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WASHINGTON, D.C. 20503

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(House)

STATEMENT OF ADMINISTRATION POLICY

H. Con. Res. 38 – Directing the Removal of United States Armed Forces from Unauthorized Hostilities in the Islamic Republic of Iran (Rep. Massie, R-KY, and 84 cosponsors)

The Administration strongly opposes passage of H. Con. Res. 38, a resolution that would direct the removal of U.S. Armed Forces from hostilities within or against the Islamic Republic of Iran that have not been authorized by Congress.

Although concurrent resolutions such as H. Con. Res. 38 lack the force of law and should be deemed unconstitutional legislative vetoes under controlling Supreme Court precedent, *I.N.S. v. Chadha*, 462 U.S. 919 (1983), it is nevertheless important to highlight its many deficiencies.

For over four decades, the Islamic Republic, a brutal, expansionist, revolutionary state, has engaged in unprovoked violence against the United States, killed our soldiers and sailors, and murdered our citizens. It is the foremost threat to U.S. national security in the Middle East and has spent billions of dollars to threaten our regional allies, including Israel. The Iranian regime rules by and foments terror – recently, it brutally and indiscriminately murdered thousands of its own citizens for protesting the country’s economic collapse due to the regime’s own mismanagement and corruption. Instead of supporting its own people, the regime provides critical support to Hamas, Hezbollah, the Russian war effort against Ukraine, and other threats around the world.

Despite decades of outreach and negotiations dating back to the Carter administration, the Iranian regime continues to threaten and attack U.S. forces and citizens as well as fund, arm, train, and support terrorist proxies and agents in the Middle East, Europe, and Western Hemisphere. The regime continues to destabilize its immediate neighbors, develop offensive ballistic missiles, has enriched uranium far beyond the threshold needed for peaceful nuclear purposes, and obstructs International Atomic Energy Agency oversight efforts.

Congress has repeatedly affirmed the bipartisan Executive Branch commitment to preventing the Iranian regime from developing or acquiring a nuclear weapon. A nuclear-armed Iran poses an unacceptable threat to the U.S. homeland and to U.S. military personnel deployed across the Middle East: it would embolden the regime’s aggression against U.S. allies and partners, enable the regime to escalate terrorism under a nuclear umbrella, trigger a regional arms race, and potentially lead to a nuclear exchange.

The President has the Constitutional authority to defend the United States and our citizens from the danger posed by the Iranian regime. This requires the ability to act decisively to ensure it never obtains a nuclear weapon. Further, protecting U.S. forces and interests could foreseeably require the President to respond to Iranian threats beyond “defending against an imminent attack” on the United States. Yet the resolution’s narrow exception for defending against an imminent attack would not encompass these operations and would unconstitutionally purport to prevent the President from protecting U.S. forces and vital national interests until after Iran has already acted, exposing the United States to immediate and material dangers.

The resolution attempts to legislate away essential Article II authority and would create immediate, material risks to U.S. forces, allies, and missions. In addition, the broad scope of the resolution risks creating uncertainty and operational paralysis in a crisis.

H. Con. Res. 38 should be rejected, as it fails to recognize the significant and ongoing national security threats posed by Iran.
