

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, and Mr. PAUL) 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

1 of military force against, the Islamic Republic of  
2 Iran. The 2001 Authorization for Use of Military  
3 Force (Public Law 107–40; 50 U.S.C. 1541 note)  
4 against the perpetrators of the 9/11 attack and the  
5 Authorization for Use of Military Force Against Iraq  
6 Resolution of 2002 (Public Law 107–243; 50 U.S.C.  
7 1541 note) do not serve as a specific statutory au-  
8 thorization for the use of force against Iran.

9 (3) The conflict between the United States and  
10 the Islamic Republic of Iran constitutes, within the  
11 meaning of section 4(a) of the War Powers Resolu-  
12 tion (50 U.S.C. 1543(a)), either hostilities or a situ-  
13 ation where imminent involvement in hostilities is  
14 clearly indicated by the circumstances into which  
15 United States Armed Forces have been introduced.

16 (4) Section 5(c) of the War Powers Resolution  
17 (50 U.S.C. 1544(c)) states that “at any time that  
18 United States Armed Forces are engaged in hos-  
19 tilities outside the territory of the United States, its  
20 possessions and territories without a declaration of  
21 war or specific statutory authorization, such forces  
22 shall be removed by the President if the Congress so  
23 directs”.

24 (5) Section 8(c) of the War Powers Resolution  
25 (50 U.S.C. 1547(c)) defines the introduction of the

1 United States Armed Forces to include “the assign-  
2 ment of members of such armed forces to command,  
3 coordinate, participate in the movement of, or ac-  
4 company the regular or irregular forces of any for-  
5 eign country or government when such military  
6 forces are engaged, or there exists an imminent  
7 threat that such forces will become engaged in, hos-  
8 tilities”.

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

12 (7) The question of whether United States  
13 forces should be engaged in hostilities against Iran  
14 should be answered following a full briefing to Con-  
15 gress and the American public of the issues at stake,  
16 a public debate in Congress, and a congressional  
17 vote as contemplated by the Constitution.

18 (8) Section 1013 of the Department of State  
19 Authorization Act, Fiscal Years 1984 and 1985 (50  
20 U.S.C. 1546a) provides that any joint resolution or  
21 bill to require the removal of United States Armed  
22 Forces engaged in hostilities without a declaration of  
23 war or specific statutory authorization shall be con-  
24 sidered in accordance with the expedited procedures

1 of section 601(b) of the International Security and  
2 Arms Export Control Act of 1976.

3 **SEC. 2. TERMINATION OF THE USE OF UNITED STATES**  
4 **FORCES FOR HOSTILITIES AGAINST THE IS-**  
5 **LAMIC REPUBLIC OF IRAN.**

6 (a) TERMINATION.—Pursuant to section 1013 of the  
7 Department of State Authorization Act, Fiscal Years  
8 1984 and 1985 (50 U.S.C. 1546a), and in accordance with  
9 the provisions of section 601(b) of the International Secu-  
10 rity Assistance and Arms Export Control Act of 1976,  
11 Congress hereby directs the President to terminate the use  
12 of United States Armed Forces for hostilities against the  
13 Islamic Republic of Iran or any part of its government  
14 or military, unless explicitly authorized by a declaration  
15 of war or specific authorization for use of military force  
16 against Iran.

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

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