

103^D CONGRESS
1ST SESSION

H. J. RES. 284

To amend the War Powers Resolution.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1993

Mr. DEFAZIO (for himself, Mr. ABERCROMBIE, Ms. FURSE, Mr. LIPINSKI, Mr. HINCHEY, Mr. SANDERS, Ms. WOOLSEY, and Mr. HAMBURG) introduced the following joint resolution; which was referred jointly to the Committee on Foreign Affairs and Rules

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 1993”.

1 **SEC. 2. REVISION OF WAR POWERS RESOLUTION.**

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

5 **“SECTION 1. SHORT TITLE.**

6 “This joint resolution may be cited as the ‘War Pow-
7 ers Resolution’.

8 **“SEC. 2. PURPOSE; CONGRESSIONAL LEGISLATIVE AU-
9 THORITY.**

10 “(a) PURPOSE.—It is the purpose of this joint resolu-
11 tion to fulfill the intent of the framers of the Constitution
12 of the United States and ensure that the collective judg-
13 ment of both the Congress and the President will apply
14 to—

15 “(1) the introduction of the Armed Forces into
16 hostilities or into situations where imminent involve-
17 ment in hostilities is clearly indicated by the cir-
18 cumstances, and

19 “(2) the continued use of the Armed Forces in
20 hostilities or in such situations.

21 “(b) CONGRESSIONAL LEGISLATIVE AUTHORITY.—
22 Among the powers granted to the Congress by the Con-
23 stitution are—

24 “(1) the power to declare war;

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

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

9 **“SEC. 3. EMERGENCY USES OF THE ARMED FORCES IN HOS-**
10 **TILITIES.**

11 “(a) IN GENERAL.—The Armed Forces may be intro-
12 duced into hostilities, or situations where imminent in-
13 volvement in hostilities is clearly indicated by the cir-
14 cumstances, only as follows:

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

17 “(2) SPECIFIC STATUTORY AUTHORIZATION.—
18 In accordance with a specific statutory authoriza-
19 tion.

20 “(3) ARMED ATTACK ON UNITED STATES.—To
21 the extent necessary—

22 “(A) to repel an armed attack upon the
23 United States;

1 “(B) to take necessary and appropriate re-
2 taliatory actions in the event of such an attack;
3 or

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

6 “(4) ARMED ATTACK ON THE ARMED
7 FORCES.—To the extent necessary—

8 “(A) to repel an armed attack against
9 Armed Forces located outside the United
10 States; or

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

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

19 “(A) the threatened deprivation of life or
20 liberty is contrary to international law or is oth-
21 erwise illegal; and

22 “(B) in a case where the source of the
23 threat is within a foreign country, the threat is
24 supported by the government of that country or

1 the government of that country is unable or un-
2 willing to control the situation.

3 The President shall make every effort to terminate
4 any such threat without using the Armed Forces.
5 Before using the Armed Forces to protect United
6 States citizens or nationals being evacuated from a
7 foreign country in accordance with this paragraph,
8 the President shall, where possible, obtain the con-
9 sent of the government of that country.

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

13 “(1) is subject to the requirements of sections
14 4, 5, and 6; and

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

19 “(c) FUNDING LIMITATION.—Funds appropriated or
20 otherwise made available under any law may not be obli-
21 gated or expended for any introduction, other than an in-
22 troduction described in subsection (a), of the Armed
23 Forces into hostilities or situations where imminent in-
24 volvement in hostilities is clearly indicated by the cir-
25 cumstances.

1 **“SEC. 4. CONSULTATION BETWEEN THE PRESIDENT AND**
2 **CONGRESS.**

3 “(a) REQUIREMENTS FOR CONSULTATION.—(1) The
4 President, in every possible instance, shall consult with the
5 Congress before the Armed Forces are introduced into
6 hostilities, or situations where imminent involvement in
7 hostilities is clearly indicated by the circumstances, in ac-
8 cordance with paragraph (3), (4), or (5) of section 3(a).
9 After every such introduction, the President shall consult
10 regularly with the Congress until the Armed Forces are
11 no longer in hostilities or situations where imminent in-
12 volvement in hostilities is clearly indicated by the cir-
13 cumstances.

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

16 “(A) before Armed Forces are introduced into
17 the territory, airspace, or waters of a foreign country
18 while equipped for combat, except for deployments
19 which relate solely to supply, replacement, repair, or
20 training of such forces; or

21 “(B) before Armed Forces are introduced into
22 the territory, airspace, or waters of a foreign country
23 in which there are already Armed Forces equipped
24 for combat if such introduction would substantially
25 enlarge the number of Armed Forces equipped for
26 combat located in that country or otherwise substan-

1 tially increase the military capabilities of such
2 forces.

3 “(b) EXECUTIVE–LEGISLATIVE CONSULTATIVE
4 GROUP.—The consultation required by subsection (a)
5 shall include participation by—

6 “(1) the President and those senior executive
7 branch officials designated by the President; and

8 “(2) those Members of the House of Represent-
9 atives designated by the Speaker of the House, and
10 those members of the Senate designated by the
11 President pro tempore of the Senate.

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

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

22 “(a) REPORTING REQUIREMENT.—The President
23 shall submit the report described in subsection (b) within
24 48 hours after the Armed Forces are introduced into hos-
25 tilities, or situations where imminent involvement in hos-

1 tilities is clearly indicated by the circumstances, in accord-
2 ance with paragraph (3), (4), or (5) of section 3(a).

3 “(b) DESCRIPTION OF REPORT REQUIRED.—The re-
4 port required by subsection (a) is a written report submit-
5 ted by the President to the Speaker of the House of Rep-
6 resentatives and the President pro tempore of the Senate
7 on the same calendar day, setting forth—

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

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

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

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

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

23 “(d) CONTINUING REPORTS.—Whenever the Armed
24 Forces are introduced into hostilities or situations where
25 imminent involvement in hostilities is clearly indicated by

1 the circumstances, the President shall, so long as the
2 Armed Forces continue to be involved in those or related
3 hostilities or situations, report to the Congress periodically
4 on the status of such hostilities or situations as well as
5 on the scope and estimated duration of such hostilities or
6 situations, but in no event shall the President report to
7 the Congress less often than once every six months.

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

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

24 “(b) REQUIREMENT FOR SPECIFIC STATUTORY AU-
25 THORIZATION FOR CONTINUED INVOLVEMENT.—Within

1 60 calendar days after the Armed Forces are introduced
2 into hostilities, or situations where imminent involvement
3 in hostilities is clearly indicated by the circumstances, in
4 accordance with paragraph (3), (4), or (5) of section 3(a),
5 the President shall remove the Armed Forces from those
6 hostilities or those situations unless the Congress—

7 “(1) has declared war;

8 “(2) has enacted a joint resolution providing
9 specific authorization for such use of the Armed
10 Forces;

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

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

14 This 60-day period shall be extended for not more than
15 an additional 30 days if the President determines and cer-
16 tifies to the Congress in writing that unavoidable military
17 necessity respecting the safety of the Armed Forces re-
18 quires the continued use of the Armed Forces in the
19 course of bringing about their prompt removal from hos-
20 tilities and situations where imminent involvement in hos-
21 tilities is clearly indicated by the circumstances.

22 “(c) FUNDING LIMITATION.—Unless one of the num-
23 bered paragraphs of subsection (b) applies, after the expi-
24 ration of the period specified in that subsection (including
25 any extension of that period in accordance with that sub-

1 section), funds appropriated or otherwise made available
2 under any law may not be obligated or expended to con-
3 tinue the involvement of the Armed Forces in the hos-
4 tilities or situations where imminent involvement in hos-
5 tilities is clearly indicated by the circumstances. This sub-
6 section does not, however, prohibit the use of funds to re-
7 move the Armed Forces from hostilities or situations
8 where imminent involvement in hostilities is clearly indi-
9 cated by the circumstances.

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

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

14 “(1) that provides specific authorization for the
15 use of the Armed Forces in hostilities or situations
16 where imminent involvement is clearly indicated by
17 the circumstances, so long as that resolution con-
18 tains only provisions which are relevant to those hos-
19 tilities or situations; and

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

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 or situations where immi-
17 nent involvement in hostilities is clearly indicated by the
18 circumstances may be reported by or be discharged from
19 any committee under this subsection while the first resolu-
20 tion—

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

23 “(ii) is before the Senate (including remaining
24 on the calendar) unless the Senate has had a vote
25 on final passage with respect to the resolution and

1 a majority of those voting did not vote in the affirm-
2 ative,

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

6 “(iv) is awaiting transmittal to the President or
7 is before the President.

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

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

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

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

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

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

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

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

1 “(5)(A) Except as provided in subparagraph (B), if,
2 before the passage by the House of Representatives of a
3 privileged resolution of the House, the House receives a
4 privileged resolution from the Senate with respect to the
5 same or related hostilities or situations where imminent
6 involvement in hostilities is clearly indicated by the cir-
7 cumstances, then the following procedures shall apply:

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

10 “(ii) With respect to the privileged resolution of
11 the House—

12 “(I) the procedure in the House shall be
13 the same as if no resolution had been received
14 from the Senate; but

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

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

5 “(B) If the House receives from the Senate a privi-
6 leged resolution before any privileged resolution is intro-
7 duced in the House with respect to the same or related
8 hostilities or situations where imminent involvement in
9 hostilities is clearly indicated by the circumstances, then
10 the resolution of the Senate shall be referred to the appro-
11 priate committee or committees, and the procedures in the
12 House with respect to that resolution shall be the same
13 under this subsection as if the resolution received had been
14 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 with amendments of the
23 Senate 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
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, or situations in which immi-
7 nent involvement in hostilities is clearly indicated by the
8 circumstances, may be reported by or be discharged from
9 such committee while the first resolution—

10 “(i) is before the Senate (including remaining
11 on the calendar),

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

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

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

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

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

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

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

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

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

22 “(iii) Debate on any amendment to a privileged reso-
23 lution shall be limited to two hours, except that this limita-
24 tion does not apply to an amendment in the nature of a
25 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 one-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
25 same or related hostilities or situations where imminent

1 involvement in hostilities is clearly indicated by the cir-
2 cumstances, then the following procedures 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 or situations where imminent
5 involvement in hostilities is clearly indicated by the cir-
6 cumstances, then the resolution received shall be referred
7 to the Committee on Foreign Relations, and the proce-
8 dures in the Senate with respect to that resolution shall
9 be the same under this section as if the resolution received
10 had been introduced in the Senate.

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

18 “(8)(A)(i) The time for debate in the Senate on all
19 motions required for the disposition of amendments be-
20 tween the Houses shall not exceed 2 hours, equally divided
21 between, and controlled by, the mover of the motion and
22 the manager of the resolution at each stage of the proceed-
23 ings between the two Houses, except that in the event the
24 manager is in favor of any such motion, the time in oppo-
25 sition thereto shall be controlled by the Minority Leader

1 or his designee. In the case of any disagreement between
2 the two Houses of Congress with respect to a privileged
3 resolution which is not resolved, any Senator may make
4 any motion or motions referred to in this clause within
5 2 session days after action by the second House or before
6 the appointment of conferees, whichever comes first.

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

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

24 “(B) If a privileged resolution is vetoed by the Presi-
25 dent, the time for debate in consideration of the veto mes-

1 sage on such measure shall be limited to 20 hours in the
2 Senate, equally divided between, and controlled by, the
3 Majority Leader and the Minority Leader, and their des-
4 ignees.

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

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

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

18 **“SEC. 8. JUDICIAL REVIEW.**

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

1 “(b) JUSTICIABILITY.—In any action described in
2 subsection (a), the court shall not decline to make a deter-
3 mination on the merits on the ground that the issue of
4 compliance is a political question or is otherwise
5 nonjusticiable.

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

10 “(1) infer congressional disapproval of the in-
11 volvement of the Armed Forces in hostilities or situ-
12 ations where involvement in hostilities is clearly indi-
13 cated by the circumstances; and

14 “(2) find that an impasse exists between the
15 Congress and the Executive which requires judicial
16 resolution.

17 “(d) EXPEDITED CONSIDERATION.—Any court in
18 which an action described in subsection (a) is heard shall
19 accord such action the highest priority and shall announce
20 its judgment as speedily as the requirements of Article III
21 of the Constitution permit.

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

1 “(A) direct the President to submit that report;
2 and

3 “(B) specify the date on which the Armed
4 Forces were introduced into hostilities or situations
5 where imminent involvement in hostilities is clearly
6 indicated by the circumstances.

7 “(2) If the court in an action described in subsection
8 (a) finds that section 3 or section 6(b) of this joint resolu-
9 tion has been violated, the court shall direct the President
10 to remove the Armed Forces from the hostilities or situa-
11 tions where involvement in hostilities is clearly indicated
12 by the circumstances. The Armed Forces shall be removed
13 pursuant to the court’s order—

14 “(A) immediately, or

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

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

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

5 “(a) OTHER STATUTES AND TREATIES.—Authority
6 to introduce the Armed Forces into hostilities or situations
7 where imminent involvement in hostilities is clearly indi-
8 cated by the circumstances shall not be inferred—

9 “(1) from any provision of law (including any
10 provision in effect before the date of enactment of
11 this joint resolution), including any provision con-
12 tained in any appropriation Act, unless that provi-
13 sion specifically authorizes the introduction of the
14 Armed Forces into hostilities or situations where im-
15minent involvement in hostilities is clearly indicated
16 by the circumstances and states that it is intended
17 to constitute specific statutory authorization within
18 the meaning of this joint resolution; or

19 “(2) from any treaty heretofore or hereafter
20 ratified unless that treaty is implemented by legisla-
21 tion specifically authorizing the introduction of the
22 Armed Forces into hostilities or situations where im-
23minent involvement in hostilities is clearly indicated
24 by the circumstances and stating that it is intended

1 to constitute specific statutory authorization within
2 the meaning of this joint resolution.

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

5 “(1) terminating, limiting, or prohibiting the in-
6 volvement of the Armed Forces in hostilities or situ-
7 ations where imminent involvement in hostilities is
8 clearly indicated by the circumstances, or

9 “(2) finding that the President or the Armed
10 Forces are acting in violation of this joint resolution,
11 may not be construed as indicating congressional author-
12 ization or approval of, or acquiescence in, the involvement
13 of the Armed Forces in any hostilities or situations where
14 imminent involvement in hostilities is clearly indicated by
15 the circumstances or as a finding by the Congress that
16 such involvement is consistent with this joint resolution.

17 **“SEC. 10. DEFINITIONS.**

18 “For purposes of this joint resolution, the following
19 definitions apply:

20 “(1) ARMED FORCES.—The term ‘Armed
21 Forces’ means the armed forces of the United
22 States.

23 “(2) HOSTILITIES OR IMMINENT INVOLVEMENT
24 IN HOSTILITIES.—The term ‘hostilities or situations

1 where imminent involvement in hostilities is clearly
2 indicated by the circumstances' includes—

3 “(A) a situation where overt acts of war-
4 fare are taking place, such as—

5 “(i) the exchange of fire between reg-
6 ular or irregular military forces, or

7 “(ii) the aerial or naval bombardment
8 of military or civilian targets by regular or
9 irregular military forces,

10 regardless of whether the Armed Forces are
11 participating in the exchange of fire or the
12 bombardment;

13 “(B) a state of confrontation in which,
14 even if no overt act of warfare has occurred,
15 there is a clear and present danger of armed
16 conflict; and

17 “(C) any other situation in which there is
18 a clear potential for hostilities.

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

21 “(A) any commitment, engagement, or
22 other involvement of the Armed Forces in hos-
23 tilities or situations where imminent involve-
24 ment in hostilities is clearly indicated by the
25 circumstances, including the taking of self-de-

1 fense measures by the Armed Forces in re-
2 sponse to an attack or threatened attack; and

3 “(B) the assigning or detailing of members
4 of the Armed Forces to command, coordinate,
5 participate in the movement of, accompany, or
6 provide logistical support or training for any
7 foreign regular or irregular military forces if
8 those forces are involved in hostilities or situa-
9 tions where imminent involvement in hostilities
10 is clearly indicated by the circumstances (re-
11 gardless of whether those hostilities involve in-
12 surgent forces or the military forces of a for-
13 eign country).

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

17 **“SEC. 11. SEPARABILITY CLAUSE.**

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

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