

116TH CONGRESS  
1ST SESSION

# S. J. RES. \_\_\_\_\_

To amend the War Powers Resolution to improve requirements and limitations in connection with authorizations for use of military force and narrowings and repeals of such authorizations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mrs. GILLIBRAND introduced the following joint resolution; which was read twice and referred to the Committee on \_\_\_\_\_

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## JOINT RESOLUTION

To amend the War Powers Resolution to improve requirements and limitations in connection with authorizations for use of military force and narrowings and repeals of such authorizations, 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 joint resolution may be cited as the “War Pow-  
5        ers Reform Resolution”.

1 **SEC. 2. JOINT RESOLUTIONS AND BILLS AUTHORIZING,**  
2 **NARROWING, OR REPEALING USE OF MILI-**  
3 **TARY FORCE.**

4 The War Powers Resolution (50 U.S.C. 1541 et seq.)  
5 is amended by inserting after section 5 the following new  
6 section:

7 “JOINT RESOLUTIONS AND BILLS AUTHORIZING,  
8 NARROWING, OR REPEALING USE OF MILITARY FORCE

9 “SEC. 5A. (a) A joint resolution or bill introduced  
10 after the date of the enactment of this section pursuant  
11 to section 5(b) for a purpose specified in that section shall  
12 be eligible for expedited consideration in accordance with  
13 section 6(a) if the joint resolution or bill sets forth only  
14 the following:

15 “(1) The specific strategic objective of the mili-  
16 tary force authorized for use by the joint resolution  
17 or bill.

18 “(2) A specification that the military force au-  
19 thorized for use by the joint resolution or bill is nec-  
20 essary, appropriate, and proportional to the purpose  
21 of the joint resolution or bill.

22 “(3) A specific naming of the nations, organiza-  
23 tions, or forces engaged in active hostilities against  
24 the United States, its territories or possessions, or  
25 United States Armed Forces against which use of  
26 military force is authorized by the joint resolution or

1 bill, which may not vest in or delegate to any official  
2 in the Executive Branch authority to specify any  
3 other nation, organization, or force against which  
4 use of military force is authorized by the joint reso-  
5 lution or bill.

6 “(4) A specification of the country or countries,  
7 or subdivision of a country or subdivisions of coun-  
8 tries, in which military force is authorized for use by  
9 the joint resolution or bill, which may not vest in or  
10 delegate to any official in the Executive Branch au-  
11 thority to specify any other country or subdivision of  
12 a country in which use of military force is author-  
13 ized by the joint resolution or bill.

14 “(5) A specification to a date certain of the du-  
15 ration of the authorization for use of military force  
16 in the joint resolution or bill, which may not exceed  
17 two years from the date of the enactment of the  
18 joint resolution or bill.

19 “(b) A joint resolution or bill introduced after the  
20 date of the enactment of this section to narrow a Joint  
21 Resolution or Act authorizing use of military force that  
22 is in effect on the date of the introduction of the joint  
23 resolution or bill shall be eligible for expedited consider-  
24 ation in accordance with section 6(a) if the joint resolution

1 or bill sets forth only a narrowing or other limitation of  
2 the Joint Resolution or Act as follows:

3           “(1) To narrow the specific strategic objective  
4 of the military force authorized by the Joint Resolu-  
5 tion or Act.

6           “(2) To strike one or more named nations, or-  
7 ganizations, or forces against which use of military  
8 force is authorized by the Joint Resolution or Act,  
9 and to specify a date certain for the effective date  
10 of such strike.

11           “(3) To strike one or more countries or subdivi-  
12 sions of a country in which military force is author-  
13 ized for use by the Joint Resolution or Act, and to  
14 specify a date certain for the effective date of such  
15 strike.

16           “(4) To reduce the duration of the authoriza-  
17 tion for use of military force in the Joint Resolution  
18 or Act to an earlier date certain specified in the  
19 joint resolution or bill.

20           “(c) A joint resolution or bill introduced after the  
21 date of the enactment of this section only to repeal one  
22 or more Joint Resolutions or Acts authorizing use of mili-  
23 tary force that is or are in effect on the date of the intro-  
24 duction of the joint resolution or bill shall be eligible for  
25 expedited consideration in accordance with section 6(a).

1 “(d) A joint resolution or bill introduced as described  
2 in subsection (a) or (b) may also repeal any Joint Resolu-  
3 tion or Act authorizing use of military force that is in ef-  
4 fect on the date of the introduction of the joint resolution  
5 or bill without losing eligibility for expedited consideration  
6 in accordance with section 6(a) as otherwise provided in  
7 such subsection.”.

8 **SEC. 3. EXPEDITED PROCEDURES FOR JOINT RESOLU-**  
9 **TIONS AND BILLS AUTHORIZING, LIMITING,**  
10 **OR REPEALING USE OF MILITARY FORCE.**

11 Section 6(a) of the War Powers Resolution (50  
12 U.S.C. 1545(a)) is amended—

13 (1) by inserting “(1)” after “(a)”;

14 (2) in paragraph (1), as designated by para-  
15 graph (1) of this section—

16 (A) by striking “introduced pursuant to  
17 section 5(b) at least thirty calendar days before  
18 the expiration of the sixty-day period specified  
19 in such section” and inserting “introduced pur-  
20 suant to section 5(b) for purposes of section  
21 5A(a) at least thirty calendar days before the  
22 expiration of the sixty-day period specified in  
23 section 5(b)”;

1                   (B) by striking “sixty-day period specified  
2                   in such section” and inserting “sixty-day period  
3                   specified in section 5(b)”; and

4                   (3) by adding at the end the following new  
5                   paragraph:

6                   “(2)(A) Any joint resolution or bill introduced pursu-  
7                   ant to subsection (b) or (c) of section 5A shall be referred  
8                   to the committee provided for in paragraph (1), and such  
9                   committee shall report one such joint resolution or bill,  
10                  together with its recommendations, not later than twenty-  
11                  four calendar days before the expiration of the thirty-day  
12                  period beginning on the date of the introduction of such  
13                  joint resolution or bill, unless such House shall otherwise  
14                  determine by the yeas and nays.

15                  “(B) In the case of any joint resolution or bill de-  
16                  scribed in subparagraph (A), any reference in this section  
17                  to the sixty-day period specified in section 5(b) shall be  
18                  deemed to refer instead to the thirty-day period beginning  
19                  on the date of the introduction of such joint resolution  
20                  or bill.”.

1 **SEC. 4. LIMITATION ON USE OF FUNDS IN CONTRAVENTION**  
2 **OF THE WAR POWERS RESOLUTION OR**  
3 **OTHER APPLICABLE RESOLUTIONS AUTHOR-**  
4 **IZING USE OF MILITARY FORCE.**

5 The War Powers Resolution (50 U.S.C. 1541 et seq.)  
6 is amended—

7 (1) by redesignating sections 9 and 10 as sec-  
8 tions 10 and 11, respectively; and

9 (2) by inserting after section 8 the following  
10 new section 9:

11 “LIMITATION ON USE OF FUNDS

12 “SEC. 9. Appropriated funds may not be obligated  
13 or expended for the introduction or use of United States  
14 Armed Forces into or in hostilities or situations where im-  
15 minent involvement in hostilities is clearly indicated by the  
16 circumstances in contravention of the provisions of this  
17 joint resolution, or another Joint Resolution or Act au-  
18 thorizing such introduction or use (if applicable).”.

19 **SEC. 5. JUSTIFICATION IN REQUESTS FOR AUTHORIZA-**  
20 **TIONS FOR USE OF MILITARY FORCE AND IN**  
21 **REPORTS ON USE OF MILITARY FORCE.**

22 Section 4 of the War Powers Resolution (50 U.S.C.  
23 1543) is amended by adding at the end the following new  
24 subsection:

25 “(d)(1) If in submitting a report under subsection (a)  
26 or in connection with an introduction of the United States

1 Armed Forces as described in that subsection the Presi-  
2 dent also submits to Congress a request for an authoriza-  
3 tion for use of the United States Armed Forces in the  
4 hostilities or situation concerned, the President shall in-  
5 clude with such request a comprehensive justification for  
6 such request, including a justification for—

7           “(A) the nations, organizations, and forces cov-  
8           ered by such request;

9           “(B) the countries and subdivisions of countries  
10          covered by such request; and

11          “(C) the duration of the request.

12          “(2) Each report under subsection (c) on the status  
13 of hostilities or a situation shall include a current com-  
14 prehensive justification for use of the United States  
15 Armed Forces in the hostilities or situation, including a  
16 justification for—

17           “(A) the continuing use of the United States  
18           Armed Forces against the particular nations, organi-  
19           zations, and forces concerned;

20           “(B) the continuing use of the United States  
21           Armed Forces in the particular countries and sub-  
22           divisions of countries concerned; and

23           “(C) the currently anticipated duration of the  
24           use of the United States Armed Forces in the hos-  
25           tilities or situation.

1           “(3)(A) Except as provided in subparagraph (B), any  
2 justification submitted pursuant to this subsection shall  
3 be in unclassified form to the greatest extent practicable,  
4 including in the specification of the countries or subdivi-  
5 sions of countries concerned and in the duration or antici-  
6 pated duration concerned, but may include a classified  
7 annex (and then only to the extent required to protect the  
8 national security interests of the United States).

9           “(B) A request described in paragraph (1) shall list  
10 or specify the names of the nations, organizations, and  
11 forces covered by such request in unclassified form.”.

12 **SEC. 6. REPEAL OF AUTHORIZATIONS FOR USE OF MILI-**  
13 **TARY FORCE.**

14           (a) **AUTHORIZATION FOR USE OF MILITARY**  
15 **FORCE.**—The Authorization for Use of Military Force  
16 (Public Law 107–40; 50 U.S.C. 1541 note) is repealed.

17           (b) **AUTHORIZATION FOR USE OF MILITARY FORCE**  
18 **AGAINST IRAQ RESOLUTION OF 2002.**—The Authoriza-  
19 tion for Use of Military Force Against Iraq Resolution of  
20 2002 (Public law 107–243; 50 U.S.C. 1541 note) is re-  
21 pealed.

22           (c) **AVAILABILITY OF FUNDS FOR SAFE REMOVAL OF**  
23 **ARMED FORCES FROM HOSTILITIES.**—Notwithstanding  
24 the repeal by subsections (a) and (b) of the Resolutions  
25 referred to in such subsections, the President is author-

1 ized, during the 60-day period beginning on the date of  
2 the enactment of this joint resolution, to obligate and ex-  
3 pend appropriated funds to safely remove United States  
4 Armed Forces from hostilities or situations in which use  
5 of United States Armed Forces is authorized by or con-  
6 ducted pursuant to the Resolutions as of the date of the  
7 enactment of this joint resolution.