

PRESIDENTIAL POWERS – HOSTILITIES AND WAR POWERS

Richard G. Lugar, Senate Joint Resolution 20 Amendment

no date

AMENDMENT NO. _____

Calendar No. _____

Purpose: To declare that the authority for the limited use of United States Armed Forces is intended to constitute specific statutory authorization under the War Powers Resolution.

IN THE SENATE OF THE UNITED STATES—112th Cong., 1st Sess.

S.J. RES. 20

Authorizing the limited use of the United States Armed Forces
in support of the NATO mission in Libya.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. LUGAR

Viz:

On page 6, between lines 2 and 3, insert the following:

(c) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—

Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)). [*2]

(2) APPLICABILITY OF OTHER REQUIREMENTS.—

(A) RULE OF CONSTRUCTION.— Nothing in this joint

resolution supersedes any requirement of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(B) ENGAGEMENT IN HOSTILITIES.— United States military operations in Libya since April 4, 2011, which have included non-kinetic support to the NATO-led operations, including intelligence, logistical support, and search and rescue assistance, United States aircraft assisting in the suppression and destruction of air defenses in support of the no-fly zone, and precision strikes by unmanned aerial vehicles, constitute hostilities within the meaning of the War Powers Resolution, and may be carried out only under the conditions specified in section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).