

2. War Powers Resolution, §§ 5–7 [50 U.S.C. 1544–46]

SEC. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

This section (and section 7, *infra*) should be read in light of *INS v. Chadha*, 462 U.S. 919 (1983).

SEC. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

SEC. 7. (a) Any concurrent resolution introduced pursuant to section 5(c) shall be referred to the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its rec-

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ommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents) and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted upon within three calendar days, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement.

In the 94th Congress the President was granted authority to implement a "Sinai early-warning system" involving the assignment of civilian personnel to noncombat functions. In the same enactment, Congress provided for privileged consideration of a concurrent resolution calling for the removal of such personnel (see 22 U.S.C. 2348 note).

In the 98th Congress the Committee on Foreign Affairs reported a joint resolution providing statutory authorization under the War Powers Resolution for a multinational peacekeeping force in Lebanon. The joint resolution would have been subject to consideration under the procedural provisions of the statute, but the House adopted a special order reported from the Committee on Rules varying the procedures for consideration of the joint resolution and also providing for consideration of a similar Senate joint resolution (H. Res. 318, Sept. 28, 1983, p. 26108). The House subsequently passed a Senate joint resolution on the subject that changed the Rules of the House and Senate to provide special procedures for consideration

of a joint resolution or bill to amend or repeal its provisions (P.L. 98–119, Sept. 29, 1983, p. 26493).

The 98th Congress provided for expedited consideration in the Senate of bills or joint resolutions requiring the removal of U.S. forces engaged in hostilities outside U.S. territory without a declaration of war (P.L. 98–164, 97 Stat. 1062). Those procedures appear in section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (P.L. 94–329; 90 Stat. 765).

In the 102d and 107th Congresses the President was granted specific authority within the meaning of section 5(b) of the Act to use U.S. armed forces (P.L. 102–1; P.L. 107–40; P.L. 107–243).

In the 103d Congress the Committee on Foreign Affairs reported H. Con. Res. 170, directing the President pursuant to 5(c) of the Act to remove United States Armed Forces from Somalia by January 31, 1994. By unanimous consent the House extended by one day the time for privileged consideration of that concurrent resolution under section 7(b) (Nov. 4, 1993, p. 27393).

In the 105th Congress the Committee on International Relations (now Foreign Affairs) reported H. Con. Res. 227, directing the President pursuant to section 5(c) of the Act to remove United States Armed Forces from the Republic of Bosnia and Herzegovina. By unanimous consent the House postponed consideration of the concurrent resolution until a date certain and provided for its consideration under a “closed” procedure (Mar. 12, 1998, p. 3398).

In the 106th Congress the Committee on International Relations (now Foreign Affairs) reported H. Con. Res. 82, directing the President pursuant to section 5(c) of the Act to remove United States Armed Forces from their positions in connection with the operations against the Federal Republic of Yugoslavia, and H. J. Res. 44, pursuant to section 5(b) of the Act and article I, section 8 of the Constitution, declaring a state of war between the United States and the Government of the Federal Republic of Yugoslavia. The House adopted a special order reported from the Committee on Rules varying the statutory procedures for consideration of both the concurrent resolution and the joint resolution (H. Res. 151, Apr. 28, 1999, p. 7718).

3. National Emergencies Act [50 U.S.C. 1601, 1621, 1622]

TITLE I—TERMINATING EXISTING DECLARED EMERGENCIES

[50 U.S.C. 1601]

SEC. 101. (a) All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency, as defined in section 105 of title 5, United States Code, as a result of the