

110TH CONGRESS
1ST SESSION

S. RES. 39

Expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2007

Mr. BYRD submitted the following resolution; which was referred to the
Committee on Foreign Relations

RESOLUTION

Expressing the sense of the Senate on the need for approval by the Congress before any offensive military action by the United States against another nation.

Whereas the United States has the best trained, most effective military in the world;

Whereas the United States military is made up of dedicated, patriotic men and women;

Whereas the men and women in the United States military reflect the highest values and the spirit of our Nation;

Whereas the United States Government has the responsibility to ensure that the men and women of the United States military are provided for to the fullest extent;

Whereas the United States Government has the responsibility to make certain that the lives of the men and women of the United States military are never put at risk without the utmost consideration;

Whereas military action by the United States must not be undertaken without the most careful preparation;

Whereas the Constitution of the United States is designed to meet the needs of the Nation in peace and in war and to meet any common danger to the Nation;

Whereas, in time of war and periods of emergency, in particular, the constitutional principles of separation of powers and checks and balances are most critical; and

Whereas offensive military action by the United States must not be undertaken without full and thorough debate in the Congress: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate—

2 (1) that, under the Constitution of the United
3 States, it is the Congress that has the power to take
4 the country from a state of peace to a state of war
5 against another nation;

6 (2) that the framers of the Constitution under-
7 stood that the President, in an emergency, may act
8 to defend the country and repel sudden attack, but
9 reserved the matter of offensive war to the Congress
10 as the representatives of the people;

11 (3) that the Senate affirms the requirement
12 under the Constitution that the President seek ap-
13 proval of the Congress before the United States un-

1 dertakes offensive military action against another
2 nation;

3 (4) that consultation by the President with the
4 Congress on any United States undertaking of offen-
5 sive military action against another nation must
6 allow sufficient time for the Congress to fully debate
7 the matter and shape national policy; and

8 (5) that any offensive military action by the
9 United States against another country shall occur
10 only after the Congress has authorized such action.

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