



IN THE CONGRESS OF THE UNITED STATES

MARCH 16, 2022

Ms. BERRY (for herself, Mr. O’CONNOR, Ms. MOCTEZUMA, Mr. GUMMI, Ms. HEINALUOMA, and Mr. GUY) introduced the following joint resolution;

JOINT RESOLUTION 1

Clarifying the War Powers Resolution of 1973 and affirming the war powers of Congress.

Resolved by the House of Representatives and Senate of the United States of America in Congress Assembled,

SEC. 1. SHORT TITLE.

This Act may be cited as the “War Powers Clarification Resolution”.

SEC. 2. PURPOSE.

- (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States that the Congress is invested with the sole power to declare war, under article I, section 8, of the Constitution.
- (b) 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.
- (c) The President does not have the power to introduce United States Armed Forces into hostilities without reasonable justification and cannot declare a national emergency without an

unprovoked response or an attack upon the United States, its territories or possessions, or its armed forces.

SEC. 3. CLARIFICATION.

- (a) Section 4, subsection (a)-3, of Public Law 93-148 shall be amended to say, “in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation; the President shall submit within ~~48~~ 24 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth—”.

SEC. 4. ENACTMENT.

EFFECTIVE DATE.— This joint resolution shall take effect on the date of its enactment.