

## Calendar No. 421

116TH CONGRESS  
2D SESSION

# S. J. RES. 68

To direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress.

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### IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2020

Mr. KAINE (for himself, Mr. DURBIN, Mr. LEE, Mr. PAUL, Mrs. GILLIBRAND, Ms. HIRONO, Mr. KING, Mr. REED, Mr. SANDERS, Ms. COLLINS, Ms. DUCKWORTH, Mrs. FEINSTEIN, Mr. MARKEY, Mr. JONES, Mr. MERKLEY, Mr. SCHATZ, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. MURPHY, Ms. WARREN, Ms. KLOBUCHAR, Ms. HARRIS, Mr. WARNER, Ms. CORTEZ MASTO, Mr. BOOKER, Mrs. MURRAY, Ms. SMITH, and Mr. BLUMENTHAL) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

FEBRUARY 12, 2020

Committee discharged, by motion, pursuant to 50 U.S.C. 1546a, and placed on the calendar

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## JOINT RESOLUTION

To direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress.

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

1 **SECTION 1. FINDINGS.**

2 Congress makes the following findings:

3 (1) Congress has the sole power to declare war  
4 under article I, section 8, clause 11 of the United  
5 States Constitution.

6 (2) Congress has not yet declared war upon,  
7 nor enacted a specific statutory authorization for use  
8 of military force against, the Islamic Republic of  
9 Iran. The 2001 Authorization for Use of Military  
10 Force (Public Law 107–40; 50 U.S.C. 1541 note)  
11 against the perpetrators of the 9/11 attack and the  
12 Authorization for Use of Military Force Against Iraq  
13 Resolution of 2002 (Public Law 107–243; 50 U.S.C.  
14 1541 note) do not serve as a specific statutory au-  
15 thorization for the use of force against Iran.

16 (3) The conflict between the United States and  
17 the Islamic Republic of Iran constitutes, within the  
18 meaning of section 4(a) of the War Powers Resolu-  
19 tion (50 U.S.C. 1543(a)), either hostilities or a situ-  
20 ation where imminent involvement in hostilities is  
21 clearly indicated by the circumstances into which  
22 United States Armed Forces have been introduced.

23 (4) Section 5(c) of the War Powers Resolution  
24 (50 U.S.C. 1544(c)) states that “at any time that  
25 United States Armed Forces are engaged in hos-  
26 tilities outside the territory of the United States, its

1        possessions and territories without a declaration of  
2        war or specific statutory authorization, such forces  
3        shall be removed by the President if the Congress so  
4        directs”.

5            (5) Section 8(c) of the War Powers Resolution  
6        (50 U.S.C. 1547(c)) defines the introduction of the  
7        United States Armed Forces to include “the assign-  
8        ment of members of such armed forces to command,  
9        coordinate, participate in the movement of, or ac-  
10       company the regular or irregular forces of any for-  
11       eign country or government when such military  
12       forces are engaged, or there exists an imminent  
13       threat that such forces will become engaged in, hos-  
14       tilities”.

15           (6) The United States Armed Forces have been  
16        introduced into hostilities, as defined by the War  
17        Powers Resolution, against Iran.

18           (7) The question of whether United States  
19        forces should be engaged in hostilities against Iran  
20        should be answered following a full briefing to Con-  
21        gress and the American public of the issues at stake,  
22        a public debate in Congress, and a congressional  
23        vote as contemplated by the Constitution.

24           (8) Section 1013 of the Department of State  
25        Authorization Act, Fiscal Years 1984 and 1985 (50

1 U.S.C. 1546a) provides that any joint resolution or  
2 bill to require the removal of United States Armed  
3 Forces engaged in hostilities without a declaration of  
4 war or specific statutory authorization shall be con-  
5 sidered in accordance with the expedited procedures  
6 of section 601(b) of the International Security and  
7 Arms Export Control Act of 1976.

8 **SEC. 2. TERMINATION OF THE USE OF UNITED STATES**  
9 **FORCES FOR HOSTILITIES AGAINST THE IS-**  
10 **LAMIC REPUBLIC OF IRAN.**

11 (a) TERMINATION.—Pursuant to section 1013 of the  
12 Department of State Authorization Act, Fiscal Years  
13 1984 and 1985 (50 U.S.C. 1546a), and in accordance with  
14 the provisions of section 601(b) of the International Secu-  
15 rity Assistance and Arms Export Control Act of 1976,  
16 Congress hereby directs the President to terminate the use  
17 of United States Armed Forces for hostilities against the  
18 Islamic Republic of Iran or any part of its government  
19 or military, unless explicitly authorized by a declaration  
20 of war or specific authorization for use of military force  
21 against Iran.

22 (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed to prevent the United States from  
24 defending itself from imminent attack.



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