

## **Curtailing Insurrection Act Violations of Individuals' Liberties (CIVIL) Act**

*Sponsored by Rep. Ilhan Omar (D-MN-05)*

*Senate Companion Sponsored by Sen. Richard Blumenthal (D-CT)*

*House Co-Leads: Reps. Pramila Jayapal (D-WA), Mark Pocan (D-WI), Veronica Escobar (D-TX)*

It is hard to know how to put into words the magnitude of what we are seeing on American streets, and even more staggering the level of threats we are seeing from the White House. Never in our darkest days could we have imagined a President so eager to mimic the dictators he admires or an executive branch so willing to abandon their oaths of office to serve the would-be strongman.

Our institutional credibility, our democracy, and the very lives of our constituents may be at stake, with the White House repeatedly threatening an escalation of violence and military occupation of American cities. The moment to assert ourselves as the representatives of the People has met us. And now we must meet it.

Along with Senator Blumenthal, we are introducing the **Curtailing Insurrection Act Violations of Individuals' Liberties (CIVIL) Act** to severely restrict the President's ability to use military forces in American cities without explicit Congressional approval.

This important legislation will:

- Require the President to consult with Congress, in every possible instance, prior to invoking the Insurrection Act.
- Require that the President, Secretary of Defense, and Attorney General provide a joint certification to Congress that the state is unable, or unwilling, to enforce federal law. This joint certification shall provide a description of circumstances necessitating the Insurrection Act, legal justification for using this authority, and an explanation of the mission, scope, and duration of its use.
- Ensure that a Governor can make a direct request to the President to provide active duty troops under the authority of the Insurrection Act, rather than requiring the legislature to make the request first. By making it easier for the governor to directly request support from the President, we minimize the need for the President to invoke the Insurrection Act against the will of the States if the governor seeks federal support.
- Clarify that the Insurrection Act can only be invoked to protect civil rights by adding "Federal or State laws to protect the civil rights of the people of the United States under the Constitution" to Title 10 USC 253(2).
- Limit presidential discretion to invoke this authority by striking "the President considers" in Title 10 USC 252, making the Insurrection Act authority justiciable.
- Establish an expedited procedure for judicial review to ensure that individuals, or a state or local government, may bring a civil action for declaratory or injunctive relief in the appropriate district court.

- Sunset the Insurrection Act authority after 14 days unless a joint resolution of Congress extends such authority.
- Prohibit active duty troops from participating in a search, seizure, arrest, or other law enforcement activity unless expressly authorized by law, to clarify limitations of the Posse Comitatus Act (codified in 18 USC 1385), which is applicable to all active duty troops if the Insurrection Act is not invoked.