

112TH CONGRESS  
1ST SESSION

# H. J. RES. 55

To amend the War Powers Resolution.

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## 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

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## JOINT RESOLUTION

To amend the War Powers Resolution.

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

3 **SECTION 1. SHORT TITLE.**

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