

112TH CONGRESS
1ST SESSION

H. J. RES. 55

To amend the War Powers Resolution.

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 2011

Mr. DEFAZIO (for himself and Mr. JONES) introduced the following joint resolution; which was referred to the Committee on Foreign Affairs, 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

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 2011”.

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

9 “(1) the introduction of the Armed Forces into
10 hostilities,

11 “(2) the continued use of the Armed Forces in
12 hostilities, and

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

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

18 “(1) the power to declare war;

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

22 “(3) the power to make all laws necessary and
23 proper for carrying into execution not only its own
24 powers but also all other powers vested by the Con-
25 stitution in the Government of the United States, or
26 in any department or officer thereof.

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

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

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

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

10 “(3) ARMED ATTACK ON UNITED STATES.—To
11 the extent necessary—

12 “(A) to repel an armed attack upon the
13 United States;

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

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

19 “(4) ARMED ATTACK ON THE ARMED
20 FORCES.—To the extent necessary—

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

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

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

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

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

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

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

1 “(1) is subject to the requirements of sections
2 4, 5, and 6; and

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

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

12 **“SEC. 4. CONSULTATION BETWEEN THE PRESIDENT AND**
13 **CONGRESS.**

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

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

23 “(A) before Armed Forces are introduced into
24 the territory, airspace, or waters of a foreign country
25 while equipped for combat, except for deployments

1 which relate solely to supply, replacement, repair, or
2 training of such forces;

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

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

15 “(b) EXECUTIVE-LEGISLATIVE CONSULTATIVE
16 GROUP.—The consultation required by subsection (a)
17 shall include participation by—

18 “(1) the President and those senior executive
19 branch officials designated by the President; and

20 “(2) those Members of the House of Represent-
21 atives designated by the Speaker of the House, and
22 those members of the Senate designated by the
23 President pro tempore of the Senate.

24 “(c) WHAT CONSULTATION REQUIRES.—In order to
25 satisfy the consultation requirement of this section, the

1 President must ask Members of Congress for their advice
2 and opinions before the decision is made to introduce the
3 Armed Forces. Such consultation requires that all infor-
4 mation relevant to the situation must be made available
5 to the Members of Congress being consulted. The con-
6 sultation requirement of this section is not met, however,
7 if the Congress is merely informed about the situation.

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

9 “(a) REPORTING REQUIREMENT.—The President
10 shall submit the report described in subsection (b) within
11 48 hours after the Armed Forces are introduced into hos-
12 tilities in accordance with paragraph (3), (4), or (5) of
13 section 3(a).

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

19 “(1) the circumstances necessitating the intro-
20 duction of the Armed Forces;

21 “(2) the specific constitutional and legislative
22 authority under which such introduction took place;
23 and

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

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

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

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

19 **“SEC. 6. CONGRESSIONAL ACTION WITH RESPECT TO HOS-**
20 **TILITIES.**

21 “(a) **RECEIPT OF SECTION 5(a) REPORT.**—Each re-
22 port submitted pursuant to section 5(a) shall be referred
23 to the Committee on Foreign Affairs of the House of Rep-
24 resentatives and to the Committee on Foreign Relations
25 of the Senate for appropriate action. If, when the report

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

10 “(b) REQUIREMENT FOR SPECIFIC STATUTORY AU-
11 THORIZATION FOR CONTINUED INVOLVEMENT.—Within
12 60 calendar days after the Armed Forces are introduced
13 into hostilities in accordance with paragraph (3), (4), or
14 (5) of section 3(a), the President shall remove the Armed
15 Forces from those hostilities unless the Congress—

16 “(1) has declared war;

17 “(2) has enacted a joint resolution providing
18 specific authorization for such use of the Armed
19 Forces;

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

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

23 This 60-day period shall be extended for not more than
24 an additional 30 days if the President determines and cer-
25 tifies to the Congress in writing that unavoidable military

1 necessity respecting the safety of the Armed Forces re-
2 quires the continued use of the Armed Forces in the
3 course of bringing about their prompt removal from hos-
4 tilities.

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

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

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

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

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

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

4 “(2) A privileged resolution introduced in the House
5 of Representatives shall be referred, upon introduction, to
6 the Committee on Foreign Affairs. A privileged resolution
7 shall not be sequentially referred.

8 “(3)(A) If, at the end of 10 calendar days after the
9 introduction of a privileged resolution, the Committee on
10 Foreign Affairs has not reported that resolution, that
11 committee shall be discharged from further consideration
12 of that resolution and that resolution shall be placed on
13 the appropriate calendar of the House.

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

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

21 “(ii) is before the Senate (including remaining
22 on the calendar) unless the Senate has had a vote
23 on final passage with respect to the resolution and
24 a majority of those voting did not vote in the affirm-
25 ative,

1 “(iii) is before a committee of conference or
2 otherwise awaiting disposition of amendments be-
3 tween the Houses, or

4 “(iv) is awaiting transmittal to the President or
5 is before the President.

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

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

15 “(B) All points of order against a privileged resolu-
16 tion and consideration of the resolution are waived. If the
17 motion under subparagraph (A) is agreed to, the privi-
18 leged resolution shall remain the unfinished business of
19 the House until disposed of, to the exclusion of all other
20 business (other than a motion to adjourn), except as pro-
21 vided in paragraph (5)(A). A motion to reconsider the vote
22 by which the motion is disagreed to is not in order.

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

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

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

7 “(iii) Except as provided in the next sentence, debate
8 on each amendment, and any amendments thereto, shall
9 not exceed one hour. If the Committee on Foreign Affairs
10 reports an amendment in the nature of a substitute to the
11 text of a privileged resolution, that amendment shall be
12 considered to be original text for purposes of amendment
13 and debate on each amendment to that amendment, and
14 any amendments thereto, shall not exceed one hour.

15 “(E) At the conclusion of consideration of amend-
16 ments to a privileged resolution, the Committee of the
17 Whole shall rise and report the resolution back to the
18 House, and the previous question shall be considered as
19 ordered on the resolution, with any amendments adopted
20 in the Committee of the Whole, to final passage without
21 intervening motion, except one motion to recommit with
22 or without instructions.

23 “(5)(A) Except as provided in subparagraph (B), if,
24 before the passage by the House of Representatives of a
25 privileged resolution of the House, the House receives a

1 privileged resolution from the Senate with respect to the
2 same or related hostilities, then the following procedures
3 shall apply:

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

6 “(ii) With respect to the privileged resolution of
7 the House—

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

11 “(II) the privileged resolution of the Sen-
12 ate shall be considered to have been read for
13 the third time; the vote on final passage shall
14 be on the resolution of the Senate (if the resolu-
15 tions are identical), or on the resolution of the
16 Senate (if they are not identical) with the text
17 of the resolution of the House inserted in lieu
18 of the text of the resolution of the Senate; and
19 the vote on final passage shall occur without de-
20 bate or any intervening action.

21 “(iii) Upon disposition of a privileged resolution
22 received from the Senate, consideration of the privi-
23 leged resolution of the House shall no longer be privi-
24 leged under this section.

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

9 “(C) If the House receives from the Senate a privi-
10 leged resolution after the House has disposed of an iden-
11 tical privileged resolution, it shall be in order to proceed
12 by a highly privileged, nondebatable motion to consider-
13 ation of the resolution of the Senate, and that resolution
14 shall be disposed of without debate and without amend-
15 ment.

16 “(6) A motion to disagree with amendments of the
17 Senate to a privileged resolution of the House and request
18 or agree to a conference with the Senate, or a motion to
19 insist on the House amendments to a privileged resolution
20 of the Senate and request or agree to a conference of the
21 Senate, is highly privileged.

22 “(7)(A) If the conferees are unable to agree on resolv-
23 ing the differences between the two Houses with respect
24 to a privileged resolution within 72 hours after the second
25 House is notified that the first House has agreed to con-

1 fference, they shall report back to their respective House
2 in disagreement.

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

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

20 “(8) This subsection is enacted by the House of Rep-
21 resentatives—

22 “(A) as an exercise of the rulemaking power of
23 the House of Representatives, and as such it is
24 deemed a part of the rules of the House, but appli-
25 cable only with respect to the procedure to be fol-

1 lowed in the House in the case of a privileged resolu-
2 tion, and it supersedes other rules only to the extent
3 that it is inconsistent with such rules; and

4 “(B) with full recognition of the constitutional
5 right of the House to change its rules (so far as re-
6 lating to the procedure of the House) at any time,
7 in the same manner, and to the same extent as in
8 the case of any other rule of the House.

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

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

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

16 “(4)(A) If the Committee on Foreign Relations has
17 not reported a privileged resolution (or an identical resolu-
18 tion) at the end of 7 calendar days after the introduction
19 of that resolution, that committee shall be discharged from
20 further consideration of that resolution, and that resolu-
21 tion shall be placed on the appropriate calendar of the
22 Senate.

23 “(B) After a committee reports or is discharged from
24 a privileged resolution, no other resolution with respect to
25 the same or related hostilities may be reported by or be

1 discharged from such committee while the first resolu-
2 tion—

3 “(i) is before the Senate (including remaining
4 on the calendar),

5 “(ii) is before the House of Representatives (in-
6 cluding remaining on the calendar), unless the
7 House has had a vote on final passage with respect
8 to the resolution and a majority of those voting did
9 not vote in the affirmative,

10 “(iii) is before a committee of conference or
11 otherwise awaiting disposition of amendments be-
12 tween the Houses, or

13 “(iv) is awaiting transmittal to the President or
14 is before the President.

15 “(5)(A)(i) When the committee to which a privileged
16 resolution is referred has reported, or has been discharged
17 under paragraph (4) from further consideration of that
18 resolution, it is at any time thereafter in order (even
19 though a previous motion to the same effect has been dis-
20 agreed to) for any Member of the Senate to move to pro-
21 ceed to the consideration of the resolution, notwith-
22 standing any rule or precedent of the Senate, including
23 Rule 22. Except as provided in clause (ii) of this subpara-
24 graph or subparagraph (B) of this paragraph (insofar as
25 it relates to germaneness and relevancy of amendments),

1 all points of order against a privileged resolution and con-
2 sideration of the resolution are waived. The motion is priv-
3 ileged and is not debatable. The motion is not subject to
4 a motion to postpone. A motion to reconsider the vote by
5 which the motion is agreed to or disagreed to shall be in
6 order, except that such motion may not be entered for fu-
7 ture disposition. If a motion to proceed to the consider-
8 ation of a privileged resolution is agreed to, the resolution
9 shall remain the unfinished business of the Senate, to the
10 exclusion of all other business, until disposed of, except
11 as otherwise provided in paragraph (6)(A).

12 “(ii) Whenever a point of order is raised in the Senate
13 against the privileged status of a resolution that has been
14 laid before the Senate and been initially identified as privi-
15 leged for consideration under this subsection upon its in-
16 troduction, such point of order shall be submitted directly
17 to the Senate. The point of order, ‘The resolution is not
18 privileged under the War Powers Resolution’, shall be de-
19 cided by the yeas and the nays after four hours of debate,
20 equally divided between, and controlled by, the Member
21 raising the point of order and the manager of the resolu-
22 tion, except that in the event the manager is in favor of
23 such point of order, the time in opposition thereto shall
24 be controlled by the Minority Leader or his designee. Such

1 point of order shall not be considered to establish prece-
2 dent for determination of future cases.

3 “(B)(i) Consideration in the Senate of a privileged
4 resolution, and all amendments and debatable motions in
5 connection therewith, shall be limited to not more than
6 12 hours, which, except as otherwise provided in this sub-
7 section, shall be equally divided between, and controlled
8 by, the Majority Leader and the Minority Leader, or by
9 their designees. The Majority Leader or the Minority
10 Leader or their designees may, from the time under their
11 control on the resolution, allot additional time to any Sen-
12 ator during the consideration of any amendment, debat-
13 able motion, or appeal.

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

16 “(iii) Debate on any amendment to a privileged reso-
17 lution shall be limited to two hours, except that this limita-
18 tion does not apply to an amendment in the nature of a
19 substitute to the text of the resolution that is reported
20 by the Committee on Foreign Relations. Debate on any
21 amendment to an amendment shall be limited to 1 hour.

22 “(iv) The time of debate for each amendment shall
23 be equally divided between, and controlled by, the mover
24 of the amendment and the manager of the resolution, ex-
25 cept that in the event the manager is in favor of any such

1 amendment, the time in opposition thereto shall be con-
2 trolled by the Minority Leader or his designee.

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

16 “(vi) A motion to postpone or a motion to recommit
17 a privileged resolution is not in order. A motion to recon-
18 sider the vote by which a privileged resolution is agreed
19 to or disagreed to is in order, except that such motion
20 may not be entered for future disposition, and debate on
21 such motion shall be limited to 1 hour.

22 “(C) Whenever all the time for debate on a privileged
23 resolution has been used or yielded back, no further
24 amendments may be proposed, except as provided in sub-
25 paragraph (B)(iii), and the vote on the adoption of the

1 resolution shall occur without any intervening motion or
2 amendment, except that a single quorum call at the con-
3 clusion of the debate if requested in accordance with the
4 rules of the Senate may occur immediately before such
5 vote.

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

15 “(6)(A) Except as provided in subparagraph (B), if,
16 before the passage by the Senate of a privileged resolution
17 of the Senate, the Senate receives a privileged resolution
18 from the House of Representatives with respect to the
19 same or related hostilities, then the following procedures
20 shall apply:

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

23 “(ii) With respect to the privileged resolution of
24 the Senate—

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

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

16 “(iii) Upon disposition of a privileged resolution
17 received from the House of Representatives, it shall
18 no longer be in order to consider the resolution origi-
19 nated in the Senate.

20 “(B) If the Senate receives a privileged resolution
21 from the House of Representatives before any privileged
22 resolution is introduced in the Senate with respect to the
23 same or related hostilities, then the resolution received
24 shall be referred to the Committee on Foreign Relations,
25 and the procedures in the Senate with respect to that reso-

1 lution shall be the same under this section as if the resolu-
2 tion received had been introduced in the Senate.

3 “(7) If the Senate receives a privileged resolution
4 from the House of Representatives after the Senate has
5 disposed of an identical privileged resolution, it shall be
6 in order to proceed by nondebatable motion to consider-
7 ation of the resolution received by the Senate, and that
8 resolution shall be disposed of without debate and without
9 amendment.

10 “(8)(A)(i) The time for debate in the Senate on all
11 motions required for the disposition of amendments be-
12 tween the Houses shall not exceed 2 hours, equally divided
13 between, and controlled by, the mover of the motion and
14 the manager of the resolution at each stage of the pro-
15 ceedings between the two Houses, except that in the event
16 the manager is in favor of any such motion, the time in
17 opposition thereto shall be controlled by the Minority
18 Leader or his designee. In the case of any disagreement
19 between the two Houses of Congress with respect to a
20 privileged resolution which is not resolved, any Senator
21 may make any motion or motions referred to in this clause
22 within 2 session days after action by the second House
23 or before the appointment of conferees, whichever comes
24 first.

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

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

18 “(B) If a privileged resolution is vetoed by the Presi-
19 dent, the time for debate in consideration of the veto mes-
20 sage on such measure shall be limited to 20 hours in the
21 Senate, equally divided between, and controlled by, the
22 Majority Leader and the Minority Leader, and their des-
23 ignees.

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

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

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

13 **“SEC. 8. JUDICIAL REVIEW.**

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

20 “(b) **JUSTICIABILITY.**—In any action described in
21 subsection (a), the court shall not decline to make a deter-
22 mination on the merits on the ground that the issue of
23 compliance is a political question or is otherwise nonjus-
24 ticial.

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

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

7 “(2) find that an impasse exists between the
8 Congress and the Executive which requires judicial
9 resolution.

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

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

19 “(A) direct the President to submit that report;
20 and

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

23 “(2) If the court in an action described in subsection
24 (a) finds that section 3 or section 6(b) of this joint resolu-
25 tion has been violated, the court shall direct the President

1 to remove the Armed Forces from the hostilities. The
2 Armed Forces shall be removed pursuant to the court’s
3 order—

4 “(A) immediately, or

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

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

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

16 “(a) OTHER STATUTES AND TREATIES.—Authority
17 to introduce the Armed Forces into hostilities shall not
18 be inferred—

19 “(1) from any provision of law (including any
20 provision in effect before the date of enactment of
21 this joint resolution), including any provision con-
22 tained in any appropriation Act, unless that provi-
23 sion specifically authorizes the introduction of the
24 Armed Forces into hostilities and states that it is in-

1 tended to constitute specific statutory authorization
2 within the meaning of this joint resolution; or

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

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

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

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

20 **“SEC. 10. DEFINITIONS.**

21 “For purposes of this joint resolution, the following
22 definitions apply:

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

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

4 “(A) the exchange of fire between regular
5 or irregular military forces, or

6 “(B) the aerial or naval bombardment of
7 military or civilian targets by regular or irreg-
8 ular military forces,

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

11 “(3) INTRODUCE.—The term ‘introduce’ in-
12 cludes—

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

18 “(B) the assigning or detailing of members
19 of the Armed Forces to command, coordinate,
20 participate in the movement of, accompany, or
21 provide logistical support or training for any
22 foreign regular or irregular military forces if
23 those forces are involved in hostilities (regard-
24 less of whether those hostilities involve insur-

1 gent forces or the military forces of a foreign
2 country); and

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

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

10 **“SEC. 11. SEPARABILITY CLAUSE.**

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

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