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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. J. RES. _____

To amend the War Powers Resolution, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DEFAZIO introduced the following joint resolution; which was referred to
the Committee on _____

JOINT RESOLUTION

To amend the War Powers Resolution, and for other
purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “War Powers Amend-
5 ments of 2021”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) In response to unconstitutional executive
9 branch actions that introduced United States Forces

1 into hostilities without congressional authorization,
2 Congress passed the War Powers Resolution (50
3 U.S.C. 1541 et seq.) to clarify and strengthen its
4 constitutional war powers authorities.

5 (2) The War Powers Resolution remains a cur-
6 rent and constitutionally-valid law. The War Powers
7 Resolution includes the authority of Congress to re-
8 move United States Armed Forces from unauthor-
9 ized engagement in hostilities through adoption of a
10 concurrent resolution or passage of a joint resolu-
11 tion.

12 (3) While Congress possesses robust war powers
13 authorities under the Constitution and the War
14 Powers Resolution, in many cases the executive
15 branch has disregarded these authorities by intro-
16 ducing United States Forces into hostilities without
17 congressional authorization.

18 (b) PURPOSE.—The purpose of this joint resolution
19 is to—

20 (1) reassert Congress’s constitutional war pow-
21 ers authorities, further strengthen the War Powers
22 Resolution, and end the current “forever wars” of
23 the United States; and

24 (2) prevent the executive branch from intro-
25 ducing United States Forces into hostilities, with ex-

1 ceptions in the case of an armed attack upon or im-
2 minent threat to the United States, its Forces, or its
3 citizens overseas, without authorization from Con-
4 gress.

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

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

9 **“SECTION 1. SHORT TITLE; PURPOSE; CONGRESSIONAL**
10 **LEGISLATIVE AUTHORITY.**

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

13 “(b) PURPOSE.—It is the purpose of this joint resolu-
14 tion to fulfill the intent of the framers of the Constitution
15 of the United States and ensure that the collective judg-
16 ment of both the Congress and the President will apply
17 to—

18 “(1) the introduction of United States Forces
19 into hostilities; and

20 “(2) the continued use of United States Forces
21 in hostilities.

22 “(c) CONGRESSIONAL LEGISLATIVE AUTHORITY.—
23 Among the powers granted to the Congress by the Con-
24 stitution are—

25 “(1) the power to declare war;

1 “(2) the power of the purse (‘No Money shall
2 be drawn from the Treasury, but in Consequence of
3 Appropriations made by Law’); and

4 “(3) the power to make all laws necessary and
5 proper for carrying into execution not only its own
6 powers but also all other powers vested by the Con-
7 stitution in the Government of the United States, or
8 in any department or officer thereof.

9 **“SEC. 2. EMERGENCY USES OF UNITED STATES FORCES IN**
10 **HOSTILITIES.**

11 “(a) IN GENERAL.—United States Forces may be in-
12 troduced into hostilities only as follows:

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

15 “(2) SPECIFIC STATUTORY AUTHORIZATION.—

16 “(A) IN GENERAL.—In accordance with a
17 specific statutory authorization described in
18 subparagraph (B).

19 “(B) SPECIFIC STATUTORY AUTHORIZA-
20 TION DESCRIBED.—A specific statutory author-
21 ization for introduction of United States Forces
22 into hostilities described in this subparagraph
23 shall—

24 “(i) provide for authorization of the
25 use of necessary and appropriate military

1 force with respect to such use of United
2 States Forces;

3 “(ii)(I) clearly define the threat that
4 necessitates use of such military force, the
5 mission and objectives that use of such
6 military force is authorized to achieve, and
7 identify each foreign country in which such
8 military force is authorized;

9 “(II) clearly define the parameters for
10 when use of such military force is no
11 longer necessary or appropriate; and

12 “(III) clearly and specifically identify
13 each foreign country and organized armed
14 group with respect to which such military
15 force will be used;

16 “(iii) require the President to seek
17 from the Congress a subsequent specific
18 statutory authorization for introduction of
19 United States Forces into hostilities—

20 “(I) if—

21 “(aa) the threat or mission
22 or objectives defined in clause
23 (ii)(I) or the list of foreign coun-
24 tries identified in such clause is
25 to be expanded;

1 “(bb) the parameters de-
2 fined in clause (ii)(II) are to be
3 expanded; or

4 “(cc) the list of foreign
5 countries or organized armed
6 groups identified in clause
7 (ii)(III) is to be expanded; and

8 “(II) which shall include updated
9 information to the information re-
10 quired by clause (ii); and

11 “(iv) provide for termination of the
12 authorization for such use of United States
13 Forces not later than the date that is 2
14 years after the date of the enactment of
15 such authorization unless the Congress en-
16 acts a joint resolution providing a subse-
17 quent specific authorization for such use of
18 United States Forces.

19 “(C) RULE OF CONSTRUCTION.—Nothing
20 in subparagraph (B) may be construed to au-
21 thorize United States Forces to engage in hos-
22 tilities against any foreign country or organized
23 armed group that is not clearly and specifically
24 identified in clause (ii)(III) of such subpara-
25 graph.

1 “(3) ARMED ATTACK ON UNITED STATES.—To
2 the extent necessary and proportionate—

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

5 “(B) to forestall the direct and imminent
6 threat of such an armed attack.

7 “(4) ARMED ATTACK ON UNITED STATES
8 FORCES.—To the extent necessary and propor-
9 tionate—

10 “(A) to repel an armed attack against
11 United States Forces located outside the United
12 States; or

13 “(B) to forestall the direct and imminent
14 threat of such an armed attack.

15 “(5) EVACUATION OF UNITED STATES CITI-
16 ZENS.—To the extent necessary to protect United
17 States citizens or nationals while evacuating them as
18 rapidly as possible from a situation, outside the
19 United States, that directly and imminently threat-
20 ens their lives or liberty and—

21 “(A) the threatened deprivation of life or
22 liberty is unlawful; and

23 “(B) in a case where the source of the
24 threat is within a foreign country, the threat is
25 supported by the government of that country or

1 the government of that country is unable or un-
2 willing to secure the release of the United
3 States citizens or nationals.

4 The President shall make every effort to terminate
5 any such threat through peaceful means without
6 using United States Forces. Before using United
7 States Forces to protect United States citizens or
8 nationals being evacuated from a foreign country in
9 accordance with this paragraph, the President shall,
10 where possible, obtain the consent of the government
11 of that country.

12 “(b) CONDITIONS ON EMERGENCY USE OF UNITED
13 STATES FORCES.—Any use of United States Forces in ac-
14 cordance with paragraph (3), (4), or (5) of subsection
15 (a)—

16 “(1) is subject to the requirements of sections
17 3, 4, and 5; and

18 “(2) shall be limited, in terms of United States
19 Forces which are used and the manner in which they
20 are used, to such use as is essential in order to
21 achieve the purpose described in that paragraph.

22 “(c) FUNDING LIMITATION.—Funds appropriated or
23 otherwise made available under any law may not be obli-
24 gated or expended for any introduction, other than an in-

1 introduction described in subsection (a), of United States
2 Forces into hostilities.

3 **“SEC. 3. CONSULTATION BETWEEN THE PRESIDENT AND**
4 **CONGRESS.**

5 “(a) REQUIREMENTS FOR CONSULTATION.—(1) The
6 President, in every possible instance, shall consult with the
7 Congress before United States Forces are introduced into
8 hostilities in accordance with paragraph (3), (4), or (5)
9 of section 2(a). After every such introduction, the Presi-
10 dent shall consult regularly with the Congress until United
11 States Forces are no longer in hostilities.

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

14 “(A) before United States Forces are intro-
15 duced into a foreign country while equipped for com-
16 bat, except for deployments which relate solely to
17 supply, replacement, repair, or training of such
18 forces; or

19 “(B) before United States Forces are intro-
20 duced into a foreign country in which there are al-
21 ready United States Forces equipped for combat if
22 such introduction would substantially enlarge the
23 number of United States Forces equipped for com-
24 bat located in that country or otherwise substantially
25 increase the military capabilities of such forces.

1 “(b) EXECUTIVE-LEGISLATIVE CONSULTATIVE
2 GROUP.—The consultation required by subsection (a)
3 shall include participation by—

4 “(1) the President, the Secretary of State, the
5 Secretary of Defense, the Director of Central Intel-
6 ligence, the Director of National Intelligence, and
7 those senior executive branch officials designated by
8 the President;

9 “(2) the Speaker, the Minority leader and Ma-
10 jority leader, the Majority whip and Minority whip,
11 the chair and ranking member of the Committee on
12 Foreign Affairs, the chair and ranking member of
13 the Committee on Armed Services, the chair and
14 ranking member of the Permanent Select Committee
15 on Intelligence of the House of Representatives, and
16 any other Members of the House of Representatives
17 designated by the Speaker or the Minority leader;
18 and

19 “(3) the Majority and Minority leader, the Ma-
20 jority whip and Minority whip, the chair and rank-
21 ing member of the Committee on Foreign Relations,
22 the chair and ranking member of the Committee on
23 Armed Services, the chair and ranking member of
24 the Select Committee on Intelligence of the Senate,

1 and any Senator designated by the Majority or Mi-
2 nority leader.

3 “(c) WHAT CONSULTATION REQUIRES.—In order to
4 satisfy the consultation requirement of this section, the
5 President must ask Members of Congress for their advice
6 and opinions before the decision is made to introduce
7 United States Forces, and in no event later than 48 hours
8 prior to introduction of United States Forces. Such con-
9 sultation requires that all information relevant to the situ-
10 ation must be made available to the Members of Congress
11 being consulted. The consultation requirement of this sec-
12 tion is not met, however, if the Congress is merely in-
13 formed about the situation.

14 **“SEC. 4. REPORTS TO THE CONGRESS.**

15 “(a) REPORTING REQUIREMENT.—The President
16 shall submit the report described in subsection (b) no later
17 than 48 hours after United States Forces are introduced
18 into hostilities in accordance with paragraph (3), (4), or
19 (5) of section 2(a).

20 “(b) DESCRIPTION OF REPORT REQUIRED.—The re-
21 port required by subsection (a) is a written report sub-
22 mitted by the President to the Speaker and Minority
23 Leader of the House of Representatives, the President pro
24 tempore and Minority Leader of the Senate, and the Exec-

1 utive-Legislative consultative group described in section
2 3(b) on the same calendar day, setting forth—

3 “(1) the circumstances necessitating the intro-
4 duction of United States Forces;

5 “(2) the specific constitutional and legislative
6 authority under which such introduction took place;

7 “(3) the estimated scope and duration of the
8 hostilities or the involvement of United States
9 Forces, as the case may be, and an identification of
10 each foreign country and organized armed group
11 against which United States Forces are engaged in
12 hostilities, including the foreign countries and geo-
13 graphic locations of such hostilities; and

14 “(4) the estimated cost of the hostilities or the
15 involvement of United States Forces, including the
16 cost of any other resources involved in supporting
17 such Forces.

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

20 “(c) ADDITIONAL INFORMATION.—The President
21 shall provide such other information as the Congress may
22 request in the fulfillment of its constitutional responsibil-
23 ities with respect to committing the Nation to war and
24 to the use of United States Forces abroad. The President
25 shall provide such information no later than 14 days after

1 the date on which the President receives such request from
2 the Congress.

3 “(d) CONTINUING REPORTS.—

4 “(1) IN GENERAL.—Whenever United States
5 Forces are introduced into hostilities the President
6 shall, so long as United States Forces continue to be
7 involved in those hostilities, report to the Congress
8 periodically on the continued application of the mat-
9 ters described in paragraphs (1), (2), (3), and (4) of
10 subsection (b), including the status of such hos-
11 tilities, the scope and estimated duration of such
12 hostilities, and the estimated cost of such hostilities
13 or the involvement of United States Forces, but in
14 no event shall the President report to the Congress
15 less often than once every 30 days.

16 “(2) FORM.—The report required by this sec-
17 tion, and particularly the matters described in sub-
18 section (b)(3) of the report, shall be submitted in
19 unclassified form. The report may contain a classi-
20 fied annex.

21 **“SEC. 5. CONGRESSIONAL ACTION WITH RESPECT TO HOS-**
22 **TILITIES.**

23 “(a) RECEIPT OF SECTION 4(a) REPORT.—Each re-
24 port submitted pursuant to section 4(a) 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.—

14 “(1) IN GENERAL.—Within 30 calendar days
15 after United States Forces are introduced into hos-
16 tilities in accordance with paragraph (3), (4), or (5)
17 of section 2(a), the President shall remove United
18 States Forces from those hostilities unless the Con-
19 gress—

20 “(A) has declared war;

21 “(B) has enacted a joint resolution pro-
22 viding specific authorization for such use of
23 United States Forces as described in paragraph
24 (2); or

1 “(C) is unable to meet as a result of an
2 armed attack upon the United States.

3 This 30-day period shall be extended for not more
4 than an additional 15 days if the President deter-
5 mines and certifies to the Congress in writing that
6 unavoidable military necessity respecting the safety
7 of United States Forces requires the continued use
8 of United States Forces in the course of bringing
9 about their prompt removal from hostilities.

10 “(2) JOINT RESOLUTION DESCRIBED.—A joint
11 resolution providing specific authorization for such
12 use of United States Forces described in this para-
13 graph shall—

14 “(A) provide for authorization of the use of
15 necessary and appropriate military force with
16 respect to such use of United States Forces;

17 “(B)(i) clearly define the threat that neces-
18 sitates use of such military force, the mission
19 and objectives that use of such military force is
20 authorized to achieve, and identify each foreign
21 country in which such military force is author-
22 ized;

23 “(ii) clearly define the parameters for
24 when use of such military force is no longer
25 necessary or appropriate; and

1 “(iii) clearly and specifically identify each
2 foreign country and organized armed group
3 with respect to which such military force will be
4 used;

5 “(C) require the President to seek from
6 the Congress a subsequent specific statutory
7 authorization for introduction of United States
8 Forces into hostilities—

9 “(i) if—

10 “(I) the threat or mission or ob-
11 jectives defined in subparagraph
12 (B)(i) or the list of foreign countries
13 identified in such subparagraph is to
14 be expanded;

15 “(II) the parameters defined in
16 subparagraph (B)(ii) are to be ex-
17 panded; or

18 “(III) the list of foreign countries
19 or organized armed groups identified
20 in subparagraph (B)(iii) is to be ex-
21 panded; and

22 “(ii) which shall include updated in-
23 formation to the information required by
24 subparagraph (B); and

1 “(D) provide for termination of the author-
2 ization for such use of United States Forces not
3 later than the date that is 2 years after the
4 date of the enactment of such authorization un-
5 less the Congress enacts a joint resolution pro-
6 viding a subsequent specific authorization for
7 such use of United States Forces.

8 “(c) FUNDING LIMITATION.—Unless one of the num-
9 bered paragraphs of subsection (b) applies, after the expi-
10 ration of the period specified in that subsection (including
11 any extension of that period in accordance with that sub-
12 section), funds appropriated or otherwise made available
13 under any law may not be obligated or expended to con-
14 tinue the involvement of United States Forces in the hos-
15 tilities. This subsection does not, however, prohibit the use
16 of funds to remove United States Forces from hostilities.

17 **“SEC. 6. CONGRESSIONAL EXPEDITED PROCEDURES.**

18 “(a) RESOLUTIONS SUBJECT TO PROCEDURES.—As
19 used in this section, the term ‘privileged resolution’ means
20 a joint resolution—

21 “(1) that provides specific authorization for the
22 use of United States Forces in hostilities, so long as
23 that resolution contains only provisions which are
24 relevant to those hostilities; and

1 “(2) that is introduced after the President has
2 submitted a written request to the Congress for en-
3 actment of such an authorization with respect to
4 those or related hostilities.

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

8 “(2) A privileged resolution introduced in the House
9 of Representatives shall be referred, upon introduction, to
10 the Committee on Foreign Affairs. A privileged resolution
11 shall not be sequentially referred.

12 “(3)(A) If, at the end of 10 calendar days after the
13 introduction of a privileged resolution, the Committee on
14 Foreign Affairs has not reported that resolution, that
15 committee shall be discharged from further consideration
16 of that resolution and that resolution shall be considered
17 a privileged resolution and placed on the appropriate cal-
18 endar of the House.

19 “(B) After a privileged resolution has been placed on
20 the appropriate calendar, no other resolution with respect
21 to the same or related hostilities may be reported by or
22 be discharged from any committee under this subsection
23 while the first resolution—

24 “(i) is before the House of Representatives (in-
25 cluding remaining on the calendar);

1 “(ii) is before the Senate (including remaining
2 on the calendar) unless the Senate has had a vote
3 on final passage with respect to the resolution and
4 a majority of those voting did not vote in the affirm-
5 ative;

6 “(iii) is before a committee of conference or
7 otherwise awaiting disposition of amendments be-
8 tween the Houses; or

9 “(iv) is awaiting transmittal to the President or
10 is before the President.

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

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

20 “(B) All points of order against a privileged resolu-
21 tion and consideration of the resolution are waived. If the
22 motion under subparagraph (A) is agreed to, the privi-
23 leged resolution shall remain the unfinished business of
24 the House until disposed of, to the exclusion of all other
25 business, except as provided in paragraph (5)(A). A mo-

1 tion to reconsider the vote by which the motion described
2 in subparagraph (A) is disagreed to is not in order.

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

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

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

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

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

1 intervening motion, except one motion to recommit with
2 or without instructions.

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

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

11 “(ii) With respect to the privileged resolution of
12 the House—

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

16 “(II) the vote on final passage shall be on
17 the resolution of the Senate (if the resolutions
18 are identical), or on the resolution of the Senate
19 (if they are not identical) with the text of the
20 resolution of the House inserted in lieu of the
21 text of the resolution of the Senate; and the
22 vote on final passage shall occur without debate
23 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 Committee on Foreign Affairs, and the pro-
8 cedures in the House with respect to that resolution shall
9 be the same under this subsection as if the resolution re-
10 ceived 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 to amendments of the Sen-
19 ate 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 first
12 House files the report or, in the case of the House acting
13 first, the report has been available for 2 hours. The con-
14 ference report (and any amendment reported in disagree-
15 ment) shall be deemed to have been read. Debate on such
16 a conference report shall be limited to 3 hours, equally
17 divided between, and controlled by the Majority Leader
18 and the Minority Leader (or their designees).

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 War Powers Resolution’, shall be de-
22 cided by the yeas and the nays after four hours of debate,
23 equally divided between, and controlled by, the Member
24 raising the point of order and the manager of the resolu-
25 tion, except that in the event the manager is in favor of

1 such point of order, the time in opposition thereto shall
2 be controlled by the Minority Leader or his designee. Such
3 point of order shall not be considered to establish prece-
4 dent 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 1-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. 7. 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 United States Forces have not com-
20 plied with any provision of this joint resolution.

21 “(b) **JUSTICIABILITY.**—In any action described in
22 subsection (a), the court shall not decline to make a deter-
23 mination on the merits on the ground that the issue of
24 compliance is a political question or is otherwise nonjus-
25 ticiable.

1 “(c) CONGRESSIONAL INTENT.—Notwithstanding the
2 number, position, or party affiliation of any plaintiffs in
3 an action described in subsection (a), it is the intent of
4 the Congress that the court—

5 “(1) infer congressional disapproval of the in-
6 volvement of United States Forces in hostilities; and

7 “(2) find that an impasse exists between the
8 Congress and the executive branch which requires
9 judicial resolution.

10 “(d) EXPEDITED CONSIDERATION.—Any court in
11 which an action described in subsection (a) is heard shall
12 accord such action the highest priority and shall announce
13 its judgment as speedily as the requirements of article III
14 of the Constitution permit.

15 “(e) JUDICIAL REMEDY.—(1) If the court in an ac-
16 tion described in subsection (a) finds that the President
17 has failed to submit a report required by section 4(a) of
18 this joint resolution, the court shall—

19 “(A) direct the President to submit that report;
20 and

21 “(B) specify the date on which United States
22 Forces were introduced into hostilities.

23 “(2) If the court in an action described in subsection
24 (a) finds that section 2 or section 5(b) of this joint resolu-
25 tion has been violated, the court shall direct the President

1 to remove United States Forces from the hostilities.
2 United States Forces shall be removed pursuant to the
3 court's order—

4 “(A) immediately; or

5 “(B) if the President determines and certifies
6 to the Congress in writing that unavoidable military
7 necessity respecting the safety of United States
8 Forces requires the continued use of United States
9 Forces in the course of bringing about their prompt
10 removal from hostilities, within a period not to ex-
11 ceed 30 days after the order is issued.

12 “(f) APPEALS.—Any judgment in an action described
13 in subsection (a) shall be directly appealable to the United
14 States Supreme Court.

15 **“SEC. 8. RULES OF INTERPRETATION.**

16 “(a) OTHER STATUTES AND TREATIES.—Authority
17 to introduce United States Forces into hostilities shall not
18 be inferred—

19 “(1) from any provision of law (including any
20 provision in effect before the date of enactment of
21 this joint resolution), including any provision con-
22 tained in any appropriation Act, unless that provi-
23 sion specifically authorizes the introduction of
24 United States Forces into hostilities and states that
25 it is intended to constitute specific statutory author-

1 ization within the meaning of this joint resolution;
2 or

3 “(2) from any treaty heretofore or hereafter
4 ratified unless that treaty is implemented by legisla-
5 tion specifically authorizing the introduction of
6 United States Forces into hostilities and stating that
7 it is intended to constitute specific statutory author-
8 ization within the meaning of this joint resolution.

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

11 “(1) terminating, limiting, or prohibiting the in-
12 volvement of United States Forces in hostilities; or

13 “(2) finding that the President or United
14 States Forces are acting in violation of this joint
15 resolution,

16 may not be construed as indicating congressional author-
17 ization or approval of, or acquiescence in, the involvement
18 of United States Forces in any hostilities or as a finding
19 by the Congress that such involvement is consistent with
20 this joint resolution.

21 **“SEC. 9. DEFINITIONS.**

22 “For purposes of this joint resolution, the following
23 definitions apply:

24 “(1) HOSTILITIES.—The term ‘hostilities’ in-
25 cludes any situation involving any use of direct or

1 indirect, lethal or potentially lethal force by United
2 States Forces against regular or irregular military
3 forces or against any military or civilian target, irre-
4 spective of the domain, including armed conflict, in-
5 telligence sharing, mid-air refueling, cyber attacks,
6 targeting assistance, acts that violate the sovereignty
7 of a foreign country, and purposeful destruction of
8 property considered to be an exercise of use of force,
9 irrespective of whether such force is offensive or de-
10 fensive, kinetic or non-kinetic, or deployed remotely,
11 the intermittency, intensity, or severity of such force,
12 the scope of the mission or objectives, or the extent
13 to which the mission exposes United States Forces
14 to risk of casualty or the risk of escalation.

15 “(2) IMMINENT.—The term ‘imminent’, with
16 respect to a threat of an attack, means the threat
17 is instant, overwhelming, and leaves no choice of
18 means and no moment for deliberation.

19 “(3) INTRODUCE.—The term ‘introduce’ in-
20 cludes—

21 “(A) any commitment, engagement, de-
22 ployment, or other involvement of United States
23 Forces in hostilities, including the taking of
24 self-defense measures by United States Forces
25 in response to an attack, threatened attack, or

1 imminent threat of attack in any foreign coun-
2 try, irrespective of whether United States
3 Forces are present or operating launched, pi-
4 loted, or other remotely directed weapons sys-
5 tems from a non-battlefield location; and

6 “(B) the assigning or detailing of members
7 of United States Forces to command, coordi-
8 nate, advise, assist, participate in the movement
9 of, accompany, provide intelligence, or provide
10 logistical or material support or training for
11 any foreign regular or irregular military or po-
12 lice forces, including state actors or organized
13 armed groups, if those forces are involved in
14 hostilities (regardless of whether those hos-
15 tilities involve insurgent forces of the military
16 forces of a foreign country).

17 “(4) TRAINING.—The term ‘training’ has the
18 meaning given the term ‘military education and
19 training’ in section 644 of the Foreign Assistance
20 Act of 1961 (22 U.S.C. 2403), but does not include
21 training that is comprised entirely of observance of
22 and respect for the law of armed conflict, human
23 rights, and fundamental freedoms, the rule of law,
24 or civilian control of the military.

1 “(5) UNITED STATES; COUNTRY.—The terms
2 ‘United States’ and ‘foreign country’, when used in
3 a geographic sense—

4 “(A) mean the territory, airspace, or
5 waters of the United States or the foreign coun-
6 try; and

7 “(B) includes territories and possessions.

8 “(6) UNITED STATES FORCES.—The term
9 ‘United States Forces’—

10 “(A) means the armed forces (as such
11 term is defined in section 101(a)(4) of title 10,
12 United States Code) and includes persons em-
13 ployed by, or under contract to, or under the di-
14 rection of any department or agency of the
15 United States Government; and

16 “(B) includes capabilities established, di-
17 rected, or otherwise used by such armed forces
18 or persons that produces or results in an effect
19 or condition designed to accomplish a military
20 objective.

21 **“SEC. 10. SEPARABILITY CLAUSE.**

22 “If any provision of this joint resolution or the appli-
23 cation thereof to any person or circumstance is held in-
24 valid, the remainder of the joint resolution and the appli-

1 cation of such provision to any other person or cir-
2 cumstance shall not be affected thereby.”.