

115TH CONGRESS  
1ST SESSION

# H. J. RES. 75

To amend the War Powers Resolution.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2017

Mr. DEFAZIO submitted 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

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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 Act may be cited as the “War Powers Amend-  
5       ments of 2017”.

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; PURPOSE; CONGRESSIONAL**  
2 **LEGISLATIVE AUTHORITY.**

3 “(a) SHORT TITLE.—This joint resolution may be  
4 cited as the ‘War Powers Resolution’.

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

10 “(1) the introduction of the Armed Forces into  
11 hostilities;

12 “(2) the continued use of the Armed Forces in  
13 hostilities; and

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

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

19 “(1) the power to declare war;

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

23 “(3) the power to make all laws necessary and  
24 proper for carrying into execution not only its own  
25 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. 2. 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 3, 4, and 5; 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. 3. 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 2(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;

23                 “(2) an equal number of Members of the House  
24                 of Representatives designated by—

1           “(A) the Speaker of the House of Rep-  
2           resentatives; and

3           “(B) the Minority Leader of the House of  
4           Representatives; and

5           “(3) an equal number of Members of the Sen-  
6           ate designated—

7           “(A) by the President pro tempore of the  
8           Senate; and

9           “(B) the Minority Leader of the Senate.

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

19          **“SEC. 4. REPORTS TO THE CONGRESS.**

20          “(a) REPORTING REQUIREMENT.—The President  
21          shall submit the report described in subsection (b) within  
22          48 hours after the Armed Forces are introduced into hos-  
23          tilities in accordance with paragraph (3), (4), or (5) of  
24          section 2(a).

1       “(b) DESCRIPTION OF REPORT REQUIRED.—The re-  
2 port required by subsection (a) is a written report sub-  
3 mitted by the President to the Speaker and Minority  
4 Leader of the House of Representatives and the President  
5 pro tempore and Minority Leader of the Senate on the  
6 same calendar day, setting forth—

7               “(1) the circumstances necessitating the intro-  
8 duction of the Armed Forces;

9               “(2) the specific constitutional and legislative  
10 authority under which such introduction took place;  
11 and

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

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

17       “(c) ADDITIONAL INFORMATION.—The President  
18 shall provide such other information as the Congress may  
19 request in the fulfillment of its constitutional responsibil-  
20 ities with respect to committing the Nation to war and  
21 to the use of the Armed Forces abroad.

22       “(d) CONTINUING REPORTS.—Whenever the Armed  
23 Forces are introduced into hostilities the President shall,  
24 so long as the Armed Forces continue to be involved in  
25 those or related hostilities, report to the Congress periodi-



1 cally on the status of such hostilities as well as on the  
2 scope and estimated duration of such hostilities, but in  
3 no event shall the President report to the Congress less  
4 often than once every six months.

5 **“SEC. 5. CONGRESSIONAL ACTION WITH RESPECT TO HOS-**  
6 **TILITIES.**

7 “(a) RECEIPT OF SECTION 4(a) REPORT.—Each re-  
8 port submitted pursuant to section 4(a) shall be referred  
9 to the Committee on Foreign Affairs of the House of Rep-  
10 resentatives and to the Committee on Foreign Relations  
11 of the Senate for appropriate action. If, when the report  
12 is transmitted, the Congress has adjourned sine die or has  
13 adjourned for any period in excess of three calendar days,  
14 the Speaker of the House of Representatives and the  
15 President pro tempore of the Senate, if they deem it advis-  
16 able (or if they are petitioned by at least 30 percent of  
17 the membership of their respective Houses) shall jointly  
18 request the President to convene the Congress in order  
19 that it may consider the report and take appropriate ac-  
20 tion pursuant to this section.

21 “(b) REQUIREMENT FOR SPECIFIC STATUTORY AU-  
22 THORIZATION FOR CONTINUED INVOLVEMENT.—Within  
23 60 calendar days after the Armed Forces are introduced  
24 into hostilities in accordance with paragraph (3), (4), or

1 (5) of section 2(a), the President shall remove the Armed  
2 Forces from those hostilities unless the Congress—

3 “(1) has declared war;

4 “(2) has enacted a joint resolution providing  
5 specific authorization for such use of the Armed  
6 Forces;

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

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

10 This 60-day period shall be extended for not more than  
11 an additional 30 days if the President determines and cer-  
12 tifies to the Congress in writing that unavoidable military  
13 necessity respecting the safety of the Armed Forces re-  
14 quires the continued use of the Armed Forces in the  
15 course of bringing about their prompt removal from hos-  
16 tilities.

17 “(c) FUNDING LIMITATION.—Unless one of the num-  
18 bered paragraphs of subsection (b) applies, after the expi-  
19 ration of the period specified in that subsection (including  
20 any extension of that period in accordance with that sub-  
21 section), funds appropriated or otherwise made available  
22 under any law may not be obligated or expended to con-  
23 tinue the involvement of the Armed Forces in the hos-  
24 tilities. This subsection does not, however, prohibit the use  
25 of funds to remove the Armed Forces from hostilities.

1 **“SEC. 6. CONGRESSIONAL EXPEDITED PROCEDURES.**

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

5 “(1) that provides specific authorization for the  
6 use of the Armed Forces in hostilities, so long as  
7 that resolution contains only provisions which are  
8 relevant to those hostilities; and

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

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

16 “(2) A privileged resolution introduced in the House  
17 of Representatives shall be referred, upon introduction, to  
18 the Committee on Foreign Affairs. A privileged resolution  
19 shall not be sequentially referred.

20 “(3)(A) If, at the end of 10 calendar days after the  
21 introduction of a privileged resolution, the Committee on  
22 Foreign Affairs has not reported that resolution, that  
23 committee shall be discharged from further consideration  
24 of that resolution and that resolution shall be considered  
25 a privileged resolution and placed on the appropriate cal-  
26 endar of the House.

1       “(B) After a privileged resolution has been placed on  
2 the appropriate calendar, no other resolution with respect  
3 to the same or related hostilities may be reported by or  
4 be discharged from any committee under this subsection  
5 while the first resolution—

6           “(i) is before the House of Representatives (in-  
7 cluding remaining on the calendar);

8           “(ii) is before the Senate (including remaining  
9 on the calendar) unless the Senate has had a vote  
10 on final passage with respect to the resolution and  
11 a majority of those voting did not vote in the affirm-  
12 ative;

13           “(iii) is before a committee of conference or  
14 otherwise awaiting disposition of amendments be-  
15 tween the Houses; or

16           “(iv) is awaiting transmittal to the President or  
17 is before the President.

18       “(4)(A)(i) At any time after a privileged resolution  
19 has been placed on the appropriate calendar, it is in order  
20 for any Member of the House of Representatives to move  
21 that the House resolve itself into the Committee of the  
22 Whole House on the State of the Union for the consider-  
23 ation of that resolution. The motion is highly privileged.

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

4       “(B) All points of order against a privileged resolu-  
5 tion and consideration of the resolution are waived. If the  
6 motion under subparagraph (A) is agreed to, the privi-  
7 leged resolution shall remain the unfinished business of  
8 the House until disposed of, to the exclusion of all other  
9 business, except as provided in paragraph (5)(A). A mo-  
10 tion to reconsider the vote by which the motion described  
11 in subparagraph (A) is disagreed to is not in order.

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

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

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

21       “(iii) Except as provided in the next sentence, debate  
22 on each amendment, and any amendments thereto, shall  
23 not exceed one hour. If the Committee on Foreign Affairs  
24 reports an amendment in the nature of a substitute to the  
25 text of a privileged resolution, that amendment shall be

1 considered to be original text for purposes of amendment  
2 and debate on each amendment to that amendment, and  
3 any amendments thereto, shall not exceed one hour.

4 “(E) At the conclusion of consideration of amend-  
5 ments to a privileged resolution, the Committee of the  
6 Whole shall rise and report the resolution back to the  
7 House, and the previous question shall be considered as  
8 ordered on the resolution, with any amendments adopted  
9 in the Committee of the Whole, to final passage without  
10 intervening motion, except one motion to recommit with  
11 or without instructions.

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

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

20 “(ii) With respect to the privileged resolution of  
21 the House—

22 “(I) the procedure in the House shall be  
23 the same as if no resolution had been received  
24 from the Senate; but

1           “(II) the vote on final passage shall be on  
2           the resolution of the Senate (if the resolutions  
3           are identical), or on the resolution of the Senate  
4           (if they are not identical) with the text of the  
5           resolution of the House inserted in lieu of the  
6           text of the resolution of the Senate; and the  
7           vote on final passage shall occur without debate  
8           or any intervening action.

9           “(iii) Upon disposition of a privileged resolution  
10          received from the Senate, consideration of the privi-  
11          leged resolution of the House shall no longer be privi-  
12          leged under this section.

13          “(B) If the House receives from the Senate a privi-  
14          leged resolution before any privileged resolution is intro-  
15          duced in the House with respect to the same or related  
16          hostilities, then the resolution of the Senate shall be re-  
17          ferred to the Committee on Foreign Affairs, and the pro-  
18          cedures in the House with respect to that resolution shall  
19          be the same under this subsection as if the resolution re-  
20          ceived had been introduced in the House.

21          “(C) If the House receives from the Senate a privi-  
22          leged resolution after the House has disposed of an iden-  
23          tical privileged resolution, it shall be in order to proceed  
24          by a highly privileged, nondebatable motion to consider-  
25          ation of the resolution of the Senate, and that resolution

1 shall be disposed of without debate and without amend-  
2 ment.

3 “(6) A motion to disagree to amendments of the Sen-  
4 ate to a privileged resolution of the House and request  
5 or agree to a conference with the Senate, or a motion to  
6 insist on the House amendments to a privileged resolution  
7 of the Senate and request or agree to a conference of the  
8 Senate, is highly privileged.

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

15 “(B) Notwithstanding any rule of the House of Rep-  
16 resentatives concerning the printing of conference reports  
17 in the Congressional Record or concerning any delay in  
18 the consideration of such reports, a conference report with  
19 respect to a privileged resolution, including a report filed  
20 in disagreement, shall be acted on in the House of Rep-  
21 resentatives not later than 2 session days after the first  
22 House files the report or, in the case of the House acting  
23 first, the report has been available for 2 hours. The con-  
24 ference report (and any amendment reported in disagree-  
25 ment) shall be deemed to have been read. Debate on such



1 a conference report shall be limited to 3 hours, equally  
2 divided between, and controlled by the Majority Leader  
3 and the Minority Leader (or their designees).

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

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

9 “(A) as an exercise of the rulemaking power of  
10 the House of Representatives, and as such it is  
11 deemed a part of the Rules of the House, but appli-  
12 cable only with respect to the procedure to be fol-  
13 lowed in the House in the case of a privileged resolu-  
14 tion, and it supersedes other rules only to the extent  
15 that it is inconsistent with such rules; and

16 “(B) with full recognition of the constitutional  
17 right of the House to change its rules (so far as re-  
18 lating to the procedure of the House) at any time,  
19 in the same manner, and to the same extent as in  
20 the case of any other rule of the House.

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

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

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

3       “(4)(A) If the Committee on Foreign Relations has  
4 not reported a privileged resolution (or an identical resolu-  
5 tion) at the end of 7 calendar days after the introduction  
6 of that resolution, that committee shall be discharged from  
7 further consideration of that resolution, and that resolu-  
8 tion shall be placed on the appropriate calendar of the  
9 Senate.

10       “(B) After a committee reports or is discharged from  
11 a privileged resolution, no other resolution with respect to  
12 the same or related hostilities may be reported by or be  
13 discharged from such committee while the first resolu-  
14 tion—

15               “(i) is before the Senate (including remaining  
16 on the calendar);

17               “(ii) is before the House of Representatives (in-  
18 cluding remaining on the calendar), unless the  
19 House has had a vote on final passage with respect  
20 to the resolution and a majority of those voting did  
21 not vote in the affirmative;

22               “(iii) is before a committee of conference or  
23 otherwise awaiting disposition of amendments be-  
24 tween the Houses; or

1           “(iv) is awaiting transmittal to the President or  
2           is before the President.

3           “(5)(A)(i) When the committee to which a privileged  
4 resolution is referred has reported, or has been discharged  
5 under paragraph (4) from further consideration of that  
6 resolution, it is at any time thereafter in order (even  
7 though a previous motion to the same effect has been dis-  
8 agreed to) for any Member of the Senate to move to pro-  
9 ceed to the consideration of the resolution, notwith-  
10 standing any rule or precedent of the Senate, including  
11 Rule 22. Except as provided in clause (ii) of this subpara-  
12 graph or subparagraph (B) of this paragraph (insofar as  
13 it relates to germaneness and relevancy of amendments),  
14 all points of order against a privileged resolution and con-  
15 sideration of the resolution are waived. The motion is priv-  
16 ileged and is not debatable. The motion is not subject to  
17 a motion to postpone. A motion to reconsider the vote by  
18 which the motion is agreed to or disagreed to shall be in  
19 order, except that such motion may not be entered for fu-  
20 ture disposition. If a motion to proceed to the consider-  
21 ation of a privileged resolution is agreed to, the resolution  
22 shall remain the unfinished business of the Senate, to the  
23 exclusion of all other business, until disposed of, except  
24 as otherwise provided in paragraph (6)(A).

1           “(ii) Whenever a point of order is raised in the Senate  
2 against the privileged status of a resolution that has been  
3 laid before the Senate and been initially identified as privi-  
4 leged for consideration under this subsection upon its in-  
5 troduction, such point of order shall be submitted directly  
6 to the Senate. The point of order, ‘The resolution is not  
7 privileged under the War Powers Resolution’, shall be de-  
8 cided by the yeas and the nays after four hours of debate,  
9 equally divided between, and controlled by, the Member  
10 raising the point of order and the manager of the resolu-  
11 tion, except that in the event the manager is in favor of  
12 such point of order, the time in opposition thereto shall  
13 be controlled by the Minority Leader or his designee. Such  
14 point of order shall not be considered to establish prece-  
15 dent for determination of future cases.

16           “(B)(i) Consideration in the Senate of a privileged  
17 resolution, and all amendments and debatable motions in  
18 connection therewith, shall be limited to not more than  
19 12 hours, which, except as otherwise provided in this sub-  
20 section, shall be equally divided between, and controlled  
21 by, the Majority Leader and the Minority Leader, or by  
22 their designees. The Majority Leader or the Minority  
23 Leader or their designees may, from the time under their  
24 control on the resolution, allot additional time to any Sen-

1 ator during the consideration of any amendment, debat-  
2 able motion, or appeal.

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

5 “(iii) Debate on any amendment to a privileged reso-  
6 lution shall be limited to two hours, except that this limita-  
7 tion does not apply to an amendment in the nature of a  
8 substitute to the text of the resolution that is reported  
9 by the Committee on Foreign Relations. Debate on any  
10 amendment to an amendment shall be limited to 1 hour.

11 “(iv) The time of debate for each amendment shall  
12 be equally divided between, and controlled by, the mover  
13 of the amendment and the manager of the resolution, ex-  
14 cept that in the event the manager is in favor of any such  
15 amendment, the time in opposition thereto shall be con-  
16 trolled by the Minority Leader or his designee.

17 “(v) One amendment by the Minority Leader is in  
18 order to be offered under a 1-hour time limitation imme-  
19 diately following the expiration of the 12-hour time limita-  
20 tion if the Minority Leader has had no opportunity prior  
21 thereto to offer an amendment to the privileged resolution.  
22 One amendment may be offered to the amendment of the  
23 Minority Leader under the preceding sentence, and debate  
24 shall be limited on such amendment to one-half hour which  
25 shall be equally divided between, and controlled by, the

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

5 “(vi) A motion to postpone or a motion to recommit  
6 a privileged resolution is not in order. A motion to recon-  
7 sider the vote by which a privileged resolution is agreed  
8 to or disagreed to is in order, except that such motion  
9 may not be entered for future disposition, and debate on  
10 such motion shall be limited to 1 hour.

11 “(C) Whenever all the time for debate on a privileged  
12 resolution has been used or yielded back, no further  
13 amendments may be proposed, except as provided in sub-  
14 paragraph (B)(iii), and the vote on the adoption of the  
15 resolution shall occur without any intervening motion or  
16 amendment, except that a single quorum call at the con-  
17 clusion of the debate if requested in accordance with the  
18 Rules of the Senate may occur immediately before such  
19 vote.

20 “(D) Appeals from the decisions of the Chair relating  
21 to the application of the Rules of the Senate to the proce-  
22 dure relating to a privileged resolution shall be limited to  
23 one-half hour of debate, equally divided between, and con-  
24 trolled by, the Member making the appeal and the man-  
25 ager of the resolution, except that in the event the man-

1 ager is in favor of any such appeal, the time in opposition  
2 thereto shall be controlled by the Minority Leader or his  
3 designee.

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

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

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

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

17 “(II) the resolution of the House of Rep-  
18 resentatives shall be considered to have been  
19 read for the third time; the vote on final pas-  
20 sage shall be on the resolution of the House of  
21 Representatives (if such resolutions are iden-  
22 tical) or on the resolution of the House of Rep-  
23 resentatives (if not identical), with the text of  
24 the resolution of the Senate inserted in lieu of  
25 the text of the resolution of the House of Rep-

1           representatives; and such vote on final passage  
2           shall occur without debate or any intervening  
3           action.

4           “(iii) Upon disposition of a privileged resolution  
5           received from the House of Representatives, it shall  
6           no longer be in order to consider the resolution origi-  
7           nated in the Senate.

8           “(B) If the Senate receives a privileged resolution  
9           from the House of Representatives before any privileged  
10          resolution is introduced in the Senate with respect to the  
11          same or related hostilities, then the resolution received  
12          shall be referred to the Committee on Foreign Relations,  
13          and the procedures in the Senate with respect to that reso-  
14          lution shall be the same under this section as if the resolu-  
15          tion received had been introduced in the Senate.

16          “(7) If the Senate receives a privileged resolution  
17          from the House of Representatives after the Senate has  
18          disposed of an identical privileged resolution, it shall be  
19          in order to proceed by nondebatable motion to consider-  
20          ation of the resolution received by the Senate, and that  
21          resolution shall be disposed of without debate and without  
22          amendment.

23          “(8)(A)(i) The time for debate in the Senate on all  
24          motions required for the disposition of amendments be-  
25          tween the Houses shall not exceed 2 hours, equally divided



1 between, and controlled by, the mover of the motion and  
2 the manager of the resolution at each stage of the pro-  
3 ceedings between the two Houses, except that in the event  
4 the manager is in favor of any such motion, the time in  
5 opposition thereto shall be controlled by the Minority  
6 Leader or his designee. In the case of any disagreement  
7 between the two Houses of Congress with respect to a  
8 privileged resolution which is not resolved, any Senator  
9 may make any motion or motions referred to in this clause  
10 within 2 session days after action by the second House  
11 or before the appointment of conferees, whichever comes  
12 first.

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

17       “(iii) Notwithstanding any rule in the Senate con-  
18 cerning the printing of conference reports in the Congres-  
19 sional Record or concerning any delay in the consideration  
20 of such reports, such report, including a report filed or  
21 returned in disagreement, shall be acted on in the Senate  
22 not later than 2 session days after the first House files  
23 the report or, in the case of the Senate acting first, the  
24 report is first made available on the desks of the Senators.  
25 Debate in the Senate on a conference report or a report

1 filed or returned in disagreement on any such resolution  
2 shall be limited to 3 hours, equally divided between, and  
3 controlled by, the Majority Leader and the Minority Lead-  
4 er, and their designees.

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

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

12               “(A) as an exercise of the rulemaking power of  
13 the Senate, as such it is deemed a part of the Rules  
14 of the Senate but applicable only with respect to the  
15 procedure to be followed in the Senate in the case  
16 of a privileged resolution, and it supersedes other  
17 rules only to the extent that it is inconsistent with  
18 such rules; and

19               “(B) with full recognition of the constitutional  
20 right of the Senate to change its rules (so far as re-  
21 lating to the procedure of the Senate) at any time,  
22 in the same manner, and to the same extent as in  
23 the case of any other rule of the Senate.

1 **“SEC. 7. JUDICIAL REVIEW.**

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

8       “(b) **JUSTICIABILITY.**—In any action described in  
9 subsection (a), the court shall not decline to make a deter-  
10 mination on the merits on the ground that the issue of  
11 compliance is a political question or is otherwise nonjus-  
12 ticiable.

13       “(c) **CONGRESSIONAL INTENT.**—Notwithstanding the  
14 number, position, or party affiliation of any plaintiffs in  
15 an action described in subsection (a), it is the intent of  
16 the Congress that the court—

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

19               “(2) find that an impasse exists between the  
20 Congress and the executive branch which requires  
21 judicial resolution.

22       “(d) **EXPEDITED CONSIDERATION.**—Any court in  
23 which an action described in subsection (a) is heard shall  
24 accord such action the highest priority and shall announce  
25 its judgment as speedily as the requirements of article III  
26 of the Constitution permit.

1       “(e) JUDICIAL REMEDY.—(1) If the court in an ac-  
2 tion described in subsection (a) finds that the President  
3 has failed to submit a report required by section 4(a) of  
4 this joint resolution, the court shall—

5           “(A) direct the President to submit that report;  
6       and

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

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

15           “(A) immediately; or

16           “(B) if the President determines and certifies  
17       to the Congress in writing that unavoidable military  
18       necessity respecting the safety of the Armed Forces  
19       requires the continued use of the Armed Forces in  
20       the course of bringing about their prompt removal  
21       from hostilities, within a period not to exceed 30  
22       days after the order is issued.

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

1 **“SEC. 8. RULES OF INTERPRETATION.**

2 “(a) OTHER STATUTES AND TREATIES.—Authority  
3 to introduce the Armed Forces into hostilities shall not  
4 be inferred—

5 “(1) from any provision of law (including any  
6 provision in effect before the date of enactment of  
7 this joint resolution), including any provision con-  
8 tained in any appropriation Act, unless that provi-  
9 sion specifically authorizes the introduction of the  
10 Armed Forces into hostilities and states that it is in-  
11 tended to constitute specific statutory authorization  
12 within the meaning of this joint resolution; or

13 “(2) from any treaty heretofore or hereafter  
14 ratified unless that treaty is implemented by legisla-  
15 tion specifically authorizing the introduction of the  
16 Armed Forces into hostilities and stating that it is  
17 intended to constitute specific statutory authoriza-  
18 tion within the meaning of this joint resolution.

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

21 “(1) terminating, limiting, or prohibiting the in-  
22 volvement of the Armed Forces in hostilities; or

23 “(2) finding that the President or the Armed  
24 Forces are acting in violation of this joint resolution,  
25 may not be construed as indicating congressional author-  
26 ization or approval of, or acquiescence in, the involvement

1 of the Armed Forces in any hostilities or as a finding by  
2 the Congress that such involvement is consistent with this  
3 joint resolution.

4 **“SEC. 9. DEFINITIONS.**

5 “For purposes of this joint resolution, the following  
6 definitions apply:

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

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

13 “(A) the exchange of fire between regular  
14 or irregular military forces; or

15 “(B) the aerial or naval bombardment of  
16 military or civilian targets by regular or irreg-  
17 ular military forces,

18 regardless of whether the Armed Forces are partici-  
19 pating in the exchange of fire or the bombardment.

20 “(3) INTRODUCE.—The term ‘introduce’ in-  
21 cludes—

22 “(A) any commitment, engagement, or  
23 other involvement of the Armed Forces in hos-  
24 tilities, including the taking of self-defense

1 measures by the Armed Forces in response to  
2 an attack or threatened attack;

3 “(B) the assigning or detailing of members  
4 of the Armed Forces to command, coordinate,  
5 participate in the movement of, accompany, or  
6 provide logistical support or training for any  
7 foreign regular or irregular military forces if  
8 those forces are involved in hostilities (regard-  
9 less of whether those hostilities involve insur-  
10 gent forces or the military forces of a foreign  
11 country); and

12 “(C) the assigning or detailing of members  
13 of the Armed Forces to an operation authorized  
14 by the United Nations Security Council under  
15 chapter VII of the United Nations Charter.

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

19 **“SEC. 10. SEPARABILITY CLAUSE.**

20 “If any provision of this joint resolution or the appli-  
21 cation thereof to any person or circumstance is held in-  
22 valid, the remainder of the joint resolution and the appli-  
23 cation of such provision to any other person or cir-  
24 cumstance shall not be affected thereby.”.

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