—

18 (1) the constitutional authority of Congress and
19 the system of self-government and popular control
20 established by the Framers of the Constitution shall
21 be protected; and

22 (2) any vote of the United Nations Security
23 Council or any party to a mutual security treaty (in-
24 cluding NATO and others) shall only be advisory

1 and does not constitute authority to deploy United
2 States Armed Forces.

3 **SEC. 3. PROHIBITIONS ON DEPLOYMENT OF UNITED**
4 **STATES ARMED FORCES.**

5 (a) GENERAL PROHIBITION.—No unit or individual
6 of the United States Armed Forces may be deployed in
7 support of a United Nations or a mutual security treaty
8 military operation absent express prior statutory author-
9 ization from Congress for such deployment.

10 (b) FUNDING PROHIBITION.—No funds appropriated
11 or otherwise made available to any executive agency of the
12 United States Government may be used to carry out any
13 United Nations or mutual security treaty military oper-
14 ation unless the President seeks and obtains express prior
15 authorization by Congress, as required under article I, sec-
16 tion 8 of the Constitution.

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