

116TH CONGRESS  
2D SESSION

# S. J. RES. 69

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 16, 2020

Mr. KAINE introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

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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,*

3       **SECTION 1. FINDINGS.**

4       Congress makes the following findings:

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

8               (2) Congress has not yet declared war upon,  
9       nor enacted a specific statutory authorization for use  
10      of military force against, the Islamic Republic of

1 Iran. Neither the 2001 Authorization for Use of  
2 Military Force (Public Law 107–40; 50 U.S.C. 1541  
3 note) against the perpetrators of the 9/11 attack nor  
4 the Authorization for Use of Military Force Against  
5 Iraq Resolution of 2002 (Public Law 107–243; 50  
6 U.S.C. 1541 note) serve as statutory authorization  
7 for the use of military force against Iran.

8 (3) Section 5(c) of the War Powers Resolution  
9 (50 U.S.C. 1544(c)) states that “at any time that  
10 United States Armed Forces are engaged in hos-  
11 tilities outside the territory of the United States, its  
12 possessions and territories without a declaration of  
13 war or specific statutory authorization, such forces  
14 shall be removed by the President if the Congress so  
15 directs”.

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

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

1           (6) Section 1013 of the Department of State  
 2       Authorization Act, Fiscal Years 1984 and 1985 (50  
 3       U.S.C. 1546a) provides that any joint resolution or  
 4       bill to require the removal of United States Armed  
 5       Forces engaged in hostilities without a declaration of  
 6       war or specific statutory authorization shall be con-  
 7       sidered in accordance with the expedited procedures  
 8       of section 601(b) of the International Security and  
 9       Arms Export Control Act of 1976.

10 **SEC. 2. REMOVAL OF UNITED STATES ARMED FORCES EN-**  
 11 **GAGED IN HOSTILITIES AGAINST THE IS-**  
 12 **LAMIC REPUBLIC OF IRAN.**

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

23 **SEC. 3. RULE OF CONSTRUCTION.**

24       Nothing in this resolution shall be construed—

- 1           (1) to prevent the United States from defending  
2           itself from imminent attack; or  
3           (2) to direct the physical removal or realign-  
4           ment of United States Armed Forces in the Middle  
5           East.

