

107TH CONGRESS
1ST SESSION

H. J. RES. 27

To repeal the War Powers Resolution to fulfill the intent of the framers of the Constitution that Congress and not the President has the power to declare war, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2001

Mr. PAUL introduced the following joint resolution; which was referred to the Committee on International Relations, and in addition to the Committees on Armed Services, Rules, and the Judiciary, 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 repeal the War Powers Resolution to fulfill the intent of the framers of the Constitution that Congress and not the President has the power to declare war, and for other purposes.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3

4 **SECTION 1. SHORT TITLE.**

5 This joint resolution may be cited as the “Constitu-
6 tional War Powers Resolution of 2001”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this joint resolution to fulfill the
3 intent of the framers of the Constitution that Congress
4 and not the President has the power to declare war.

5 **SEC. 3. REPEAL OF WAR POWERS RESOLUTION.**

6 The War Powers Resolution (Public Law 93–148; 50
7 U.S.C. 1541 et seq.) is repealed.

8 **SEC. 4. DEPLOYMENT OF ARMED FORCES INTO HOS-**
9 **TILITIES AND OTHER SIMILAR SITUATIONS.**

10 (a) REQUIREMENT.—Elements of the Armed Forces
11 may be deployed into hostilities outside the United States
12 or into situations where imminent involvement in hos-
13 tilities outside the United States is clearly indicated by
14 the circumstances only pursuant to (1) a declaration of
15 war under article 1, section 8 of the Constitution, or (2)
16 an attack upon the United States or the territories or pos-
17 sessions of the United States.

18 (b) PROHIBITION ON USE OF FUNDS.—None of the
19 funds appropriated or otherwise made available to the De-
20 partment of Defense may be obligated or expended for the
21 deployment of elements of the Armed Forces in contraven-
22 tion of subsection (a).

23 (c) EFFECTIVE DATE.—This section applies with re-
24 spect to the deployment of elements of the Armed Forces
25 before, on, or after the date of the enactment of this joint
26 resolution.

1 **SEC. 5. STANDING TO CHALLENGE PRESIDENTIAL ORDERS**
2 **WHICH CONTRAVENE SECTION 4.**

3 (a) **STANDING.**—The following persons may bring an
4 action in an appropriate United States court to challenge
5 the validity of any Presidential order which contravenes
6 section 4 of this Act:

7 (1) **CONGRESS AND ITS MEMBERS.**—The House
8 of Representatives, the Senate, any Senator, and
9 any Representative to the House of Representatives.

10 (2) **AGGRIEVED PERSONS.**—Any person ag-
11 grievied in a liberty or property interest adversely af-
12 fected directly by the challenged Presidential order.

13 (b) **DEFINITION.**—In this section, the term “Presi-
14 dential order” means—

15 (1) any Executive order, Presidential proclama-
16 tion, or Presidential directive; and

17 (2) any other Presidential or Executive action
18 by whatever name described which is issued under
19 the authority of the President or any other officer
20 or employee of the executive branch.

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