

ments that are not within the Department's capability.

(Pub. L. 103-160, div. A, title XVII, §1705, Nov. 30, 1993, 107 Stat. 1856.)

#### CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1994, and not as part of Pub. L. 91-121, title IV, §409, Nov. 19, 1969, 83 Stat. 209, which comprises this chapter.

#### “CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives, see section 3 of Pub. L. 103-160, 107 Stat. 1562.

### CHAPTER 33—WAR POWERS RESOLUTION

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| Sec.<br>1541. | Purpose and policy.<br>(a) Congressional declaration.<br>(b) Congressional legislative power under necessary and proper clause.<br>(c) Presidential executive power as Commander-in-Chief; limitation.   |
| 1542.         | Consultation; initial and regular consultations.   |
| 1543.         | Reporting requirement.<br>(a) Written report; time of submission; circumstances necessitating submission; information reported.<br>(b) Other information reported.<br>(c) Periodic reports; semiannual requirement.  |
| 1544.         | Congressional action.<br>(a) Transmittal of report and referral to Congressional committees; joint request for convening Congress.<br>(b) Termination of use of United States Armed Forces; exceptions; extension period.<br>(c) Concurrent resolution for removal by President of United States Armed Forces.   |
| 1545.         | Congressional priority procedures for joint resolution or bill.<br>(a) Time requirement; referral to Congressional committee; single report.<br>(b) Pending business; vote.<br>(c) Referral to other House committee.<br>(d) Disagreement between Houses.  |
| 1546.         | Congressional priority procedures for concurrent resolution.<br>(a) Referral to Congressional committee; single report.<br>(b) Pending business; vote.<br>(c) Referral to other House committee.<br>(d) Disagreement between Houses.   |
| 1546a.        | Expedited procedures for certain joint resolutions and bills.  |
| 1547.         | Interpretation of joint resolution.<br>(a) Inferences from any law or treaty.<br>(b) Joint headquarters operations of high-level military commands.<br>(c) Introduction of United States Armed Forces.<br>(d) Constitutional authorities or existing treaties unaffected; construction against grant of Presidential authority respecting use of United States Armed Forces. |
| 1548.         | Separability.  |

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 10 sections 127a, 12304; title 22 section 3426.

### § 1541. Purpose and policy

#### (a) Congressional declaration

It is the purpose of this chapter to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations.

#### (b) Congressional legislative power under necessary and proper clause

Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer hereof.

#### (c) Presidential executive power as Commander-in-Chief; limitation

The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

(Pub. L. 93-148, §2, Nov. 7, 1973, 87 Stat. 555.)

#### EFFECTIVE DATE

Section 10 of Pub. L. 93-148 provided that: “This joint resolution [enacting this chapter] shall take effect on the date of its enactment [Nov. 7, 1973].”

#### SHORT TITLE

Section 1 of Pub. L. 93-148 provided that: “This joint resolution [enacting this chapter] may be cited as the ‘War Powers Resolution’.”

#### INVOLVEMENT OF ARMED FORCES IN HAITI

Pub. L. 103-423, Oct. 25, 1994, 108 Stat. 4358, provided that:

“SECTION 1. SENSE OF CONGRESS REGARDING UNITED STATES ARMED FORCES OPERATIONS IN HAITI.

“It is the sense of Congress that—

“(a) the men and women of the United States Armed Forces in Haiti who are performing with professional excellence and dedicated patriotism are to be commended;

“(b) the President should have sought and welcomed Congressional approval before deploying United States Armed Forces to Haiti;

“(c) the departure from power of the de facto authorities in Haiti, and Haitian efforts to achieve national reconciliation, democracy and the rule of law are in the best interests of the Haitian people;

“(d) the President's lifting of the unilateral economic sanctions on Haiti, and his efforts to bring about the lifting of economic sanctions imposed by the United Nations are appropriate; and

“(e) Congress supports a prompt and orderly withdrawal of all United States Armed Forces from Haiti as soon as possible.