

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 564

To confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

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IN THE SENATE OF THE UNITED STATES

MARCH 15, 1995

Mr. BIDEN introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To confer and confirm Presidential authority to use force abroad, to set forth principles and procedures governing the exercise of that authority, and thereby to facilitate cooperation between the President and Congress in decisions concerning the use or deployment of United States Armed Forces abroad in situations of actual or potential hostilities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Use of Force Act”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Congressional findings.
- Sec. 4. Statement of purpose.
- Sec. 5. Definitions.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Authority and governing principles.
- Sec. 102. Consultation.
- Sec. 103. Reporting requirements and referral of reports.
- Sec. 104. Conditions for extended use of force.
- Sec. 105. Measures eligible for congressional priority procedures.
- Sec. 106. Funding limitations.
- Sec. 107. Judicial review.
- Sec. 108. Interpretation.
- Sec. 109. Severability.
- Sec. 110. Repeal of the War Powers Resolution.

TITLE II—EXPEDITED PROCEDURES

- Sec. 201. Congressional priority procedures.
- Sec. 202. Repeal of obsolete expedited procedures.

3 **SEC. 3. CONGRESSIONAL FINDINGS.**

4 The Congress affirms that—

5 (1) the provisions of the United States Con-  
6 stitution compel the President and Congress to en-  
7 gage actively and jointly in decisions to use force  
8 abroad;

9 (2) joint deliberation by the two branches will  
10 contribute to sound decisions and to the public sup-  
11 port necessary to sustain any use of force abroad;  
12 and

13 (3) a statutory framework, devised to promote  
14 consultation and timely authorization as may be  
15 needed for specific uses of force, can facilitate co-

1 operation between the Congress and the President in  
2 such decisionmaking.

3 **SEC. 4. STATEMENT OF PURPOSE.**

4 (a) IN GENERAL.—The purpose of this Act is to con-  
5 fer and confirm Presidential authority to use force abroad,  
6 to set forth principles and procedures governing the exer-  
7 cise of that authority, and thereby to facilitate cooperation  
8 between the President and Congress in decisions concern-  
9 ing the use or deployment of United States Armed Forces  
10 abroad in situations of actual or potential hostilities.

11 (b) EXCLUSIVITY OF PROVISIONS.—Because this Act  
12 confirms all of the President’s inherent constitutional au-  
13 thority to use force abroad and confers additional author-  
14 ity, this Act applies to all uses of force abroad by the  
15 United States.

16 **SEC. 5. DEFINITIONS.**

17 As used in this Act—

18 (1) a “use of force abroad” occurs when—

19 (A) United States Armed Forces are—

20 (i) introduced into a foreign country,

21 (ii) deployed to expand significantly

22 the United States military presence in a

23 foreign country, or

1 (iii) committed to new missions or ob-  
2 jectives in a foreign country, or in inter-  
3 national airspace, or on the high seas; and

4 (B) such forces—

5 (i) have been deployed to deter an  
6 identified threat, or a substantial danger,  
7 of military action by other forces; or

8 (ii) have incurred or inflicted casual-  
9 ties or are operating with a substantial  
10 possibility of incurring or inflicting casual-  
11 ties;

12 (2) the term “foreign country” means any land  
13 outside the United States, its territorial waters as  
14 recognized by the United States, and the airspace  
15 above such land and waters;

16 (3) the term “high seas” means all waters out-  
17 side the territorial sea of the United States and out-  
18 side the territorial sea, as recognized by the United  
19 States, of any other nation;

20 (4) the term “international terrorism” means  
21 activities that—

22 (A) involve violent acts or acts dangerous  
23 to human life that are a violation of the crimi-  
24 nal laws of the United States or of any State,  
25 or that would be a criminal violation if commit-

1           ted within the jurisdiction of the United States  
2           or any State;

3           (B) appear to be intended—

4           (i) to intimidate or coerce a civilian  
5           population;

6           (ii) to influence the policy of a govern-  
7           ment by intimidation or coercion; or

8           (iii) to affect the conduct of a govern-  
9           ment by assassination or kidnapping; and

10          (C) transcend national boundaries in terms  
11          of the means by which they are accomplished,  
12          the persons they appear intended to coerce or  
13          intimidate, or the locale in which their perpetra-  
14          tors operate or seek asylum;

15          (5) the term “United States” means the several  
16          States, the District of Columbia, the Commonwealth  
17          of the Northern Mariana Islands, the Common-  
18          wealth of Puerto Rico, American Samoa, Guam, the  
19          United States Virgin Islands, and any other posses-  
20          sion of the United States; and

21          (6) the term “Use of Force Report” means the  
22          report described in section 103(a).

# 1 **TITLE I—GENERAL PROVISIONS**

## 2 **SEC. 101. AUTHORITY AND GOVERNING PRINCIPLES.**

3 (a) **AUTHORITY.**—In the absence of a declaration of  
4 war or statutory authorization for a specific use of force,  
5 the President, through powers vested by the Constitution  
6 of the United States and by this Act, is authorized to use  
7 force abroad in accordance with this Act—

8 (1) to repel an armed attack upon the United  
9 States or its armed forces;

10 (2) to respond to a foreign military threat that  
11 severely and directly jeopardizes the supreme na-  
12 tional interests of the United States under emer-  
13 gency conditions that do not permit sufficient time  
14 for Congress to consider statutory authorization or  
15 a declaration of war;

16 (3) to extricate citizens and nationals of the  
17 United States located abroad from situations involv-  
18 ing a direct and imminent threat to their lives;

19 (4) to forestall an imminent act of international  
20 terrorism directed at citizens or nationals of the  
21 United States or to retaliate against the perpetra-  
22 tors of a specific act of international terrorism di-  
23 rected at such citizens or nationals; and

24 (5) to protect internationally recognized rights  
25 of innocent and free passage in the air and on the

1 seas in circumstances where the violation, or threat  
2 of violation, of such rights poses a substantial dan-  
3 ger to the safety of American citizens or the national  
4 security of the United States.

5 (b) GOVERNING PRINCIPLES.—In exercising the au-  
6 thority set forth in subsection (a), the President shall,  
7 without limitation on the constitutional power of Com-  
8 mander in Chief, adhere rigorously to principles of neces-  
9 sity and proportionality, as follows:

10 (1) PRINCIPLES OF NECESSITY:

11 (A) Force may not be used for purposes of  
12 aggression.

13 (B) Before the use of force abroad, the  
14 President shall have determined, with due con-  
15 sideration to the implications under inter-  
16 national law, that the objective could not have  
17 been achieved satisfactorily by means other  
18 than the use of force.

19 (2) PRINCIPLES OF PROPORTIONALITY:

20 (A) The use of force shall be exercised with  
21 levels of force, in a manner, and for a duration  
22 essential to and directly connected with the  
23 achievement of the objective.

24 (B) The diplomatic, military, economic,  
25 and humanitarian consequences of such action

1           shall be in reasonable proportion to the benefits  
2           of the objective.

3 **SEC. 102. CONSULTATION.**

4       (a) **PRIOR CONSULTATION REQUIRED.**—Except  
5 where an emergency exists that does not permit sufficient  
6 time to consult Congress, the President shall seek the ad-  
7 vice of the Congress before any use of force abroad.

8       (b) **CONGRESSIONAL LEADERSHIP GROUP.**—(1) To  
9 facilitate consultation between the President and the Con-  
10 gress, there is established within the Congress the Con-  
11 gressional Leadership Group on the Use of Force Abroad  
12 (hereafter in this Act referred to as the “Congressional  
13 Leadership Group”).

14       (2) The Congressional Leadership Group shall be  
15 composed of—

16           (A) the Speaker of the House of Representa-  
17 tives and the President pro tempore of the Senate;

18           (B) the Majority Leader and the Minority  
19 Leader of the Senate and the Majority Leader and  
20 the Minority Leader of the House of Representa-  
21 tives;

22           (C) the chairman and ranking minority member  
23 of each of the following committees of the Senate:  
24 the Committee on Foreign Relations, the Committee

1 on Armed Services, and the Select Committee on In-  
2 telligence; and

3 (D) the chairman and ranking minority member  
4 of each of the following committees of the House of  
5 Representatives: the Committee on International Re-  
6 lations, the Committee on National Security, and the  
7 Permanent Select Committee on Intelligence.

8 (3) The Speaker of the House of Representatives and  
9 the Majority Leader of the Senate shall each serve as co-  
10 chairman of the Congressional Leadership Group.

11 (c) REGULAR CONSULTATIONS.—(1) Except as the  
12 parties may otherwise determine, whenever Congress is in  
13 session, meetings shall be held, in open or closed session,  
14 for the purpose of facilitating consultation between Con-  
15 gress and the President on foreign and national security  
16 policy, as follows:

17 (A) The President shall meet at least once  
18 every four months with the Congressional Leader-  
19 ship Group.

20 (B) The Secretary of State shall meet at least  
21 once every two months with the Committee on For-  
22 eign Relations of the Senate and the Committee on  
23 International Relations of the House of Representa-  
24 tives.

1           (C) The Secretary of Defense shall meet at  
2           least once every two months with the Committee on  
3           Armed Services of the Senate and the Committee on  
4           National Security of the House of Representatives.

5           (D) The Director of Central Intelligence shall  
6           meet at least once every two months with the Select  
7           Committee on Intelligence of the Senate and the  
8           Permanent Select Committee on Intelligence of the  
9           House of Representatives.

10          (2) Such consultation shall have, among its primary  
11 purposes—

12           (A) identifying potential situations in which the  
13           use of force abroad might be necessary and examin-  
14           ing thoroughly the advisability and lawfulness of  
15           such use of force; and

16           (B) in those instances in which a use of force  
17           abroad has already been undertaken, discussing how  
18           such use of force complies with the objectives and  
19           the authority required to be cited in the appropriate  
20           Use of Force Report and the governing principles  
21           set forth in section 101(b).

22          (d) EMERGENCY CONSULTATIONS.—Under emer-  
23 gency circumstances affecting United States national se-  
24 curity interests, the President should meet promptly with  
25 the Congressional Leadership Group on his own initiative

1 or upon receipt of a special request from its co-chairmen  
2 that is made on their own initiative or pursuant to a re-  
3 quest from a majority of the members of the Congressional  
4 Leadership Group.

5 **SEC. 103. REPORTING REQUIREMENTS AND REFERRAL OF**  
6 **REPORTS.**

7 (a) USE OF FORCE REPORT REQUIRED.—Not later  
8 than 48 hours after commencing a use of force abroad,  
9 the President shall submit to the Speaker of the House  
10 of Representatives and to the President pro tempore of  
11 the Senate a report stating—

12 (1) the objective of such use of force;

13 (2) in the absence of a declaration of war or  
14 specific statutory authorization for such use of force,  
15 the specific paragraph or paragraphs of section  
16 101(a) setting forth the authority for such use of  
17 force; and

18 (3) the manner in which such use of force com-  
19 plies, and will continue to comply with, the govern-  
20 ing principles set forth in section 101(b).

21 Any such report shall be known as a Use of Force Report  
22 and shall state that it is submitted pursuant to this sub-  
23 section.

24 (b) PERIODIC REPORTING REQUIRED.—Whenever  
25 force is used abroad, the President shall, so long as the

1 United States Armed Forces continue to be involved in  
2 the use of force, report to Congress periodically on the  
3 status, scope, and expected duration of such use of force.  
4 Such reports shall be submitted at intervals to be deter-  
5 mined jointly by the President and the Congressional  
6 Leadership Group.

7 (c) REFERRAL OF REPORTS.—Each report transmit-  
8 ted under this section shall be immediately referred to the  
9 Committee on Foreign Relations of the Senate and the  
10 Committee on International Relations of the House of  
11 Representatives.

12 (d) RECONVENING CONGRESS.—If, when a report is  
13 transmitted under this section, the Congress has ad-  
14 journed sine die or has adjourned for any period in excess  
15 of three calendar days, the Speaker of the House of Rep-  
16 resentatives and the Majority Leader of the Senate, if they  
17 deem it advisable (or if petitioned by a majority of the  
18 members of the Congressional Leadership Group or by 30  
19 percent of the membership of either House of Congress)  
20 shall jointly request the President to convene Congress in  
21 order that it may consider the report and take appropriate  
22 action pursuant to this Act.

23 **SEC. 104. CONDITIONS FOR EXTENDED USE OF FORCE.**

24 The President may continue a use of force abroad  
25 for longer than 60 calendar days after the date by which

1 the appropriate Use of Force Report is required to be sub-  
2 mitted only if—

3 (1) Congress has declared war or provided spe-  
4 cific statutory authorization for the use of force  
5 abroad beyond such period;

6 (2) the President has requested that Congress  
7 enact a joint resolution constituting a declaration of  
8 war or statutory authorization under section 105(a)  
9 but such joint resolution has not been subject to a  
10 vote in each House of Congress, notwithstanding the  
11 expedited procedures to which such joint resolution  
12 would be entitled; or

13 (3) the President has determined and certified  
14 to the Speaker of the House of Representatives and  
15 the President pro tempore of the Senate that an  
16 emergency exists that threatens the supreme na-  
17 tional interests of the United States and requires the  
18 President to exceed such period of limitation.

19 **SEC. 105. MEASURES ELIGIBLE FOR CONGRESSIONAL PRI-**  
20 **ORITY PROCEDURES.**

21 (a) **ELIGIBLE JOINT RESOLUTIONS.**—A joint resolu-  
22 tion shall be entitled to the expedited procedures set forth  
23 in section 201—

24 (1) if such resolution—

1 (A) is introduced in a House of Congress  
2 by a Member of Congress pursuant to a request  
3 by the President made in writing to that Mem-  
4 ber, or

5 (B) is introduced in a House of Congress  
6 and satisfies the cosponsorship criteria set forth  
7 in subsection (c); and—

8 (2) if such resolution—

9 (A) constitutes a declaration of war or spe-  
10 cific statutory authorization within the meaning  
11 of this Act, or

12 (B) requires the President to terminate,  
13 limit, or refrain from a use of force abroad.

14 (b) ELIGIBLE CONCURRENT RESOLUTIONS.—A con-  
15 current resolution shall be entitled to the expedited proce-  
16 dures set forth in section 201 if such resolution satisfies  
17 the cosponsorship criteria set forth in subsection (c) and  
18 contains a finding that—

19 (1) a use of force abroad began on a specific  
20 date or that a Use of Force Report was required to  
21 be submitted;

22 (2) a use of force abroad has exceeded the pe-  
23 riod of limitation set forth in section 104;

1           (3) the President has acted outside the author-  
2           ity of section 101(a) or abused the authority of sec-  
3           tion 104(3); or

4           (4) a use of force is otherwise being conducted  
5           in a manner inconsistent with the provisions of this  
6           Act.

7           (c) COSPONSORSHIP CRITERIA.—A joint resolution  
8           described in subsection (a)(1)(B) or a concurrent resolu-  
9           tion described in subsection (b) is a resolution for pur-  
10          poses of section 201 if such resolution has been cospon-  
11          sored—

12           (1) by a majority of the members of the Con-  
13           gressional Leadership Group who are members of  
14           the House of Congress in which it is introduced; or

15           (2) by 30 percent of the membership of the  
16           House of Congress in which it is introduced.

17 **SEC. 106. FUNDING LIMITATIONS.**

18           (a) PROHIBITION.—No funds made available under  
19           any provision of law may be obligated or expended for any  
20           use of force abroad inconsistent with the provisions of this  
21           Act.

22           (b) POINT OF ORDER.—(1) Whenever the Congress  
23           adopts a concurrent resolution making a finding under  
24           paragraph (2), (3), or (4) of section 105(b), it shall there-  
25           after not be in order in either House of Congress to con-

1 sider any bill or joint resolution or any amendment there-  
2 to, or any report of a committee of conference, which au-  
3 thorizes or provides budget authority to carry out such  
4 use of force.

5 (2) Any committee of either House of Congress that  
6 reports any bill or joint resolution, and any committee of  
7 conference which submits any conference report to either  
8 such House, authorizing or providing budget authority  
9 which has the effect of providing resources to carry out  
10 any such use of force, shall include in the accompanying  
11 committee report or joint statement, as the case may be,  
12 a statement that budget authority for that purpose is au-  
13 thorized or provided in such bill, resolution, or conference  
14 report.

15 **SEC. 107. JUDICIAL REVIEW.**

16 (a) STANDING.—(1) Any Member of Congress may  
17 bring an action in the United States District Court for  
18 the District of Columbia for declaratory judgment on the  
19 grounds that the provisions of this Act have been violated.

20 (2) A copy of any complaint in an action brought  
21 under paragraph (1) shall be promptly delivered to the  
22 Secretary of the Senate and the Clerk of the House of  
23 Representatives, and each House of Congress shall have  
24 the right to intervene in such action.

1 (b) THREE-JUDGE COURT.—Any action brought  
2 under subsection (a) shall be heard and determined by a  
3 three-judge court in accordance with section 2284 of title  
4 28, United States Code.

5 (c) JUSTICIABILITY.—(1) In any action brought  
6 under subsection (a), the United States District Court and  
7 the United States Supreme Court, if applicable, shall not  
8 refuse to make a determination on the merits based upon  
9 the doctrine of political question, remedial discretion, equi-  
10 table discretion, ripeness, or any other finding of non-  
11 justiciability, unless such refusal is required by Article III  
12 of the Constitution.

13 (2) Notwithstanding the number, position, or political  
14 party affiliation of any party to an action brought under  
15 subsection (a), it is the intent of Congress that the United  
16 States District Court and, if applicable, the United States  
17 Supreme Court infer that Congress would disapprove of  
18 any use of force inconsistent with the provisions of this  
19 Act and find that an impasse exists between Congress and  
20 the Executive which requires judicial resolution.

21 (d) JUDICIAL REMEDIES.—If the United States Dis-  
22 trict Court, in an action brought under subsection (a),  
23 finds that a Use of Force Report was required to have  
24 been submitted under this Act but was not submitted, it  
25 shall issue an order declaring that the period set forth in

1 section 104 has begun on the date of the United States  
2 District Court's order or on a previous date, as may be  
3 determined by the United States District Court.

4 (e) APPEAL TO SUPREME COURT.—Notwithstanding  
5 any other provision of law, any order entered by the  
6 United States District Court in an action brought under  
7 subsection (a), including any finding that a Use of Force  
8 Report was or was not required to have been submitted  
9 to the Congress, shall be reviewable by appeal directly to  
10 the Supreme Court of the United States. Any such appeal  
11 shall be taken by a notice of appeal filed within 10 days  
12 after such order is entered, and the jurisdictional state-  
13 ment shall be filed within 30 days after such order is en-  
14 tered. No stay of an order issued pursuant to an action  
15 brought under this section shall be issued by a single Jus-  
16 tice of the Supreme Court.

17 (f) EXPEDITED JUDICIAL CONSIDERATION.—It shall  
18 be the duty of the District Court for the District of Colum-  
19 bia and the Supreme Court of the United States to ad-  
20 vance on the docket and to expedite, to the greatest pos-  
21 sible extent consistent with Article III of the Constitution,  
22 the disposition of any matter brought under this section.

23 **SEC. 108. INTERPRETATION.**

24 (a) CONSTRUCTION.—Nothing in this Act may be  
25 construed as requiring any use of force abroad.

1 (b) SPECIFIC AUTHORIZATION REQUIRED.—Author-  
2 ity to use force may not be inferred—

3 (1) from any provision of law, unless such pro-  
4 vision states that it is intended to constitute specific  
5 statutory authorization within the meaning of this  
6 Act; or

7 (2) from any treaty heretofore or hereafter rati-  
8 fied unless such treaty is implemented by a statute  
9 stating that it is intended to constitute specific stat-  
10 utory authorization within the meaning of this Act.

11 (c) STATUS OF CERTAIN CONGRESSIONAL AC-  
12 TIONS.—The disapproval by Congress of, or the failure of  
13 Congress to approve, a measure—

14 (1) terminating, limiting, or prohibiting a use of  
15 force; or

16 (2) containing a finding described in section  
17 105(b);

18 may not be construed as indicating congressional author-  
19 ization or approval of, or acquiescence in, a use of force  
20 abroad, or as a congressional finding that a use of force  
21 abroad is being conducted in a manner consistent with this  
22 Act.

23 **SEC. 109. SEVERABILITY.**

24 (a) SEVERABILITY.—Except as provided in sub-  
25 section (b), if any provision of this Act or the application

1 thereof to any person or circumstance is held invalid, the  
2 remainder of the Act and the application of such provision  
3 to any other person or circumstance shall not be affected  
4 thereby.

5 (b) EXCEPTION.—If section 101(b), 103, 104, or 106  
6 of this Act or the application thereof to any person or cir-  
7 cumstance is held invalid, section 101(a) of this Act shall  
8 be deemed invalid and the application thereof to any other  
9 person or circumstance shall be null and void.

10 **SEC. 110. REPEAL OF THE WAR POWERS RESOLUTION.**

11 The War Powers Resolution (50 U.S.C. 1541 et seq.;  
12 Public Law 93–148), relating to the exercise of war pow-  
13 ers by the President under the Constitution, is hereby re-  
14 pealed.

15 **TITLE II—EXPEDITED**  
16 **PROCEDURES**

17 **SEC. 201. CONGRESSIONAL PRIORITY PROCEDURES.**

18 (a) DEFINITIONS.—For purposes of this section—

19 (1) the term “resolution” means any resolution  
20 described in subsection (a) or (b) of section 105; and

21 (2) the term “session days” means days on  
22 which the respective House of Congress is in session.

23 (b) REFERRAL OF RESOLUTIONS.—A resolution in-  
24 troduced in the House of Representatives shall be referred  
25 to the Committee on International Relations of the House

1 of Representatives. A resolution introduced in the Senate  
2 shall be referred to the Committee on Foreign Relations  
3 of the Senate.

4 (c) DISCHARGE OF COMMITTEE.—(1) If the commit-  
5 tee to which is referred a resolution has not reported such  
6 a resolution (or an identical resolution) at the end of 7  
7 calendar days after its introduction, such committee shall  
8 be discharged from further consideration of such resolu-  
9 tion, and such resolution shall be placed on the appro-  
10 priate calendar of the House of Congress involved.

11 (2) After a committee reports or is discharged from  
12 a resolution, no other resolution with respect to the same  
13 use of force may be reported by or be discharged from  
14 such committee while the first resolution is before the re-  
15 spective House of Congress (including remaining on the  
16 calendar), a committee of conference, or the President.  
17 This paragraph may not be construed to prohibit concur-  
18 rent consideration of a joint resolution described in section  
19 105(a) and a concurrent resolution described in section  
20 105(b).

21 (d) CONSIDERATION OF RESOLUTIONS.—(1)(A)  
22 Whenever the committee to which a resolution is referred  
23 has reported, or has been discharged under subsection (c)  
24 from further consideration of such resolution, notwith-  
25 standing any rule or precedent of the Senate, including

1 Rule 22, it is at any time thereafter in order (even though  
2 a previous motion to the same effect has been disagreed  
3 to) for any Member of the respective House of Congress  
4 to move to proceed to the consideration of the resolution  
5 and, except as provided in subparagraph (B) of this para-  
6 graph or paragraph (2) of this subsection (insofar as it  
7 relates to germaneness and relevancy of amendments), all  
8 points of order against the resolution and consideration  
9 of the resolution are waived. The motion is highly privi-  
10 leged in the House of Representatives and is privileged  
11 in the Senate and is not debatable. The motion is not sub-  
12 ject to a motion to postpone. A motion to reconsider the  
13 vote by which the motion is agreed to or disagreed to shall  
14 be in order, except that such motion may not be entered  
15 for future disposition. If a motion to proceed to the consid-  
16 eration of the resolution is agreed to, the resolution shall  
17 remain the unfinished business of the respective House of  
18 Congress, to the exclusion of all other business, until dis-  
19 posed of, except as otherwise provided in subsection (e)(1).

20 (B) Whenever a point of order is raised in the Senate  
21 against the privileged status of a resolution that has been  
22 laid before the Senate and been initially identified as privi-  
23 leged for consideration under this section upon its intro-  
24 duction pursuant to section 105, such point of order shall  
25 be submitted directly to the Senate. The point of order,

1 “The resolution is not privileged under the Use of Force  
2 Act”, shall be decided by the yeas and the nays after four  
3 hours of debate, equally divided between, and controlled  
4 by, the Member raising the point of order and the man-  
5 ager of the resolution, except that in the event the man-  
6 ager is in favor of such point of order, the time in opposi-  
7 tion thereto shall be controlled by the Minority Leader or  
8 his designee. Such point of order shall not be considered  
9 to establish precedent for determination of future cases.

10 (2)(A)(i) Consideration in a House of Congress of the  
11 resolution, and all amendments and debatable motions in  
12 connection therewith, shall be limited to not more than  
13 12 hours, which, except as otherwise provided in this sec-  
14 tion, shall be equally divided between, and controlled by,  
15 the Majority Leader and the Minority Leader, or by their  
16 designees.

17 (ii) The Majority Leader or the Minority Leader or  
18 their designees may, from the time under their control on  
19 the resolution, allot additional time to any Senator during  
20 the consideration of any amendment, debatable motion, or  
21 appeal.

22 (B) Only amendments which are germane and rel-  
23 evant to the resolution are in order. Debate on any amend-  
24 ment to the resolution shall be limited to 2 hours, except  
25 that debate on any amendment to an amendment shall be

1 limited to 1 hour. The time of debate for each amendment  
2 shall be equally divided between, and controlled by, the  
3 mover of the amendment and the manager of the resolu-  
4 tion, except that in the event the manager is in favor of  
5 any such amendment, the time in opposition thereto shall  
6 be controlled by the Minority Leader or his designee.

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

20 (D) A motion to postpone or a motion to recommit  
21 the resolution is not in order. A motion to reconsider the  
22 vote by which the resolution is agreed to or disagreed to  
23 is in order, except that such motion may not be entered  
24 for future disposition, and debate on such motion shall  
25 be limited to 1 hour.

1           (3) Whenever all the time for debate on a resolution  
2 has been used or yielded back, no further amendments  
3 may be proposed, except as provided in paragraph (2)(C),  
4 and the vote on the adoption of the resolution shall occur  
5 without any intervening motion or amendment, except that  
6 a single quorum call at the conclusion of the debate if re-  
7 quested in accordance with the rules of the appropriate  
8 House of Congress may occur immediately before such  
9 vote.

10          (4) Appeals from the decisions of the Chair relating  
11 to the application of the Rules of the Senate or the House  
12 of Representatives, as the case may be, to the procedure  
13 relating to a resolution shall be limited to one-half hour  
14 of debate, equally divided between, and controlled by, the  
15 Member making the appeal and the manager of the resolu-  
16 tion, except that in the event the manager is in favor of  
17 any such appeal, the time in opposition thereto shall be  
18 controlled by the Minority Leader or his designee.

19          (e) TREATMENT OF OTHER HOUSE'S RESOLU-  
20 TION.—(1) Except as provided in paragraph (2), if, before  
21 the passage by one House of a resolution of that House,  
22 that House receives from the other House a resolution,  
23 then the following procedures shall apply:

1           (A) The resolution of the sending House shall  
2 not be referred to a committee in the receiving  
3 House.

4           (B) With respect to a resolution of the House  
5 receiving the resolution, the procedure in that House  
6 shall be the same as if no resolution had been re-  
7 ceived from the sending House, except that the reso-  
8 lution of the sending House shall be considered to  
9 have been read for the third time.

10           (C) If the resolutions of the sending and receiv-  
11 ing Houses are identical, the vote on final passage  
12 shall be on the resolution of the sending House.

13           (D) If such resolutions are not identical—

14               (i) the vote on final passage shall be on the  
15 resolution of the sending House, with the text  
16 of the resolution of the receiving House inserted  
17 in lieu of the text of the resolution of the send-  
18 ing House;

19               (ii) such vote on final passage shall occur  
20 without debate or any intervening action; and

21               (iii) the resolution shall be returned to the  
22 sending House for proceedings under subsection  
23 (g).

24           (E) Upon disposition of the resolution received  
25 from the other House, it shall no longer be in order

1 to consider the resolution originated in the receiving  
2 House.

3 (2) If one House receives from the other House a res-  
4 olution before any such resolution is introduced in the first  
5 House, then the resolution received shall be referred, in  
6 the case of the House of Representatives, to the Commit-  
7 tee on International Relations and, in the case of the Sen-  
8 ate, to the Committee on Foreign Relations, and the pro-  
9 cedures in that House with respect to that resolution shall  
10 be the same under this section as if the resolution received  
11 had been introduced in that House.

12 (f) TREATMENT OF IDENTICAL RESOLUTIONS.—If  
13 one House receives from the other House a resolution  
14 after the first House has disposed of an identical resolu-  
15 tion, it shall be in order to proceed by nondebatable mo-  
16 tion to consideration of the resolution received by the first  
17 House, and that received resolution shall be disposed of  
18 without debate and without amendment.

19 (g) PROCEDURES APPLICABLE TO AMENDMENTS BE-  
20 TWEEN THE HOUSES OF CONGRESS.—The following pro-  
21 cedures shall apply to dispose of amendments between the  
22 Houses of Congress:

23 (1) Upon receipt by a House of Congress of a  
24 message from the other House with respect to a res-  
25 olution, it is in order for any Member of the House

1 receiving the message to move to proceed to the con-  
2 sideration of the respective resolution. Such motion  
3 shall be disposed of in the same manner as a motion  
4 under subsection (d)(1)(A). Such a motion is not in  
5 order after conferees have been appointed.

6 (2)(A) The time for debate in a House of Con-  
7 gress on any motion required for the disposition of  
8 an amendment by the other House to the resolution  
9 shall not exceed 2 hours, equally divided between,  
10 and controlled by, the mover of the motion and man-  
11 ager of the resolution at each stage of the proceed-  
12 ings between the two Houses, except that in the  
13 event the manager is in favor of any such motion,  
14 the time in opposition thereto shall be controlled by  
15 the Minority Leader or his designee.

16 (B) The time for debate for each amendment to  
17 a motion shall be limited to one-half hour.

18 (C) Only motions proposing amendments which  
19 are germane and relevant are in order.

20 (h) PROCEDURES APPLICABLE TO CONFERENCE RE-  
21 PORTS AND PRESIDENTIAL ACTION.—(1) Either House of  
22 Congress may disagree to an amendment or amendments  
23 made by the other House to a resolution or may insist  
24 upon its amendment or amendments to a resolution, and  
25 request a conference with the other House at anytime. In

1 the case of any disagreement between the two Houses of  
2 Congress with respect to an amendment or amendments  
3 to a resolution which is not resolved within 2 session days  
4 after a House of Congress first amends the resolution  
5 originated by the other House, each House shall be  
6 deemed to have requested and accepted a conference with  
7 the other House. Upon the request or acceptance of a con-  
8 ference, in the case of the Senate, the President pro tem-  
9 pore shall appoint conferees and, in the case of the House  
10 of Representatives, the Speaker of the House shall appoint  
11 conferees.

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

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

1       (4) Debate in a House of Congress on a conference  
2 report or a report filed or returned in disagreement in any  
3 such resolution shall be limited to 3 hours, equally divided  
4 between the Majority Leader and the Minority Leader,  
5 and their designees.

6       (5) In the case of a conference report returned to a  
7 House of Congress in disagreement, an amendment to the  
8 amendment in disagreement is only in order if it is ger-  
9 mane and relevant. The time for debate for such an  
10 amendment shall be limited to one-half hour, to be equally  
11 divided between, and controlled by, the mover of the  
12 amendment and the manager of the resolution, except that  
13 in the event the manager is in favor of any such amend-  
14 ment, the time in opposition thereto shall be controlled  
15 by the Minority Leader or his designee.

16       (6) If a resolution is vetoed by the President, the time  
17 for debate in consideration of the veto message on such  
18 measure shall be limited to 20 hours in each House of  
19 Congress, equally divided between, and controlled by, the  
20 Majority Leader and the Minority Leader, and their des-  
21 ignees.

22       (i) RULES OF THE SENATE AND THE HOUSE.—This  
23 section is enacted by the Congress—

24               (1) as an exercise of the rulemaking power of  
25       the Senate and House of Representatives, respec-

1 tively, and as such it is deemed a part of the rules  
 2 of each House, respectively, but applicable only with  
 3 respect to the procedure to be followed in that  
 4 House in the case of a resolution, and it supersedes  
 5 other rules only to the extent that it is inconsistent  
 6 with such rules; and

7 (2) with full recognition of the constitutional  
 8 right of either House to change rules (so far as re-  
 9 lating to the procedure of that House) at any time,  
 10 in the same manner, and to the same extent as in  
 11 the case of any other rule of that House.

12 **SEC. 202. REPEAL OF OBSOLETE EXPEDITED PROCEDURES.**

13 Section 1013 of the Department of State Authoriza-  
 14 tion Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a),  
 15 relating to expedited procedures for certain joint resolu-  
 16 tions and bills, is repealed.

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