

119TH CONGRESS
2D SESSION

S. J. RES. 161

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

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2026

Mr. KELLY 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 within or 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 Constitu-
7 tion of the United States.

8 (2) The President has a constitutional responsi-
9 bility to take actions to defend the United States, its

1 territories, its possessions, citizens, service members,
2 and diplomats from attack.

3 (3) Congress has not declared war upon the Is-
4 lamic Republic of Iran or any person or organization
5 within the Islamic Republic of Iran, nor enacted a
6 specific statutory authorization for the use of mili-
7 tary force within or against the Islamic Republic of
8 Iran.

9 (4) Notwithstanding the lack of authority, the
10 United States Armed Forces has initiated hostilities
11 against the Islamic Republic of Iran and conducted
12 sustained offensive operations against Iranian mili-
13 tary targets, expanding the scope and duration of
14 the conflict beyond a limited or defensive action.

15 (5) Since the initiation of hostilities, the Islamic
16 Republic of Iran and Iran-backed forces have con-
17 ducted and supported attacks against United States
18 regional partners across the Middle East, including
19 missile, drone, and proxy operations targeting part-
20 ner nations and critical infrastructure.

21 (6) The continuation of offensive operations led
22 by the United States against the Islamic Republic of
23 Iran increases the likelihood of further retaliation
24 against United States Armed Forces and against al-

1 lies and partners in the Middle East, raising the risk
 2 of a broader regional conflict.

3 (7) The use of military force within or against
 4 the Islamic Republic of Iran constitutes the intro-
 5 duction of United States Armed Forces into hos-
 6 tilities within the meaning of section 4(a) of the War
 7 Powers Resolution (50 U.S.C. 1543(a)).

8 (8) Section 1013 of the Department of State
 9 Authorization Act, Fiscal Years 1984 and 1985 (50
 10 U.S.C. 1546a) provides that any joint resolution or
 11 bill requiring the removal of United States Armed
 12 Forces from imminent engagement in hostilities
 13 without a declaration of war or a specific statutory
 14 authorization shall be considered in accordance with
 15 the expedited procedures under section 601(b) of the
 16 International Security Assistance and Arms Export
 17 Control Act of 1976 (Public Law 94–329; 90 Stat.
 18 765).

19 **SEC. 2. REMOVAL OF UNITED STATES ARMED FORCES**
 20 **FROM HOSTILITIES WITHIN OR AGAINST**
 21 **IRAN.**

22 (a) REMOVAL.—Pursuant to section 1013 of the De-
 23 partment of State Authorization Act, Fiscal Years 1984
 24 and 1985 (50 U.S.C. 1546a), and in accordance with sec-
 25 tion 601(b) of the International Security Assistance and

1 Arms Export Control Act of 1976 (Public Law 94–329;
2 90 Stat. 765), Congress directs the President to remove
3 the United States Armed Forces from hostilities within
4 or against the Islamic Republic of Iran, unless explicitly
5 authorized by a declaration of war or a specific authoriza-
6 tion for use of military force against the Islamic Republic
7 of Iran.

8 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion may be construed to prevent the United States
10 from—

11 (1) defending against an attack on the United
12 States or its personnel or facilities in other nations;

13 (2) collecting, analyzing, or sharing intelligence,
14 including with partner countries who have been at-
15 tacked by the Islamic Republic of Iran since Feb-
16 ruary 28, 2026, and other nations and international
17 organizations as appropriate, related to defense from
18 threats from the Islamic Republic of Iran or its
19 proxies; or

20 (3) assisting partner countries who have been
21 attacked by the Islamic Republic of Iran since Feb-
22 ruary 28, 2026, and other nations—

23 (A) in intercepting retaliatory attacks upon
24 their territory by the Islamic Republic of Iran
25 or its proxies; or

- 1 (B) by providing defensive materiel sup-
- 2 port for such.

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