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.

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
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(3) 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 hostilities 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”.

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

(5) The question of whether United States forces should be engaged in hostilities against Iran should only be answered following a full briefing to Congress and the American public of the issues at stake, a public debate in Congress, and a congressional vote as contemplated by the Constitution.
(6) 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 considered in accordance with the expedited procedures of section 601(b) of the International Security and Arms Export Control Act of 1976.

SEC. 2. REMOVAL OF UNITED STATES ARMED FORCES ENGAGED IN HOSTILITIES AGAINST THE ISLAMIC REPUBLIC OF IRAN.

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 remove United States Armed Forces engaged in 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.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed—
(1) to prevent the United States from defending itself from imminent attack; or

(2) to direct the physical removal or realignment of United States Armed Forces in the Middle East.