

105TH CONGRESS
2D SESSION

S. 2387

To confer and confirm Presidential authority to use force abroad, to set forth procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

IN THE SENATE OF THE UNITED STATES

JULY 30, 1998

Mr. BIDEN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To confer and confirm Presidential authority to use force abroad, to set forth procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

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 “Use of Force Act”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional findings.
- Sec. 4. Statement of purpose.
- Sec. 5. Definitions.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Authority.
- Sec. 102. Consultation.
- Sec. 103. Reporting requirements and referral of reports.
- Sec. 104. Conditions for extended use of force.
- Sec. 105. Measures eligible for congressional priority procedures.
- Sec. 106. Funding limitations.
- Sec. 107. Judicial review.
- Sec. 108. Interpretation.
- Sec. 109. Severability.
- Sec. 110. Repeal of the War Powers Resolution.

TITLE II—EXPEDITED PROCEDURES

- Sec. 201. Congressional priority procedures.
- Sec. 202. Repeal of obsolete expedited procedures.

3 **SEC. 3. CONGRESSIONAL FINDINGS.**

4 Congress affirms that—

5 (1) the provisions of the United States Con-
 6 stitution compel the President and Congress to en-
 7 gage actively and jointly in decisions to use force
 8 abroad;

9 (2) joint deliberation by the Executive and Leg-
 10 islative Branches of Government will contribute to
 11 sound decisions and to the public support necessary
 12 to sustain any use of force abroad; and

13 (3) a statutory framework, devised to promote
 14 consultation and timely authorization as may be
 15 needed for specific uses of force, can facilitate co-

1 operation between Congress and the President in
2 such decisionmaking.

3 **SEC. 4. STATEMENT OF PURPOSE.**

4 (a) IN GENERAL.—The purpose of this Act is to con-
5 fer and confirm Presidential authority to use force abroad,
6 to set forth procedures governing the exercise of that au-
7 thority, and thereby to facilitate cooperation between the
8 President and Congress in decisions concerning the use
9 or deployment of United States Armed Forces abroad in
10 situations of actual or potential hostilities.

11 (b) COMPREHENSIVENESS OF PROVISIONS.—Because
12 this Act confirms all of the President’s inherent constitu-
13 tional authority to use force abroad and confers additional
14 authority, this Act applies to all uses of force abroad by
15 the United States.

16 **SEC. 5. DEFINITIONS.**

17 As used in this Act:

18 (1) USE OF FORCE ABROAD.—A “use of force
19 abroad” occurs when—

20 (A) United States Armed Forces are—

21 (i) introduced into a foreign country,

22 (ii) deployed to expand significantly

23 the United States military presence in a

24 foreign country, or

1 (iii) committed to new missions or ob-
2 jectives in a foreign country, or in inter-
3 national airspace, or on the high seas; and

4 (B) such forces—

5 (i) have been deployed to deter an
6 identified threat, or a substantial danger,
7 of military action by other forces; or

8 (ii) have incurred or inflicted casual-
9 ties or are operating with a substantial
10 possibility of incurring or inflicting casual-
11 ties.

12 (2) FOREIGN COUNTRY.—The term “foreign
13 country” means any land outside the United States,
14 its territorial waters as recognized by the United
15 States, and the airspace above such land and waters.

16 (3) HIGH SEAS.—The term “high seas” means
17 all waters outside the territorial sea of the United
18 States and outside the territorial sea, as recognized
19 by the United States, of any other nation.

20 (4) INTERNATIONAL TERRORISM.—The term
21 “international terrorism” means activities that—

22 (A) involve violent acts or acts dangerous
23 to human life that are a violation of the crimi-
24 nal laws of the United States or of any State,
25 or that would be a criminal violation if commit-

1 ted within the jurisdiction of the United States
2 or any State;

3 (B) appear to be intended—

4 (i) to intimidate or coerce a civilian
5 population;

6 (ii) to influence the policy of a govern-
7 ment by intimidation or coercion; or

8 (iii) to affect the conduct of a govern-
9 ment by assassination or kidnapping; and

10 (C) transcend national boundaries in terms
11 of the means by which they are accomplished,
12 the persons they appear intended to coerce or
13 intimidate, or the locale in which their perpetra-
14 tors operate to seek asylum.

15 (5) UNITED STATES.—The term “United
16 States” means the several States, the District of Co-
17 lumbia, the Commonwealth of the Northern Mariana
18 Islands, the Commonwealth of Puerto Rico, Amer-
19 ican Samoa, Guam, the United States Virgin Is-
20 lands, and any other possession of the United
21 States.

22 (6) USE OF FORCE REPORT.—The term “Use
23 of Force Report” means the report described in sec-
24 tion 103(a).

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. AUTHORITY.**

3 Except when there is a declaration of war or statu-
4 tory authorization for a specific use of force, the Presi-
5 dent, through powers vested by the Constitution of the
6 United States and by this Act, is authorized to use force
7 abroad in accordance with this Act—

8 (1) to repel an armed attack upon the United
9 States or its armed forces;

10 (2) to respond to a foreign military threat that
11 severely and directly jeopardizes the supreme na-
12 tional interests of the United States under emer-
13 gency conditions that do not permit sufficient time
14 for Congress to consider statutory authorization or
15 a declaration of war;

16 (3) to extricate citizens and nationals of the
17 United States located abroad from situations involv-
18 ing a direct and imminent threat to their lives;

19 (4) to forestall an imminent act of international
20 terrorism directed at citizens or nationals of the
21 United States or to retaliate against the perpetra-
22 tors of a specific act of international terrorism di-
23 rected at such citizens or nationals; and

24 (5) to protect internationally recognized rights
25 of innocent and free passage in the air and on the

1 seas in circumstances where the violation, or threat
2 of violation, of such rights poses a substantial dan-
3 ger to the safety of American citizens or the national
4 security of the United States.

5 **SEC. 102. CONSULTATION.**

6 (a) **PRIOR CONSULTATION REQUIRED.**—Except
7 where an emergency exists that does not permit sufficient
8 time to consult Congress, the President shall seek the ad-
9 vice of Congress before any use of force abroad.

10 (b) **CONGRESSIONAL LEADERSHIP GROUP.**—

11 (1) **ESTABLISHMENT.**—To facilitate consulta-
12 tion between the President and Congress, there is
13 established within Congress the Congressional Lead-
14 ership Group on the Use of Force Abroad (in this
15 Act referred to as the “Congressional Leadership
16 Group”).

17 (2) **COMPOSITION.**—The Congressional Leader-
18 ship Group shall be composed of—

19 (A) the Speaker of the House of Rep-
20 resentatives and the President pro tempore of
21 the Senate;

22 (B) the Majority Leader and the Minority
23 Leader of the Senate and the Majority Leader
24 and the Minority Leader of the House of Rep-
25 resentatives;

1 (C) the chairman and ranking minority
2 member of each of the following committees of
3 the Senate: the Committee on Foreign Rela-
4 tions, the Committee on Armed Services, and
5 the Select Committee on Intelligence; and

6 (D) the chairman and ranking minority
7 member of each of the following committees of
8 the House of Representatives: the Committee
9 on International Relations, the Committee on
10 National Security, and the Permanent Select
11 Committee on Intelligence.

12 (3) CO-CHAIRMEN.—The Speaker of the House
13 of Representatives and the Majority Leader of the
14 Senate shall each serve as co-chairman of the Con-
15 gressional Leadership Group.

16 (c) REGULAR CONSULTATIONS.—

17 (1) IN GENERAL.—Except as the parties may
18 otherwise determine, whenever Congress is in ses-
19 sion, meetings shall be held, in open or closed ses-
20 sion, for the purpose of facilitating consultation be-
21 tween Congress and the President on foreign and
22 national security policy, as follows:

23 (A) WITH THE PRESIDENT.—The Presi-
24 dent shall meet at least once every four months
25 with the Congressional Leadership Group.

1 (B) WITH THE SECRETARY OF STATE.—
2 The Secretary of State shall meet at least once
3 every two months with the Committee on For-
4 eign Relations of the Senate and the Committee
5 on International Relations of the House of Rep-
6 resentatives.

7 (C) WITH THE SECRETARY OF DE-
8 FENSE.—The Secretary of Defense shall meet
9 at least once every two months with the Com-
10 mittee on Armed Services of the Senate and the
11 Committee on National Security of the House
12 of Representatives.

13 (D) WITH THE DIRECTOR OF CENTRAL IN-
14 TELLIGENCE.—The Director of Central Intel-
15 ligence shall meet at least once every two
16 months with the Select Committee on Intel-
17 ligence of the Senate and the Permanent Select
18 Committee on Intelligence of the House of Rep-
19 resentatives.

20 (2) PRIMARY PURPOSES.—Such consultation
21 shall have, among its primary purposes—

22 (A) identifying potential situations in
23 which the use of force abroad might be nec-
24 essary and examining thoroughly the advisabil-
25 ity and lawfulness of such use of force; and

1 (B) in those instances in which a use of
2 force abroad has already been undertaken, dis-
3 cussing how such use of force complies with the
4 objectives and the authority required to be cited
5 in the appropriate Use of Force Report.

6 (d) EMERGENCY CONSULTATIONS.—Under emer-
7 gency circumstances affecting United States national se-
8 curity interests, the President should meet promptly with
9 the Congressional Leadership Group on his own initiative
10 or upon receipt of a special request from its co-chairmen
11 that is made on their own initiative or pursuant to a re-
12 quest from a majority of the members of the Congressional
13 Leadership Group.

14 **SEC. 103. REPORTING REQUIREMENTS AND REFERRAL OF**
15 **REPORTS.**

16 (a) USE OF FORCE REPORT REQUIRED.—Except
17 when there is a declaration of war or statutory authoriza-
18 tion for a specific use of force not later than 48 hours
19 after commencing a use of force abroad, the President
20 shall submit to the Speaker of the House of Representa-
21 tives and to the President of the Senate a report stating—

22 (1) the objective of such use of force; and

23 (2) the specific paragraph or paragraphs of sec-
24 tion 101(a) setting forth the authority for such use
25 of force.

1 Any such report shall be known as a Use of Force Report
2 and shall state that it is submitted pursuant to this sub-
3 section.

4 (b) PERIODIC REPORTING REQUIRED.—Whenever
5 force is used abroad, the President shall, so long as the
6 United States Armed Forces continue to be involved in
7 the use of force, report to Congress periodically on the
8 status, scope, and expected duration of such use of force.
9 Such reports shall be submitted at intervals to be deter-
10 mined jointly by the President and the Congressional
11 Leadership Group.

12 (c) REFERRAL OF REPORTS.—Each report transmit-
13 ted under this section shall be immediately referred to the
14 Committee on Foreign Relations of the Senate and the
15 Committee on International Relations of the House of
16 Representatives.

17 (d) RECONVENING CONGRESS.—If, when a report is
18 transmitted under this section, Congress has adjourned
19 sine die or has adjourned for any period in excess of three
20 calendar days, the Speaker of the House of Representa-
21 tives and the Majority Leader of the Senate, if they deem
22 it advisable (or if petitioned by a majority of the members
23 of the Congressional Leadership Group or by 30 percent
24 of the membership of either House of Congress) shall
25 jointly request the President to convene Congress in order

1 that it may consider the report and take appropriate ac-
2 tion pursuant to this Act.

3 **SEC. 104. CONDITIONS FOR EXTENDED USE OF FORCE.**

4 The President may continue a use of force abroad
5 for longer than 60 calendar days after the date by which
6 the appropriate Use of Force Report is required to be sub-
7 mitted only if—

8 (1) Congress has declared war or provided spe-
9 cific statutory authorization for the use of force
10 abroad beyond such period;

11 (2) the President has requested that Congress
12 enact a joint resolution constituting a declaration of
13 war or statutory authorization under section 105(a)
14 but such joint resolution has not been subject to a
15 vote in each House of Congress, notwithstanding the
16 expedited procedures to which such joint resolution
17 would be entitled; or

18 (3) the President has determined and certified
19 to the Speaker of the House of Representatives and
20 the President of the Senate that an emergency exists
21 that threatens the supreme national interests of the
22 United States and requires the President to exceed
23 such period of limitation.

1 **SEC. 105. MEASURES ELIGIBLE FOR CONGRESSIONAL PRI-**
2 **ORITY PROCEDURES.**

3 (a) **ELIGIBLE JOINT RESOLUTIONS.**—A joint resolu-
4 tion shall be entitled to the expedited procedures set forth
5 in section 201—

6 (1) if such resolution—

7 (A) is introduced in a House of Congress
8 by a Member of Congress pursuant to a request
9 by the President made in writing to that Mem-
10 ber, or

11 (B) is introduced in a House of Congress
12 and satisfies the cosponsorship criteria set forth
13 in subsection (c); and

14 (2) if such resolution—

15 (A) constitutes a declaration of war or spe-
16 cific statutory authorization within the meaning
17 of this Act, or

18 (B) requires the President to terminate,
19 limit, or refrain from a use of force abroad.

20 (b) **ELIGIBLE CONCURRENT RESOLUTIONS.**—A con-
21 current resolution shall be entitled to the expedited proce-
22 dures set forth in section 201 if such resolution satisfies
23 the cosponsorship criteria set forth in subsection (c) and
24 contains a finding that—

1 (1) a use of force abroad began on a specific
2 date or that a Use of Force Report was required to
3 be submitted;

4 (2) a use of force abroad has exceeded the pe-
5 riod of limitation set forth in section 104;

6 (3) the President has acted outside the author-
7 ity of section 101(a) or abused the authority of sec-
8 tion 104(3); or

9 (4) a use of force is otherwise being conducted
10 in a manner inconsistent with the provisions of this
11 Act.

12 (c) COSPONSORSHIP CRITERIA.—A joint resolution
13 described in subsection (a)(1)(B) or a concurrent resolu-
14 tion described in subsection (b) is a resolution for pur-
15 poses of section 201 if such resolution has been cospon-
16 sored—

17 (1) by a majority of the members of the Con-
18 gressional Leadership Group who are members of
19 the House of Congress in which it is introduced; or

20 (2) by 30 percent of the membership of the
21 House of Congress in which it is introduced.

22 **SEC. 106. FUNDING LIMITATIONS.**

23 (a) PROHIBITION.—No funds made available under
24 any provision of law may be obligated or expended for any

1 use of force abroad inconsistent with the provisions of this
2 Act.

3 (b) POINT OF ORDER.—

4 (1) IN GENERAL.—Whenever Congress adopts a
5 concurrent resolution making a finding under para-
6 graph (2), (3), or (4) of section 105(b), it shall
7 thereafter not be in order in either House of Con-
8 gress to consider any bill or joint resolution or any
9 amendment thereto, or any report of a committee
10 of conference, which authorizes or provides budget
11 authority to carry out such use of force.

12 (2) COMMITTEE REPORTS.—Any committee of
13 either House of Congress that reports any bill or
14 joint resolution, and any committee of conference
15 which submits any conference report to either such
16 House, authorizing or providing budget authority
17 which has the effect of providing resources to carry
18 out any such use of force, shall include in the ac-
19 companying committee report or joint statement, as
20 the case may be, a statement that budget authority
21 for that purpose is authorized or provided in such
22 bill, resolution, or conference report.

23 **SEC. 107. JUDICIAL REVIEW.**

24 (a) STANDING.—

1 (1) ACTIONS FOR DECLARATORY JUDG-
2 MENTS.—Any Member of Congress may bring an ac-
3 tion in the United States District Court for the Dis-
4 trict of Columbia for declaratory judgment that the
5 President has failed to submit a Use of Force Re-
6 port within the period specified by section 103(a).

7 (2) RIGHT OF INTERVENTION.—The plaintiff in
8 an action under paragraph (1) shall cause a copy of
9 the complaint in an action brought under paragraph
10 (1) to be served on the Secretary of the Senate and
11 the Clerk of the House of Representatives, and each
12 House of Congress shall have the right to intervene
13 in such action.

14 (b) THREE-JUDGE COURT.—Any action brought
15 under subsection (a) shall be heard and determined by a
16 three-judge court in accordance with section 2284 of title
17 28, United States Code.

18 (c) JUSTICIABILITY.—

19 (1) DETERMINATION ON THE MERITS.—In any
20 action brought under subsection (a), the United
21 States District Court and the United States Su-
22 preme Court, if applicable, shall not refuse to make
23 a determination on the merits based upon the doc-
24 trines of political question, remedial discretion, equi-
25 table discretion, or ripeness, or on any other finding

1 of non-justiciability, unless such refusal is required
2 by Article III of the Constitution.

3 (2) PRESUMPTION.—Notwithstanding the num-
4 ber, position, or political party affiliation of any
5 party to an action brought under subsection (a), it
6 is the intent of Congress that the United States Dis-
7 trict Court and, if applicable, the United States Su-
8 preme Court conclusively presume that Congress
9 would disapprove of any use of force inconsistent
10 with the provisions of this Act and find that an im-
11 passe exists between Congress and the Executive
12 which requires judicial resolution.

13 (d) JUDICIAL REMEDIES.—If the United States Dis-
14 trict Court, in an action brought under subsection (a),
15 finds that a Use of Force Report was required to have
16 been submitted under section 103(a) of this Act but was
17 not submitted, it shall issue an order declaring that the
18 period set forth in section 104 has begun on the date of
19 the United States District Court’s order or on a previous
20 date, as may be determined by the United States District
21 Court.

22 (e) APPEAL TO SUPREME COURT.—Notwithstanding
23 any other provision of law, any order entered by the
24 United States District Court in an action brought under
25 subsection (a), including any finding that a Use of Force

1 Report was or was not required to have been submitted
2 to Congress, shall be reviewable by appeal directly to the
3 Supreme Court of the United States. Any such appeal
4 shall be taken by a notice of appeal filed within 10 days
5 after such order is entered, and the jurisdictional state-
6 ment shall be filed within 30 days after such order is en-
7 tered. No stay of an order issued pursuant to an action
8 brought under this section shall be issued by a single Jus-
9 tice of the Supreme Court.

10 (f) EXPEDITED JUDICIAL CONSIDERATION.—It shall
11 be the duty of the United States District Court for the
12 District of Columbia and the Supreme Court of the United
13 States to advance on the docket and to expedite, to the
14 greatest possible extent consistent with Article III of the
15 Constitution, the disposition of any matter brought under
16 this section.

17 **SEC. 108. INTERPRETATION.**

18 (a) CONSTRUCTION.—Nothing in this Act may be
19 construed as requiring any use of force abroad.

20 (b) SPECIFIC AUTHORIZATION REQUIRED.—Author-
21 ity to use force may not be inferred—

22 (1) from any provision of law, unless such pro-
23 vision states that it is intended to constitute specific
24 statutory authorization within the meaning of this
25 Act; or

1 (2) from any treaty heretofore or hereafter rati-
2 fied unless such treaty is implemented by a statute
3 stating that it is intended to constitute specific stat-
4 utory authorization within the meaning of this Act.

5 (c) STATUS OF CERTAIN CONGRESSIONAL AC-
6 TIONS.—The disapproval by Congress of, or the failure of
7 Congress to approve, a measure—

8 (1) terminating, limiting, or prohibiting a use of
9 force; or

10 (2) containing a finding described in section
11 105(b);

12 may not be construed as indicating congressional author-
13 ization or approval of, or acquiescence in, a use of force
14 abroad, or as a congressional finding that a use of force
15 abroad is being conducted in a manner consistent with this
16 Act.

17 **SEC. 109. SEVERABILITY.**

18 (a) SEVERABILITY.—Except as provided in sub-
19 section (b), if any provision of this Act or the application
20 thereof to any person or circumstance is held invalid, the
21 remainder of the Act and the application of such provision
22 to any other person or circumstance shall not be affected
23 thereby.

24 (b) EXCEPTION.—If section 103, 104, or 106 of this
25 Act or the application thereof to any person or cir-

1 cumstance is held invalid, section 101(a) of this Act shall
2 be deemed invalid and the application thereof to any other
3 person or circumstance shall be null and void.

4 **SEC. 110. REPEAL OF THE WAR POWERS RESOLUTION.**

5 The War Powers Resolution (50 U.S.C. 1541 et seq.;
6 Public Law 93–148), relating to the exercise of war pow-
7 ers by the President under the Constitution, is hereby re-
8 pealed.

9 **TITLE II—EXPEDITED**
10 **PROCEDURES**

11 **SEC. 201. CONGRESSIONAL PRIORITY PROCEDURES.**

12 (a) DEFINITIONS.—For purposes of this section:

13 (1) RESOLUTION.—The term “resolution”
14 means any resolution described in subsection (a) or
15 (b) of section 105.

16 (2) SESSION DAYS.—The term “session days”
17 means days on which the respective House of Con-
18 gress is in session.

19 (b) REFERRAL OF RESOLUTIONS.—A resolution in-
20 troduced in the House of Representatives shall be referred
21 to the Committee on International Relations of the House
22 of Representatives. A resolution introduced in the Senate
23 shall be referred to the Committee on Foreign Relations
24 of the Senate.

25 (c) DISCHARGE OF COMMITTEE.—

1 (1) IN GENERAL.—If the committee to which is
2 referred a resolution has not reported such a resolu-
3 tion (or an identical resolution) at the end of 7 cal-
4 endar days after its introduction, such committee
5 shall be discharged from further consideration of
6 such resolution, and such resolution shall be placed
7 on the appropriate calendar of the House of Con-
8 gress involved.

9 (2) STATUS OF OTHER RESOLUTIONS.—After a
10 committee reports or is discharged from a resolu-
11 tion, no other resolution with respect to the same
12 use of force may be reported by or be discharged
13 from such committee while the first resolution is be-
14 fore the respective House of Congress (including re-
15 maining on the calendar), a committee of conference,
16 or the President. This paragraph may not be con-
17 strued to prohibit concurrent consideration of a joint
18 resolution described in section 105(a) and a concur-
19 rent resolution described in section 105(b).

20 (d) CONSIDERATION OF RESOLUTIONS.—

21 (1) BRINGING A RESOLUTION BEFORE A HOUSE
22 OF CONGRESS.—

23 (A) MOTIONS TO PROCEED.—Whenever
24 the committee to which a resolution is referred
25 has reported, or has been discharged under sub-

1 section (c) from further consideration of such
2 resolution, notwithstanding any rule or prece-
3 dent of the Senate, including Rule 22, it is at
4 any time thereafter in order (even though a
5 previous motion to the same effect has been dis-
6 agreed to) for any Member of the respective
7 House of Congress to move to proceed to the
8 consideration of the resolution and, except as
9 provided in subparagraph (B) of this paragraph
10 or paragraph (2) of this subsection (insofar as
11 it relates to germaneness and relevancy of
12 amendments), all points of order against the
13 resolution and consideration of the resolution
14 are waived. The motion is highly privileged in
15 the House of Representatives and is privileged
16 in the Senate and is not debatable. The motion
17 is not subject to a motion to postpone. A mo-
18 tion to reconsider the vote by which the motion
19 is agreed to or disagreed to shall be in order,
20 except that such motion may not be entered for
21 future disposition. If a motion to proceed to the
22 consideration of the resolution is agreed to, the
23 resolution shall remain the unfinished business
24 of the respective House of Congress, to the ex-
25 clusion of all other business, until disposed of,

1 except as otherwise provided in subsection
2 (e)(1).

3 (B) POINTS OF ORDER.—Whenever a point
4 of order is raised in the Senate against the
5 privileged status of a resolution that has been
6 laid before the Senate and been initially identi-
7 fied as privileged for consideration under this
8 section upon its introduction pursuant to sec-
9 tion 105, such point of order shall be submitted
10 directly to the Senate. The point of order, “The
11 resolution is not privileged under the Use of
12 Force Act”, shall be decided by the yeas and
13 the nays after four hours of debate, equally di-
14 vided between, and controlled by, the Member
15 raising the point of order and the manager of
16 the resolution, except that in the event the
17 manager is in favor of such point of order, the
18 time in opposition thereto shall be controlled by
19 the Minority Leader or his designee. Such point
20 of order shall not be considered to establish
21 precedent for determination of future cases.

22 (2) AMENDMENTS AND MOTIONS.—

23 (A) TIME FOR DEBATE.—

24 (i) OVERALL LIMITATION.—Consider-
25 ation in a House of Congress of the resolu-

1 tion, and all amendments and debatable
2 motions in connection therewith, shall be
3 limited to not more than 12 hours, which,
4 except as otherwise provided in this sec-
5 tion, shall be equally divided between, and
6 controlled by, the Majority Leader and the
7 Minority Leader, or by their designees.

8 (ii) ADDITIONAL TIME.—The Majority
9 Leader or the Minority Leader or their
10 designees may, from the time under their
11 control on the resolution, allot additional
12 time to any Senator during the consider-
13 ation of any amendment, debatable motion,
14 or appeal.

15 (B) GERMANENESS AND RELEVANCY.—
16 Only amendments which are germane and rel-
17 evant to the resolution are in order.

18 (C) TIME FOR DEBATE OF EACH AMEND-
19 MENT.—Debate on any amendment to the reso-
20 lution shall be limited to 2 hours, except that
21 debate on any amendment to an amendment
22 shall be limited to 1 hour. The time of debate
23 for each amendment shall be equally divided be-
24 tween, and controlled by, the mover of the
25 amendment and the manager of the resolution,

1 except that in the event the manager is in favor
2 of any such amendment, the time in opposition
3 thereto shall be controlled by the Minority
4 Leader or his designee.

5 (D) MINORITY LEADER AMENDMENT.—

6 One amendment by the Minority Leader is in
7 order to be offered under a one-hour time limi-
8 tation immediately following the expiration of
9 the 12-hour time limitation if the Minority
10 Leader has had no opportunity to offer an
11 amendment to the resolution thereto. One
12 amendment may be offered to the amendment
13 by the Minority Leader under the preceding
14 sentence, and debate shall be limited on such
15 amendment to one-half hour which shall be
16 equally divided between, and controlled by, the
17 mover of the amendment and the manager of
18 the resolution, except that in the event the
19 manager is in favor of any such amendment,
20 the time in opposition thereto shall be con-
21 trolled by the Minority Leader or his designee.

22 (E) MOTIONS.—A motion to postpone or a

23 motion to recommit the resolution is not in
24 order. A motion to reconsider the vote by which
25 the resolution is agreed to or disagreed to is in

1 order, except that such motion may not be en-
2 tered for future disposition, and debate on such
3 motion shall be limited to 1 hour.

4 (3) VOTE ON FINAL PASSAGE.—Whenever all
5 the time for debate on a resolution has been used or
6 yielded back, no further amendments may be pro-
7 posed, except as provided in paragraph (2)(C), and
8 the vote on the adoption of the resolution shall occur
9 without any intervening motion or amendment, ex-
10 cept that a single quorum call at the conclusion of
11 the debate if requested in accordance with the rules
12 of the appropriate House of Congress may occur im-
13 mediately before such vote.

14 (4) APPEALS.—Appeals from the decisions of
15 the Chair relating to the application of the Rules of
16 the Senate or the House of Representatives, as the
17 case may be, to the procedure relating to a resolu-
18 tion shall be limited to one-half hour of debate,
19 equally divided between, and controlled by, the Mem-
20 ber making the appeal and the manager of the reso-
21 lution, except that in the event the manager is in
22 favor of any such appeal, the time in opposition
23 thereto shall be controlled by the Minority Leader or
24 his designee.

1 (e) TREATMENT OF OTHER HOUSE'S RESOLU-
2 TION.—

3 (1) WHERE RECEIVING HOUSE HAS ORIGINATED A
4 RESOLUTION.—Except as provided in paragraph (2),
5 if, before the passage by one House of a resolution
6 of that House, that House receives from the other
7 House a resolution, then the following procedures
8 shall apply:

9 (A) REFERRAL OF RESOLUTIONS OF SEND-
10 ING HOUSE.—The resolution of the sending
11 House shall not be referred to a committee in
12 the receiving House.

13 (B) PROCEDURES IN RECEIVING HOUSE.—
14 With respect to a resolution of the House re-
15 ceiving the resolution, the procedure in that
16 House shall be the same as if no resolution had
17 been received from the sending House, except
18 that the resolution of the sending House shall
19 be considered to have been read for the third
20 time.

21 (C) DIFFERENT RESOLUTIONS.—If the
22 resolutions of the sending and receiving Houses
23 are identical, the vote on final passage shall be
24 on the resolution of the sending House.

1 (D) IDENTICAL RESOLUTIONS.—If such
2 resolutions are not identical—

3 (i) the vote on final passage shall be
4 on the resolution of the sending House,
5 with the text of the resolution of the re-
6 ceiving House inserted in lieu of the text
7 of the resolution of the sending House;

8 (ii) such vote on final passage shall
9 occur without debate or any intervening
10 action; and

11 (iii) the resolution shall be returned to
12 the sending House for proceedings under
13 subsection (g).

14 (E) DISPOSITION OF RESOLUTIONS OF RE-
15 CEIVING HOUSE.—Upon disposition of the reso-
16 lution received from the other House, it shall no
17 longer be in order to consider the resolution
18 originated in the receiving House.

19 (2) WHERE RECEIVING HOUSE HAS NOT ORIGI-
20 NATED A RESOLUTION.—If one House receives from
21 the other House a resolution before any such resolu-
22 tion is introduced in the receiving House, then the
23 resolution received shall be referred, in the case of
24 the House of Representatives, to the Committee on
25 International Relations and, in the case of the Sen-

1 ate, to the Committee on Foreign Relations, and the
2 procedures in that House with respect to that reso-
3 lution shall be the same under this section as if the
4 resolution received had been introduced in that
5 House.

6 (f) TREATMENT OF IDENTICAL RESOLUTIONS.—If
7 one House receives from the other House a resolution
8 after the first House has disposed of an identical resolu-
9 tion, it shall be in order to proceed by nondebatable mo-
10 tion to consideration of the resolution received by the first
11 House, and that received resolution shall be disposed of
12 without debate and without amendment.

13 (g) PROCEDURES APPLICABLE TO AMENDMENTS BE-
14 TWEEN THE HOUSES OF CONGRESS.—The following pro-
15 cedures shall apply to dispose of amendments between the
16 Houses of Congress:

17 (1) MOTION TO PROCEED.—Upon receipt by a
18 House of Congress of a message from the other
19 House with respect to a resolution, it is in order for
20 any Member of the House receiving the message to
21 move to proceed to the consideration of the respec-
22 tive resolution. Such motion shall be disposed of in
23 the same manner as a motion under subsection
24 (d)(1)(A). Such a motion is not in order after con-
25 feres have been appointed.

1 (2) CONSIDERATION OF AMENDMENTS.—

2 (A) TIME FOR DEBATE OF MOTIONS.—The
3 time for debate in a House of Congress on any
4 motion required for the disposition of an
5 amendment by the other House to the resolu-
6 tion shall not exceed 2 hours, equally divided
7 between, and controlled by, the mover of the
8 motion and manager of the resolution at each
9 stage of the proceedings between the two
10 Houses, except that in the event the manager
11 is in favor of any such motion, the time in op-
12 position thereto shall be controlled by the Mi-
13 nority Leader or his designee.

14 (B) TIME FOR DEBATE OF AMENDMENTS
15 TO MOTIONS.—The time for debate for each
16 amendment to a motion shall be limited to one-
17 half hour.

18 (C) GERMANENESS AND RELEVANCY.—
19 Only motions proposing amendments which are
20 germane and relevant are in order.

21 (h) PROCEDURES APPLICABLE TO CONFERENCE RE-
22 PORTS AND PRESIDENTIAL ACTION.—

23 (1) IN GENERAL.—Either House of Congress
24 may disagree to an amendment or amendments
25 made by the other House to a resolution or may in-

1 sist upon its amendment or amendments to a resolu-
2 tion, and request a conference with the other House
3 at anytime. In the case of any disagreement between
4 the two Houses of Congress with respect to an
5 amendment or amendments to a resolution which is
6 not resolved within 2 session days after a House of
7 Congress first amends the resolution originated by
8 the other House, each House shall be deemed to
9 have requested and accepted a conference with the
10 other House. Upon the request or acceptance of a
11 conference, in the case of the Senate, the President
12 pro tempore shall appoint conferees and, in the case
13 of the House of Representatives, the Speaker of the
14 House shall appoint conferees.

15 (2) LIMITATION ON DELIBERATIONS.—In the
16 event the conferees are unable to agree within 72
17 hours after the second House is notified that the
18 first House has agreed to conference, or after each
19 House is deemed to have agreed to conference, they
20 shall report back to their respective House in dis-
21 agreement.

22 (3) ACTION ON CONFERENCE REPORTS.—Not-
23 withstanding any rule in either House of Congress
24 concerning the printing of conference reports in the
25 Congressional Record or concerning any delay in the

1 consideration of such reports, such report, including
2 a report filed or returned in disagreement, shall be
3 acted on in the House of Representatives or the Sen-
4 ate not later than 2 session days after the first
5 House files the report or, in the case of the Senate
6 acting first, the report is first made available on the
7 desks of the Senators.

8 (4) TIME FOR DEBATE.—Debate in a House of
9 Congress on a conference report or a report filed or
10 returned in disagreement in any such resolution
11 shall be limited to 3 hours, equally divided between
12 the Majority Leader and the Minority Leader, and
13 their designees.

14 (5) AMENDMENTS IN DISAGREEMENT.—In the
15 case of a conference report returned to a House of
16 Congress in disagreement, an amendment to the
17 amendment in disagreement is only in order if it is
18 germane and relevant. The time for debate for such
19 an amendment shall be limited to one-half hour, to
20 be equally divided between, and controlled by, the
21 mover of the amendment and the manager of the
22 resolution, except that in the event the manager is
23 in favor of any such amendment, the time in opposi-
24 tion thereto shall be controlled by the Minority
25 Leader or his designee.

1 (6) **PRESIDENTIAL VETOES.**—If a resolution is
2 vetoed by the President, the time for debate in con-
3 sideration of the veto message on such measure shall
4 be limited to 20 hours in each House of Congress,
5 equally divided between, and controlled by, the Ma-
6 jority Leader and the Minority Leader, and their
7 designees.

8 (i) **RULES OF THE SENATE AND THE HOUSE.**—This
9 section is enacted by the Congress—

10 (1) as an exercise of the rulemaking power of
11 the Senate and House of Representatives, respec-
12 tively, and as such it is deemed a part of the rules
13 of each House, respectively, but applicable only with
14 respect to the procedure to be followed in that
15 House in the case of a resolution, and it supersedes
16 other rules only to the extent that it is inconsistent
17 with such rules; and

18 (2) with full recognition of the constitutional
19 right of either House to change rules (so far as re-
20 lating to the procedure of that House) at any time,
21 in the same manner, and to the same extent as in
22 the case of any other rule of that House.

23 **SEC. 202. REPEAL OF OBSOLETE EXPEDITED PROCEDURES.**

24 Section 1013 of the Department of State Authoriza-
25 tion Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a),

1 relating to expedited procedures for certain joint resolu-
2 tions and bills, is repealed.

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