

118TH CONGRESS
2D SESSION

S. 4699

To provide limited authority to use the Armed Forces to suppress insurrection or rebellion and quell domestic violence.

IN THE SENATE OF THE UNITED STATES

JULY 11 (legislative day, JULY 10), 2024

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To provide limited authority to use the Armed Forces to suppress insurrection or rebellion and quell domestic violence.

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 “Insurrection Act of
5 2024”.

1 **SEC. 2. LIMITED AUTHORITY TO USE THE ARMED FORCES**
2 **TO SUPPRESS INSURRECTION OR REBELLION**
3 **AND QUELL DOMESTIC VIOLENCE.**

4 (a) STATEMENT OF CONSTITUTIONAL AUTHORITY.—

5 This section represents an exercise of Congress’s authori-
6 ties under—

7 (1) clauses 14, 15, 16, and 18 of section 8 of
8 article I of the Constitution of the United States;

9 (2) section 4 of article IV of the Constitution
10 of the United States; and

11 (3) section 5 of the 14th Amendment to the
12 Constitution of the United States.

13 (b) AMENDMENTS TO INSURRECTION PROVISIONS IN
14 TITLE 10, UNITED STATES CODE.—Chapter 13 of title
15 10, United States Code, is amended by striking sections
16 251 through 255 and inserting the following new sections:

17 **“§ 251. Statement of policy**

18 “It is the policy of the United States that domestic
19 deployment of the armed forces for the purposes set forth
20 in this chapter should be a last resort and should be or-
21 dered only if State and local authorities in the State con-
22 cerned are unable or otherwise fail to suppress the insur-
23 rection or rebellion, quell the domestic violence, or enforce
24 the laws that are being obstructed, and Federal civilian
25 law enforcement authorities are unable to do so.

1 **“§ 252. Triggering circumstances**

2 “(a) IN GENERAL.—The authorities granted to the
3 President by section 253 may be exercised only if—

4 “(1) there is an insurrection or rebellion in a
5 State—

6 “(A) against the State or local govern-
7 ment, in such numbers, or with such force or
8 capacity, as to overwhelm State or local au-
9 thorities, and the chief executive of the State
10 requests assistance under this chapter; or

11 “(B) against the Government of the
12 United States, in such numbers, or with such
13 force or capacity, as to overwhelm State or local
14 authorities;

15 “(2) there is domestic violence in a State that
16 is sufficiently widespread or severe as to overwhelm
17 State or local authorities, and the chief executive of
18 the State, or super majority of the State legislature,
19 requests assistance under this chapter; or

20 “(3) there is, within a State—

21 “(A) obstruction of the execution of State
22 or Federal law that has the effect of depriving
23 any party or class of the people of that State
24 of a right, privilege, immunity, or protection
25 named in the Constitution and secured by law,
26 and State or local authorities or Federal civilian

1 law enforcement personnel are unable, fail, or
2 refuse to protect that right, privilege, or immu-
3 nity, or to give that protection;

4 “(B) obstruction of the execution of Fed-
5 eral law by private actors where such obstruc-
6 tion creates an immediate threat to public safe-
7 ty and the use of State or local authorities and
8 Federal civilian law enforcement personnel is
9 insufficient to ensure execution of the law
10 and—

11 “(i) the private actors are in such
12 numbers, or with such force or capacity, as
13 to overwhelm State or local authorities and
14 Federal civilian law enforcement personnel;
15 or

16 “(ii) State or local authorities and
17 Federal civilian law enforcement personnel
18 otherwise fail to address the obstruction;
19 or

20 “(C) obstruction of the execution of Fed-
21 eral law by the State or its agents, where the
22 use of Federal civilian law enforcement per-
23 sonnel is insufficient to ensure execution of the
24 law.

1 “(b) RULES OF CONSTRUCTION.—(1) Subsection
2 (a)(3)(A) shall be construed to encompass the obstruction
3 of any provision of the Voting Rights Act of 1965 (52
4 U.S.C. 10301 et seq.) or section 2004 of the Revised Stat-
5 utes (52 U.S.C. 10101) regarding protection of the right
6 to vote. Any deployment of the armed forces in such cir-
7 cumstances shall be subject to section 2003 of the Revised
8 Statutes (52 U.S.C. 10102), sections 592 and 593 of title
9 18, and any other applicable statutory limitations designed
10 to protect the right to vote.

11 “(2) In any situation covered by subsection (a)(3)(A),
12 the State shall be considered to have denied the equal pro-
13 tection of the laws secured by the Constitution.

14 **“§ 253. Authority of the President**

15 “(a) IN GENERAL.—Subject to subsection (b) and
16 sections 254 through 257, the President may, if the condi-
17 tions specified in section 252 are met, order to active duty
18 any reserve component forces and use the armed forces
19 to suppress the insurrection or rebellion, quell the domes-
20 tic violence, or enforce the laws that are being obstructed.

21 “(b) LIMITATIONS.—(1) During any deployment of
22 the armed forces under subsection (a), the armed forces
23 shall remain subordinate to the chain of command pre-
24 scribed in section 162(b) of this title.

1 “(2) Any part of the armed forces employed to sup-
 2 press an insurrection or rebellion, quell domestic violence,
 3 or enforce the law under the authorities granted by sub-
 4 section (a) must operate under the Standing Rules for the
 5 Use of Force.

6 “(3) Nothing in this chapter shall be construed to
 7 authorize—

8 “(A) suspension of the writ of habeas corpus; or

9 “(B) any action that violates Federal law or, where
 10 consistent with Federal law, State law.

11 “(c) STANDING RULES FOR THE USE OF FORCE.—
 12 In this section, the term ‘Standing Rules for the Use of
 13 Force’ means Chairman of the Joint Chiefs of Staff In-
 14 struction (CJCSI) 3121.01B, dated June 13, 2005, and
 15 entitled, ‘Standing Rules of Engagement/Standing Rules
 16 for the Use of Force for U.S. Forces’, or any successor
 17 instruction.

18 **“§ 254. Consultation with Congress; proclamation to**
 19 **disperse; reporting requirement; effective**
 20 **periods of authorities**

21 “(a) CONSULTATION.—The President shall, to the
 22 maximum extent practicable, consult with Congress before
 23 exercising the authorities granted under section 253.

24 “(b) PROCLAMATION.—Before exercising the authori-
 25 ties granted by section 253, the President shall, by procla-

1 mation immediately transmitted to Congress and the Fed-
2 eral Register—

3 “(1) specify which paragraph and, where appli-
4 cable, subparagraph and clause, of section 252(a)
5 provides the basis for such exercise of authority; and

6 “(2) order the lawbreakers to disperse peace-
7 ably within a reasonable, limited time period.

8 “(c) REPORT.—Contemporaneously with the procla-
9 mation required under subsection (b), the President shall
10 submit to the President pro tempore of the Senate and
11 the Speaker of the House of Representatives a written re-
12 port setting forth the following:

13 “(1) The circumstances necessitating the exer-
14 cise of the authorities granted to the President by
15 section 253.

16 “(2) Where applicable, a certification by the At-
17 torney General of the United States that the chief
18 executive of the State in question has requested as-
19 sistance under this chapter or that State authorities
20 are unable or have otherwise failed to address the
21 circumstances necessitating exercise of the Presi-
22 dent’s authorities under section 253.

23 “(3) Certification by the Attorney General of
24 the United States that options other than the use of
25 the armed forces have been exhausted, or that those

1 options would likely be insufficient to resolve the sit-
2 uation and that delay would likely cause significant
3 harm.

4 “(4) A description of the size, mission, scope,
5 and expected duration of the use of the armed
6 forces, with a certification by the relevant Service
7 Secretary or Secretaries that, in their best military
8 advice and opinion, the armed forces to be called for
9 duty are trained, equipped, and able to complete the
10 assigned mission.

11 **“§ 255. Congressional approval**

12 “(a) TEMPORARY EFFECTIVE PERIODS.—(1) Any
13 authority made available under section 253 shall termi-
14 nate 7 days after the President makes the proclamation
15 required under section 254(b) unless—

16 “(A) there is enacted into law a joint resolution
17 of approval under subsection (b) with respect to the
18 proclamation; or

19 “(B) there is a material and significant change
20 in factual circumstances that are set forth in a new
21 proclamation and report to Congress as provided in
22 subsections (b) and (c) of section 254.

23 “(2) Notwithstanding subparagraphs (A) and (B) of
24 paragraph (1), no authority may be exercised after the 7-
25 day period described in such paragraph if the exercise of

1 authority has been enjoined by a court of competent juris-
2 diction.

3 “(3) If Congress is physically unable to convene as
4 a result of an insurrection, rebellion, domestic violence, or
5 obstruction of law described in a proclamation issued pur-
6 suant to section 254(b), the 7-day period described in
7 paragraph (1) shall begin on the first day Congress con-
8 venes for the first time after the insurrection, rebellion,
9 domestic violence, or obstruction of law.

10 “(b) EFFECT OF A JOINT RESOLUTION OF AP-
11 PROVAL.—If there is enacted into law a joint resolution
12 of approval as defined in subsection (d), then any author-
13 ity made available under this chapter may be exercised
14 with respect to the insurrection, rebellion, or domestic vio-
15 lence described in the proclamation that is the subject of
16 such resolution for 14 days from the date of the enactment
17 of such resolution, except that such exercise of authority
18 must terminate if enjoined by a court of competent juris-
19 diction on the ground that it violates the terms of this
20 chapter, the Constitution of the United States, or other
21 applicable Federal law.

22 “(c) RENEWAL OF JOINT RESOLUTIONS OF AP-
23 PROVAL.—An exercise of authority subject to a joint reso-
24 lution of approval may not be exercised for longer than
25 14 days, unless—

1 “(1) there is enacted into law another joint res-
2 olution of approval renewing the President’s author-
3 ity pursuant to section 253; or

4 “(2) there has been a material and significant
5 change in factual circumstances that are set forth in
6 a new proclamation and report to Congress as pro-
7 vided in subsections (b) and (c) of section 254.

8 “(d) JOINT RESOLUTION OF APPROVAL DEFINED.—
9 In this section, the term ‘joint resolution of approval’
10 means a joint resolution that contains only the following
11 provisions after its resolving clause:

12 “(1) A provision approving the exercise of au-
13 thority specified by the President in a proclamation
14 made under subsection (b) of section 254.

15 “(2) A statement that the exercise of authority
16 may continue for a period of 14 days unless enjoined
17 by a court of competent jurisdiction on the ground
18 that it violates the terms of this chapter, the Con-
19 stitution of the United States, or other applicable
20 Federal or State law.

21 “(e) PROCEDURES FOR CONSIDERATION OF JOINT
22 RESOLUTIONS OF APPROVAL.—

23 “(1) INTRODUCTION.—A joint resolution of ap-
24 proval may be introduced in either House of Con-
25 gress by any member of that House at any time that

1 authority under section 253 is in effect pursuant to
2 a proclamation made under section 254(b) or a joint
3 resolution of approval enacted into law pursuant to
4 subsection (b).

5 “(2) REQUESTS TO CONVENE CONGRESS DUR-
6 ING RECESSES.—If, when the President transmits to
7 Congress a proclamation under section 254(b) or at
8 any time that authority under section 253 is in ef-
9 fect as described in paragraph (1), Congress has ad-
10 journed sine die or has adjourned for any period in
11 excess of 3 calendar days, the majority leader of the
12 Senate and the Speaker of the House of Representa-
13 tives, or their respective designees, acting jointly
14 after consultation with and with the concurrence of
15 the minority leader of the Senate and the minority
16 leader of the House, shall notify the Members of the
17 Senate and House, respectively, to reassemble at
18 such place and time as they may designate if, in
19 their opinion, the public interest shall warrant it.

20 “(3) COMMITTEE REFERRAL.—A joint resolu-
21 tion of approval shall be referred in each House of
22 Congress to the committee or committees having ju-
23 risdiction over the emergency authorities invoked by
24 the proclamation under section 254(b) that are the
25 subject of the joint resolution.

1 “(4) CONSIDERATION IN SENATE.—In the Sen-
2 ate, the following shall apply:

3 “(A) REPORTING AND DISCHARGE.—If the
4 committee to which a joint resolution of ap-
5 proval has been referred has not reported it at
6 the end of 3 calendar days after its introduc-
7 tion, that committee shall be automatically dis-
8 charged from further consideration of the reso-
9 lution and it shall be placed on the calendar.

10 “(B) PROCEEDING TO CONSIDERATION.—
11 Notwithstanding Rule XXII of the Standing
12 Rules of the Senate, when the committee to
13 which a joint resolution of approval is referred
14 has reported the resolution, or when that com-
15 mittee is discharged under subparagraph (A)
16 from further consideration of the resolution, it
17 is at any time thereafter in order (even though
18 a previous motion to the same effect has been
19 disagreed to) for a motion to proceed to the
20 consideration of the joint resolution, and all
21 points of order against the joint resolution (and
22 against consideration of the joint resolution)
23 are waived. The motion to proceed is subject to
24 4 hours of debate divided evenly between those
25 favoring and those opposing the joint resolution

1 of approval. The motion is not subject to
2 amendment, or to a motion to postpone, or to
3 a motion to proceed to the consideration of
4 other business.

5 “(C) FLOOR CONSIDERATION.—A joint
6 resolution of approval shall be subject to 10
7 hours of consideration, to be divided evenly be-
8 tween those favoring and those opposing the
9 joint resolution of approval.

10 “(D) AMENDMENTS.—No amendments
11 shall be in order with respect to a joint resolu-
12 tion of approval.

13 “(E) MOTION TO RECONSIDER FINAL
14 VOTE.—A motion to reconsider a vote on pas-
15 sage of a joint resolution of approval shall not
16 be in order.

17 “(F) APPEALS.—Points of order, including
18 questions of relevancy, and appeals from the de-
19 cision of the Presiding Officer, shall be decided
20 without debate.

21 “(5) CONSIDERATION IN HOUSE OF REP-
22 REPRESENTATIVES.—In the House of Representatives,
23 the following shall apply:

24 “(A) REPORTING AND DISCHARGE.—If any
25 committee to which a joint resolution of ap-

1 proval has been referred has not reported it to
2 the House within 3 calendar days after the date
3 of referral, such committee shall be discharged
4 from further consideration of the joint resolu-
5 tion.

6 “(B) PROCEEDING TO CONSIDERATION.—

7 “(i) IN GENERAL.—Beginning on the
8 third legislative day after each committee
9 to which a joint resolution of approval has
10 been referred reports it to the House or
11 has been discharged from further consider-
12 ation of the joint resolution, and except as
13 provided in clause (ii), it shall be in order
14 to move to proceed to consider the joint
15 resolution in the House. The previous
16 question shall be considered as ordered on
17 the motion to its adoption without inter-
18 vening motion. The motion shall not be de-
19 batable. A motion to reconsider the vote by
20 which the motion is disposed of shall not
21 be in order.

22 “(ii) SUBSEQUENT MOTIONS TO PRO-
23 CEED TO JOINT RESOLUTION OF AP-
24 PROVAL.—A motion to proceed to consider
25 a joint resolution of approval shall not be

1 in order after the House has disposed of
2 another motion to proceed on that resolu-
3 tion.

4 “(C) FLOOR CONSIDERATION.—Upon
5 adoption of the motion to proceed in accordance
6 with subparagraph (B)(i), the joint resolution
7 of approval shall be considered as read. The
8 previous question shall be considered as ordered
9 on the joint resolution to final passage without
10 intervening motion except 2 hours of debate,
11 equally divided and controlled by the sponsor of
12 the joint resolution (or a designee) and an op-
13 ponent. A motion to reconsider the vote on pas-
14 sage of the joint resolution shall not be in
15 order.

16 “(D) AMENDMENTS.—No amendments
17 shall be in order with respect to a joint resolu-
18 tion of approval.

19 “(6) RECEIPT OF RESOLUTION FROM OTHER
20 HOUSE.—If, before passing a joint resolution of ap-
21 proval, one House receives a joint resolution of ap-
22 proval from the other House, then—

23 “(A) the joint resolution of the other
24 House shall not be referred to a committee and

1 shall be deemed to have been discharged from
2 committee on the day it is received; and

3 “(B) the procedures set forth in para-
4 graphs (4) and (5), as applicable, shall apply in
5 the receiving House to the joint resolution re-
6 ceived from the other House to the same extent
7 as such procedures apply to a joint resolution of
8 the receiving House.

9 “(f) RULE OF CONSTRUCTION.—The enactment of a
10 joint resolution of approval under this section shall not
11 be interpreted to serve as a grant or modification by Con-
12 gress of statutory authority of the President.

13 “(g) RULES OF THE HOUSE AND SENATE.—This sec-
14 tion is enacted by Congress—

15 “(1) as an exercise of the rulemaking power of
16 the Senate and the House of Representatives, re-
17 spectively, and as such is deemed a part of the rules
18 of each House, respectively, but applicable only with
19 respect to the procedure to be followed in the House
20 in the case of joint resolutions described in this sec-
21 tion, and supersedes other rules only to the extent
22 that it is inconsistent with such other rules; and

23 “(2) with full recognition of the constitutional
24 right of either House to change the rules (so far as
25 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 **“§ 256. Termination of authority**

4 “(a) IN GENERAL.—Any exercise of authority speci-
5 fied by the President in a proclamation made under sub-
6 section (b) of section 254 shall terminate on the earliest
7 of—

8 “(1) the date provided for in section 255(a);

9 “(2) the date provided for in section 255(b);

10 “(3) the date specified in an Act of Congress
11 terminating the authority;

12 “(4) the date specified in a proclamation of the
13 President terminating the emergency; or

14 “(5) the date of a revocation of a request for
15 assistance under this chapter by the chief executive
16 of the State in question.

17 “(b) EFFECT OF TERMINATION.—

18 “(1) IN GENERAL.—Effective on the date of the
19 termination of authority under subsection (a)—

20 “(A) except as provided by paragraph (2),
21 any powers or authorities exercised by reason of
22 the authority shall cease to be exercised;

23 “(B) any amounts reprogrammed or trans-
24 ferred under any provision of law with respect
25 to the exercise of authority that remain unobli-

1 gated on that date shall be returned and made
2 available for the purpose for which such
3 amounts were appropriated; and

4 “(C) any contracts entered into under any
5 provision of law relating to the execution of au-
6 thority shall be terminated.

7 “(2) SAVINGS PROVISION.—The termination of
8 an exercise of authority under this chapter shall not
9 affect—

10 “(A) any legal action taken or pending
11 legal proceeding not finally concluded or deter-
12 mined on the date of the termination under
13 subsection (a);

14 “(B) any legal action or legal proceeding
15 based on any act committed prior to that date;
16 or

17 “(C) any rights or duties that matured or
18 penalties that were incurred prior to that date.

19 **“§ 257. Judicial review**

20 “(a) IN GENERAL.—Notwithstanding, and without
21 prejudice to, any other provision of law, any individual or
22 entity (including a State or local government) that is in-
23 jured by, or has a credible fear of injury from, the use
24 of members of the armed forces under this chapter may
25 bring a civil action for declaratory or injunctive relief. In

1 any action under this section, the district court shall have
2 jurisdiction to decide any question of law or fact arising
3 under this chapter, including challenges to the legal basis
4 for members of the armed forces to be acting under this
5 chapter.

6 “(b) STANDARD OF REVIEW.—A determination that
7 the conditions specified in section 252 are met shall be
8 upheld if supported by substantial evidence.

9 “(c) EXPEDITED CONSIDERATION.—It shall be the
10 duty of the applicable district court of the United States
11 and the Supreme Court of the United States to advance
12 on the docket and to expedite to the greatest possible ex-
13 tent the disposition of any matter brought under this sec-
14 tion.

15 “(d) APPEALS.—

16 “(1) IN GENERAL.—The Supreme Court of the
17 United States shall have jurisdiction of an appeal
18 from a final decision of a district court of the United
19 States in a civil action brought under this section.

20 “(2) FILING DEADLINE.—A party shall file an
21 appeal under paragraph (1) not later than 30 days
22 after the court issues a final decision under sub-
23 section (a).

1 **“§ 258. State defined**

2 “For purposes of this chapter, the term ‘State’ in-
3 cludes the Commonwealth of Puerto Rico, the District of
4 Columbia, Guam, and the Virgin Islands.

5 **“§ 259. Limitation on use of National Guard members**
6 **performing training or other duty for cer-**
7 **tain purposes**

8 “A member of the National Guard performing train-
9 ing or other duty under section 502(a) or (f) of title 32
10 may not be used to suppress a domestic insurrection or
11 rebellion, quell domestic violence, or enforce the law.”.

12 (c) CONFORMING AMENDMENTS.—

13 (1) USE OF STATE DEFENSE FORCES.—Section
14 109(c) of title 32, United States Code, is amended
15 by inserting “, except as provided by section 253 of
16 title 10” after “armed forces”.

17 (2) TABLE OF SECTIONS.—The table of sections
18 at the beginning of chapter 13 of title 10, United
19 States Code, is amended to read as follows:

“Sec.

“251. Statement of policy.

“252. Triggering circumstances.

“253. Authority of the President.

“254. Consultation with Congress; proclamation to disperse; reporting require-
ment; effective periods of authorities.

“255. Congressional approval.

“256. Termination.

“257. Judicial review.

“258. State defined.

“259. Limitation on use of National Guard members performing training or
other duty for certain purposes.”.

