

104TH CONGRESS
1ST SESSION

H. J. RES. 95

To amend the War Powers Resolution.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 1995

Mr. DEFAZIO (for himself and Mr. DURBIN) introduced the following joint resolution; which was referred to the Committee on International Relations, 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

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 1995”.

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

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

1 **“SECTION 1. SHORT TITLE.**

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

4 **“SEC. 2. PURPOSE; CONGRESSIONAL LEGISLATIVE AU-
5 THORITY.**

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

11 “(1) the introduction of the Armed Forces into
12 hostilities or into situations where imminent involve-
13 ment in hostilities is clearly indicated by the cir-
14 cumstances,

15 “(2) the continued use of the Armed Forces in
16 hostilities or in such situations, and

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

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

22 “(1) the power to declare war;

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

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

6 **“SEC. 3. EMERGENCY USES OF THE ARMED FORCES IN HOS-**
7 **TILITIES.**

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

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

14 “(2) SPECIFIC STATUTORY AUTHORIZATION.—
15 In accordance with a specific statutory authoriza-
16 tion.

17 “(3) ARMED ATTACK ON UNITED STATES.—To
18 the extent necessary—

19 “(A) to repel an armed attack upon the
20 United States;

21 “(B) to take necessary and appropriate re-
22 taliatory actions in the event of such an attack;
23 or

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

1 “(4) ARMED ATTACK ON THE ARMED
2 FORCES.—To the extent necessary—

3 “(A) to repel an armed attack against
4 Armed Forces located outside the United
5 States; or

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

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

14 “(A) the threatened deprivation of life or
15 liberty is contrary to international law or is oth-
16 erwise illegal; and

17 “(B) in a case where the source of the
18 threat is within a foreign country, the threat is
19 supported by the government of that country or
20 the government of that country is unable or un-
21 willing to control the situation.

22 The President shall make every effort to terminate
23 any such threat without using the Armed Forces.
24 Before using the Armed Forces to protect United
25 States citizens or nationals being evacuated from a

1 foreign country in accordance with this paragraph,
2 the President shall, where possible, obtain the con-
3 sent of the government of that country.

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

7 “(1) is subject to the requirements of sections
8 4, 5, and 6; and

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

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

20 **“SEC. 4. CONSULTATION BETWEEN THE PRESIDENT AND**
21 **CONGRESS.**

22 “(a) REQUIREMENTS FOR CONSULTATION.—(1) The
23 President, in every possible instance, shall consult with the
24 Congress before the Armed Forces are introduced into
25 hostilities, or situations where imminent involvement in

1 hostilities is clearly indicated by the circumstances, in ac-
2 cordance with paragraph (3), (4), or (5) of section 3(a).
3 After every such introduction, the President shall consult
4 regularly with the Congress until the Armed Forces are
5 no longer in hostilities or situations where imminent in-
6 volvement in hostilities is clearly indicated by the cir-
7 cumstances.

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

10 “(A) before Armed Forces are introduced into
11 the territory, airspace, or waters of a foreign country
12 while equipped for combat, except for deployments
13 which relate solely to supply, replacement, repair, or
14 training of such forces;

15 “(B) before Armed Forces are introduced into
16 the territory, airspace, or waters of a foreign country
17 in which there are already Armed Forces equipped
18 for combat if such introduction would substantially
19 enlarge the number of Armed Forces equipped for
20 combat located in that country or otherwise substan-
21 tially increase the military capabilities of such
22 forces; or

23 “(C) before committing Armed Forces to an op-
24 eration authorized by the United Nations Security

1 Council under chapter VII of the United Nations
2 Charter.

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 International Relations of the House
13 of Representatives and to the Committee on Foreign Rela-
14 tions of the Senate for appropriate action. If, when the
15 report is transmitted, the Congress has adjourned sine die
16 or has adjourned for any period in excess of three calendar
17 days, the Speaker of the House of Representatives and
18 the President pro tempore of the Senate, if they deem it
19 advisable (or if they are petitioned by at least 30 percent
20 of 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 International Relations. A privileged
7 resolution 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 International Relations has not reported that resolution,
11 that committee shall be discharged from further consider-
12 ation of that resolution and that resolution shall be placed
13 on 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 International
13 Relations reports an amendment in the nature of a sub-
14 stitute to the text of a privileged resolution, that amend-
15 ment shall be considered to be original text for purposes
16 of amendment and debate on each amendment to that
17 amendment, and any amendments thereto, shall not ex-
18 ceed one hour.

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

1 intervening motion, except one motion to recommit with
2 or without instructions.

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

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

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

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

17 “(II) the privileged resolution of the Sen-
18 ate shall be considered to have been read for
19 the third time; the vote on final passage shall
20 be on the resolution of the Senate (if the resolu-
21 tions are identical), or on the resolution of the
22 Senate (if they are not identical) with the text
23 of the resolution of the House inserted in lieu
24 of the text of the resolution of the Senate; and

1 the vote on final passage shall occur without de-
2 bate 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 or situations where imminent involvement in
11 hostilities is clearly indicated by the circumstances, then
12 the resolution of the Senate shall be referred to the appro-
13 priate committee or committees, and the procedures in the
14 House with respect to that resolution shall be the same
15 under this subsection as if the resolution received had been
16 introduced in the House.

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

24 “(6) A motion to disagree with amendments of the
25 Senate to a privileged resolution of the House and request

1 or agree to a conference with the Senate, or a motion to
2 insist on the House amendments to a privileged resolution
3 of the Senate and request or agree to a conference of the
4 Senate, is highly privileged.

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

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

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

4 “(8) This subsection is enacted by the House of
5 Representatives—

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

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

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

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

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

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

8 “(B) After a committee reports or is discharged from
9 a privileged resolution, no other resolution with respect to
10 the same or related hostilities, or situations in which immi-
11 nent involvement in hostilities is clearly indicated by the
12 circumstances, may be reported by or be discharged from
13 such committee while the first resolution—

14 “(i) is before the Senate (including remaining
15 on the calendar),

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

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

24 “(iv) is awaiting transmittal to the President or
25 is before the President.

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

23 “(ii) Whenever a point of order is raised in the Senate
24 against the privileged status of a resolution that has been
25 laid before the Senate and been initially identified as privi-

1 leged for consideration under this subsection upon its in-
2 troduction, such point of order shall be submitted directly
3 to the Senate. The point of order, 'The resolution is not
4 privileged under the War Powers Resolution', shall be de-
5 cided by the yeas and the nays after four hours of debate,
6 equally divided between, and controlled by, the Member
7 raising the point of order and the manager of the resolu-
8 tion, except that in the event the manager is in favor of
9 such point of order, the time in opposition thereto shall
10 be controlled by the Minority Leader or his designee. Such
11 point of order shall not be considered to establish prece-
12 dent for determination of future cases.

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

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

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

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

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

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

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

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

1 “(6)(A) Except as provided in subparagraph (B), if,
2 before the passage by the Senate of a privileged resolution
3 of the Senate, the Senate receives a privileged resolution
4 from the House of Representatives 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 privileged resolution of the House of
9 Representatives shall not be referred to a committee.

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

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

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

1 shall occur without debate or any intervening
2 action.

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

7 “(B) If the Senate receives a privileged resolution
8 from the House of Representatives before any privileged
9 resolution is introduced in the Senate with respect to the
10 same or related hostilities or situations where imminent
11 involvement in hostilities is clearly indicated by the cir-
12 cumstances, then the resolution received shall be referred
13 to the Committee on Foreign Relations, and the proce-
14 dures in the Senate with respect to that resolution shall
15 be the same under this section as if the resolution received
16 had been introduced in the Senate.

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

24 “(8)(A)(i) The time for debate in the Senate on all
25 motions required for the disposition of amendments be-

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

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

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

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

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

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

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

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

1 **“SEC. 8. JUDICIAL REVIEW.**

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

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

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

17 “(1) infer congressional disapproval of the in-
18 volvement of the Armed Forces in hostilities or situ-
19 ations where involvement in hostilities is clearly indi-
20 cated by the circumstances; and

21 “(2) find that an impasse exists between the
22 Congress and the Executive which requires judicial
23 resolution.

24 “(d) EXPEDITED CONSIDERATION.—Any court in
25 which an action described in subsection (a) is heard shall
26 accord such action the highest priority and shall announce

1 its judgment as speedily as the requirements of Article III
2 of the Constitution permit.

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

7 “(A) direct the President to submit that report;
8 and

9 “(B) specify the date on which the Armed
10 Forces were introduced into hostilities or situations
11 where imminent involvement in hostilities is clearly
12 indicated by the circumstances.

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

20 “(A) immediately, or

21 “(B) if the President determines and certifies
22 to the Congress in writing that unavoidable military
23 necessity respecting the safety of the Armed Forces
24 requires the continued use of the Armed Forces in
25 the course of bringing about their prompt removal

1 from hostilities and situations where imminent in-
2 volvement in hostilities is clearly indicated by the
3 circumstances, within a period not to exceed 30 days
4 after the order is issued.

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

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

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

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

23 “(2) from any treaty heretofore or hereafter
24 ratified unless that treaty is implemented by legisla-
25 tion specifically authorizing the introduction of the

1 Armed Forces into hostilities or situations where im-
2 minent involvement in hostilities is clearly indicated
3 by the circumstances and stating that it is intended
4 to constitute specific statutory authorization within
5 the meaning of this joint resolution.

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

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

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

20 **“SEC. 10. DEFINITIONS.**

21 “For purposes of this joint resolution, the following
22 definitions apply:

23 “(1) ARMED FORCES.—The term ‘Armed
24 Forces’ means the armed forces of the United
25 States.

1 “(2) HOSTILITIES OR IMMINENT INVOLVEMENT
2 IN HOSTILITIES.—The term ‘hostilities or situations
3 where imminent involvement in hostilities is clearly
4 indicated by the circumstances’ includes—

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

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

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

12 regardless of whether the Armed Forces are
13 participating in the exchange of fire or the
14 bombardment;

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

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

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

23 “(A) any commitment, engagement, or
24 other involvement of the Armed Forces in hos-
25 tilities or situations where imminent involve-

1 ment in hostilities is clearly indicated by the
2 circumstances, including the taking of self-de-
3 fense measures by the Armed Forces in re-
4 sponse to an attack or threatened attack;

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

16 “(C) the assigning or detailing of members
17 of the Armed Forces to an operation authorized
18 by the United Nations Security Council under
19 chapter VII of the United Nations Charter.

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

23 **“SEC. 11. SEPARABILITY CLAUSE.**

24 “If any provision of this joint resolution or the appli-
25 cation thereof to any person or circumstance is held in-

1 valid, the remainder of the joint resolution and the appli-
2 cation of such provision to any other person or cir-
3 cumstance shall not be affected thereby.”.

○

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