

119<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

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

To direct the removal of United States Armed Forces from hostilities against drug boats operating in the Caribbean Sea that have not been authorized by Congress.

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## IN THE SENATE OF THE UNITED STATES

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 against drug boats operating in the Caribbean Sea 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 finds the following:

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) Congress has not yet declared war upon any  
9        of the groups purportedly targeted in the actions

1       conducted by United States Armed Forces against  
2       drug boats operating in the Caribbean Sea.

3           (3) Those actions, within the meaning of the  
4       War Powers Resolution (50 U.S.C. 1541 et seq.),  
5       are hostilities into which United States Armed  
6       Forces have been introduced.

7           (4) Pursuant to section 5(b) of the War Powers  
8       Resolution (50 U.S.C. 1544(b)), “Within sixty cal-  
9       endar days after a report is submitted or is required  
10      to be submitted pursuant to section 4(a)(1) [of such  
11      Resolution (50 U.S.C. 1543(a)(1))], whichever is  
12      earlier, the President shall terminate any use of  
13      United States Armed Forces with respect to which  
14      such report was submitted (or required to be sub-  
15      mitted), unless the Congress (1) has declared war or  
16      has enacted a specific authorization for such use of  
17      United States Armed Forces, (2) has extended by  
18      law such sixty-day period, or (3) is physically unable  
19      to meet as a result of an armed attack upon the  
20      United States. Such sixty-day period shall be ex-  
21      tended for not more than an additional thirty days  
22      if the President determines and certifies to the Con-  
23      gress in writing that unavoidable military necessity  
24      respecting the safety of United States Armed Forces  
25      requires the continued use of such armed forces in

1 the course of bringing about a prompt removal of  
2 such forces.” Sixty days have passed since the Presi-  
3 dent notified Congress of the actions described in  
4 paragraph (2), and no such authorization or exten-  
5 sion has been enacted.

6 (5) Section 1013 of the Department of State  
7 Authorization Act, Fiscal Years 1984 and 1985 (50  
8 U.S.C. 1546a) provides that any joint resolution or  
9 bill to require the removal of United States Armed  
10 Forces engaged in hostilities without a declaration of  
11 war or specific statutory authorization shall be con-  
12 sidered in accordance with the expedited procedures  
13 of section 601(b) of the International Security As-  
14 sistance and Arms Export Control Act of 1976  
15 (Public Law 94–329; 90 Stat. 765).

16 **SEC. 2. TERMINATION OF THE USE OF UNITED STATES**  
17 **ARMED FORCES FOR HOSTILITIES AGAINST**  
18 **DRUG BOATS OPERATING IN THE CARIBBEAN**  
19 **SEA.**

20 (a) **TERMINATION.**—Pursuant to section 1013 of the  
21 Department of State Authorization Act, Fiscal Years  
22 1984 and 1985 (50 U.S.C. 1546a) and in accordance with  
23 the provisions of section 601(b) of the International Secu-  
24 rity Assistance and Arms Export Control Act of 1976  
25 (Public Law 94–329; 90 Stat. 765), Congress hereby di-

1   rects the President to terminate the use of United States  
2   Armed Forces for hostilities against drug boats operating  
3   in the Caribbean Sea, unless explicitly authorized by a dec-  
4   laration of war or specific authorization for use of military  
5   force.

6       (b) RULE OF CONSTRUCTION.—Nothing in this sec-  
7   tion shall be construed to prevent the United States from  
8   defending itself from an armed attack or threat of an im-  
9   minent armed attack.