

# The War Powers Act of 1973

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## Public Law 93-148

93rd Congress, H. J. Res. 542

November 7, 1973

## Joint Resolution

Concerning the war powers of Congress and the President.

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

## SHORT TITLE

### SECTION 1.

This joint resolution may be cited as the "War Powers Resolution".

## 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 judgement 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.

### SEC. 2. (b)

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 thereof.

### SEC. 2. (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.

# 1973 Sente Report War Powers

**United States. Congress. Senate.  
Committee on the Judiciary**



## 1973 Sente Report War Powers:

**The War Powers Resolution** John H. Sullivan, 1982 *War Powers, Hearings Before the Subcommittee on National Security Policy and Scientific Developments ...*, 93-1, March 7, 8, 13, 14, 15, 20, 1973 United States. Congress. House. Foreign Affairs, 1978 *Hearings, Reports and Prints of the Senate Committee on the Judiciary* United States. Congress. Senate. Committee on the Judiciary, 1974 **Congressional Record** United States. Congress, 1995 Applicability of Certain U.S. Laws that Pertain to U.S. Military Involvement in El Salvador United States. General Accounting Office, 1982 As the war between the government of El Salvador and guerrilla forces escalated questions arose concerning the applicability of several U S laws to U S involvement in El Salvador Pursuant to a congressional request GAO reviewed the deployment of U S military personnel and the provision of military equipment training and services to El Salvador with reference to the Arms Export Control Act AECA and the War Powers Resolution It also examined the Uniformed Services Pay Act of 1963 and its implementing regulations relating to hostile fire pay HFP Although a request to designate El Salvador as a hostile fire area was approved and then reversed GAO found that HFP has been paid to most of the U S Army personnel in El Salvador on an individual monthly basis The overall extent and continuous nature of these payments indicates that the Department of Defense DOD treats El Salvador as a hostile fire area Under the AECA the President is required to report to Congress within 48 hours of the existence or a change in status of significant hostilities or terrorist acts which may endanger American lives or property Apparently the major reason for the DOD reversal of the decision to designate El Salvador as a hostile fire area was to preclude giving the impression of triggering this requirement Despite property losses the possible endangering of U S personnel and the unparalleled use of emergency funds no report was filed GAO believes that a report should have been filed The DOD determination that the War Powers Resolution did not require a report to Congress concerning the 1981 deployment to El Salvador of U S mobile training teams was based in part on a representation that such personnel were not expected to be exposed to areas of military operations Facts developed by GAO contradict those representations GAO believes that in the future DOD should closely consider the applicability of the War Powers Resolution reporting requirement and monitor events to ascertain that the facts as represented are true **Hearings, Reports and Prints of the House Committee on the Judiciary** United States. Congress. House. Committee on the Judiciary, 1974 **Opinions of the Office of Legal Counsel of the United States Department of Justice** United States. Department of Justice. Office of Legal Counsel, 1985 Consisting of selected memorandum opinions advising the President of the United States the Attorney General and other executive officers of the Federal Government in relation to their official duties **Monthly Catalog of United States Government Publications**, 1971 *Monthly Catalog of United States Government Publications, Cumulative Index* United States. Superintendent of Documents, 1976 **Survey of activities - Committee on Foreign Affairs** United States. Congress. House. Committee on Foreign Affairs, 1975

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