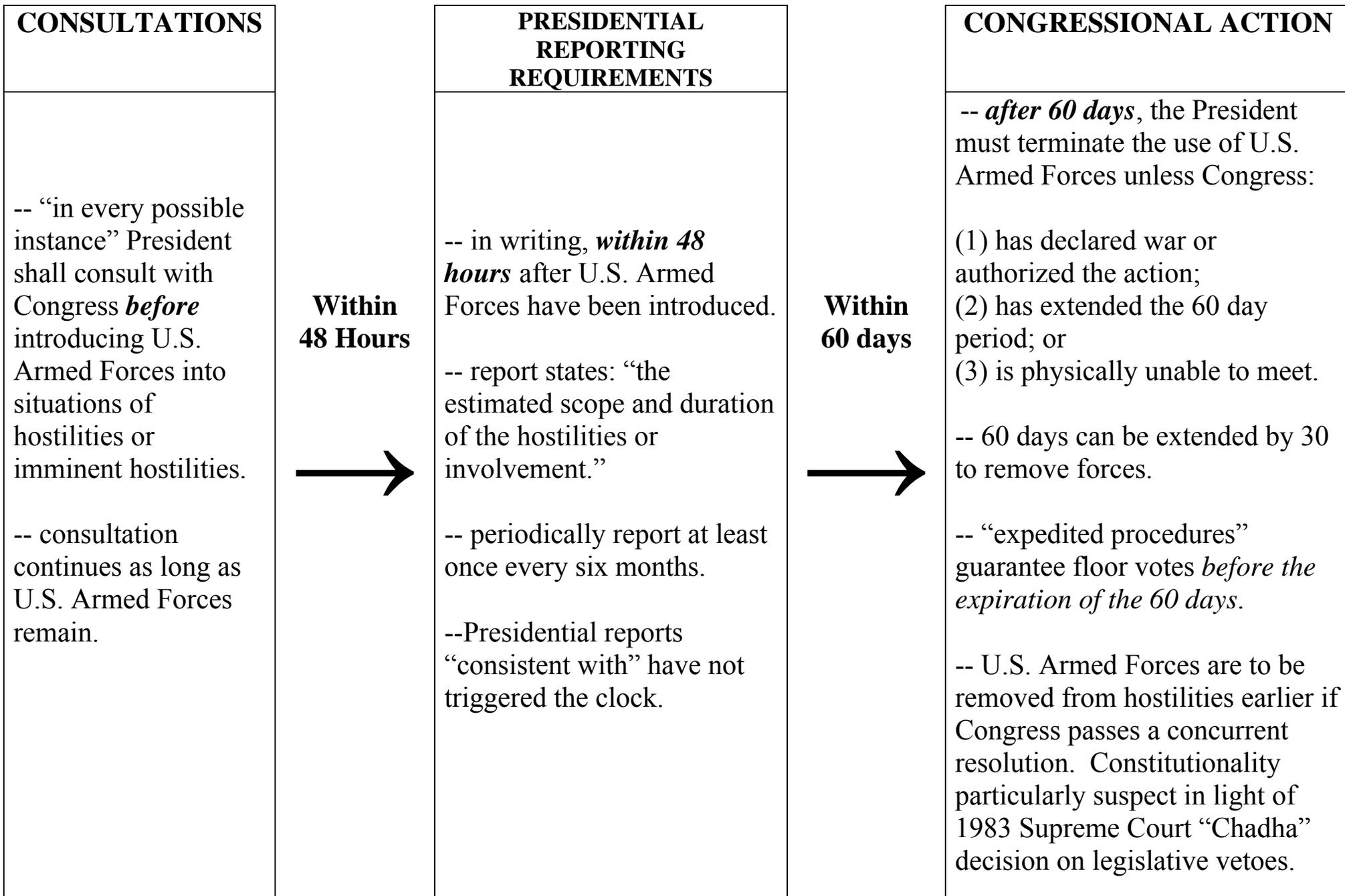


## COMPARISON OF THE EXISTING WAR POWERS RESOLUTION AND THE CONSTITUTIONAL WAR POWERS RESOLUTION

<i>Existing War Powers Resolution</i>	<i>Constitutional War Powers Resolution</i>	<i>Section</i>
<p><u>Permitted types of short-term deployments into hostilities without congressional action:</u> No limitations on the President.</p>	<p><u>Permitted types of short-term deployments into hostilities without congressional action:</u> ONLY to: repel and retaliate for an attack on U.S., repel an attack on U.S. troops, and protect and evacuate U.S. citizens. Also, <u>no federal funding</u> may be used for any other initiation of hostilities.</p>	<p>§3(a) pp. 3-4</p>
<p><u>Required presidential consultation and reporting:</u> President consults with “Congress” prior to any introduction of troops, and within 48 hours submits a report justifying the introduction and estimating its “<i>scope and duration.</i>”</p>	<p><u>Required presidential consultation and reporting:</u> President convenes an “<i>Executive-Legislative Consultative Group</i>” prior to any introduction of troops, consisting of <u>at least</u> the President, senior executive branch officials, and the four top Senate and House leaders. Within 48 hours, the President must submit a report with justification, scope, and duration AND the estimated cost (including reconstruction), the forces and materiel involved, the impact on U.S. diplomacy, and “<i>a detailed assessment of post-hostilities scenarios, including the size of military forces and the duration of deployment necessitated under each alternative scenario.</i>”</p>	<p>§4(b) p. 6</p> <p>§5(b) p. 7</p> <p>§5(c) pp. 7-8</p>
<p><u>Length of deployment permitted without congressional approval:</u> 60 days after deployment of U.S. forces “<i>into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances,</i>” with a 30 day extension to remove troops.</p>	<p><u>Length of deployment permitted without congressional approval:</u> 30 days after “<i>the initiation of hostilities</i>” by U.S. forces. There are NO extensions, but funds may be used to complete the removal of U.S. forces.</p>	<p>§6(b) pp. 9-10</p>

NOTE: Out of 121 deployments into hostilities acknowledged by the Executive Branch “consistent with” the War Powers Resolution, the 60-day clock was triggered “pursuant to” it just once by the President (Cambodian rescue, 1975) and once by the Congress (Lebanon, 1983).

## Major Action Time Line Under the War Powers Resolution (P.L. 93-148)



# Major Action Time Line Under the Constitutional War Powers Resolution (H. J. Res. 53)

## CONSULTATIONS

-- requires "participation" by the President, "senior executive branch officials," and top six congressional leaders.

-- shall occur *before* the initiation of hostilities by U.S. Armed Forces under a declaration of war or a specific authorization;

-- and "*in every possible instance*" shall occur *before* hostilities are initiated under the three **emergency exceptions**:

- (1) to deal with an armed attack on the United States;
- (2) to deal with an armed attack on U.S. Armed Forces overseas; or
- (3) to deal with cases of protecting and evacuating U.S. citizens outside the United States.

-- shall continue so long as deployment continues.

**Funds may not be obligated or expended for any other initiation of hostilities.**

**Prior to hostilities, except within 48 hours for the three categories of emergencies**



## PRESIDENTIAL REPORTING REQUIREMENTS

-- in writing, *before* initiating hostilities using U.S. armed forces pursuant to a declaration of war or a specific statutory authorization.

-- in writing "*within 48 hours after the initiation of hostilities*" in the case of an **emergency** use of U.S. Armed Forces.

-- report includes:

- \* "the estimated scope and duration of the hostilities";
- \* estimated cost, including post-hostility reconstruction;
- \* "the assets of the Armed Forces" being used;
- \* diplomatic impact on U.S. foreign relations; and
- \* "a detailed assessment of post-hostilities scenarios, including size and duration of deployment.

-- periodically report at least once every six months.

**Within 30 days**



## CONGRESSIONAL ACTION

-- *within 30 calendar days after the initiation of hostilities* under any of the three emergency uses, the President must *remove the Armed Forces from those hostilities* unless Congress:

- has declared war or authorized continued deployment;
- has extended the 30 day period; or
- is physically unable to meet.

Funds may not be obligated or expended to continue the involvement of the Armed Forces in the hostilities, except to remove them.

-- "expedited procedures" guarantee floor votes *before the expiration of the 30 days*.