

116TH CONGRESS  
1ST SESSION

# H. R. 2354

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 2019

Ms. ESHOO (for herself and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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:

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

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

11           (3) Alexander Hamilton wrote in Examination  
12 Number 1 of the Hamilton Papers, dated December  
13 17, 1801, that “[t]he Congress shall have the  
14 power to declare war’; the plain meaning of which is,  
15 that it is the peculiar and exclusive duty of Con-  
16 gress, when the nation is at peace, to change that  
17 state into a state of war”.

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

21           (5) Missile tests by Iran have led to escalating  
22 tensions with Israel, Saudi Arabia, the United  
23 States, and the United Nations.

24           (6) Iran has threatened to shutdown crucial  
25 maritime lines of communication, putting United

1 States and international naval assets, as well as  
2 global energy assets, at risk.

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

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

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

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

23 (11) President Trump tweeted that Iran “[w]ill  
24 suffer consequences the likes of which few through-  
25 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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