

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

# S. J. RES. \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mr. KAINE (for himself, Mr. SCHIFF, and Mr. GALLEGO) introduced the following joint resolution; which was read twice and referred to the Committee on \_\_\_\_\_

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## JOINT RESOLUTION

To direct the removal of United States Armed Forces from hostilities within or against the Republic of Cuba 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 Cuba  
4 or upon any person or organization within Cuba, nor  
5 enacted a specific statutory authorization for the use  
6 of military force within or against Cuba.

7 (4) The use of force by the United States  
8 Armed Forces within or against Cuba, including the  
9 use of the United States Coast Guard and other  
10 components of the Armed Forces to conduct a block-  
11 ade or quarantine of Cuba, constitutes the introduc-  
12 tion of United States Armed Forces into hostilities  
13 within the meaning of section 4(a) of the War Pow-  
14 ers Resolution ( 50 U.S.C. 1543(a)).

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

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

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 Cuba, 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 from  
15 defending itself from an armed attack, the threat of an  
16 imminent armed attack, or the lawful execution of coun-  
17 ternarcotics operations.