

115TH CONGRESS
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S. 2047

To restrict the use of funds for kinetic military operations in North Korea.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2017

Mr. MURPHY (for himself, Ms. DUCKWORTH, Mr. SCHATZ, Mr. BOOKER, Mr. SANDERS, Mr. MERKLEY, Ms. WARREN, and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To restrict the use of funds for kinetic military operations
in North Korea.

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 “Preventing Preemptive
5 War in North Korea Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) North Korea’s nuclear weapons program
9 presents a grave threat to the United States and our
10 allies in Asia, including South Korea and Japan.

1 (2) North Korea’s ongoing missile tests and nu-
2 clear weapons development have led to escalating
3 tensions with South Korea, Japan, China, and the
4 United States.

5 (3) Secretary of Defense James Mattis warned
6 that if North Korea retaliated against a limited first
7 strike using its conventional artillery arsenal, it
8 “would probably be the worst kind of fighting in
9 most people’s lifetimes”.

10 (4) 230,000 United States nationals in South
11 Korea, including 28,500 members of the Armed
12 Forces, would be at risk in the case of war with
13 North Korea.

14 (5) The Pentagon estimates that 20,000 people
15 in Seoul would die every day in the event of a con-
16 ventional war on the Korean Peninsula.

17 (6) Secretary of State Rex Tillerson traveled to
18 Beijing in September 2017 to discuss calming ten-
19 sions and obtaining a diplomatic solution on North
20 Korea.

21 (7) President Trump tweeted during Secretary
22 Tillerson’s visit that the Secretary of State was
23 “wasting his time” and previously threatened that
24 North Korea’s leaders “wouldn’t be around much
25 longer”.

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

4 (9) Article I, section 8, of the Constitution
5 grants Congress the sole power to declare war.

6 (10) Section 2(c) of the War Powers Resolution
7 (50 U.S.C. 1541(c)) states, “The constitutional pow-
8 ers of the President as Commander-in-Chief to intro-
9 duce United States Armed Forces into hostilities, or
10 into situations where imminent involvement in hos-
11 tilities is clearly indicated by the circumstances, are
12 exercised only pursuant to (1) a declaration of war,
13 (2) specific statutory authorization, or (3) a national
14 emergency created by attack upon the United
15 States, its territories or possessions, or its armed
16 forces.”.

17 **SEC. 3. RESTRICTION ON USE OF FUNDS FOR KINETIC MILI-**
18 **TARY OPERATIONS IN NORTH KOREA.**

19 (a) IN GENERAL.—No funds may be used for kinetic
20 military operations in North Korea absent an imminent
21 threat to the United States without express congressional
22 authorization.

23 (b) EXCEPTIONS.—The prohibition shall not apply
24 with respect to the introduction of the Armed Forces into
25 hostilities to repel a sudden attack on the United States,

1 its territories or possessions, or its Armed Forces, or its
2 allies; nor does it apply to the deployment of United States
3 Armed Forces to rescue or remove United States citizens
4 or personnel.

5 (c) RULES OF CONSTRUCTION.—Nothing in this sec-
6 tion may be construed to relieve the Executive Branch of
7 the restrictions on the use of force or the reporting re-
8 quirements stated in the War Powers Resolution (50
9 U.S.C. 1541 et seq.).

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