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SUMMARY

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War Powers Resolution: Expedited Procedures in the House and Senate

The War Powers Resolution (WPR), first adopted in 1973 over the veto of President Richard Nixon, establishes presidential reporting requirements and parliamentary procedures intended to reaffirm the constitutional role of Congress in committing the United States into armed conflict abroad. The existence of these fast-track procedures provide an opportunity for Members of Congress to obtain a vote on—or more often in relation to—legislation that either authorizes the presidential use of U.S. Armed Forces or directs their removal from hostilities. When legislation has been introduced pursuant to the WPR, the House and Senate have often chosen to structure consideration in ways other than those prescribed by the statute.

Before the President commits U.S. troops into hostilities abroad, the WPR directs that Congress first be consulted "in every possible instance." The WPR further mandates that the President report to Congress within 48 hours of deploying U.S. forces if Congress has not declared war or statutorily authorized the action. The President must continue reporting to Congress at least every six months for the duration of the engagement. Sixty days after the President first reports to Congress (or was required to do so), the use of the Armed Forces is automatically terminated unless Congress has declared war or passed legislation authorizing the action. The President may extend this 60-day period an additional 30 days by certifying in writing to Congress the need for continued use of force.

An authorization of the use of military force (AUMF) is subject to expedited consideration during the 60-day termination window that begins when the President reports or was required to report on the use of force. An authorizing bill or joint resolution must be introduced within the first 30 calendar days of this 60-day period. Such legislation is referred to the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate. Once legislation has been referred, each committee must report the measure at least 24 calendar days prior to the expiration of the 60-day window. If legislation has not been reported, the committees can be discharged. In the House, committee discharge is done by privileged motion, and in the Senate the committee is discharged automatically. Once the committee has reported or been discharged, a floor vote must occur within three calendar days. The second-acting chamber's committee of referral must then report the legislation within 14 calendar days prior to the expiration of the 60-day window or be subject to discharge. Once the legislation is pending on the floor of the second-acting chamber, the measure must be voted on within three calendar days. If there is disagreement between the two chambers on the text of the bill, the WPR calls for the prompt appointment of a conference committee, which must file a report no later than four calendar days prior to the expiration of the 60-day window. If conferees cannot reach agreement, they must report in disagreement within 48 hours of being appointed. Once a conference report has been filed, both chambers must vote on it prior to the expiration of the 60-day window.

A bill or joint resolution directing the President to remove U.S. forces abroad may be introduced in either chamber at any time. The Senate considers such measures under a modified version of the procedures found in the International Security Assistance and Arms Export Control Act of 1976 (ISAAECA). Upon introduction and referral, the Senate Committee on Foreign Relations must report within 10 days of "continuous session" or can be discharged by a privileged motion that is debatable for one hour. Once the committee has reported or been discharged, any Senator may make a non-debatable motion to proceed to the measure. Debate on the measure and any amendments to it is limited to 10 hours. The WPR does not provide any expedited procedures for House consideration of a bill or joint resolution withdrawing forces from hostilities. Like any bill or joint resolution, the President would have the option of vetoing the measure.

Alternatively, Members of Congress may introduce a concurrent resolution at any time directing the removal of U.S. Armed Forces. However, in 1983, the Supreme Court effectively found measures like these to be unconstitutional because they did not require presentation to the President. As a result, Congress amended the WPR to provide for expedited consideration of a bill or joint resolution in the Senate but did not eliminate the procedures for consideration of concurrent resolutions. A concurrent resolution is referred to the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate. Committee have 15 calendar days to report or are subject to a discharge process. In the House, a privileged motion to discharge the committee is in order. In the Senate, the committee is discharged automatically. Once a committee has reported or been discharged, the measure becomes the pending business, and the chamber has three calendar days to vote on final passage. If the House and Senate each pass different text, the WPR calls for the prompt appointment of a conference committee. The conference has six calendar days to report back to the House and Senate, and both chambers must vote on the conference report within another six calendar days.

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Introduction

The Constitution divides the authority to wage war between Congress and the President of the United States. More specifically, Article I of the Constitution exclusively vests in Congress the authority to declare war, raise armed forces, and regulate their use. Article II designates the President as the commander in chief of U.S. Armed Forces. In 1973, the House Foreign Affairs Committee described the nexus between the warmaking roles of Congress and the President as a "'twilight zone' of concurrent authority" that lacks clarity on when the President can act unilaterally versus when congressional authorization is necessary.[1]

The War Powers Resolution of 1973 (P.L. 93-148) was passed with the intent to reassert Congress's role in committing U.S. Armed Forces into hostilities abroad while still ensuring that the President retains enough flexibility to act quickly when necessary. Of particular concern at the time was the President's deployment of U.S. forces to Vietnam, Laos, and Cambodia "without valid congressional authorization"[2] in the decade after Congress had passed the Tonkin Gulf Resolution in 1964.[3] Ultimately, the War Powers Resolution (WPR) was enacted over the veto of President Nixon "in order that the Congress might fulfill its responsibilities under the Constitution while permitting the President to exercise his responsibilities."[4]

A primary feature of the WPR was expedited parliamentary procedures to govern House and Senate consideration of legislation to authorize the use of U.S. Armed Forces or to direct their removal from hostilities in the event that no authorization or declaration of war is in place. The clear intent of the statute is to ensure timely consideration of qualifying legislation and allow a simple majority in each chamber the opportunity to vote on these matters. However, the statutory language enacted by Congress does not address most aspects of consideration other than to set deadlines by which action should occur. This procedural uncertainty has led the House and Senate to structure the floor consideration of relevant measures in ways other than what is established by the WPR.

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[1] U.S. Congress, House Committee on Foreign Affairs, *War Powers Resolution of 1973*, report to accompany H.J.Res. 542, 93rd Cong., 1st sess., June 15, 1963, H.Rept. 93-287, p. 4. The committee's language appears to be a reference to Supreme Court Justice Robert H. Jackson's concurring opinion to *Youngstown v. Sawyer*, in which the Court ruled that the President's power derives from the Constitution or an act of Congress. Justice Jackson wrote that "when the President acts in absence of either a congressional grant or denial of authority, he can only rely upon his own independent powers, but there is a zone of twilight in which he and Congress have concurrent authority, or in which its distribution is uncertain. Therefore, congressional inertia, indifference or quiescence may sometimes, at least as a practical matter, enable, if not invite, measures on independent presidential responsibility." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952). See also Congressional Research Service, *The President's Powers and Youngstown Framework*, Constitution Annotated, https://constitution.congress.gov/browse/essay/artII-S1-C1-5/ALDE_00013794/.

[2] U.S. Congress, Senate Committee on Foreign Relations, *War Powers*, report to accompany S. 440, 93rd Cong., 1st sess., June 14, 1973, S.Rept. 93-220, p. 4. For more historical context on executive and congressional action leading up to the passage of the War Powers Resolution, see U.S. Congress, House Committee on Foreign Affairs, *The War Powers Resolution: A Special Study of the Committee on Foreign Affairs*, committee print, prepared by John H. Sullivan, 97th Cong. (Washington: GPO, 1982).

[3] The joint resolution (H.J.Res. 1145, 88th Congress) authorized "all necessary measures" to protect U.S. forces and "prevent further aggression" in Southeast Asia following multiple reported confrontations between U.S. and North Vietnamese forces in the Gulf of Tonkin. The full text of the Tonkin Gulf Resolution can be found at https://www.archives.gov/milestone-documents/tonkin-gulf-resolution.

[4] U.S. Congress, House Committee on Foreign Affairs, *War Powers Resolution of 1973*, report to accompany H.J.Res. 542, 93rd Cong., 1st sess., June 15, 1973, H.Rept. 93-287, p. 4.

This report examines the various expedited parliamentary procedures available to Congress under the WPR.[5] To provide understanding of the deadlines for congressional action associated with these procedures, the report first discusses the consultation and reporting requirements the WPR places on the President when U.S. Armed Forces are deployed into hostilities abroad without prior authorization. The reporting requirement, in particular, is the trigger that starts a 60-day timeline for expedited congressional consideration of legislation authorizing the use of force or, in the absence of congressional action, automatically terminates the President's use of force. Additionally, the WPR provides two different fast-track procedures for legislation that would direct the removal of U.S. Armed Forces from hostilities, both of which are discussed in detail. While Congress has routinely structured consideration of war powers legislation in ways other than prescribed by the WPR, these statutory procedures remain an important tool that guarantees Members of Congress a vote in relation to legislation authorizing the use of U.S. forces or directing their removal. For readers primarily interested in the statutory requirements of the WPR as written, that information is available for each of the act's expedited procedures in the **Appendix**.

CRS has published a number of other relevant products on war powers topics, including:

- CRS Report R42699, *The War Powers Resolution: Concepts and Practice*, by Matthew C. Weed;
- CRS In Focus IF10534, *Defense Primer: President's Constitutional Authority with Regard to the Armed Forces*, by Jennifer K. Elsea;
- CRS In Focus IF10535, *Defense Primer: Congress's Constitutional Authority with Regard to the Armed Forces*, by Jennifer K. Elsea; and
- CRS In Focus IF10539, *Defense Primer: Legal Authorities for the Use of Military Forces*, by Jennifer K. Elsea.

Presidential Consultation and Reports to Congress

Consultation Requirement

Section 3 of the WPR (50 U.S.C. §1542) requires the President to consult with Congress "in every possible instance" prior to committing U.S. Armed Forces into hostilities abroad. It also provides for "regular" consultation until the conclusion of any such engagement. The statutory language does not define what constitutes meaningful consultation by the President. However, the House Foreign Affairs Committee's report accompanying the WPR discusses the intent of this provision in more detail:

> A considerable amount of attention was given to the definition of *consultation.* Rejected was the notion that consultation should be synonymous with merely being informed. Rather, consultation in this provision means that a decision is pending on a problem and that Members of Congress are being asked by the President for their advice and opinions and, in appropriate circumstances, their approval of action contemplated. Furthermore, for

[5] For purposes of this report, *the WPR* is used to reference the War Powers Resolution of 1973 as well as expedited procedures enacted as part of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (P.L. 98-164, title X, §1013; 97 Stat. 1062), that provide for expedited consideration of bills and joint resolutions directing the removal of U.S. forces. For more discussion, see the section on "Procedures Governing Legislation Directing the Removal of U.S. Armed Forces."

> consultation to be meaningful, the President himself must participate and all information relevant to the situation must be made available.[6]

Even with the additional context provided by the committee report, there remains room for interpretation by both the President and Congress on what precisely meets this statutory requirement. Failure by the President to properly consult with Congress prior to committing U.S. forces into hostilities does not directly trigger any adverse statutory action. In contrast, the WPR's more clearly defined reporting requirements (discussed below) start the clock on an automatic termination of the use of force and makes available procedures that allow for expedited congressional consideration of legislation that would authorize its continued use.

Reports to Congress

Requirements

Under certain circumstances laid out in Section 4 of the WPR (50 U.S.C. §1543(a)), the President is required to submit a written report to Congress within 48 hours of deploying U.S. Armed Forces unless Congress has declared war or authorized the use of force. Specifically, the President must report to the Speaker of the House of Representatives and to the President pro tempore of the Senate when U.S. Armed Forces have been deployed:

- "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances;"
- "into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces;" or
- "in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation."[7]

When reporting to Congress, the President is directed to address the circumstances necessitating deployment of military forces, what constitutional and legislative authorities were invoked to make such a deployment, and the estimated scope and duration of their continued use. While U.S. Armed Forces remain deployed under any of the conditions above, the President is to continue reporting to Congress not less than once every six months on the status, scope, and duration of the situation. The WPR also mandates that the President provide such additional information related to the deployment of forces that is requested by Congress.[8]

Receipt and Referral in Congress

Presidential reports on the use of force are to be submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate on the same calendar day. These reports are then referred to the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations, respectively. Receipt and referral of these reports are recorded in the

[6] U.S. Congress, House Committee on Foreign Affairs, *War Powers Resolution of 1973*, Report to accompany H.J.Res. 542, 93rd Cong., 1st sess., June 15, 1973, H.Rept. 93-287, pp. 6-7.

[7] 50 U.S.C. §1543(a).

[8] For information on major military actions since the enactment of the WPR and these reporting requirements, see "Major Cases and Issues Prior to the Persian Gulf War" in CRS Report R42699, *The War Powers Resolution: Concepts and Practice*, by Matthew C. Weed.

Congressional Record and are noted in the House and Senate Executive Communications databases at Congress.gov.[9]

The WPR also provides for situations when Congress is not in session and the President reports on the engagement of U.S. Armed Forces into hostilities (although in modern practice Congress is either in session or able to quickly reconvene if needed). If Congress had adjourned sine die or for more than three calendar days when the President transmits a report, the Speaker of the House and President pro tempore of the Senate may jointly request that the President convene Congress so that it may consider and act on the report. The statute, alternatively, provides that the President may also convene Congress upon petition by at least 30% of the membership of each chamber. In recent practice, the House and Senate make use of *pro forma* session days, where little or no business is conducted, in order to not be recessed for more than three calendar days at a time, so such procedures would be inapplicable.

Automatic Termination of Use of Armed Forces[10]

The WPR provides for the automatic termination of the use of U.S. forces engaged in hostilities 60 days after the President has reported (or was required to report) on the use of force as described above unless Congress has declared war, statutorily authorized the use of force, enacted legislation extending this period of time, or is physically unable to meet due to an attack on the United States. The President may extend the use of force for an additional 30 days by certifying in writing to Congress a continued need due to "unavoidable military necessity."[11]

This 60-day termination window directly begins several time periods for congressional action in the consideration of any legislation authorizing the use of military force.

Procedures Governing Legislation Authorizing the Use of Military Force (AUMF)

Section 6 of the WPR (50 U.S.C. §1545) establishes expedited procedures for House and Senate consideration of authorization of the use of military force (AUMF). The following sections discuss these procedures as described in statute and as used in practice. However, readers should keep in mind that Congress has never fully used them in the consideration of AUMF legislation. Instead, both the House and the Senate have typically acted faster than the deadlines set by the WPR and have made use of other parliamentary mechanisms to structure consideration of such legislation (e.g., a special rule from the Rules Committee in the House and unanimous consent in the Senate).

Form of Legislation

An AUMF must be introduced in the form of a bill or joint resolution, as with any other measure intended to be enacted into law. The WPR does not prescribe a specific text in order for an AUMF to receive expedited parliamentary consideration. However, all four AUMFs enacted since the

[9] Executive communications received by Congress are searchable at https://www.congress.gov/#house-communications and https://www.congress.gov/#senate-communications.

[10] For more information on the controversy surrounding this provision of the WPR, see "Automatic Withdrawal Provision" in CRS Report R42699, *The War Powers Resolution: Concepts and Practice*, by Matthew C. Weed; and U.S. Congress, House Committee on Rules, *Article I: Reforming the War Powers Resolution for the 21st Century*, 117th Cong., 1st sess., March 23, 2021 (Washington: GPO, 2022).

[11] P.L. 93-148, §5(b); 50 U.S.C. §1544(b).

WPR has been in force have been structured similarly to include some or all of the following components: a series of statements explaining and justifying the authorization (whether drafted as a "preamble" preceding the resolving or enacting clause or as a "findings" section of the measure);[12] setting parameters for the use of force, establishing reporting requirements to Congress, and laying out statements of policy.[13] It is possible that a bill or joint resolution could be drafted differently and still be considered eligible for expedited consideration. The House and Senate Parliamentarians are the sources of definitive guidance on whether draft legislation would qualify for expedited consideration under the WPR.

Timing of Introduction

To receive expedited consideration, AUMF legislation must be introduced at least 30 calendar days prior to the expiration of the 60-day termination window discussed in the "Automatic Termination of Use of Armed Forces" section. This means that Members of Congress have 30 calendar days after the President has reported (or was required to report) to the House and the Senate to introduce an AUMF bill or joint resolution. Under the general legislative power of Congress, AUMF legislation can be introduced at any time, but it will qualify for the expedited procedures of the WPR only if introduced within this 30-day window.

Committee Consideration and Discharge

Under the WPR, AUMF bills and joint resolutions are referred to the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate. The time periods for committee action depend on whether the committee is acting on a measure introduced in its own chamber or on a measure introduced and passed by the other chamber. When acting on a bill from its own chamber, the committee must report within 24 calendar days prior to the expiration of the 60-day automatic termination window. Given the eligibility window for introduction of an AUMF, this means that a committee may have as many as 36 days (if the measure is introduced and referred the same day that the President reports) to as few as six days (if introduced on the 30th calendar day after the President reports) to report the measure with its recommendations.

In situations where an AUMF measure has passed one chamber, the second-acting chamber's committee of jurisdiction must report within 14 calendar days prior to the expiration of the 60-day window. If the originating chamber has taken action at the latest possible date for each step of consideration up to this point, the second-acting committee would have a maximum of six calendar days to report the measure by the deadline set pursuant to the WPR. This matches the amount of time the first-acting chamber's committee would have if AUMF legislation were introduced on the 30th calendar day after the President reports.

The statutory language of the WPR does not explicitly specify a remedy in situations where the committee of referral does not report legislation within the prescribed deadline. In practice, it appears that the chambers have interpreted the law to mean that a committee can be discharged the day after the committee consideration deadline has expired. This discharge process operates differently in the two chambers. In the House, a Member may make a privileged motion to discharge the committee that is debatable for 20 minutes, equally divided between the Member

[12] For a discussion on the potential drafting implications of "preambles" versus "findings," see CRS Report R46484, *Understanding Federal Legislation: A Section-by-Section Guide to Key Legal Considerations*, by Victoria L. Killion.

[13] See S.J.Res. 159, 98th Congress (1983-1984), authorizing the use of force in Lebanon; H.J.Res. 77, 102nd Congress (1991-1992), authorizing the use of force in Iraq; S.J.Res. 23, 107th Congress (2001-2002), authorizing the use of military force against entities responsible for the 9/11 attacks; and H.J.Res. 114, 107th Congress (2001-2002), authorizing the use of military force in Iraq.

offering the motion and a Member opposed.[14] A motion to table the motion to discharge is not in order.[15] In the Senate, it appears from past practice that the committee would be discharged automatically without the need for action to be taken by any Senator or the Senate as a whole.[16]

Floor Consideration

Once a committee has reported or been discharged from the further consideration of AUMF legislation, the WPR directs that the measure "shall become the pending business" of the chamber. However, the precise parliamentary mechanism by which a measure becomes pending in each chamber is not detailed in the statute. After AUMF legislation becomes the pending business of the House or Senate, the WPR directs that the chamber must vote on its passage within the next three calendar days, but it is silent on any other aspect of floor consideration.

Both chambers of Congress have established precedents in an attempt to clarify the procedural ambiguities inherent to the statutory text. In the House, it appears that the WPR has been interpreted to mean that a Member may make a privileged motion to resolve into Committee of the Whole House on the State of the Union (Committee of the Whole) to consider the measure, where it would be subject to "an open but clearly unfocused amendment process."[17] In the Senate, it has been determined that the measure automatically becomes the pending business of the chamber.[18] Once pending in the Senate, the measure appears to be fully amendable given the absence of any restrictions in the text of the statutory rule. In 2018, the Senate established a precedent requiring that amendments be germane when offered to measures directing the removal of military forces.[19] The Senate could choose to apply that precedent to amendments offered to AUMF measures as well. The WPR's three-calendar-day deadline to vote on the measure has

[14] U.S. Congress, House, *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*, prepared by Charles W. Johnson, John V. Sullivan, and Thomas J. Wickham Jr., 115th Cong., 2017 (Washington: GPO, 2017), §46, p. 434.

[15] In each Congress since the 116th Congress (2019-2020), the House has adopted a separate order prohibiting a motion to table a motion to discharge a committee from further consideration of legislation introduced pursuant to Section 6 (relating to AUMF legislation) or Section 7 (relating to concurrent resolutions directing the removal of U.S. forces abroad) of the WPR. According to the Rules Committee, this language was included in the rules package "to provide certainty" that the motion to table is not applicable to discharge motions under the WPR (see https://docs.house.gov/billsthisweek/20181231/116-HRes6-SxS-U1.pdf). In practice, the House has used other parliamentary mechanisms (e.g., special rules and unanimous consent) to turn off expedited consideration of qualifying WPR legislation.

[16] See U.S. Congress, Senate, *Riddick's Senate Procedure*, prepared by Floyd M. Riddick and Alan S. Frumin, 101st Cong., 1992, S.Doc. 101-28 (Washington: GPO, 1992), p. 501. On November 30, 1987, the Committee on Foreign Relations was automatically discharged from further consideration of S.J.Res. 217, a resolution being considered pursuant to Section 6 of the WPR.

[17] During the 106th Congress (1999-2000), the House considered H.J.Res. 44, declaring war between the United States and Yugoslavia, under the terms of a special rule (H.Res. 151). In floor debate, the Rules Committee chair remarked that absent adoption of the special rule, H.J.Res. 44 would be subject to a privileged motion to proceed and "would not be subject to general debate but would be subject to an open but clearly unfocused amendment process" (*Congressional Record*, daily edition, vol. 145 [April 28, 1999], p. H2377). The chair appears to suggest that the procedural ambiguity faced under the terms of the WPR led the House to consider the measure under a special rule that provided more structure and certainty to proceedings on the measure.

[18] During the 100th Congress (1987-1988), S.J.Res. 217, legislation authorizing the use of force in the Persian Gulf, was automatically discharged from committee after the statutory deadline to report had expired. Under the WPR, the measure would be expected to then automatically become the pending business of the chamber. However, the Senate ordered by unanimous consent that S.J.Res. 217 would "not become the pending business automatically under the statute" and instead was placed on the Senate Calendar of Business, where it could be called up at any time by the majority leader in consultation with the minority leader. See *Congressional Record*, vol. 133 (November 30, 1987), pp. 33234, 33251.

[19] For more detail on the 2018 Senate precedent, see discussion in the "Floor Consideration" section on procedures for bills and joint resolutions directing the removal of military forces.

been interpreted to mean 72 hours after it becomes the pending business on the Senate floor, regardless of whether the Senate is actively debating the measure or not.[20]

Neither the House nor the Senate has fully used these procedures when considering AUMF legislation. In practice, both chambers are more likely to use alternative parliamentary mechanisms (e.g., special rules, unanimous consent) in order to structure consideration. For example, during the 107th Congress (2001-2002), the House considered authorizing the use of force in Iraq (H.J.Res. 114) through the use of a special rule (H.Res. 574) that provided for 17 hours of general debate and made two amendments in order. Also during the 107th Congress, the House debated and passed an AUMF for the "Global War on Terrorism" (S.J.Res. 23) by unanimous consent. In the Senate, both measures were taken up and passed by unanimous consent.

Resolving Differences

The floor procedures of the WPR apply whether a chamber is considering a measure it originated or a measure passed by the other chamber. Sometimes identical measures are introduced in both chambers, but at some point the House must act on a Senate-introduced measure or the Senate must act on a House-introduced measure. The Constitution requires that before legislation can be presented to the President, the House and Senate must pass the same measure with the same text.

If one chamber passes a measure received from the other without proposing a change to it, then the legislative process is complete. If one chamber instead passes the bill or joint resolution from the other chamber with one or more amendments, then the chambers must resolve their differences. Congress can accomplish this either by agreeing to go to conference on a measure or through the exchange of amendments between the two chambers. The WPR contains procedures that set deadlines for some, but not all, conference-related action and does not address the possibility of an amendment exchange. In the absence of comprehensive guidance from the WPR's procedures, the House and the Senate might choose to informally coordinate off the floor. Anticipating issues in policy proposals before legislation reaches the floor can better ensure that language passed by the originating chamber will have the support of the second-acting chamber and avoid the delay that could arise from going to conference or in a continued amendment exchange.

Going to conference involves several parliamentary steps, including reaching a stage of parliamentary disagreement on a text, agreeing to go to conference, potentially considering motions to instruct conferees, appointing conferees, and eventually considering any conference report agreed to by a conference committee.[21] The WPR does not offer any expedited procedures for either chamber to go to conference, nor does it contain any parliamentary compliance mechanism to ensure resolution. Instead, the statutory rule calls for the "prompt" appointment of a conference committee. As a result, AUMF legislation could become delayed indefinitely in the event that one chamber chooses not to take the parliamentary steps needed to go to conference.

If the House and the Senate appoint conferees to resolve differences on AUMF legislation, the WPR directs that the conference committee report no later than four calendar days prior to the expiration of the 60-day automatic termination window that began one day after the President reported to Congress on the use of force. The statute further stipulates that if conferees cannot

[20] *Riddick's Senate Procedure*, p. 501. See also *Congressional Record*, vol. 164 (September 26, 1983), p. 25746.

[21] See CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Elizabeth Rybicki.

reach an agreement within 48 hours after appointment, they must report in disagreement.[22] If a conference report is filed, the House and the Senate must each act sequentially to vote on it prior to the expiration of the 60-day termination window.

The House and Senate could resolve their legislative differences through the exchange of amendments rather than by going to conference as envisioned by the WPR. Exchanging amendments between the House and the Senate allows each chamber the opportunity to propose changes to the text passed by the other.[23] For example, if the House passed an AUMF and sent it to the Senate, the Senate could adopt the House-passed language or it could pass the measure with one or more amendments and send it back to the House. In turn, the House could agree to the changes proposed by the Senate or could further amend the Senate amendments. The WPR does not provide any expedited procedures when one chamber amends the amendments of the other chamber. In the absence of any fast-track options for resolving differences through amendment exchange, AUMF legislation could become delayed indefinitely for a number of reasons. Either chamber could choose not to act on the amendment of the other chamber when not compelled by statutory deadlines. Alternatively, the Senate might be unable to take further action on AUMF legislation because, without expedited procedures that limit debate, a supermajority (typically 60 Senators) is needed to end debate and proceed to a vote.

Repealing an AUMF

The WPR does not provide any expedited procedures for the consideration of a measure to repeal an AUMF that has been enacted into law. The House can take up repeal legislation through its usual procedures (i.e., suspension of the rules, pursuant to a special rule, and unanimous consent).[24] In the Senate, AUMF repeal legislation is fully debatable and amendable, meaning it could potentially be subject to one or more cloture processes in order to reach a vote on final passage.[25]

Procedures Governing Legislation Directing the Removal of U.S. Armed Forces

The WPR, as enacted in 1973, provided expedited consideration of a concurrent resolution to direct the removal of U.S. forces. However, the use of legislation not requiring two-chamber passage and presentment for the President's signature (simple and concurrent resolutions) to approve or disapprove of executive action was deemed an unconstitutional "legislative veto" by the Supreme Court's 1983 ruling in *INS v. Chadha*.[26] Congress addressed this issue later that same

[22] In the event that conferees report in disagreement back to the House and the Senate, the WPR does not offer continued expedited consideration of the bill or joint resolution. Under regular procedures, either chamber could request a second conference or try to reach agreement through the exchange of amendments.

[23] For further reading on the topic, see CRS Report R41003, *Amendments Between the Houses: Procedural Options and Effects*, by Elizabeth Rybicki.

[24] See, for example, H.R. 256 from the 117th Congress (2021-2022), which was considered and passed pursuant to the terms of a special rule.

[25] This was the case with Senate consideration of S. 316, which saw cloture processes used on the motion to proceed to consider the bill and on the question of final passage during the 118th Congress (2023-2024).

[26] Technically, the Supreme Court's decision ruled a "one-house veto" unconstitutional because it violated the provisions of Article I of the U.S. Constitution, which requires the legislative power to be subject to bicameralism and presentment. Given that a concurrent resolution disapproving executive action faces the same presentment clause issue, (continued...)

year by enacting language creating a new statutory mechanism to direct the removal of military forces by way of a joint resolution or bill.[27] As a result, Congress now has two fast-track procedures to direct the removal of U.S. forces: first, through a concurrent resolution subject to expedited procedures in both the House and the Senate, but this procedure is constitutionally problematic; and second, through a joint resolution or bill that has expedited consideration in the Senate only.

Bills and Joint Resolutions

The WPR (50 U.S.C. §1546a) provides fast-track consideration of qualifying bills and joint resolutions directing the removal of U.S. Armed Forces from hostilities abroad. These procedures are unique to other components of the WPR in that they only apply to one chamber (the Senate) and use a modified version of another statute's procedures (the International Security Assistance and Arms Export Control Act of 1976, commonly referred to as ISAAECA).[28] The House considers bills and joint resolutions to remove U.S. forces under its usual procedures, as they do not receive any special treatment under the WPR. The sections that follow discuss consideration in the Senate alone.

Legislative Form and Timing of Introduction in the Senate

A bill or joint resolution directing the removal of military forces engaged in hostilities abroad may be introduced in the Senate at any time Congress has not declared war or provided statutory authorization for the use of force. There is no specific language required by the statute in order to qualify for expedited consideration. However, the three measures considered under the WPR that have passed the Senate to date have followed a similar construction.[29] Each has included a series of findings statements (whether drafted as a preamble preceding the resolving or enacting clause of the measure or as a "findings" section within it)[30] and a section directing the parameters for removal of forces. Sometimes, these measures have included presidential reporting requirements to Congress and one or more "rule of construction" sections to make explicit that the legislation will not affect other aspects of international engagement.[31]

Congress amended many existing statutory procedures, including the WPR, to make use of a joint resolution or bill instead of a concurrent resolution. For more reading, see *House Practice*, ch. 14, pp. 375-377; and Congressional Research Service, *Legislative Veto*, Constitution Annotated, https://constitution.congress.gov/browse/essay/artI-S7-C2-4/ALDE_00013647/.

[27] Department of State Authorization Act, Fiscal Years 1984 and 1985 (P.L. 98-164, Title X, §1013; 97 Stat. 1062). The language in the final bill was the result of a conference committee agreement producing new language not found in either the House measure or the Senate's amendment. The Senate's version of the bill would have replaced all references to a concurrent resolution in Section 5(c) to a joint resolution and would also have limited debate on a veto override to 10 hours in each chamber. Reportedly, House Foreign Affairs Committee Chair Clement Zablocki opposed the Senate's language amending the WPR. See "State Department Bill," in *CQ Almanac 1983*, 39th ed., pp. 145-53 (Washington, DC: Congressional Quarterly, 1984), http://library.cqpress.com/cqalmanac/cqal83-1198504.

[28] The relevant expedited procedures under ISAAECA can be found in P.L. 98-164, Title X, Section 601(b); 90 Stat. 765.

[29] See S.J.Res. 54 (115th Congress), S.J.Res. 7 (116th Congress), and S.J.Res. 68 (116th Congress).

[30] For more discussion on the potential drafting implications of "preambles" versus "findings," see CRS Report R46484, *Understanding Federal Legislation: A Section-by-Section Guide to Key Legal Considerations,* by Victoria L. Killion.

[31] For example, S.J.Res. 7 (116th Congress) included a pair of "rule of construction" sections clarifying that the legislation, which directed the removal of U.S. forces from the Republic of Yemen, would not "influence or disrupt" cooperative activity with Israel or intelligence activities relating to Yemen.

While there is no prescribed text under the statutory rule, there are limits on what can be included in a measure and still qualify for expedited consideration. In one instance, a measure appears to have been deemed ineligible for privileged consideration in the Senate after the House adopted language that was not sufficiently related to the underlying measure. During the 116th Congress, the House adopted a motion to recommit H.J.Res. 37, directing the removal of U.S. forces from Yemen, with instructions that the resolution be reported back to the House with an amendment in regard to combating anti-Semitism. The motion was agreed to and the resolution was subsequently passed, as amended. According to media reporting, the Senate Parliamentarian found the language added to H.J.Res. 37 by the motion to recommit to be "too unrelated to the content of the underlying resolution for the measure to retain its privilege."[32] As a result, H.J.Res. 37 was not acted on by the Senate. Instead, the chamber took up and passed a privileged Senate vehicle, S.J.Res. 7, which was later agreed to in the House but subsequently vetoed by the President.

The Senate Parliamentarian's office should be consulted for definitive guidance on whether draft legislation would qualify for expedited consideration under the WPR.

Committee Consideration and Discharge

To date, all bills and joint resolutions directing the removal of military forces that have been introduced in the Senate have been referred to the Committee on Foreign Relations. Once the committee has received such a qualifying measure, it has 10 days of "continuous session" to report to the Senate. This day count includes every calendar day, including weekends and holidays, except when one or both chambers has adjourned for more than three days.[33]

If the committee has not reported the measure after the 10-day period has expired, any Senator in favor of it may make, on the floor, a privileged motion to discharge the committee from further consideration. The motion is debatable for one hour, with time equally divided between the majority and minority leaders or their designees. Once the committee has reported or been discharged, the measure is placed on the Senate's *Calendar of Business* where it can thereafter be called up for floor consideration.

Floor Consideration

Under the WPR, any Senator may make a non-debatable motion to proceed to consider a qualifying bill or joint resolution that is on the *Calendar of Business*. If the motion is agreed to, debate on the measure and all debatable motions and appeals are limited to a total of 10 hours, equally divided between the majority and minority leaders or their designees.[34] Debate may be further limited if a non-debatable motion to do so is agreed to. The procedures also provide that the measure "shall be amendable."

Senate rules provide that, in most situations, a motion to proceed to consider an item of business and the subsequent question on passing it are both debatable.[35] To end debate in the Senate

[32] Katherine Tully-McManus, "House to Vote on War Powers Thursday," *Roll Call*, January 8, 2020.

[33] In recent practice, the House and Senate do not adjourn for more than three days by concurrent resolution. Instead, the House and Senate make use of *pro forma* session days, where little or no business is conducted, in order to not be recessed for more than three calendar days at a time. As a result, the 10 continuous session day count for committee consideration of a bill or joint resolution will typically coincide with a 10-calendar-day period.

[34] Further, debate on any individual motion or appeal is limited to one hour and is counted against the 10-hour total of available debate time.

[35] Some examples of items of business with non-debatable motions to proceed include to enter executive session to consider a nomination or treaty, to consider a House amendment, or to consider a conference report.

requires that cloture be invoked, a step that takes several days and requires the support of three-fifths of the Senate (typically 60 Senators) to accomplish. Because the WPR's expedited procedures provide for a *non-debatable* motion to proceed, the Senate does not need a cloture process (avoiding the need for supermajority support) and instead immediately votes on the question, needing the support of only a simple majority of those voting. Similarly, while a bill or joint resolution to direct the removal of military forces is debatable under the WPR, debate on the measure and all questions in relation to it are limited to a total of 10 hours. Again, because debate is limited in this situation, the Senate does not need to invoke cloture (with supermajority support) on this question, either. In simplest terms, these expedited procedures allow a simple majority to call up a qualifying measure and, after some debate, vote on whether to pass it.

The WPR also stipulates that these measures are amendable, and the Senate has established by precedent that amendments must be germane. In 2018, in response to a series of parliamentary inquiries by the majority leader during consideration of S.J.Res. 54, directing the removal of U.S. forces from Yemen, the presiding officer noted that most expedited procedure statutes either prohibit amendments or restrict their content. In explaining how expedited procedure statutes generally work, the presiding officer stated:

> The Senate trades its normal procedure of unfettered debate and amendment and the need for 60 votes to end debate and consideration for a more predictable, structured, and streamlined process of consideration and a majority threshold vote.[36]

Senator Bob Corker, who was chair of the Foreign Relations Committee at the time, then raised a point of order that amendments offered to these measures must be germane. In this instance, the presiding officer did not rule on the point of order, citing that "the Senate had not previously considered this question." Instead, it was submitted to the Senate, which voted 96-3 to find the point of order well taken.[37]

The statute also specifically limits "debate" on the measure, as opposed to "consideration." The word *debate* in other statutory expedited procedures has been interpreted to mean that when debate ends, Senators can no longer speak on the measure, but they can continue to offer amendments, leading to a series of back-to-back votes sometimes referred to as a "vote-a-rama."[38] It is possible that this interpretation of *debate* could also be applied to consideration of a measure under the WPR.

In practice, the Senate has structured floor consideration of removal measures by unanimous consent. For example, during the 116th Congress (2019-2020) the Senate reached unanimous consent to discharge the Committee on Foreign Relations from further consideration of S.J.Res. 7 (removal of U.S. forces from Yemen), proceed to the joint resolution's immediate consideration, limit debate to two hours, and allow three specified amendments.[39] During that same Congress, the Senate used unanimous consent in relation to multiple steps during the consideration of S.J.Res. 68 (removal of U.S. forces from Iran). First, the Senate reached consent to provide a

[36] *Congressional Record*, daily edition, vol. 164 (December 12, 2018), pp. S7482-S7483.

[37] The point of order is printed in the *Congressional Record* as "amendments offered under 50 U.S.C. §1546(a) must be germane to the underlying joint resolution to which they are offered" (*Congressional Record*, daily edition, vol. 164 [December 12, 2018], pp. S7482-S7483). It appears that the text of the point of order was intended to point to Section 1546a, not Section 1546(a). Furthermore, while the point of order referenced only joint resolutions, presumably it would also apply to bills.

[38] Further discussion of vote-a-ramas can be found in CRS Report R40665, *Congressional Budget Resolutions: Consideration and Amending in the Senate*, by Megan S. Lynch.

[39] *Congressional Record*, vol. 165 (March 13, 2019), p. S1829.

period of debate for the otherwise non-debatable motion to proceed to the measure.[40] Once the measure was pending before the Senate, unanimous consent was used to make only certain amendments in order and set a time for votes on those amendments and the joint resolution.[41]

Resolving Differences

For a bill or joint resolution to be presented to the President for signature and enactment into law, the House and the Senate must first pass identical text in the same measure. The WPR allows for the possibility that both the House and the Senate could each pass its own measure or that the Senate could amend House text. (The House can also amend Senate text under the standing rules of the chamber.) As a result, it is possible that the House and the Senate might need to take additional procedural steps after passage in both chambers. The WPR is effectively silent on addressing this stage of the legislative process.[42] Instead, the House and the Senate must rely on their existing rules and procedures to pass the same legislative text through approval of the same measure.

The House and Senate resolve their legislative differences through an exchange of amendments between the two chambers, going to conference, or a combination of both methods.[43] In an amendment exchange, both the House and the Senate have opportunities to propose changes to the legislative text of the other chamber in the form of amendments. For example, if the Senate passes a bill and sends it to the House, the House can pass the bill without any changes, pass it with an amendment and send it back to the Senate, or take no action on the bill. If the House agreed to a Senate bill with an amendment, the Senate could accept the changes proposed by the House, propose amendments to the House amendment, or also take no further action. The goal of this amendment exchange is to eventually have both chambers agree to the same text in the same measure.

Alternatively, the House and Senate could formally reach a stage of disagreement on the proposed text and agree to go to conference. Using that route, each chamber appoints a delegation of members to a temporary joint committee that is tasked with proposing a negotiated legislative text in the form of a conference report. If the House and Senate each agree to the conference report, then that legislative text is presented to the President for signature and enactment.

Veto Override

In the event that the President vetoes a qualifying bill or joint resolution, the House and Senate may pass the measure over the President's objection with the support of a two-thirds majority in each chamber.[44] The WPR limits debate on a veto message to 20 hours in the Senate.

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[40] *Congressional Record*, vol. 166 (February 12, 2020), p. S1006. Following debate, the Senate agreed to the motion to proceed, 51-45.

[41] *Congressional Record*, vol. 166 (February 12, 2020), p. S1036.

[42] The statutory procedures do prohibit a motion to discharge a Senate committee from consideration of a measure when the committee has already reported a resolution on the same matter. For example, if the committee of referral on the Senate reported a Senate measure to direct the removal of U.S. forces and was then referred a companion House measure doing the same, it would not be in order for the Senate to discharge the committee of that second measure (P.L. 94-329, §601(b)(3)(A); 90 Stat. 766).

[43] For discussion of these procedures, see CRS Report 98-696, *Resolving Legislative Differences in Congress: Conference Committees and Amendments Between the Houses*, by Elizabeth Rybicki.

[44] See CRS Report RS22654, *Veto Override Procedure in the House and Senate*, by Elizabeth Rybicki.

Concurrent Resolutions

Section 5(c) of the WPR (50 U.S.C. §1546) provides for expedited consideration of a concurrent resolution to direct the removal of U.S. Armed Forces abroad.[45] As previously discussed, the Supreme Court's 1983 ruling in *INS v. Chadha* effectively found simple and concurrent resolutions that approve or disapprove of executive action to be unconstitutional because they did not require presentation to the President.[46] Congress addressed the issue by creating new expedited procedures for Senate consideration of a bill or joint resolution to direct the removal of military forces.[47] However, Congress also chose to preserve the existing procedures for consideration of concurrent resolutions despite that legislative vehicle's apparent constitutional flaws. Concurrent resolutions continue to be submitted and considered in the House, as it remains the only way for its Members to obtain expedited consideration of legislation directing the removal of U.S. forces.

A concurrent resolution directing the President to remove U.S. forces may be introduced in either chamber at any time that U.S. forces are engaged in hostilities abroad and Congress has not declared war or provided statutory authorization. The WPR does not require that the measure contain specific legislative language in order to qualify for expedited consideration.[48] Once introduced, these concurrent resolutions are referred to the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate.

The WPR sets deadlines for consideration by the committee of referral and on the floor in each chamber. Upon referral, the committee has 15 calendar days to report to its parent chamber. If the measure has not been reported after 15 calendar days, each chamber has interpreted the WPR to allow for the committee to be discharged from further consideration. In the House, the committee can be discharged by a privileged motion.[49] In the Senate, the committee is discharged automatically.

Once the committee has reported or been discharged, the WPR states that the concurrent resolution "shall become the pending business" of the chamber and must be voted on within three calendar days. Here again, the House and the Senate have established precedents to interpret how to comply procedurally with the broad instructions set by the WPR. In the House, a privileged motion to proceed to consider the measure becomes available. In the Senate, the measure automatically becomes the pending business after the committee has reported or been discharged.

The WPR is silent on floor consideration other than establishing that a vote shall occur within three calendar days after it becomes pending on the floor. In the absence of language addressing amendments, it appears that concurrent resolutions are amendable during floor consideration in both chambers. In the House, germaneness is always required under the chamber's rules. While the Senate does not have a general germaneness requirement, a 2018 precedent established a germaneness requirement specifically for amendments to bills and joint resolutions directing the

[45] 50 U.S.C. §1544(c).

[46] See footnote 26.

[47] 50 U.S.C. §1546a.

[48] Despite the absence of statutorily required text, the Senate appears to have deemed certain legislative language as disqualifying from privileged consideration. See the "Legislative Form and Timing of Introduction in the Senate" section for discussion of legislation from the 116th Congress (2019-2020) for more information. For examples of recent concurrent resolutions in the House, see H.Con.Res. 83, 116th Congress (2019-2020), and H.Con.Res. 21, 118th Congress (2023-2024).

[49] The motion to discharge the committee is debatable for 20 minutes, with time equally divided between those in favor and those opposed, pursuant to House Rule XV, clause 2. It is not subject to a motion to table. For further discussion, see footnote 15.

removal of military forces.[50] The Senate could choose to apply that precedent to amendments to concurrent resolutions as well.

After passage by the first chamber, the second chamber operates under the same deadlines (15 calendar days for committee consideration and three calendar days for floor consideration). In the event that the second-acting chamber amends the measure, the WPR calls for the "prompt" appointment of a conference committee, which has six calendar days to file a conference report. Both the House and the Senate must then vote on the conference report within six calendar days. Lastly, the WPR directs conferees to report back in disagreement if they are unable to reach consensus within 48 hours of being appointed.

Concurrent resolutions directing the removal of U.S. forces have been routinely introduced in the House each Congress for the past 30 years and only once in the Senate during that time.[51] The House Foreign Affairs Committee infrequently acts on these measures, and the Senate Foreign Relations Committee has yet to do so. However, it is unclear whether the Senate affords expedited consideration to concurrent resolutions given that the chamber has always used other statutory procedures under the WPR for bills and joint resolutions that accomplish the same policy goal.[52]

When floor votes have occurred in the House, they have routinely been structured under terms set by unanimous consent agreements or special rules reported by the Rules Committee and adopted by the House.[53] In some recent Congresses, the House has also adopted special rules containing provisions turning off application of the WPR's expedited consideration of such measures. Special rules have included language to turn off expedited consideration for a particular measure (see Section 2(b) of H.Res. 739, 116th Congress) or in relation to a particular country (see Section 2 of H.Res. 1176, 115th Congress). The chamber's rules package for the 118th Congress (H.Res. 5, Section 3(z)) included language that does not count designated "district work period" legislative days toward the WPR's deadlines for consideration of a concurrent resolution directing the

[50] For more detail on the 2018 Senate precedent, see discussion in the "Floor Consideration" section on procedures for bills and joint resolutions directing the removal of U.S. forces.

[51] S.Con.Res. 33, 116th Congress (2019-2020).

[52] The Senate Foreign Relations Committee has been referred concurrent resolutions directing the removal of military forces four times since the enactment of the WPR. In each case there appears to be possible procedural reasons why the committee was not subject to statutory deadlines but not definitively so. The first instance involved House passage of H.Con.Res. 170, directing the removal of U.S. forces from Somalia, during the 103rd Congress (1993-1994). One day after the measure was referred to the Foreign Relations Committee, President Clinton signed into law P.L. 103-139, the Department of Defense Appropriations Act for FY1994, which included language authorizing the use of military force in Somalia (Section 8151, 107 Stat. 1475). This authorizing language appears to have negated a condition for the privileged consideration of H.Con.Res. 170 and may explain why the Senate took no action on that measure. The Senate next received a concurrent resolution in the 113th Congress (2013-2014), when the House agreed to H.Con.Res. 105. That measure was not acted on by the Senate Foreign Relations Committee, and the committee was not automatically discharged after 15 calendar days. Most recently, during the 116th Congress (2019-2020), the committee was referred two measures to terminate the use of force against Iran, H.Con.Res. 83 and S.Con.Res. 33. According to floor remarks, the committee did not consider either resolution to be privileged, as their legislative text directed the President to "terminate" the use of force as opposed to directing the President to "remove" U.S. forces, an interpretation contested by the committee's ranking member, Senator Robert Menendez (*Congressional Record*, vol. 166 [January 28, 2020], pp. S629-S630). This stricter application of privilege in the Senate could also explain the committee's inaction on H.Con.Res. 105 in the 113th Congress, which also lacked "removal" text, instead directing that the President "shall not deploy or maintain" military forces in Iraq.

[53] For an example of floor consideration structured by a special rule, see H.Res. 781 (116th Congress). For an example of floor consideration structured pursuant to unanimous consent, see *Congressional Record*, vol. 161 (June 16, 2015), p. H4389. In that instance, the House ordered that the chair of the Committee on Foreign Affairs or his designee could call up H.Con.Res. 55 (114th Congress) at any time and that the measure would be debatable for two hours, equally divided.

removal of U.S. forces. To date, three House concurrent resolutions have passed the House,[54] and none have passed in the Senate.

[54] H.Con.Res. 170 (103rd Congress), H.Con.Res. 105 (113th Congress), and H.Con.Res. 83 (116th Congress).

Appendix. Statutory Requirements for Expedited Procedures Under the WPR

Procedures for the Consideration of Legislation Authorizing the Use of Military Force (AUMF) (50 U.S.C. §1545)

- A bill or joint resolution must be introduced at least 30 calendar days before the expiration of the 60-day automatic termination window that begins when the President has submitted a report to Congress (or was required to) on the use of force pursuant to 50 U.S.C. §1544(a).
- Qualifying measures are referred to the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate. The committee shall report no later than 24 calendar days prior to the expiration of the 60-day period, unless the chamber "shall otherwise determine by the yeas and nays."
- Once reported, the measure "shall become the pending business" of the chamber and a vote on final passage shall occur within three calendar days thereafter (unless the chamber "shall otherwise determine by the yeas and nays").
- After passage in the first chamber, the measure is referred to the second-acting chamber's committee of jurisdiction, which must report within 14 calendar days prior to the expiration of the 60-day period.
- Upon reporting by the second-acting chamber's committee, the measure "shall become the pending business" on the floor and a vote on final passage must be held within three calendar days.
- In the event that there are differences in the measure passed by both chambers, "conferees shall be promptly appointed" and are directed to report not later than four calendar days prior to the expiration of the 60-day period. If conferees cannot reach agreement within 48 hours of being appointed, they shall report back in disagreement.
- Both the House and the Senate must vote on the conference report prior to the expiration of the 60-day period.

Procedures for the Consideration of a Bill or Joint Resolution Directing the Removal of U.S. Armed Forces (50 U.S.C. §1546a)

- The procedures relate only to consideration of measures in the Senate. There are no statutorily provided expedited procedures in the House.
- A bill or joint resolution may be introduced at any time that U.S. Armed Forces are engaged in hostilities outside of the United States and Congress has not declared war or otherwise authorized the action by statute.
- Upon introduction, a qualifying measure is referred to committee in routine fashion under the standing rules of the Senate.
- The committee of referral has 10 days of continuous session to report or may be subject to a motion to discharge on the floor that is debatable for one hour.
- Once the measure has been reported or the committee has been discharged from further consideration, it may be called up by a non-debatable motion to proceed.

- If the measure becomes the pending business of the Senate, it is debatable for 10 hours and "shall be amendable."
- If the measure is vetoed by the President, consideration of the veto message is limited to 20 hours in the Senate.

Procedures for the Consideration of a Concurrent Resolution Directing the Removal of U.S. Armed Forces (50 U.S.C. §1546)

- A concurrent resolution may be introduced at any time that U.S. Armed Forces are engaged in hostilities outside of the United States and Congress has not declared war or otherwise authorized the action by statute.
- A qualifying concurrent resolution is referred to the Committee on Foreign Affairs in the House and the Committee on Foreign Relations in the Senate. The committee shall report the measure within 15 calendar days, unless the chamber "shall otherwise determine by the yeas and nays."
- Once reported, the concurrent resolution "shall become the pending business" of the chamber and a vote on final passage shall occur within three calendar days thereafter (unless the chamber "shall otherwise determine by yeas and nays").
- After passage in the first chamber, the concurrent resolution is transmitted to the other chamber and is subject to the same deadlines for action (15 calendar days for the committee to report and then three calendar days for a floor vote on final passage).
- In the event that there are differences in the measure passed by both chambers, "conferees shall be promptly appointed" and are directed to report within six calendar days. If conferees cannot reach agreement within 48 hours of being appointed, they shall report back in disagreement.
- The House and the Senate must both vote on the conference report within six calendar days after the conference report is filed.

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