

116TH CONGRESS
1ST SESSION

H. J. RES. 58

Requiring congressional approval prior to engaging in hostilities within the sovereign Islamic Republic of Iran.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2019

Mr. MOULTON submitted the following joint resolution; which was referred to the Committee on Foreign Affairs

JOINT RESOLUTION

Requiring congressional approval prior to engaging in hostilities within the sovereign Islamic Republic of Iran.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Joint Resolution may be cited as the “Constitu-
5 tional Authorities Resolution”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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 is the leading state sponsor of ter-
16 rorism in the Middle East and a pernicious trouble-
17 maker in Iraq and Afghanistan.

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) Since 1979, Iran has been ruled by Islamic
 2 theocrats who use the Quran to justify the suppres-
 3 sion of domestic political freedom and the denial of
 4 civil and human rights.

5 (8) A war with Iran would also endanger
 6 United States assets, personnel, and foreign policy
 7 objectives throughout the region, including in Iraq,
 8 Afghanistan, and Israel.

9 (9) On June 22, 2018, President Trump
 10 tweeted that Iran “[w]ill suffer consequences the
 11 likes of which few throughout history have ever suf-
 12 fered before”.

13 (10) A May 5, 2019, statement from National
 14 Security Advisor Ambassador John Bolton said that
 15 any attack on America or its allies, by Iran or its
 16 proxies, “will be met with unrelenting force”.

17 (11) Loose talk of war and belligerent rhetoric
 18 increases the risk of miscalculation by either side
 19 and unsettles United States allies.

20 **SEC. 3. SENSE OF CONGRESS ON REQUIREMENT TO OBTAIN**
 21 **CONGRESSIONAL APPROVAL PRIOR TO EN-**
 22 **GAGING IN HOSTILITIES WITHIN THE IS-**
 23 **LAMIC REPUBLIC OF IRAN.**

24 It is the sense of Congress that specific congressional
 25 approval is required, and has not been provided as of the

1 date of the enactment of this joint resolution, to authorize
2 the United States Armed Forces to engage in hostilities
3 within the sovereign Islamic Republic of Iran.

4 **SEC. 4. PRIOR NOTICE REQUIREMENT BEFORE ENTRY INTO**
5 **HOSTILITIES WITHIN IRAN.**

6 Prior to the introduction of the Armed Forces into
7 the sovereign Islamic Republic of Iran, the President shall
8 submit to Congress a report, in classified or unclassified
9 form, that includes—

10 (1) the circumstances necessitating the intro-
11 duction of the Armed Forces;

12 (2) the constitutional and legislative authority
13 under which such introduction took place; and

14 (3) the estimated scope and duration of the
15 hostilities or involvement.

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