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

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

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.

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

SECTION 1. FINDINGS.

Congress makes the following findings:

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

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

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

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

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

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

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

(8) Section 1013 of the Department of State
Authorization Act, Fiscal Years 1984 and 1985 (50
U.S.C. 1546a) provides that any joint resolution or
bill to require the removal of United States Armed
Forces engaged in hostilities without a declaration of
war or specific statutory authorization shall be con-
sidered in accordance with the expedited procedures
SEC. 2. TERMINATION OF THE USE OF UNITED STATES FORCES FOR HOSTILITIES AGAINST THE ISLAMIC REPUBLIC OF IRAN.

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

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the United States from defending itself from imminent attack.