

119TH CONGRESS
1ST SESSION

S. J. RES. _____

A joint resolution to direct the removal of United States Armed Forces
from hostilities that have not been authorized by Congress.

IN THE SENATE OF THE UNITED STATES

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

JOINT RESOLUTION

A joint resolution to direct the removal of United States
Armed Forces from hostilities 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.

1 (2) Congress has not declared war upon, nor
2 enacted a specific statutory authorization for use of
3 military force against—

4 (A) any organization designated on or
5 after February 20, 2025, as a foreign terrorist
6 organization pursuant to section 219(a) of the
7 Immigration and Nationality Act (8 U.S.C.
8 1189(a)) or as a specially designated global ter-
9 rorist pursuant to Executive Order 13224 (50
10 U.S.C. 1701 note; relating to blocking property
11 and prohibiting transactions with persons who
12 commit, threaten to commit, or support ter-
13 rorism);

14 (B) any states in which those entities oper-
15 ate; or

16 (C) any non-state organization engaged in
17 the promotion, trafficking, and distribution of
18 illegal drugs and other related activities.

19 (3) The designation of an entity as a foreign
20 terrorist organization or specially designated global
21 terrorist provides no legal authority for the Presi-
22 dent to use force against members of designated or-
23 ganizations or any foreign state.

24 (4) There has been no armed attack on the
25 United States by—

1 (A) any organization designated on or
2 after February 20, 2025, as a foreign terrorist
3 organization or specially designated global ter-
4 rorist;

5 (B) any states in which those entities oper-
6 ate; or

7 (C) any non-state organization engaged in
8 the promotion, trafficking, and distribution of
9 illegal drugs and other related activities.

10 (5) The United States military strike on a ves-
11 sel on September 2, 2025, and the subsequent
12 United States military strike on a vessel on Sep-
13 tember 15, 2025, constitute, within the meaning of
14 section 4(a) of the War Powers Resolution (50
15 U.S.C. 1543(a)), either hostilities or a situation
16 where imminent involvement in hostilities is clearly
17 indicated by the circumstances into which United
18 States Armed Forces have been introduced. The ap-
19 plication of the War Powers Resolution is without
20 prejudice as to whether the strikes themselves vio-
21 lated United States domestic law, international hu-
22 manitarian law, or international human rights law.

23 (6) Congress has not received sufficient infor-
24 mation regarding—

1 (A) the vessels' passengers, cargo, or affili-
2 ation;

3 (B) the vessels' intended destinations;

4 (C) any threats the vessels posed to United
5 States interests;

6 (D) any justification for the use of lethal
7 force against the vessels;

8 (E) the availability of non-lethal means to
9 interdict the vessels; or

10 (F) the purported domestic authority or
11 international legal basis to conduct the strikes.

12 (7) 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 to require the removal of United States Armed
16 Forces engaged in hostilities without a declaration of
17 war or specific statutory authorization shall be con-
18 sidered in accordance with the expedited procedures
19 of section 601(b) of the International Security and
20 Arms Control Export Act of 1976.

21 (8) Congress is resolved to provide resources
22 and authorities to the executive branch to prevent
23 and mitigate drug and narcotics trafficking into the
24 United States, including through the use of intel-
25 ligence, law enforcement, personnel, and detection

1 technology at and between ports of entry and diplo-
2 matic and military tools as appropriate to deter, pre-
3 vent, and prosecute illicit drug and narcotics traf-
4 ficking, and will consider providing additional re-
5 sources and authorities if they are requested by the
6 President to combat the spread of illegal drugs.

7 (9) On September 4, 2025, the President for-
8 mally notified Congress of the September 2, 2025,
9 strike, noted the potential for further military
10 strikes, and stated that “it is not possible at this
11 time to know the full scope and duration of military
12 operations that will be necessary” to address the
13 continuing threat of drug trafficking emanating
14 from unspecified countries by unspecified organiza-
15 tions.

16 **SEC. 2. TERMINATION OF USE OF ARMED FORCES.**

17 (a) TERMINATION.—Pursuant to section 1013 of the
18 Department of State Authorization Act, Fiscal Years
19 1984 and 1985 (50 U.S.C. 1546a) and in accordance with
20 the provisions of section 601(b) of the International Secu-
21 rity Assistance and Arms Export Control Act of 1976,
22 Congress hereby directs the President to terminate the use
23 of United States Armed Forces for hostilities against any
24 organization designated on or after February 20, 2025,
25 as a foreign terrorist organization or specially designated

1 global terrorist, any states in which those entities operate,
2 or any non-state organization engaged in the promotion,
3 trafficking, and distribution of illegal drugs and other re-
4 lated activities, unless explicitly authorized by a declara-
5 tion of war or specific authorization for use of military
6 force.

7 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed as preventing the United States
9 from defending itself from an armed attack or threat of
10 an imminent armed attack or using the United States
11 Armed Forces in support of civil authorities as part of
12 authorized counternarcotics operations. The trafficking of
13 illegal drugs does not itself constitute such an armed at-
14 tack or threat of an imminent armed attack.