

116TH CONGRESS  
2D SESSION

# S. J. RES. 63

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 3, 2020

Mr. KAINE (for himself and Mr. DURBIN) 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 war against Iran, and neither author-  
9 ize any such action. The Trump Administration has  
10 acknowledged that neither act is specific statutory  
11 authorization for military action against Iran.

12 (3) President Donald J. Trump understands  
13 that Congress has not authorized war with Iran and  
14 has stated that he has the authority to initiate such  
15 military action without first going to Congress, as  
16 reported in *The Hill* on June 24, 2019.

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

24 (5) Section 5(c) of the War Powers Resolution  
25 (50 U.S.C. 1544(c)) states that “at any time that

1 United States Armed Forces are engaged in hos-  
2 tilities outside the territory of the United States, its  
3 possessions and territories without a declaration of  
4 war or specific statutory authorization, such forces  
5 shall be removed by the President if the Congress so  
6 directs”.

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

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

20 (8) Department of Defense officials have been  
21 warning for more than a year that the Trump Ad-  
22 ministration “maximum pressure campaign” against  
23 Iran, which has included economic, diplomatic and  
24 military pressure, is raising the risk of retaliation  
25 against United States troops and personnel. The

1 cycle of escalating back-and-forth violence between  
2 Iran and its proxies and the United States and its  
3 allies have proven their warnings correct.

4 (9) The question of whether United States  
5 forces should be engaged in armed conflict against  
6 Iran should only be made following a full briefing to  
7 Congress and the American public of the issues at  
8 stake, a public debate in Congress, and a congress-  
9 sional vote as contemplated by the Constitution. The  
10 absence of such a deliberative approach is deeply un-  
11 fair to members of the United States Armed Forces  
12 and other Americans whose lives are at risk in the  
13 event of hostilities between the United States and  
14 Iran.

15 (10) Section 1013 of the Department of State  
16 Authorization Act, Fiscal Years 1984 and 1985 (50  
17 U.S.C. 1546a) provides that any joint resolution or  
18 bill to require the removal of United States Armed  
19 Forces engaged in hostilities without a declaration of  
20 war or specific statutory authorization shall be con-  
21 sidered in accordance with the expedited procedures  
22 of section 601(b) of the International Security and  
23 Arms Export Control Act of 1976.

1 **SEC. 2. REMOVAL OF UNITED STATES FORCES FROM HOS-**  
2 **TILITIES AGAINST THE ISLAMIC REPUBLIC**  
3 **OF IRAN.**

4 (a) **REMOVAL OF FORCES.**—Pursuant to section  
5 1013 of the Department of State Authorization Act, Fis-  
6 cal Years 1984 and 1985 (50 U.S.C. 1546a), and in ac-  
7 cordance with the provisions of section 601(b) of the Inter-  
8 national Security Assistance and Arms Export Control Act  
9 of 1976, Congress hereby directs the President to remove  
10 United States Armed Forces from hostilities against the  
11 Islamic Republic of Iran or any part of its government  
12 or military, by not later than the date that is 30 days  
13 after the date of the enactment of this joint resolution un-  
14 less explicitly authorized by a declaration of war or specific  
15 authorization for use of military force.

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

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