

National Security Powers Act

A bill introduced by Senators Chris Murphy (D-Conn.), Bernie Sanders (I-Vt.) and Mike Lee (R-Utah) to reclaim Congress's constitutional authority in key areas of national security decision-making

The legislation has three parts—war powers reform, arms export reform, and national emergencies reform — all unified by a set of standard rules and procedures that reassert and safeguard congressional prerogatives. In each case, the president is required to consult congressional leaders and obtain congressional authorization before exercising the powers in question. Any congressional authorization will have to meet specific requirements, including an automatic sunset. Any activities lacking such authorization will face an automatic funding cutoff after a specified number of days.

Title I: War Powers Reform

- ***Defines key terms left undefined in the original War Powers Resolution (WPR)***, especially the term "hostilities", which over the years has been interpreted so narrowly by the Executive branch that key aspects of the WPR became almost meaningless. Defining "hostilities" is necessary to make the War Powers Resolution, and especially the termination clock, meaningful.
- ***Shortens the 60-day "termination clock,"*** after which the President must terminate hostilities that aren't authorized by Congress. Shortening the period before automatic termination from 60 days to 20 days makes it harder for the Executive branch to start hostilities that are not defensive in nature.
- ***Adds teeth to the WPR by automatically cutting off funding if the President does not secure the necessary congressional authorization.*** Under current law, Congress must seek a veto-proof majority to terminate an unauthorized military action; this legislation 'flips the script' so that funding automatically cuts off unless the President secures authorization from Congress.
- ***Outlines requirements for future authorizations for use of military force,*** including a clearly defined mission and operational objectives, the identities of groups or countries targeted, and a two-year sunset. A subsequent authorization is required to expand the list of objectives, countries or targeted groups.
- ***Sunsets existing AUMFs,*** and specifies that any future authorizations must meet the requirements in this legislation.

Title II: Arms Export Reform

- ***Requires an affirmative vote to approve certain types of arms sales.*** Under current law, all arms sales are approved automatically unless veto-proof majorities of both Houses of Congress pass a resolution to block the sale. This legislation requires Congress to affirmatively authorize foreign military sales and direct commercial sales of the most destructive and potentially destabilizing weapons that reach a certain monetary threshold.
 - Air to ground munitions of \$14,000,000 or more
 - Tanks, armored vehicles, and related munitions of \$14,000,000 or more
 - Firearms and ammunition of \$1,000,000 or more
 - Fixed and rotary, manned and unmanned aircraft of \$14,000,000 or more
 - Services and training above a certain value of \$14,000,000 or more
- ***Allows sales to be packaged together to minimize individual votes, but allows controversial items to be removed from a proposed package.***

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Title III: National Emergencies Reform

- **Requires Congress to proactively approve emergency declarations.** Currently, Congress cannot override a national emergency declaration without a veto-proof majority. This legislation requires Congress to approve (1) an emergency declaration and (2) specific emergency powers within 30 days.
- **Prevents the President from exploiting a crisis to increase executive authority.** Under existing law, the President can unlock a vast array of “emergency powers” by simply declaring a national emergency. This legislation requires that powers invoked must be related to nature of, and be used only to address, the declared emergency, and makes clear that powers may not be used to take actions Congress has considered and rejected.
- **Ends “permanent” emergencies.** There are currently 37 so-called “emergencies” on the books, some dating back to the 1970s. This legislation requires renewal of emergencies after one year to be approved by Congress, and imposes a 5-year total limit on states of emergency.
- **Prohibits use of the International Emergency Economic Powers Act (IEEPA) to impose tariffs,** although it can still be used to bar imports entirely.