

## The War Powers Act (1973)

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,...*

### PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this joint resolution 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) Under article 1, 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 thereof.

(c) 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.

1. *What is the purpose of the War Powers Act?* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### CONSULTATION

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

2. *What obligation does the President have with respect to his relationship with Congress during times of armed conflict?*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced

1. into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances
2. 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
3. in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation; the President shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth
  - A. the circumstances necessitating the introduction of United States Armed Forces
  - B. the constitutional & legislative authority under which such introductions took place; &
  - C. the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed forces abroad.

(c) Whenever United States Armed Forces are introduced into hostilities or into any situations described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

3. Under what circumstances does the President have to report to Congress? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. How often does the President have to report? \_\_\_\_\_

### CONGRESSIONAL ACTION

Sec. 5. ... (b) Within sixty calendar days after a report is submitted... the President shall terminate any use of United States Armed Forces... unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of the United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

5. The President must cease use of the Armed Forces if Congress has not declared war within \_\_\_\_\_ days of the President's report, if they have not extended the 60-day period, or if Congress is unable to meet due to \_\_\_\_\_  
\_\_\_\_\_. The President may ask for a 30-day extension if what can be shown?  
\_\_\_\_\_  
\_\_\_\_\_

... At any time that the United States Armed Forces are engaged in hostilities outside the territory of the United States... without a declaration of war..., such forces shall be removed by the President if the Congress so directs by concurrent resolution...

6. The President must also remove the Armed Forces if Congress orders by joint resolution.

### INTERPRETATION OF JOINT RESOLUTION

Sec. 8... (c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.

7. What do they define as "introduction of U.S. Armed Forces"? Any time the military is used to... \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EFFECTIVE DATE**  
IN THE HOUSE OF REPRESENTATIVES, U.S.,  
November 7, 1973.