

106TH CONGRESS  
1ST SESSION

# H. J. RES. 42

To amend the War Powers Resolution.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1999

Mr. DEFAZIO (for himself and Mr. METCALF) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Rules, 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

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## JOINT RESOLUTION

To amend the War Powers Resolution.

1        *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This joint resolution may be cited as the “War Pow-  
5 ers Amendments of 1999”.

6 **SEC. 2. REVISION OF WAR POWERS RESOLUTION.**

7        The War Powers Resolution (50 U.S.C. 1541–1548)  
8 is amended by striking out all after the resolving clause  
9 and inserting in lieu thereof the following:

1 **“SECTION 1. SHORT TITLE.**

2 “This joint resolution may be cited as the ‘War Pow-  
3 ers Resolution’.

4 **“SEC. 2. PURPOSE; CONGRESSIONAL LEGISLATIVE AU-  
5 THORITY.**

6 “(a) PURPOSE.—It is the purpose of this joint resolu-  
7 tion to fulfill the intent of the framers of the Constitution  
8 of the United States and ensure that the collective judg-  
9 ment of both the Congress and the President will apply  
10 to—

11 “(1) the introduction of the Armed Forces into  
12 hostilities,

13 “(2) the continued use of the Armed Forces in  
14 hostilities, and

15 “(3) the participation of the Armed Forces in  
16 certain military operations of the United Nations.

17 “(b) CONGRESSIONAL LEGISLATIVE AUTHORITY.—  
18 Among the powers granted to the Congress by the Con-  
19 stitution are—

20 “(1) the power to declare war;

21 “(2) the power of the purse (‘No Money shall  
22 be drawn from the Treasury, but in Consequence of  
23 Appropriations made by Law’); and

24 “(3) the power to make all laws necessary and  
25 proper for carrying into execution not only its own  
26 powers but also all other powers vested by the Con-

1           stitution in the Government of the United States, or  
2           in any department or officer thereof.

3   **“SEC. 3. EMERGENCY USES OF THE ARMED FORCES IN HOS-**  
4                           **TILITIES.**

5           “(a) IN GENERAL.—The Armed Forces may be intro-  
6   duced into hostilities only as follows:

7                   “(1) DECLARATION OF WAR.—Pursuant to a  
8   declaration of war by the Congress.

9                   “(2) SPECIFIC STATUTORY AUTHORIZATION.—  
10   In accordance with a specific statutory authoriza-  
11   tion.

12                   “(3) ARMED ATTACK ON UNITED STATES.—To  
13   the extent necessary—

14                   “(A) to repel an armed attack upon the  
15   United States;

16                   “(B) to take necessary and appropriate re-  
17   taliatory actions in the event of such an attack;  
18   or

19                   “(C) to forestall the direct and imminent  
20   threat of such an attack.

21                   “(4) ARMED ATTACK ON THE ARMED  
22   FORCES.—To the extent necessary—

23                   “(A) to repel an armed attack against  
24   Armed Forces located outside the United  
25   States; or

1           “(B) to forestall the direct and imminent  
2           threat of such an attack.

3           “(5) EVACUATION OF UNITED STATES CITI-  
4           ZENS.—To the extent necessary to protect United  
5           States citizens or nationals while evacuating them as  
6           rapidly as possible from a situation, outside the  
7           United States, that directly and imminently threat-  
8           ens their lives or liberty and—

9           “(A) the threatened deprivation of life or  
10          liberty is contrary to international law or is oth-  
11          erwise illegal; and

12          “(B) in a case where the source of the  
13          threat is within a foreign country, the threat is  
14          supported by the government of that country or  
15          the government of that country is unable or un-  
16          willing to control the situation.

17          The President shall make every effort to terminate  
18          any such threat without using the Armed Forces.  
19          Before using the Armed Forces to protect United  
20          States citizens or nationals being evacuated from a  
21          foreign country in accordance with this paragraph,  
22          the President shall, where possible, obtain the con-  
23          sent of the government of that country.

1       “(b) **CONDITIONS ON EMERGENCY USE OF ARMED**  
2 **FORCES.**—Any use of the Armed Forces in accordance  
3 with paragraph (3), (4), or (5) of subsection (a)—

4               “(1) is subject to the requirements of sections  
5 4, 5, and 6; and

6               “(2) shall be limited, in terms of the Armed  
7 Forces which are used and the manner in which they  
8 are used, to such use as is essential in order to  
9 achieve the purpose described in that paragraph.

10       “(c) **FUNDING LIMITATION.**—Funds appropriated or  
11 otherwise made available under any law may not be obli-  
12 gated or expended for any introduction, other than an in-  
13 troduction described in subsection (a), of the Armed  
14 Forces into hostilities.

15       **“SEC. 4. CONSULTATION BETWEEN THE PRESIDENT AND**  
16                               **CONGRESS.**

17       “(a) **REQUIREMENTS FOR CONSULTATION.**—(1) The  
18 President, in every possible instance, shall consult with the  
19 Congress before the Armed Forces are introduced into  
20 hostilities in accordance with paragraph (3), (4), or (5)  
21 of section 3(a). After every such introduction, the Presi-  
22 dent shall consult regularly with the Congress until the  
23 Armed Forces are no longer in hostilities.

24       “(2) The President, in every possible instance, shall  
25 consult with the Congress—

1           “(A) before Armed Forces are introduced into  
2           the territory, airspace, or waters of a foreign country  
3           while equipped for combat, except for deployments  
4           which relate solely to supply, replacement, repair, or  
5           training of such forces;

6           “(B) before Armed Forces are introduced into  
7           the territory, airspace, or waters of a foreign country  
8           in which there are already Armed Forces equipped  
9           for combat if such introduction would substantially  
10          enlarge the number of Armed Forces equipped for  
11          combat located in that country or otherwise substan-  
12          tially increase the military capabilities of such  
13          forces; or

14          “(C) before committing Armed Forces to an op-  
15          eration authorized by the United Nations Security  
16          Council under chapter VII of the United Nations  
17          Charter.

18          “(b) EXECUTIVE-LEGISLATIVE CONSULTATIVE  
19 GROUP.—The consultation required by subsection (a)  
20 shall include participation by—

21                 “(1) the President and those senior executive  
22                 branch officials designated by the President; and

23                 “(2) those Members of the House of Represent-  
24                 atives designated by the Speaker of the House, and

1       those members of the Senate designated by the  
2       President pro tempore of the Senate.

3       “(c) WHAT CONSULTATION REQUIRES.—In order to  
4       satisfy the consultation requirement of this section, the  
5       President must ask Members of Congress for their advice  
6       and opinions before the decision is made to introduce the  
7       Armed Forces. Such consultation requires that all infor-  
8       mation relevant to the situation must be made available  
9       to the Members of Congress being consulted. The con-  
10      sultation requirement of this section is not met, however,  
11      if the Congress is merely informed about the situation.

12      **“SEC. 5. REPORTS TO THE CONGRESS.**

13      “(a) REPORTING REQUIREMENT.—The President  
14      shall submit the report described in subsection (b) within  
15      48 hours after the Armed Forces are introduced into hos-  
16      tilities in accordance with paragraph (3), (4), or (5) of  
17      section 3(a).

18      “(b) DESCRIPTION OF REPORT REQUIRED.—The re-  
19      port required by subsection (a) is a written report sub-  
20      mitted by the President to the Speaker of the House of  
21      Representatives and the President pro tempore of the Sen-  
22      ate on the same calendar day, setting forth—

23              “(1) the circumstances necessitating the intro-  
24      duction of the Armed Forces;

1           “(2) the specific constitutional and legislative  
2           authority under which such introduction took place;  
3           and

4           “(3) the estimated scope and duration of the  
5           hostilities or the involvement of the Armed Forces,  
6           as the case may be.

7 Any such report shall state expressly that it is being sub-  
8 mitted pursuant to this section.

9           “(c) **ADDITIONAL INFORMATION.**—The President  
10 shall provide such other information as the Congress may  
11 request in the fulfillment of its constitutional responsibil-  
12 ities with respect to committing the Nation to war and  
13 to the use of the Armed Forces abroad.

14           “(d) **CONTINUING REPORTS.**—Whenever the Armed  
15 Forces are introduced into hostilities the President shall,  
16 so long as the Armed Forces continue to be involved in  
17 those or related hostilities, report to the Congress periodi-  
18 cally on the status of such hostilities as well as on the  
19 scope and estimated duration of such hostilities, but in  
20 no event shall the President report to the Congress less  
21 often than once every six months.

22 **“SEC. 6. CONGRESSIONAL ACTION WITH RESPECT TO HOS-**  
23 **TILITIES.**

24           “(a) **RECEIPT OF SECTION 5(a) REPORT.**—Each re-  
25 port submitted pursuant to section 5(a) shall be referred

1 to the Committee on International Relations of the House  
2 of Representatives and to the Committee on Foreign Rela-  
3 tions of the Senate for appropriate action. If, when the  
4 report is transmitted, the Congress has adjourned sine die  
5 or has adjourned for any period in excess of three calendar  
6 days, the Speaker of the House of Representatives and  
7 the President pro tempore of the Senate, if they deem it  
8 advisable (or if they are petitioned by at least 30 percent  
9 of the membership of their respective Houses) shall jointly  
10 request the President to convene the Congress in order  
11 that it may consider the report and take appropriate ac-  
12 tion pursuant to this section.

13       “(b) REQUIREMENT FOR SPECIFIC STATUTORY AU-  
14 THORIZATION FOR CONTINUED INVOLVEMENT.—Within  
15 60 calendar days after the Armed Forces are introduced  
16 into hostilities in accordance with paragraph (3), (4), or  
17 (5) of section 3(a), the President shall remove the Armed  
18 Forces from those hostilities unless the Congress—

19               “(1) has declared war;

20               “(2) has enacted a joint resolution providing  
21 specific authorization for such use of the Armed  
22 Forces;

23               “(3) has extended by law such 60-day period; or

24               “(4) is physically unable to meet as a result of  
25 an armed attack upon the United States.

1 This 60-day period shall be extended for not more than  
2 an additional 30 days if the President determines and cer-  
3 tifies to the Congress in writing that unavoidable military  
4 necessity respecting the safety of the Armed Forces re-  
5 quires the continued use of the Armed Forces in the  
6 course of bringing about their prompt removal from hos-  
7 tilities.

8 “(c) FUNDING LIMITATION.—Unless one of the num-  
9 bered paragraphs of subsection (b) applies, after the expi-  
10 ration of the period specified in that subsection (including  
11 any extension of that period in accordance with that sub-  
12 section), funds appropriated or otherwise made available  
13 under any law may not be obligated or expended to con-  
14 tinue the involvement of the Armed Forces in the hos-  
15 tilities. This subsection does not, however, prohibit the use  
16 of funds to remove the Armed Forces from hostilities.

17 **“SEC. 7. CONGRESSIONAL EXPEDITED PROCEDURES.**

18 “(a) RESOLUTIONS SUBJECT TO PROCEDURES.—As  
19 used in this section, the term ‘privileged resolution’ means  
20 a joint resolution—

21 “(1) that provides specific authorization for the  
22 use of the Armed Forces in hostilities, so long as  
23 that resolution contains only provisions which are  
24 relevant to those hostilities; and

1           “(2) that is introduced after the President has  
2           submitted a written request to the Congress for en-  
3           actment of such an authorization with respect to  
4           those or related hostilities.

5           “(b) PROCEDURE IN HOUSE OF REPRESENTA-  
6           TIVES.—(1) This subsection applies to the consideration  
7           of a privileged resolution in the House of Representatives.

8           “(2) A privileged resolution introduced in the House  
9           of Representatives shall be referred, upon introduction, to  
10          the Committee on International Relations. A privileged  
11          resolution shall not be sequentially referred.

12          “(3)(A) If, at the end of 10 calendar days after the  
13          introduction of a privileged resolution, the Committee on  
14          International Relations has not reported that resolution,  
15          that committee shall be discharged from further consider-  
16          ation of that resolution and that resolution shall be placed  
17          on the appropriate calendar of the House.

18          “(B) After a privileged resolution has been placed on  
19          the appropriate calendar, no other resolution with respect  
20          to the same or related hostilities may be reported by or  
21          be discharged from any committee under this subsection  
22          while the first resolution—

23                  “(i) is before the House of Representatives (in-  
24                  cluding remaining on the calendar),

1           “(ii) is before the Senate (including remaining  
2           on the calendar) unless the Senate has had a vote  
3           on final passage with respect to the resolution and  
4           a majority of those voting did not vote in the affirm-  
5           ative,

6           “(iii) is before a committee of conference or  
7           otherwise awaiting disposition of amendments be-  
8           tween the Houses, or

9           “(iv) is awaiting transmittal to the President or  
10          is before the President.

11          “(4)(A)(i) At any time after a privileged resolution  
12          has been placed on the appropriate calendar, it is in order  
13          for any Member of the House of Representatives to move  
14          that the House resolve itself into the Committee of the  
15          Whole House on the State of the Union for the consider-  
16          ation of that resolution. The motion is highly privileged.

17          “(ii) The motion under clause (i) is in order even if  
18          a previous motion to the same effect has been disagreed  
19          to.

20          “(B) All points of order against a privileged resolu-  
21          tion and consideration of the resolution are waived. If the  
22          motion under subparagraph (A) is agreed to, the privi-  
23          leged resolution shall remain the unfinished business of  
24          the House until disposed of, to the exclusion of all other  
25          business (other than a motion to adjourn), except as pro-

1 vided in paragraph (5)(A). A motion to reconsider the vote  
2 by which the motion is disagreed to is not in order.

3 “(C) General debate on a privileged resolution shall  
4 not exceed 4 hours, which shall be divided equally between  
5 a Member favoring and a Member opposing the resolution.

6 “(D)(i) At the conclusion of general debate, a privi-  
7 leged resolution shall be considered for amendment under  
8 the 5-minute rule.

9 “(ii) Debate on all amendments shall not exceed 12  
10 hours. After the expiration of that period, no further  
11 amendments shall be in order.

12 “(iii) Except as provided in the next sentence, debate  
13 on each amendment, and any amendments thereto, shall  
14 not exceed one hour. If the Committee on International  
15 Relations reports an amendment in the nature of a sub-  
16 stitute to the text of a privileged resolution, that amend-  
17 ment shall be considered to be original text for purposes  
18 of amendment and debate on each amendment to that  
19 amendment, and any amendments thereto, shall not ex-  
20 ceed one hour.

21 “(E) At the conclusion of consideration of amend-  
22 ments to a privileged resolution, the Committee of the  
23 Whole shall rise and report the resolution back to the  
24 House, and the previous question shall be considered as  
25 ordered on the resolution, with any amendments adopted

1 in the Committee of the Whole, to final passage without  
2 intervening motion, except one motion to recommit with  
3 or without instructions.

4 “(5)(A) Except as provided in subparagraph (B), if,  
5 before the passage by the House of Representatives of a  
6 privileged resolution of the House, the House receives a  
7 privileged resolution from the Senate with respect to the  
8 same or related hostilities, then the following procedures  
9 shall apply:

10 “(i) The resolution of the Senate shall not be  
11 referred to a committee.

12 “(ii) With respect to the privileged resolution of  
13 the House—

14 “(I) the procedure in the House shall be  
15 the same as if no resolution had been received  
16 from the Senate; but

17 “(II) the privileged resolution of the Sen-  
18 ate shall be considered to have been read for  
19 the third time; the vote on final passage shall  
20 be on the resolution of the Senate (if the resolu-  
21 tions are identical), or on the resolution of the  
22 Senate (if they are not identical) with the text  
23 of the resolution of the House inserted in lieu  
24 of the text of the resolution of the Senate; and

1           the vote on final passage shall occur without de-  
2           bate or any intervening action.

3           “(iii) Upon disposition of a privileged resolution  
4           received from the Senate, consideration of the privi-  
5           leged resolution of the House shall no longer be privi-  
6           leged under this section.

7           “(B) If the House receives from the Senate a privi-  
8           leged resolution before any privileged resolution is intro-  
9           duced in the House with respect to the same or related  
10          hostilities, then the resolution of the Senate shall be re-  
11          ferred to the appropriate committee or committees, and  
12          the procedures in the House with respect to that resolu-  
13          tion shall be the same under this subsection as if the reso-  
14          lution received had been introduced in the House.

15          “(C) If the House receives from the Senate a privi-  
16          leged resolution after the House has disposed of an iden-  
17          tical privileged resolution, it shall be in order to proceed  
18          by a highly privileged, nondebatable motion to consider-  
19          ation of the resolution of the Senate, and that resolution  
20          shall be disposed of without debate and without amend-  
21          ment.

22          “(6) A motion to disagree with amendments of the  
23          Senate to a privileged resolution of the House and request  
24          or agree to a conference with the Senate, or a motion to  
25          insist on the House amendments to a privileged resolution

1 of the Senate and request or agree to a conference of the  
2 Senate, is highly privileged.

3 “(7)(A) If the conferees are unable to agree on resolv-  
4 ing the differences between the two Houses with respect  
5 to a privileged resolution within 72 hours after the second  
6 House is notified that the first House has agreed to con-  
7 ference, they shall report back to their respective House  
8 in disagreement.

9 “(B) Notwithstanding any rule of the House of Rep-  
10 resentatives concerning the printing of conference reports  
11 in the Congressional Record or concerning any delay in  
12 the consideration of such reports, a conference report with  
13 respect to a privileged resolution, including a report filed  
14 in disagreement, shall be acted on in the House of Rep-  
15 resentatives not later than 2 session days after the first  
16 House files the report or, in the case of the House acting  
17 first, the report has been available for 2 hours. The con-  
18 ference report (and any amendment reported in disagree-  
19 ment) shall be deemed to have been read. Debate on such  
20 a conference report shall be limited to 3 hours, equally  
21 divided between, and controlled by the Majority Leader  
22 and the Minority Leader (or their designees).

23 “(C) As used in subparagraph (B), the term ‘session  
24 day’ means a day on which the House of Representatives  
25 convenes.

1       “(8) This subsection is enacted by the House of  
2 Representatives—

3           “(A) as an exercise of the rulemaking power of  
4 the House of Representatives, and as such it is  
5 deemed a part of the rules of the House, but appli-  
6 cable only with respect to the procedure to be fol-  
7 lowed in the House in the case of a privileged resolu-  
8 tion, and it supersedes other rules only to the extent  
9 that it is inconsistent with such rules; and

10          “(B) with full recognition of the constitutional  
11 right of the House to change its rules (so far as re-  
12 lating to the procedure of the House) at any time,  
13 in the same manner, and to the same extent as in  
14 the case of any other rule of the House.

15          “(c) PROCEDURES IN THE SENATE.—(1) This sub-  
16 section applies to the consideration of a privileged resolu-  
17 tion in the Senate.

18          “(2) For purposes of this subsection, the term ‘ses-  
19 sion days’ means days on which the Senate is in session.

20          “(3) A privileged resolution introduced in the Senate  
21 shall be referred to the Committee on Foreign Relations.

22          “(4)(A) If the Committee on Foreign Relations has  
23 not reported a privileged resolution (or an identical resolu-  
24 tion) at the end of 7 calendar days after the introduction  
25 of that resolution, that committee shall be discharged from

1 further consideration of that resolution, and that resolu-  
2 tion shall be placed on the appropriate calendar of the  
3 Senate.

4 “(B) After a committee reports or is discharged from  
5 a privileged resolution, no other resolution with respect to  
6 the same or related hostilities may be reported by or be  
7 discharged from such committee while the first  
8 resolution—

9 “(i) is before the Senate (including remaining  
10 on the calendar),

11 “(ii) is before the House of Representatives (in-  
12 cluding remaining on the calendar), unless the  
13 House has had a vote on final passage with respect  
14 to the resolution and a majority of those voting did  
15 not vote in the affirmative,

16 “(iii) is before a committee of conference or  
17 otherwise awaiting disposition of amendments be-  
18 tween the Houses, or

19 “(iv) is awaiting transmittal to the President or  
20 is before the President.

21 “(5)(A)(i) When the committee to which a privileged  
22 resolution is referred has reported, or has been discharged  
23 under paragraph (4) from further consideration of that  
24 resolution, it is at any time thereafter in order (even  
25 though a previous motion to the same effect has been dis-

1 agreed to) for any Member of the Senate to move to pro-  
2 ceed to the consideration of the resolution, notwith-  
3 standing any rule or precedent of the Senate, including  
4 Rule 22. Except as provided in clause (ii) of this subpara-  
5 graph or subparagraph (B) of this paragraph (insofar as  
6 it relates to germaneness and relevancy of amendments),  
7 all points of order against a privileged resolution and con-  
8 sideration of the resolution are waived. The motion is priv-  
9 ileged and is not debatable. The motion is not subject to  
10 a motion to postpone. A motion to reconsider the vote by  
11 which the motion is agreed to or disagreed to shall be in  
12 order, except that such motion may not be entered for fu-  
13 ture disposition. If a motion to proceed to the consider-  
14 ation of a privileged resolution is agreed to, the resolution  
15 shall remain the unfinished business of the Senate, to the  
16 exclusion of all other business, until disposed of, except  
17 as otherwise provided in paragraph (6)(A).

18       “(ii) Whenever a point of order is raised in the Senate  
19 against the privileged status of a resolution that has been  
20 laid before the Senate and been initially identified as privi-  
21 leged for consideration under this subsection upon its in-  
22 troduction, such point of order shall be submitted directly  
23 to the Senate. The point of order, ‘The resolution is not  
24 privileged under the War Powers Resolution’, shall be de-  
25 cided by the yeas and the nays after four hours of debate,

1 equally divided between, and controlled by, the Member  
2 raising the point of order and the manager of the resolu-  
3 tion, except that in the event the manager is in favor of  
4 such point of order, the time in opposition thereto shall  
5 be controlled by the Minority Leader or his designee. Such  
6 point of order shall not be considered to establish prece-  
7 dent for determination of future cases.

8       “(B)(i) Consideration in the Senate of a privileged  
9 resolution, and all amendments and debatable motions in  
10 connection therewith, shall be limited to not more than  
11 12 hours, which, except as otherwise provided in this sub-  
12 section, shall be equally divided between, and controlled  
13 by, the Majority Leader and the Minority Leader, or by  
14 their designees. The Majority Leader or the Minority  
15 Leader or their designees may, from the time under their  
16 control on the resolution, allot additional time to any Sen-  
17 ator during the consideration of any amendment, debat-  
18 able motion, or appeal.

19       “(ii) Only amendments which are germane and rel-  
20 evant to a privileged resolution are in order.

21       “(iii) Debate on any amendment to a privileged reso-  
22 lution shall be limited to two hours, except that this limita-  
23 tion does not apply to an amendment in the nature of a  
24 substitute to the text of the resolution that is reported

1 by the Committee on Foreign Relations. Debate on any  
2 amendment to an amendment shall be limited to 1 hour.

3       “(iv) The time of debate for each amendment shall  
4 be equally divided between, and controlled by, the mover  
5 of the amendment and the manager of the resolution, ex-  
6 cept that in the event the manager is in favor of any such  
7 amendment, the time in opposition thereto shall be con-  
8 trolled by the Minority Leader or his designee.

9       “(v) One amendment by the Minority Leader is in  
10 order to be offered under a one-hour time limitation imme-  
11 diately following the expiration of the 12-hour time limita-  
12 tion if the Minority Leader has had no opportunity prior  
13 thereto to offer an amendment to the privileged resolution.  
14 One amendment may be offered to the amendment of the  
15 Minority Leader under the preceding sentence, and debate  
16 shall be limited on such amendment to one-half hour which  
17 shall be equally divided between, and controlled by, the  
18 mover of the amendment and the manager of the resolu-  
19 tion, except that in the event the manager is in favor of  
20 any such amendment, the time in opposition thereto shall  
21 be controlled by the Minority Leader or his designee.

22       “(vi) A motion to postpone or a motion to recommit  
23 a privileged resolution is not in order. A motion to recon-  
24 sider the vote by which a privileged resolution is agreed  
25 to or disagreed to is in order, except that such motion

1 may not be entered for future disposition, and debate on  
2 such motion shall be limited to 1 hour.

3 “(C) Whenever all the time for debate on a privileged  
4 resolution has been used or yielded back, no further  
5 amendments may be proposed, except as provided in sub-  
6 paragraph (B)(iii), and the vote on the adoption of the  
7 resolution shall occur without any intervening motion or  
8 amendment, except that a single quorum call at the con-  
9 clusion of the debate if requested in accordance with the  
10 rules of the Senate may occur immediately before such  
11 vote.

12 “(D) Appeals from the decisions of the Chair relating  
13 to the application of the Rules of the Senate to the proce-  
14 dure relating to a privileged resolution shall be limited to  
15 one-half hour of debate, equally divided between, and con-  
16 trolled by, the Member making the appeal and the man-  
17 ager of the resolution, except that in the event the man-  
18 ager is in favor of any such appeal, the time in opposition  
19 thereto shall be controlled by the Minority Leader or his  
20 designee.

21 “(6)(A) Except as provided in subparagraph (B), if,  
22 before the passage by the Senate of a privileged resolution  
23 of the Senate, the Senate receives a privileged resolution  
24 from the House of Representatives with respect to the

1 same or related hostilities, then the following procedures  
2 shall apply:

3           “(i) The privileged resolution of the House of  
4 Representatives shall not be referred to a committee.

5           “(ii) With respect to the privileged resolution of  
6 the Senate—

7                 “(I) the procedure in the Senate shall be  
8 the same as if no resolution had been received  
9 from the House of Representatives; but

10                 “(II) the resolution of the House of Rep-  
11 resentatives shall be considered to have been  
12 read for the third time; the vote on final pas-  
13 sage shall be on the resolution of the House of  
14 Representatives (if such resolutions are iden-  
15 tical) or on the resolution of the House of Rep-  
16 resentatives (if not identical), with the text of  
17 the resolution of the Senate inserted in lieu of  
18 the text of the resolution of the House of Rep-  
19 resentatives; and such vote on final passage  
20 shall occur without debate or any intervening  
21 action.

22                 “(iii) Upon disposition of a privileged resolution  
23 received from the House of Representatives, it shall  
24 no longer be in order to consider the resolution origi-  
25 nated in the Senate.

1       “(B) If the Senate receives a privileged resolution  
2 from the House of Representatives before any privileged  
3 resolution is introduced in the Senate with respect to the  
4 same or related hostilities, then the resolution received  
5 shall be referred to the Committee on Foreign Relations,  
6 and the procedures in the Senate with respect to that reso-  
7 lution shall be the same under this section as if the resolu-  
8 tion received had been introduced in the Senate.

9       “(7) If the Senate receives a privileged resolution  
10 from the House of Representatives after the Senate has  
11 disposed of an identical privileged resolution, it shall be  
12 in order to proceed by nondebatable motion to consider-  
13 ation of the resolution received by the Senate, and that  
14 resolution shall be disposed of without debate and without  
15 amendment.

16       “(8)(A)(i) The time for debate in the Senate on all  
17 motions required for the disposition of amendments be-  
18 tween the Houses shall not exceed 2 hours, equally divided  
19 between, and controlled by, the mover of the motion and  
20 the manager of the resolution at each stage of the pro-  
21 ceedings between the two Houses, except that in the event  
22 the manager is in favor of any such motion, the time in  
23 opposition thereto shall be controlled by the Minority  
24 Leader or his designee. In the case of any disagreement  
25 between the two Houses of Congress with respect to a

1 privileged resolution which is not resolved, any Senator  
2 may make any motion or motions referred to in this clause  
3 within 2 session days after action by the second House  
4 or before the appointment of conferees, whichever comes  
5 first.

6       “(ii) In the event the conferees are unable to agree  
7 within 72 hours after the second House is notified that  
8 the first House has agreed to conference, they shall report  
9 back to their respective House in disagreement.

10       “(iii) Notwithstanding any rule in the Senate con-  
11 cerning the printing of conference reports in the Congres-  
12 sional Record or concerning any delay in the consideration  
13 of such reports, such report, including a report filed or  
14 returned in disagreement, shall be acted on in the Senate  
15 not later than 2 session days after the first House files  
16 the report or, in the case of the Senate acting first, the  
17 report is first made available on the desks of the Senators.  
18 Debate in the Senate on a conference report or a report  
19 filed or returned in disagreement on any such resolution  
20 shall be limited to 3 hours, equally divided between, and  
21 controlled by, the Majority Leader and the Minority Lead-  
22 er, and their designees.

23       “(B) If a privileged resolution is vetoed by the Presi-  
24 dent, the time for debate in consideration of the veto mes-  
25 sage on such measure shall be limited to 20 hours in the

1 Senate, equally divided between, and controlled by, the  
2 Majority Leader and the Minority Leader, and their des-  
3 ignees.

4 “(9) This subsection is enacted by the Senate—

5 “(A) as an exercise of the rulemaking power of  
6 the Senate, as such it is deemed a part of the rules  
7 of the Senate but applicable only with respect to the  
8 procedure to be followed in the Senate in the case  
9 of a privileged resolution, and it supersedes other  
10 rules only to the extent that it is inconsistent with  
11 such rules; and

12 “(B) with full recognition of the constitutional  
13 right of the Senate to change its rules (so far as re-  
14 lating to the procedure of the Senate) at any time,  
15 in the same manner, and to the same extent as in  
16 the case of any other rule of the Senate.

17 **“SEC. 8. JUDICIAL REVIEW.**

18 “(a) **STANDING OF MEMBERS OF CONGRESS.**—Any  
19 Member of Congress may bring an action in the United  
20 States District Court for the District of Columbia for de-  
21 claratory judgment and injunctive relief on the ground  
22 that the President or the Armed Forces have not complied  
23 with any provision of this joint resolution.

24 “(b) **JUSTICIABILITY.**—In any action described in  
25 subsection (a), the court shall not decline to make a deter-

1 mination on the merits on the ground that the issue of  
2 compliance is a political question or is otherwise nonjus-  
3 ticiable.

4 “(c) CONGRESSIONAL INTENT.—Notwithstanding the  
5 number, position, or party affiliation of any plaintiffs in  
6 an action described in subsection (a), it is the intent of  
7 the Congress that the court—

8 “(1) infer congressional disapproval of the in-  
9 volvement of the Armed Forces in hostilities; and

10 “(2) find that an impasse exists between the  
11 Congress and the Executive which requires judicial  
12 resolution.

13 “(d) EXPEDITED CONSIDERATION.—Any court in  
14 which an action described in subsection (a) is heard shall  
15 accord such action the highest priority and shall announce  
16 its judgment as speedily as the requirements of Article III  
17 of the Constitution permit.

18 “(e) JUDICIAL REMEDY.—(1) If the court in an ac-  
19 tion described in subsection (a) finds that the President  
20 has failed to submit a report required by section 5(a) of  
21 this joint resolution, the court shall—

22 “(A) direct the President to submit that report;  
23 and

24 “(B) specify the date on which the Armed  
25 Forces were introduced into hostilities.

1           “(2) If the court in an action described in subsection  
2 (a) finds that section 3 or section 6(b) of this joint resolu-  
3 tion has been violated, the court shall direct the President  
4 to remove the Armed Forces from the hostilities. The  
5 Armed Forces shall be removed pursuant to the court’s  
6 order—

7           “(A) immediately, or

8           “(B) if the President determines and certifies  
9 to the Congress in writing that unavoidable military  
10 necessity respecting the safety of the Armed Forces  
11 requires the continued use of the Armed Forces in  
12 the course of bringing about their prompt removal  
13 from hostilities, within a period not to exceed 30  
14 days after the order is issued.

15           “(f) APPEALS.—Any judgment in an action described  
16 in subsection (a) shall be directly appealable to the United  
17 States Supreme Court.

18 **“SEC. 9. RULES OF INTERPRETATION.**

19           “(a) OTHER STATUTES AND TREATIES.—Authority  
20 to introduce the Armed Forces into hostilities shall not  
21 be inferred—

22           “(1) from any provision of law (including any  
23 provision in effect before the date of enactment of  
24 this joint resolution), including any provision con-  
25 tained in any appropriation Act, unless that provi-

1 sion specifically authorizes the introduction of the  
2 Armed Forces into hostilities and states that it is in-  
3 tended to constitute specific statutory authorization  
4 within the meaning of this joint resolution; or

5 “(2) from any treaty heretofore or hereafter  
6 ratified unless that treaty is implemented by legisla-  
7 tion specifically authorizing the introduction of the  
8 Armed Forces into hostilities and stating that it is  
9 intended to constitute specific statutory authoriza-  
10 tion within the meaning of this joint resolution.

11 “(b) CONGRESSIONAL ACTION OR INACTION.—The  
12 failure of the Congress to adopt a measure—

13 “(1) terminating, limiting, or prohibiting the in-  
14 volvement of the Armed Forces in hostilities, or

15 “(2) finding that the President or the Armed  
16 Forces are acting in violation of this joint resolution,  
17 may not be construed as indicating congressional author-  
18 ization or approval of, or acquiescence in, the involvement  
19 of the Armed Forces in any hostilities or as a finding by  
20 the Congress that such involvement is consistent with this  
21 joint resolution.

22 **“SEC. 10. DEFINITIONS.**

23 “For purposes of this joint resolution, the following  
24 definitions apply:

1           “(1) ARMED FORCES.—The term ‘Armed  
2 Forces’ means the armed forces of the United  
3 States.

4           “(2) HOSTILITIES.—The term ‘hostilities’ in-  
5 cludes a situation where overt acts of warfare are  
6 taking place, such as—

7                   “(A) the exchange of fire between regular  
8 or irregular military forces, or

9                   “(B) the aerial or naval bombardment of  
10 military or civilian targets by regular or irreg-  
11 ular military forces,

12 regardless of whether the Armed Forces are partici-  
13 pating in the exchange of fire or the bombardment;

14           “(3) INTRODUCE.—The term ‘introduce’  
15 includes—

16                   “(A) any commitment, engagement, or  
17 other involvement of the Armed Forces in hos-  
18 tilities, including the taking of self-defense  
19 measures by the Armed Forces in response to  
20 an attack or threatened attack;

21                   “(B) the assigning or detailing of members  
22 of the Armed Forces to command, coordinate,  
23 participate in the movement of, accompany, or  
24 provide logistical support or training for any  
25 foreign regular or irregular military forces if

1           those forces are involved in hostilities (regard-  
2           less of whether those hostilities involve insur-  
3           gent forces or the military forces of a foreign  
4           country); and

5                   “(C) the assigning or detailing of members  
6           of the Armed Forces to an operation authorized  
7           by the United Nations Security Council under  
8           chapter VII of the United Nations Charter.

9                   “(4) UNITED STATES; COUNTRY.—The terms  
10          ‘United States’ and ‘country’, when used in a geo-  
11          graphic sense, include territories and possessions.

12          **“SEC. 11. SEPARABILITY CLAUSE.**

13                   “If any provision of this joint resolution or the appli-  
14          cation thereof to any person or circumstance is held in-  
15          valid, the remainder of the joint resolution and the appli-  
16          cation of such provision to any other person or cir-  
17          cumstance shall not be affected thereby.”.

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