

116TH CONGRESS
2^D 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.

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

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.

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