

# S. J. RES. 68

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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) The President has a constitutional responsi-  
9        bility to take actions to defend the United States, its  
10       territories, possessions, citizens, service members,  
11       and diplomats from attack.

12               (3) Congress has not yet declared war upon,  
13       nor enacted a specific statutory authorization for use  
14       of military force against, the Islamic Republic of  
15       Iran. The 2001 Authorization for Use of Military  
16       Force (Public Law 107–40; 50 U.S.C. 1541 note)

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

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

13 (5) Members of the United States Armed  
14 Forces and intelligence community, and all those in-  
15 volved in the planning of the January 2, 2020,  
16 strike on Qasem Soleimani, including President  
17 Donald J. Trump, should be commended for their  
18 efforts in a successful mission.

19 (6) Section 5(c) of the War Powers Resolution  
20 (50 U.S.C. 1544(c)) states that “at any time that  
21 United States Armed Forces are engaged in hos-  
22 tilities outside the territory of the United States, its  
23 possessions and territories without a declaration of  
24 war or specific statutory authorization, such forces

1 shall be removed by the President if the Congress so  
2 directs”.

3 (7) More than 100 members of the United  
4 States Armed Forces sustained traumatic brain inju-  
5 ries in the Iranian retaliatory attack on the Ain al-  
6 Assad air base in Iraq despite initial reports that no  
7 casualties were sustained in the attack.

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

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

21 (10) The question of whether United States  
22 forces should be engaged in hostilities against Iran  
23 should be answered following a full briefing to Con-  
24 gress and the American public of the issues at stake,

1 a public debate in Congress, and a congressional  
2 vote as contemplated by the Constitution.

3 (11) Section 1013 of the Department of State  
4 Authorization Act, Fiscal Years 1984 and 1985 (50  
5 U.S.C. 1546a) provides that any joint resolution or  
6 bill to require the removal of United States Armed  
7 Forces engaged in hostilities without a declaration of  
8 war or specific statutory authorization shall be con-  
9 sidered in accordance with the expedited procedures  
10 of section 601(b) of the International Security and  
11 Arms Export Control Act of 1976.

12 **SEC. 2. TERMINATION OF THE USE OF UNITED STATES**  
13 **FORCES FOR HOSTILITIES AGAINST THE IS-**  
14 **LAMIC REPUBLIC OF IRAN.**

15 (a) TERMINATION.—Pursuant to section 1013 of the  
16 Department of State Authorization Act, Fiscal Years  
17 1984 and 1985 (50 U.S.C. 1546a), and in accordance with  
18 the provisions of section 601(b) of the International Secu-  
19 rity Assistance and Arms Export Control Act of 1976,  
20 Congress hereby directs the President to terminate the use  
21 of United States Armed Forces for hostilities against the  
22 Islamic Republic of Iran or any part of its government  
23 or military, unless explicitly authorized by a declaration  
24 of war or specific authorization for use of military force  
25 against Iran.

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

Passed the Senate February 13, 2020.

Attest:

*Secretary.*

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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