

110TH CONGRESS
1ST SESSION

H. J. RES. 53

To amend the War Powers Resolution to ensure the collective judgment of both the Congress and the President will apply to the initiation of hostilities by the Armed Forces, the continued use of the Armed Forces in hostilities, and the participation of the Armed Forces in military operations of the United Nations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. JONES of North Carolina introduced the following joint resolution; which was referred to the Committee on Foreign Affairs, 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 to ensure the collective judgment of both the Congress and the President will apply to the initiation of hostilities by the Armed Forces, the continued use of the Armed Forces in hostilities, and the participation of the Armed Forces in military operations of the United Nations.

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

1 **SECTION 1. SHORT TITLE.**

2 This joint resolution may be cited as the “Constitu-
3 tional War Powers Amendments of 2007”.

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

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

8 **“SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

9 “(a) SHORT TITLE.—This joint resolution may be
10 cited as the ‘Constitutional War Powers Resolution’.

11 “(b) TABLE OF CONTENTS.—The table of contents
12 for this joint resolution is as follows:

- “Sec. 1. Short title and table of contents.
- “Sec. 2. Declaration of policy and purpose.
- “Sec. 3. Uses of the Armed Forces in hostilities.
- “Sec. 4. Consultation between the President and Congress.
- “Sec. 5. Reports to the Congress.
- “Sec. 6. Congressional action with respect to hostilities.
- “Sec. 7. Congressional expedited procedures.
- “Sec. 8. Judicial review.
- “Sec. 9. Rules of interpretation.
- “Sec. 10. Rules of construction.
- “Sec. 11. Definitions.
- “Sec. 12. Separability clause.

13 **“SEC. 2. DECLARATION OF POLICY AND PURPOSE.**

14 “(a) DECLARATION OF POLICY.—The Congress de-
15 clares that—

16 “(1) the decision of the United States to pro-
17 vide for the initiation of hostilities by the Armed
18 Forces, except for a limited range of defensive pur-
19 poses, requires a collective judgment of the Congress
20 and the President;

1 “(2) the conduct of the Armed Forces in hos-
 2 tilities requires undivided command by the Com-
 3 mander-in-Chief; and

4 “(3) the continued use of the Armed Forces in
 5 hostilities ultimately requires continued appropria-
 6 tion and oversight by the Congress.

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

12 “(1) the initiation of hostilities by the Armed
 13 Forces,

14 “(2) the continued use of the Armed Forces in
 15 hostilities, and

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

18 **“SEC. 3. USES OF THE ARMED FORCES IN HOSTILITIES.**

19 “(a) IN GENERAL.—The initiation of hostilities by
 20 the Armed Forces may occur only as follows:

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

23 “(2) SPECIFIC STATUTORY AUTHORIZATION.—
 24 In accordance with a specific statutory authoriza-

tion, which shall include the duration of the authority for the deployment of the Armed Forces.

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

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

“(B) to take necessary and appropriate retaliatory actions in the event of such an attack.

“(4) ARMED ATTACK ON THE ARMED FORCES.—To the extent necessary to repel an armed attack against Armed Forces located outside the United States.

“(5) EVACUATION OF UNITED STATES CITIZENS.—To the extent necessary to protect United States citizens or nationals while evacuating them as rapidly as possible from a situation, outside the United States to include international waters and airspace. Where the source of the threat is within a foreign country, the threat is supported by the government of that country or the government of that country is unable or unwilling to control the situation, the President shall make every effort to terminate any such threat without using the Armed Forces. Before using the Armed Forces to protect United States citizens or nationals being evacuated

1 from a foreign country in accordance with this para-
2 graph, the President shall, where possible, obtain the
3 consent of the government of that country.

4 “(b) FUNDING LIMITATION.—Funds appropriated or
5 otherwise made available under any law may not be obli-
6 gated or expended for any initiation, other than an initi-
7 ation described in subsection (a), of hostilities by the
8 Armed Forces.

9 **“SEC. 4. CONSULTATION BETWEEN THE PRESIDENT AND**
10 **CONGRESS.**

11 “(a) REQUIREMENTS FOR CONSULTATION.—(1) The
12 President shall consult with the Congress before the initi-
13 ation of hostilities by the Armed Forces in accordance with
14 any of paragraphs (1) and (2) of section 3(a). After every
15 such initiation, the President shall consult regularly with
16 the Congress until the Armed Forces are no longer in hos-
17 tilities. The President, in every possible instance, shall
18 consult with the Congress before the initiation of hos-
19 tilities by the Armed Forces in accordance with any of
20 paragraphs (3) through (5) of section (3)(a).

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

23 “(A) before Armed Forces are introduced into
24 the territory, airspace, or waters of a foreign country
25 while equipped for combat, except for deployments

1 which relate solely to supply, replacement, repair, or
2 training of such forces;

3 “(B) before Armed Forces are introduced into
4 the territory, airspace, or waters of a foreign country
5 in which there are already Armed Forces equipped
6 for combat if such initiation would substantially en-
7 large the number of Armed Forces equipped for
8 combat located in that country or otherwise substan-
9 tially increase the military capabilities of such
10 forces; or

11 “(C) before committing Armed Forces to an op-
12 eration authorized by the United Nations Security
13 Council under chapter VII of the United Nations
14 Charter.

15 “(b) EXECUTIVE-LEGISLATIVE CONSULTATIVE
16 GROUP.—The consultation required by subsection (a)
17 shall include participation by—

18 “(1) the President and those senior executive
19 branch officials designated by the President; and

20 “(2) the Speaker of the House of Representa-
21 tives, the President pro tempore of the Senate, and
22 the Majority Leader and Minority Leader of the
23 House of Representatives and the Senate.

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

2 “(a) REPORTING REQUIREMENT RELATING TO USE
3 OF THE ARMED FORCES PURSUANT TO A DECLARATION
4 OF WAR OR SPECIFIC STATUTORY AUTHORIZATION.—The
5 President shall submit the report described in subsection
6 (c) before the initiation of hostilities by the Armed Forces
7 in accordance with paragraph (1) or (2) of section 3(a).

8 “(b) REPORTING REQUIREMENT RELATING TO
9 EMERGENCY USE OF THE ARMED FORCES.—The Presi-
10 dent shall submit the report described in subsection (c)
11 within 48 hours after the initiation of hostilities by the
12 Armed Forces in accordance with paragraph (3), (4), or
13 (5) of section 3(a).

14 “(c) DESCRIPTION OF REPORT REQUIRED.—The re-
15 port required by subsections (a) and (b) is a written report
16 submitted by the President to the Speaker of the House
17 of Representatives and the President pro tempore of the
18 Senate on the same calendar day, setting forth—

19 “(1) the circumstances necessitating the initi-
20 ation of hostilities by the Armed Forces;

21 “(2) the specific constitutional and legislative
22 authority under which such initiation is permissible;

23 “(3) the estimated scope and duration of the
24 hostilities or the involvement of the Armed Forces,
25 as the case may be;

1 “(4) the estimated cost of the hostilities, includ-
2 ing post-hostility reconstruction;

3 “(5) the assets of the Armed Forces to be intro-
4 duced or introduced;

5 “(6) an assessment of the diplomatic impact on
6 United States foreign relations; and

7 “(7) a detailed assessment of post-hostilities
8 scenarios, including the size of military forces and
9 the duration of deployment necessitated under each
10 alternative scenario.

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

13 “(d) CONTINUING REPORTS.—Whenever hostilities
14 are initiated by the Armed Forces the President shall, so
15 long as the Armed Forces continue to be involved in those
16 or related hostilities, report to the Congress periodically
17 on the status of such hostilities as well as on the scope
18 and estimated duration of such hostilities, but in no event
19 shall the President report to the Congress less often than
20 once every six months.

21 **“SEC. 6. CONGRESSIONAL ACTION WITH RESPECT TO HOS-**
22 **TILITIES.**

23 “(a) RECEIPT OF SECTION 5(b) REPORT.—Each re-
24 port submitted pursuant to section 5(b) shall be referred
25 to the Committee on Foreign Affairs of the House of Rep-

1 representatives and to the Committee on Foreign Relations
 2 of the Senate for appropriate action. If, when the report
 3 is transmitted, the Congress has adjourned sine die or has
 4 adjourned for any period in excess of three calendar days,
 5 the Speaker of the House of Representatives and the
 6 President pro tempore of the Senate, if they deem it advis-
 7 able (or if they are petitioned by at least 30 percent of
 8 the membership of their respective Houses) shall jointly
 9 request the President to convene the Congress in order
 10 that it may consider the report and take appropriate ac-
 11 tion pursuant to this section.

12 “(b) REQUIREMENT FOR SPECIFIC STATUTORY AU-
 13 THORIZATION FOR CONTINUED INVOLVEMENT.—Within
 14 30 calendar days after the initiation of hostilities by the
 15 Armed Forces in accordance with paragraph (3), (4), or
 16 (5) of section 3(a), the President shall remove the Armed
 17 Forces from those hostilities unless the Congress—

18 “(1) has declared war;

19 “(2) has enacted a joint resolution providing
 20 specific authorization for such use of the Armed
 21 Forces;

22 “(3) has extended by law such 30-day period; or

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

1 “(c) FUNDING LIMITATION.—Unless one of the num-
 2 bered paragraphs of subsection (b) applies, after the expi-
 3 ration of the period specified in that subsection (including
 4 any extension of that period in accordance with that sub-
 5 section), funds appropriated or otherwise made available
 6 under any law may not be obligated or expended to con-
 7 tinue the involvement of the Armed Forces in the hos-
 8 tilities. This subsection does not, however, prohibit the use
 9 of funds to remove the Armed Forces from hostilities.

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, so long as
 16 that resolution contains only provisions which are
 17 relevant to those hostilities;

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

22 “(3) that references this section.

23 “(b) PROCEDURE IN HOUSE OF REPRESENTA-
 24 TIVES.—(1) This subsection applies to the consideration
 25 of a privileged resolution in the House of Representatives.

1 “(2) A privileged resolution introduced in the House
2 of Representatives shall be referred, upon introduction, to
3 the Committee on Foreign Affairs. A privileged resolution
4 shall not be sequentially referred.

5 “(3)(A) If, at the end of 10 calendar days after the
6 introduction of a privileged resolution, the Committee on
7 Foreign Affairs has not reported that resolution, that
8 committee shall be discharged from further consideration
9 of that resolution and that resolution shall be placed on
10 the appropriate calendar of the House, or at any time
11 prior to the end of such 10-day period if 30 percent of
12 the membership of the House requests that the resolution
13 be immediately placed on the appropriate calendar of the
14 House.

15 “(B) After a privileged resolution has been placed on
16 the appropriate calendar, no other privileged resolution
17 with respect to the same hostilities may be reported by
18 or be discharged from any committee under this sub-
19 section while the first resolution—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(iii) Upon disposition of a privileged resolution
25 received from the Senate, consideration of the privi-

1 leged resolution of the House shall no longer be privi-
2 ileged under this section.

3 “(B) If the House receives from the Senate a privi-
4 leged resolution before any privileged resolution is intro-
5 duced in the House with respect to the same or related
6 hostilities, then the resolution of the Senate shall be re-
7 ferred to the appropriate committee or committees, and
8 the procedures in the House with respect to that resolu-
9 tion shall be the same under this subsection as if the reso-
10 lution received had been introduced in the House.

11 “(C) If the House receives from the Senate a privi-
12 leged resolution after the House has disposed of an iden-
13 tical privileged resolution, it shall be in order to proceed
14 by a highly privileged, nondebatable motion to consider-
15 ation of the resolution of the Senate, and that resolution
16 shall be disposed of without debate and without amend-
17 ment.

18 “(6) A motion to disagree with amendments of the
19 Senate to a privileged resolution of the House and request
20 or agree to a conference with the Senate, or a motion to
21 insist on the House amendments to a privileged resolution
22 of the Senate and request or agree to a conference of the
23 Senate, is highly privileged.

24 “(7)(A) If the conferees are unable to agree on resolv-
25 ing the differences between the two Houses with respect

1 to a privileged resolution within 72 hours after the second
2 House is notified that the first House has agreed to con-
3 ference, they shall report back to their respective House
4 in disagreement.

5 “(B) Notwithstanding any rule of the House of Rep-
6 resentatives concerning the printing of conference reports
7 in the Congressional Record or concerning any delay in
8 the consideration of such reports, a conference report with
9 respect to a privileged resolution, including a report filed
10 in disagreement, shall be acted on in the House of Rep-
11 resentatives not later than 2 session days after the House
12 files the report provided the report has been available for
13 2 hours. The conference report (and any amendment re-
14 ported in disagreement) shall be deemed to have been
15 read. Debate on such a conference report shall be limited
16 to 3 hours, equally divided between, and controlled by the
17 Majority Leader and the Minority Leader (or their des-
18 ignees).

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

22 “(8) This subsection is enacted by the House of Rep-
23 resentatives—

24 “(A) as an exercise of the rulemaking power of
25 the House of Representatives, and as such it is

1 deemed a part of the rules of the House, but appli-
 2 cable only with respect to the procedure to be fol-
 3 lowed in the House in the case of a privileged resolu-
 4 tion, and it supersedes other rules only to the extent
 5 that it is inconsistent with such rules; and

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

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

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

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

18 “(4)(A) If the Committee on Foreign Relations has
 19 not reported a privileged resolution (or an identical resolu-
 20 tion) at the end of 7 calendar days after the introduction
 21 of that resolution, that committee shall be discharged from
 22 further consideration of that resolution, and that resolu-
 23 tion shall be placed on the appropriate calendar of the
 24 Senate.

1 “(B) After a committee reports or is discharged from
 2 a privileged resolution, no other resolution with respect to
 3 the same or related hostilities may be reported by or be
 4 discharged from such committee while the first resolu-
 5 tion—

6 “(i) is before the Senate (including remaining
 7 on the calendar),

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

13 “(iii) is before a committee of conference or
 14 otherwise awaiting disposition of amendments be-
 15 tween the Houses, or

16 “(iv) is awaiting transmittal to the President or
 17 is before the President.

18 “(5)(A)(i) When the committee to which a privileged
 19 resolution is referred has reported, or has been discharged
 20 under paragraph (4) from further consideration of that
 21 resolution, it is at any time thereafter in order (even
 22 though a previous motion to the same effect has been dis-
 23 agreed to) for any Member of the Senate to move to pro-
 24 ceed to the consideration of the resolution, notwith-
 25 standing any rule or precedent of the Senate, including

1 Rule 22. Except as provided in clause (ii) of this subpara-
2 graph or subparagraph (B) of this paragraph (insofar as
3 it relates to germaneness and relevancy of amendments),
4 all points of order against a privileged resolution and con-
5 sideration of the resolution are waived. The motion is priv-
6 ileged and is not debatable. The motion is not subject to
7 a motion to postpone. A motion to reconsider the vote by
8 which the motion is agreed to or disagreed to shall be in
9 order, except that such motion may not be entered for fu-
10 ture disposition. If a motion to proceed to the consider-
11 ation of a privileged resolution is agreed to, the resolution
12 shall remain the unfinished business of the Senate, to the
13 exclusion of all other business, until disposed of, except
14 as otherwise provided in paragraph (6)(A).

15 “(ii) Whenever a point of order is raised in the Senate
16 against the privileged status of a resolution that has been
17 laid before the Senate and been initially identified as privi-
18 leged for consideration under this subsection upon its in-
19 troduction, such point of order shall be submitted directly
20 to the Senate. The point of order, ‘The resolution is not
21 privileged under the Constitutional War Powers Resolu-
22 tion’, shall be decided by the yeas and the nays after four
23 hours of debate, equally divided between, and controlled
24 by, the Member raising the point of order and the man-
25 ager of the resolution, except that in the event the man-

1 ager is in favor of such point of order, the time in opposi-
2 tion thereto shall be controlled by the Minority Leader or
3 his designee. Such point of order shall not be considered
4 to establish precedent for determination of future cases.

5 “(B)(i) Consideration in the Senate of a privileged
6 resolution, and all amendments and debatable motions in
7 connection therewith, shall be limited to not more than
8 12 hours, which, except as otherwise provided in this sub-
9 section, shall be equally divided between, and controlled
10 by, the Majority Leader and the Minority Leader, or by
11 their designees. The Majority Leader or the Minority
12 Leader or their designees may, from the time under their
13 control on the resolution, allot additional time to any Sen-
14 ator during the consideration of any amendment, debat-
15 able motion, or appeal.

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

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

24 “(iv) The time of debate for each amendment shall
25 be equally divided between, and controlled by, the mover

1 of the amendment and the manager of the resolution, ex-
 2 cept that in the event the manager is in favor of any such
 3 amendment, the time in opposition thereto shall be con-
 4 trolled by the Minority Leader or his designee.

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

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

24 “(C) Whenever all the time for debate on a privileged
 25 resolution has been used or yielded back, no further

1 amendments may be proposed, except as provided in sub-
2 paragraph (B)(iii), and the vote on the adoption of the
3 resolution shall occur without any intervening motion or
4 amendment, except that a single quorum call at the con-
5 clusion of the debate if requested in accordance with the
6 rules of the Senate may occur immediately before such
7 vote.

8 “(D) Appeals from the decisions of the Chair relating
9 to the application of the Rules of the Senate to the proce-
10 dure relating to a privileged resolution shall be limited to
11 one-half hour of debate, equally divided between, and con-
12 trolled by, the Member making the appeal and the man-
13 ager of the resolution, except that in the event the man-
14 ager is in favor of any such appeal, the time in opposition
15 thereto shall be controlled by the Minority Leader or his
16 designee.

17 “(6)(A) Except as provided in subparagraph (B), if,
18 before the passage by the Senate of a privileged resolution
19 of the Senate, the Senate receives a privileged resolution
20 from the House of Representatives with respect to the
21 same or related hostilities, then the following procedures
22 shall apply:

23 “(i) The privileged resolution of the House of
24 Representatives shall not be referred to a committee.

1 “(ii) With respect to the privileged resolution of
2 the Senate—

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

6 “(II) the resolution of the House of Rep-
7 resentatives shall be considered to have been
8 read for the third time; the vote on final pas-
9 sage shall be on the resolution of the House of
10 Representatives (if such resolutions are iden-
11 tical) or on the resolution of the House of Rep-
12 resentatives (if not identical), with the text of
13 the resolution of the Senate inserted in lieu of
14 the text of the resolution of the House of Rep-
15 resentatives; and such vote on final passage
16 shall occur without debate or any intervening
17 action.

18 “(iii) Upon disposition of a privileged resolution
19 received from the House of Representatives, it shall
20 no longer be in order to consider the resolution origi-
21 nated in the Senate.

22 “(B) If the Senate receives a privileged resolution
23 from the House of Representatives before any privileged
24 resolution is introduced in the Senate with respect to the
25 same or related hostilities, then the resolution received

1 shall be referred to the Committee on Foreign Relations,
2 and the procedures in the Senate with respect to that reso-
3 lution shall be the same under this section as if the resolu-
4 tion received had been introduced in the Senate.

5 “(7) If the Senate receives a privileged resolution
6 from the House of Representatives after the Senate has
7 disposed of an identical privileged resolution, it shall be
8 in order to proceed by nondebatable motion to consider-
9 ation of the resolution received by the Senate, and that
10 resolution shall be disposed of without debate and without
11 amendment.

12 “(8)(A)(i) The time for debate in the Senate on all
13 motions required for the disposition of amendments be-
14 tween the Houses shall not exceed 2 hours, equally divided
15 between, and controlled by, the mover of the motion and
16 the manager of the resolution at each stage of the pro-
17 ceedings between the two Houses, except that in the event
18 the manager is in favor of any such motion, the time in
19 opposition thereto shall be controlled by the Minority
20 Leader or his designee. In the case of any disagreement
21 between the two Houses of Congress with respect to a
22 privileged resolution which is not resolved, any Senator
23 may make any motion or motions referred to in this clause
24 within 2 session days after action by the second House

1 or before the appointment of conferees, whichever comes
2 first.

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

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

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

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

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

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

14 **“SEC. 8. JUDICIAL REVIEW.**

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

21 “(b) **EXPEDITED CONSIDERATION.**—Any court in
22 which an action described in subsection (a) is heard shall
23 accord such action the highest priority and shall announce
24 its judgment as speedily as the requirements of Article III
25 of the Constitution permit.

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

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

5 “(a) OTHER STATUTES AND TREATIES.—Authority
 6 for the initiation of hostilities by the Armed Forces shall
 7 not be inferred—

8 “(1) from any provision of law (including any
 9 provision in effect before the date of enactment of
 10 this joint resolution), including any provision con-
 11 tained in any appropriation Act, unless that provi-
 12 sion specifically authorizes the initiation of hostilities
 13 by the Armed Forces and states that it is intended
 14 to constitute specific statutory authorization within
 15 the meaning of this joint resolution; or

16 “(2) from any treaty heretofore or hereafter
 17 ratified unless that treaty is implemented by legisla-
 18 tion specifically authorizing the initiation of hos-
 19 tilities by the Armed Forces and stating that it is
 20 intended to constitute specific statutory authoriza-
 21 tion within the meaning of this joint resolution.

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

24 “(1) terminating, limiting, or prohibiting the in-
 25 volvement of the Armed Forces in hostilities, or

1 “(2) finding that the President or the Armed
2 Forces are acting in violation of this joint resolution,
3 may not be construed as indicating congressional author-
4 ization or approval of, or acquiescence in, the involvement
5 of the Armed Forces in any hostilities or as a finding by
6 the Congress that such involvement is consistent with this
7 joint resolution.

8 **“SEC. 10. RULES OF CONSTRUCTION.**

9 “Nothing in this joint resolution shall be construed
10 to alter the constitutional authority of Congress or the
11 President or the provisions of any treaty or other inter-
12 national agreement to which the United States is a party
13 as of the date of the enactment of this joint resolution.
14 No authorization by a treaty organization or international
15 body to which the United States is a member, or author-
16 ization under international law generally, shall substitute
17 for a declaration of war required by paragraph (1) of sec-
18 tion 3(a) or specific statutory authorization required by
19 paragraph (2) of such section. No provision of law enacted
20 before the date of the enactment of this joint resolution
21 shall be construed to authorize the use of military force
22 by the United States.

23 **“SEC. 11. DEFINITIONS.**

24 “For purposes of this joint resolution, the following
25 definitions apply:

1 “(1) ARMED FORCES.—The term ‘Armed
2 Forces’ has the meaning given the term in section
3 101 of title 10, United States Code, and includes the
4 National Guard.

5 “(2) HOSTILITIES.—The term ‘hostilities’ in-
6 cludes a situation where overt acts of warfare are
7 taking place, such as—

8 “(A) the exchange of fire between regular
9 or irregular military forces, or

10 “(B) the aerial or naval bombardment of
11 military or civilian targets by regular or irreg-
12 ular military forces,

13 regardless of whether the Armed Forces are partici-
14 pating in the exchange of fire or the bombardment;

15 “(3) INITIATE AND INITIATION.—The terms
16 ‘initiate’ and ‘initiation’ include—

17 “(A) any commitment, engagement, or
18 other involvement of the Armed Forces in hos-
19 tilities, including the taking of self-defense
20 measures by the Armed Forces in response to
21 an attack or threatened attack;

22 “(B) the assigning or detailing of members
23 of the Armed Forces to command, coordinate,
24 participate in the movement of, accompany, or
25 provide logistical support or training for any

1 foreign regular or irregular military forces if
 2 those forces are involved in hostilities (regard-
 3 less of whether those hostilities involve insur-
 4 gent forces or the military forces of a foreign
 5 country); and

6 “(C) the assigning or detailing of members
 7 of the Armed Forces to an operation authorized
 8 by the United Nations Security Council under
 9 chapter VII of the United Nations Charter.

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

13 **“SEC. 12. SEPARABILITY CLAUSE.**

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

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