

119TH CONGRESS
2D SESSION

S. J. RES. 104

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

JANUARY 29, 2026

Mr. KAINE (for himself 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 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 United
7 States Constitution.

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 Iran or
4 any person or organization within Iran, nor enacted
5 a specific statutory authorization for the use of mili-
6 tary force within or against Iran.

7 (4) The use of military force within or against
8 Iran constitutes the introduction of United States
9 Armed Forces into hostilities within the meaning of
10 section 4(a) of the War Powers Resolution (50
11 U.S.C. 1543(a)).

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

1 **SEC. 2. REMOVAL OF UNITED STATES ARMED FORCES**
2 **FROM HOSTILITIES WITHIN OR AGAINST**
3 **IRAN.**

4 (a) REMOVAL.—Pursuant to section 1013 of the De-
5 partment of State Authorization Act, Fiscal Years 1984
6 and 1985 (50 U.S.C. 1546a), and in accordance with sec-
7 tion 601(b) of the International Security Assistance and
8 Arms Export Control Act of 1976 (Public Law 94–329),
9 Congress hereby directs the President to remove the
10 United States Armed Forces from hostilities within or
11 against Iran, unless explicitly authorized by a declaration
12 of war or a specific authorization for use of military force.

13 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion may be construed to prevent the United States
15 from—

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

18 (2) collecting, analyzing, or sharing intelligence,
19 including with the State of Israel and other nations
20 and international organizations as appropriate, re-
21 lated to threats from Iran or its proxies; or

22 (3) assisting Israel and other nations—

23 (A) in taking defensive measures to protect
24 their territory from retaliatory attacks by Iran
25 or its proxies; or

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

○