

117TH CONGRESS  
1ST SESSION

# H. J. RES. 29

To amend the War Powers Resolution, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2021

Mr. DEFAZIO (for himself, Mr. RUSH, Mr. COHEN, Mr. CICILLINE, Mr. BLUMENAUER, Mrs. NAPOLITANO, Ms. LEE of California, Mr. BEYER, Ms. SCHAKOWSKY, Ms. JACKSON LEE, and Mr. GRIJALVA) 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, and for other purposes.

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 2021”.

### 6   **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds the following:

1           (1) In response to unconstitutional executive  
2           branch actions that introduced United States Forces  
3           into hostilities without congressional authorization,  
4           Congress passed the War Powers Resolution (50  
5           U.S.C. 1541 et seq.) to clarify and strengthen its  
6           constitutional war powers authorities.

7           (2) The War Powers Resolution remains a cur-  
8           rent and constitutionally valid law. The War Powers  
9           Resolution includes the authority of Congress to re-  
10          move United States Armed Forces from unauthor-  
11          ized engagement in hostilities through adoption of a  
12          concurrent resolution or passage of a joint resolu-  
13          tion.

14          (3) While Congress possesses robust war powers  
15          authorities under the Constitution and the War  
16          Powers Resolution, in many cases the executive  
17          branch has disregarded these authorities by intro-  
18          ducing United States Forces into hostilities without  
19          congressional authorization.

20          (b) PURPOSE.—The purpose of this joint resolution  
21          is to—

22                (1) reassert Congress’ constitutional war pow-  
23                ers authorities, further strengthen the War Powers  
24                Resolution, and end the current “forever wars” of  
25                the United States; and

1           (2) prevent the executive branch from intro-  
 2       ducing United States Forces into hostilities, with ex-  
 3       ceptions in the case of an armed attack upon or im-  
 4       minent threat to the United States, its Forces, or its  
 5       citizens overseas, without authorization from Con-  
 6       gress.

7   **SEC. 3. REVISION OF WAR POWERS RESOLUTION.**

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

11   **“SECTION 1. SHORT TITLE; PURPOSE; CONGRESSIONAL**  
 12                   **LEGISLATIVE AUTHORITY.**

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

15       “(b) PURPOSE.—It is the purpose of this joint resolu-  
 16   tion to fulfill the intent of the framers of the Constitution  
 17   of the United States and ensure that the collective judg-  
 18   ment of both the Congress and the President will apply  
 19   to—

20           “(1) the introduction of United States Forces  
 21       into hostilities; and

22           “(2) the continued use of United States Forces  
 23       in hostilities.

1 “(c) CONGRESSIONAL LEGISLATIVE AUTHORITY.—

2 Among the powers granted to the Congress by the Con-  
3 stitution are—

4 “(1) the power to declare war;

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

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

13 **“SEC. 2. EMERGENCY USES OF UNITED STATES FORCES IN**  
14 **HOSTILITIES.**

15 “(a) IN GENERAL.—United States Forces may be in-  
16 troduced into hostilities only as follows:

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

19 “(2) SPECIFIC STATUTORY AUTHORIZATION.—

20 “(A) IN GENERAL.—In accordance with a  
21 specific statutory authorization described in  
22 subparagraph (B).

23 “(B) SPECIFIC STATUTORY AUTHORIZA-  
24 TION DESCRIBED.—A specific statutory author-  
25 ization for introduction of United States Forces

1           into hostilities described in this subparagraph  
2           shall—

3                   “(i) provide for authorization of the  
4                   use of necessary and appropriate military  
5                   force with respect to such use of United  
6                   States Forces;

7                   “(ii)(I) clearly define the threat that  
8                   necessitates use of such military force, the  
9                   mission and objectives that use of such  
10                  military force is authorized to achieve, and  
11                  identify each foreign country in which such  
12                  military force is authorized;

13                  “(II) clearly define the parameters for  
14                  when use of such military force is no  
15                  longer necessary or appropriate; and

16                  “(III) clearly and specifically identify  
17                  each foreign country and organized armed  
18                  group with respect to which such military  
19                  force will be used;

20                  “(iii) require the President to seek  
21                  from the Congress a subsequent specific  
22                  statutory authorization for introduction of  
23                  United States Forces into hostilities—

24                   “(I) if—

1 “(aa) the threat or mission  
 2 or objectives defined in clause  
 3 (ii)(I) or the list of foreign coun-  
 4 tries identified in such clause is  
 5 to be expanded;

6 “(bb) the parameters de-  
 7 fined in clause (ii)(II) are to be  
 8 expanded; or

9 “(cc) the list of foreign  
 10 countries or organized armed  
 11 groups identified in clause  
 12 (ii)(III) is to be expanded; and

13 “(II) which shall include updated  
 14 information to the information re-  
 15 quired by clause (ii); and

16 “(iv) provide for termination of the  
 17 authorization for such use of United States  
 18 Forces not later than the date that is 2  
 19 years after the date of the enactment of  
 20 such authorization unless the Congress en-  
 21 acts a joint resolution providing a subse-  
 22 quent specific authorization for such use of  
 23 United States Forces.

24 “(C) RULE OF CONSTRUCTION.—Nothing  
 25 in subparagraph (B) may be construed to au-

1           thorize United States Forces to engage in hos-  
 2           tilities against any foreign country or organized  
 3           armed group that is not clearly and specifically  
 4           identified in clause (ii)(III) of such subpara-  
 5           graph.

6           “(3) ARMED ATTACK ON UNITED STATES.—To  
 7           the extent necessary and proportionate—

8                 “(A) to repel an armed attack upon the  
 9           United States; or

10                “(B) to forestall the direct and imminent  
 11           threat of such an armed attack.

12           “(4) ARMED ATTACK ON UNITED STATES  
 13           FORCES.—To the extent necessary and propor-  
 14           tionate—

15                 “(A) to repel an armed attack against  
 16           United States Forces located outside the United  
 17           States; or

18                “(B) to forestall the direct and imminent  
 19           threat of such an armed attack.

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

1           “(A) the threatened deprivation of life or  
2           liberty is unlawful; and

3           “(B) in a case where the source of the  
4           threat is within a foreign country, the threat is  
5           supported by the government of that country or  
6           the government of that country is unable or un-  
7           willing to secure the release of the United  
8           States citizens or nationals.

9           The President shall make every effort to terminate  
10          any such threat through peaceful means without  
11          using United States Forces. Before using United  
12          States Forces to protect United States citizens or  
13          nationals being evacuated from a foreign country in  
14          accordance with this paragraph, the President shall,  
15          where possible, obtain the consent of the government  
16          of that country.

17          “(b) CONDITIONS ON EMERGENCY USE OF UNITED  
18          STATES FORCES.—Any use of United States Forces in ac-  
19          cordance with paragraph (3), (4), or (5) of subsection  
20          (a)—

21                 “(1) is subject to the requirements of sections  
22                 3, 4, and 5; and

23                 “(2) shall be limited, in terms of United States  
24                 Forces which are used and the manner in which they

1       are used, to such use as is essential in order to  
2       achieve the purpose described in that paragraph.

3       “(c) FUNDING LIMITATION.—Funds appropriated or  
4 otherwise made available under any law may not be obli-  
5 gated or expended for any introduction, other than an in-  
6 troduction described in subsection (a), of United States  
7 Forces into hostilities.

8       **“SEC. 3. CONSULTATION BETWEEN THE PRESIDENT AND**  
9                               **CONGRESS.**

10       “(a) REQUIREMENTS FOR CONSULTATION.—(1) The  
11 President, in every possible instance, shall consult with the  
12 Congress before United States Forces are introduced into  
13 hostilities in accordance with paragraph (3), (4), or (5)  
14 of section 2(a). After every such introduction, the Presi-  
15 dent shall consult regularly with the Congress until United  
16 States Forces are no longer in hostilities.

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

19               “(A) before United States Forces are intro-  
20 duced into a foreign country while equipped for com-  
21 bat, except for deployments which relate solely to  
22 supply, replacement, repair, or training of such  
23 forces; or

24               “(B) before United States Forces are intro-  
25 duced into a foreign country in which there are al-

1 ready United States Forces equipped for combat if  
2 such introduction would substantially enlarge the  
3 number of United States Forces equipped for com-  
4 bat located in that country or otherwise substantially  
5 increase the military capabilities of such forces.

6 “(b) EXECUTIVE-LEGISLATIVE CONSULTATIVE  
7 GROUP.—The consultation required by subsection (a)  
8 shall include participation by—

9 “(1) the President, the Secretary of State, the  
10 Secretary of Defense, the Director of Central Intel-  
11 ligence, the Director of National Intelligence, and  
12 those senior executive branch officials designated by  
13 the President;

14 “(2) the Speaker, the Minority leader and Ma-  
15 jority leader, the Majority whip and Minority whip,  
16 the chair and ranking member of the Committee on  
17 Foreign Affairs, the chair and ranking member of  
18 the Committee on Armed Services, the chair and  
19 ranking member of the Permanent Select Committee  
20 on Intelligence of the House of Representatives, and  
21 any other Members of the House of Representatives  
22 designated by the Speaker or the Minority leader;  
23 and

24 “(3) the Majority and Minority leader, the Ma-  
25 jority whip and Minority whip, the chair and rank-

1       ing member of the Committee on Foreign Relations,  
2       the chair and ranking member of the Committee on  
3       Armed Services, the chair and ranking member of  
4       the Select Committee on Intelligence of the Senate,  
5       and any Senator designated by the Majority or Mi-  
6       nority leader.

7       “(c) WHAT CONSULTATION REQUIRES.—In order to  
8       satisfy the consultation requirement of this section, the  
9       President must ask Members of Congress for their advice  
10      and opinions before the decision is made to introduce  
11      United States Forces, and in no event later than 48 hours  
12      prior to introduction of United States Forces. Such con-  
13      sultation requires that all information relevant to the situ-  
14      ation must be made available to the Members of Congress  
15      being consulted. The consultation requirement of this sec-  
16      tion is not met, however, if the Congress is merely in-  
17      formed about the situation.

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

19       “(a) REPORTING REQUIREMENT.—The President  
20      shall submit the report described in subsection (b) no later  
21      than 48 hours after United States Forces are introduced  
22      into hostilities in accordance with paragraph (3), (4), or  
23      (5) of section 2(a).

24       “(b) DESCRIPTION OF REPORT REQUIRED.—The re-  
25      port required by subsection (a) is a written report sub-

mitted by the President to the Speaker and Minority  
Leader of the House of Representatives, the President pro  
tempore and Minority Leader of the Senate, and the Execu-  
tive-Legislative consultative group described in section  
3(b) on the same calendar day, setting forth—

“(1) the circumstances necessitating the intro-  
duction of United States Forces;

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

“(3) the estimated scope and duration of the  
hostilities or the involvement of United States  
Forces, as the case may be, and an identification of  
each foreign country and organized armed group  
against which United States Forces are engaged in  
hostilities, including the foreign countries and geo-  
graphic locations of such hostilities; and

“(4) the estimated cost of the hostilities or the  
involvement of United States Forces, including the  
cost of any other resources involved in supporting  
such Forces.

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

“(c) ADDITIONAL INFORMATION.—The President  
shall provide such other information as the Congress may  
request in the fulfillment of its constitutional responsibil-

ities with respect to committing the Nation to war and to the use of United States Forces abroad. The President shall provide such information no later than 14 days after the date on which the President receives such request from the Congress.

“(d) CONTINUING REPORTS.—

“(1) IN GENERAL.—Whenever United States Forces are introduced into hostilities the President shall, so long as United States Forces continue to be involved in those hostilities, report to the Congress periodically on the continued application of the matters described in paragraphs (1), (2), (3), and (4) of subsection (b), including the status of such hostilities, the scope and estimated duration of such hostilities, and the estimated cost of such hostilities or the involvement of United States Forces, but in no event shall the President report to the Congress less often than once every 30 days.

“(2) FORM.—The report required by this section, and particularly the matters described in subsection (b)(3) of the report, shall be submitted in unclassified form. The report may contain a classified annex.

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

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

17           “(b) REQUIREMENT FOR SPECIFIC STATUTORY AU-  
 18   THORIZATION FOR CONTINUED INVOLVEMENT.—

19                   “(1) IN GENERAL.—Within 30 calendar days  
 20           after United States Forces are introduced into hos-  
 21           tilities in accordance with paragraph (3), (4), or (5)  
 22           of section 2(a), the President shall remove United  
 23           States Forces from those hostilities unless the Con-  
 24           gress—

25                   “(A) has declared war;

1           “(B) has enacted a joint resolution pro-  
2           viding specific authorization for such use of  
3           United States Forces as described in paragraph  
4           (2); or

5           “(C) is unable to meet as a result of an  
6           armed attack upon the United States.

7           This 30-day period shall be extended for not more  
8           than an additional 15 days if the President deter-  
9           mines and certifies to the Congress in writing that  
10          unavoidable military necessity respecting the safety  
11          of United States Forces requires the continued use  
12          of United States Forces in the course of bringing  
13          about their prompt removal from hostilities.

14          “(2) JOINT RESOLUTION DESCRIBED.—A joint  
15          resolution providing specific authorization for such  
16          use of United States Forces described in this para-  
17          graph shall—

18                 “(A) provide for authorization of the use of  
19                 necessary and appropriate military force with  
20                 respect to such use of United States Forces;

21                 “(B)(i) clearly define the threat that neces-  
22                 sitates use of such military force, the mission  
23                 and objectives that use of such military force is  
24                 authorized to achieve, and identify each foreign

1 country in which such military force is author-  
2 ized;

3 “(ii) clearly define the parameters for  
4 when use of such military force is no longer  
5 necessary or appropriate; and

6 “(iii) clearly and specifically identify each  
7 foreign country and organized armed group  
8 with respect to which such military force will be  
9 used;

10 “(C) require the President to seek from  
11 the Congress a subsequent specific statutory  
12 authorization for introduction of United States  
13 Forces into hostilities—

14 “(i) if—

15 “(I) the threat or mission or ob-  
16 jectives defined in subparagraph  
17 (B)(i) or the list of foreign countries  
18 identified in such subparagraph is to  
19 be expanded;

20 “(II) the parameters defined in  
21 subparagraph (B)(ii) are to be ex-  
22 panded; or

23 “(III) the list of foreign countries  
24 or organized armed groups identified

1 in subparagraph (B)(iii) is to be ex-  
2 panded; and

3 “(ii) which shall include updated in-  
4 formation to the information required by  
5 subparagraph (B); and

6 “(D) provide for termination of the author-  
7 ization for such use of United States Forces not  
8 later than the date that is 2 years after the  
9 date of the enactment of such authorization un-  
10 less the Congress enacts a joint resolution pro-  
11 viding a subsequent specific authorization for  
12 such use of United States Forces.

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

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

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

1           “(1) that provides specific authorization for the  
 2           use of United States Forces in hostilities, so long as  
 3           that resolution contains only provisions which are  
 4           relevant to those hostilities; and

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

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

12          “(2) A privileged resolution introduced in the House  
 13          of Representatives shall be referred, upon introduction, to  
 14          the Committee on Foreign Affairs. A privileged resolution  
 15          shall not be sequentially referred.

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

23          “(B) After a privileged resolution has been placed on  
 24          the appropriate calendar, no other resolution with respect  
 25          to the same or related hostilities may be reported by or

1 be discharged from any committee under this subsection  
 2 while the first resolution—

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

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

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

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

24 “(B) All points of order against a privileged resolu-  
 25 tion and consideration of the resolution are waived. If the

1 motion under subparagraph (A) is agreed to, the privi-  
2 leged resolution shall remain the unfinished business of  
3 the House until disposed of, to the exclusion of all other  
4 business, except as provided in paragraph (5)(A). A mo-  
5 tion to reconsider the vote by which the motion described  
6 in subparagraph (A) is disagreed to is not in order.

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

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

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

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

24 “(E) At the conclusion of consideration of amend-  
25 ments to a privileged resolution, the Committee of the

1 Whole shall rise and report the resolution back to the  
2 House, and the previous question shall be considered as  
3 ordered on the resolution, with any amendments adopted  
4 in the Committee of the Whole, to final passage without  
5 intervening motion, except one motion to recommit with  
6 or without instructions.

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

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

15 “(ii) With respect to the privileged resolution of  
16 the House—

17 “(I) the procedure in the House shall be  
18 the same as if no resolution had been received  
19 from the Senate; but

20 “(II) the vote on final passage shall be on  
21 the resolution of the Senate (if the resolutions  
22 are identical), or on the resolution of the Senate  
23 (if they are not identical) with the text of the  
24 resolution of the House inserted in lieu of the  
25 text of the resolution of the Senate; and the

1           vote on final passage shall occur without debate  
2           or any intervening action.

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

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

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

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

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

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

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

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

1       “(8) This subsection is enacted by the House of Rep-  
2 representatives—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(v) One amendment by the Minority Leader is in  
10 order to be offered under a 1-hour time limitation imme-  
11 diately following the expiration of the 12-hour time limita-  
12 tion if the Minority Leader has had no opportunity prior  
13 thereto to offer an amendment to the privileged resolution.  
14 One amendment may be offered to the amendment of the  
15 Minority Leader under the preceding sentence, and debate  
16 shall be limited on such amendment to one-half hour which  
17 shall be equally divided between, and controlled by, the  
18 mover of the amendment and the manager of the resolu-  
19 tion, except that in the event the manager is in favor of  
20 any such amendment, the time in opposition thereto shall  
21 be controlled by the Minority Leader or his designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 **“SEC. 7. JUDICIAL REVIEW.**

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

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

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

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

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

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

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

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

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

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

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

7               “(A) immediately; or

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

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

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

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

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

1        sion specifically authorizes the introduction of  
2        United States Forces into hostilities and states that  
3        it is intended to constitute specific statutory author-  
4        ization within the meaning of this joint resolution;  
5        or

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

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

14            “(1) terminating, limiting, or prohibiting the in-  
15       vvement of United States Forces in hostilities; or

16            “(2) finding that the President or United  
17       States Forces are acting in violation of this joint  
18       resolution,

19       may not be construed as indicating congressional author-  
20       ization or approval of, or acquiescence in, the involvement  
21       of United States Forces in any hostilities or as a finding  
22       by the Congress that such involvement is consistent with  
23       this joint resolution.

1   **“SEC. 9. DEFINITIONS.**

2           “For purposes of this joint resolution, the following  
3 definitions apply:

4           “(1) HOSTILITIES.—The term ‘hostilities’ in-  
5 cludes any situation involving any use of direct or  
6 indirect, lethal or potentially lethal force by United  
7 States Forces against regular or irregular military  
8 forces or against any military or civilian target, irre-  
9 spective of the domain, including armed conflict, in-  
10 telligence sharing, mid-air refueling, cyber attacks,  
11 targeting assistance, acts that violate the sovereignty  
12 of a foreign country, and purposeful destruction of  
13 property considered to be an exercise of use of force,  
14 irrespective of whether such force is offensive or de-  
15 fensive, kinetic or non-kinetic, or deployed remotely,  
16 the intermittency, intensity, or severity of such force,  
17 the scope of the mission or objectives, or the extent  
18 to which the mission exposes United States Forces  
19 to risk of casualty or the risk of escalation.

20           “(2) IMMINENT.—The term ‘imminent’, with  
21 respect to a threat of an attack, means the threat  
22 is instant, overwhelming, and leaves no choice of  
23 means and no moment for deliberation.

24           “(3) INTRODUCE.—The term ‘introduce’ in-  
25 cludes—

1           “(A) any commitment, engagement, de-  
2           ployment, or other involvement of United States  
3           Forces in hostilities, including the taking of  
4           self-defense measures by United States Forces  
5           in response to an attack, threatened attack, or  
6           imminent threat of attack in any foreign coun-  
7           try, irrespective of whether United States  
8           Forces are present or operating launched, pi-  
9           loted, or other remotely directed weapons sys-  
10          tems from a non-battlefield location; and

11          “(B) the assigning or detailing of members  
12          of United States Forces to command, coordi-  
13          nate, advise, assist, participate in the movement  
14          of, accompany, provide intelligence, or provide  
15          logistical or material support or training for  
16          any foreign regular or irregular military or po-  
17          lice forces, including state actors or organized  
18          armed groups, if those forces are involved in  
19          hostilities (regardless of whether those hos-  
20          tilities involve insurgent forces of the military  
21          forces of a foreign country).

22          “(4) TRAINING.—The term ‘training’ has the  
23          meaning given the term ‘military education and  
24          training’ in section 644 of the Foreign Assistance  
25          Act of 1961 (22 U.S.C. 2403), but does not include

1 training that is comprised entirely of observance of  
 2 and respect for the law of armed conflict, human  
 3 rights, and fundamental freedoms, the rule of law,  
 4 or civilian control of the military.

5 “(5) UNITED STATES; COUNTRY.—The terms  
 6 ‘United States’ and ‘foreign country’, when used in  
 7 a geographic sense—

8 “(A) mean the territory, airspace, or  
 9 waters of the United States or the foreign coun-  
 10 try; and

11 “(B) includes territories and possessions.

12 “(6) UNITED STATES FORCES.—The term  
 13 ‘United States Forces’—

14 “(A) means the armed forces (as such  
 15 term is defined in section 101(a)(4) of title 10,  
 16 United States Code) and includes persons em-  
 17 ployed by, or under contract to, or under the di-  
 18 rection of any department or agency of the  
 19 United States Government; and

20 “(B) includes capabilities established, di-  
 21 rected, or otherwise used by such armed forces  
 22 or persons that produces or results in an effect  
 23 or condition designed to accomplish a military  
 24 objective.

1   **“SEC. 10. SEPARABILITY CLAUSE.**

2           “If any provision of this joint resolution or the appli-  
3   cation thereof to any person or circumstance is held in-  
4   valid, the remainder of the joint resolution and the appli-  
5   cation of such provision to any other person or cir-  
6   cumstance shall not be affected thereby.”.

○