

116TH CONGRESS
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S. 1039

To limit the use of funds for kinetic military operations in or against Iran.

IN THE SENATE OF THE UNITED STATES

APRIL 4, 2019

Mr. UDALL (for himself, Mr. PAUL, Mr. DURBIN, Mr. LEAHY, Mrs. FEINSTEIN, Mr. SANDERS, Mr. MERKLEY, Mr. HEINRICH, Mr. MURPHY, Mr. MARKEY, Mr. SCHATZ, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To limit the use of funds for kinetic military operations
in or against Iran.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prevention of Uncon-
5 stitutional War with Iran Act of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Article I, Section 8, of the Constitution of
9 the United States grants Congress the sole power to
10 declare war.

1 (2) President George Washington, in a letter to
2 William Moultrie dated August 28, 1793, wrote that
3 “[t]he constitution vests the power of declaring war
4 in Congress; therefore no offensive expedition of im-
5 portance can be undertaken until after they shall
6 have deliberated upon the subject and authorized
7 such a measure”.

8 (3) Alexander Hamilton wrote in Examination
9 Number 1 of the Hamilton Papers, dated December
10 17, 1801, that “[t]he Congress shall have the
11 power to declare war”; the plain meaning of which is,
12 that it is the peculiar and exclusive duty of Con-
13 gress, when the nation is at peace, to change that
14 state into a state of war”.

15 (4) Iran’s support for terrorism presents a seri-
16 ous threat to the United States and our allies in the
17 Middle East, Europe, and Asia.

18 (5) Missile tests by Iran have led to escalating
19 tensions with Israel, Saudi Arabia, the United
20 States, and the United Nations.

21 (6) Iran has threatened to shutdown crucial
22 maritime lines of communication, putting United
23 States and international naval assets, as well as
24 global energy assets, at risk.

1 (7) According to the intelligence assessments of
2 the United States, the Joint Comprehensive Plan of
3 Action curtailed enrichment and prevented proc-
4 essing of fissile materials by Iran to levels which
5 would preclude Iran from developing a nuclear weap-
6 on.

7 (8) The International Atomic Energy Agency
8 has repeatedly verified that Iran has continued to
9 comply with its nuclear-related obligations as re-
10 quired by the Joint Comprehensive Plan of Action.

11 (9) Noncompliance by the United States with
12 the Joint Comprehensive Plan of Action risks an un-
13 necessary conflagration with Iran through the use of
14 sanctions against both allies and adversaries in the
15 region and throughout the world, absent a clear dip-
16 lomatic path for resolving the crisis.

17 (10) A war with Iran would also endanger
18 United States assets, personnel, and foreign policy
19 objectives throughout the region, including in Iraq,
20 Afghanistan, and Israel.

21 (11) President Trump tweeted that Iran “[w]ill
22 suffer consequences the likes of which few through-
23 out history have ever suffered before”.

1 (12) Loose talk of war and belligerent rhetoric
2 increases the risk of miscalculation by either side
3 and unsettles United States allies.

4 (13) Section 2(c) of the War Powers Resolution
5 (50 U.S.C. 1541(c)) states that “[t]he constitutional
6 powers of the President as Commander-in-Chief to
7 introduce United States Armed Forces into hos-
8 tilities, or into situations where imminent involve-
9 ment in hostilities is clearly indicated by the cir-
10 cumstances, are exercised only pursuant to (1) a
11 declaration of war, (2) specific statutory authoriza-
12 tion, or (3) a national emergency created by attack
13 upon the United States, its territories or posses-
14 sions, or its armed forces”.

15 **SEC. 3. LIMITATION ON USE OF FUNDS FOR KINETIC MILI-**
16 **TARY OPERATIONS IN OR AGAINST IRAN.**

17 (a) IN GENERAL.—No funds may be used for kinetic
18 military operations in or against Iran except pursuant to
19 an Act or joint resolution of Congress specifically author-
20 izing such use that is enacted after the date of the enact-
21 ment of this Act.

22 (b) EXCEPTIONS.—The limitation in subsection (a)
23 shall not apply to the following:

24 (1) Kinetic military operations in response to
25 an imminent threat to the United States, as other-

1 wise authorized by applicable statutes and joint reso-
2 lutions.

3 (2) The introduction of the United States
4 Armed Forces into hostilities in order to repel a sud-
5 den attack on the United States, its territories or
6 possessions, or its Armed Forces.

7 (3) The deployment of United States Armed
8 Forces to rescue or remove United States citizens or
9 personnel.

10 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to relieve the Executive Branch of
12 restrictions on the use of force or reporting requirements
13 set forth in the War Powers Resolution (50 U.S.C. 1541
14 et seq.).

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