

Congress Should Pass an Authorization for the Use of Military Force in Support of Operation Epic Fury Against Iran

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President Trump's historic decision to [launch](#) "major combat operations" against the vile Iranian regime rightfully seeks to ensure it can no longer threaten the United States, Israel, or the rest of the world. The President, as Commander in Chief, has authority under Article II of the Constitution to defend against imminent threats to United States territories, citizens, and military service members. However, his actions would be significantly strengthened if backed by clear support from Congress, which Article I vests with the authority to declare war, via passage of an Authorization for the Use of Military Force (AUMF) against Iran.

Recognizing Reality: Already At War

A congressional declaration of war or passage of an AUMF would simply be a recognition of reality, as the United States and the Islamic Republic of Iran have been in a simmering state of conflict for decades. The Iranian Revolution of 1979 was [born](#) in chants of "Death to America," followed quickly by the seizure of 52 U.S. citizens as hostages. Since then, the regime has engaged in repeated acts of international terrorism against the United States and its partners and allies. [JINSA has counted](#) 995 American citizens killed by Iran or its proxies, 133 Americans kidnapped, and at least nine known failed Iran-linked kidnapping or assassination plots targeting Americans. The Department of Defense [estimates](#) 603 U.S. servicemen were killed in Iraq by Iranian-backed militias during Operation Iraqi Freedom from 2003 through 2011. JINSA further estimates Iranian-linked projectile attacks have [targeted](#) U.S. forces in Iraq, Syria and Jordan 1,003 times since 2011. As the recently deceased Supreme Leader of the Islamic Republic Ayatollah Khamenei [reiterated](#): "the Iranian nation will not abandon Death to America."

Iran is not just a threat to the United States. Designated a as a state sponsor of terrorism in [1984](#), Iran has planned and conducted [as many as 360 targeted assassinations](#), with victims ranging from political dissidents to foreign government officials, and been implicated in assassinations, terrorist plots, and terrorist attacks in more than 40 countries, including assassination attempts against United States Government officials and senior military personnel.

Congressional State of Play

Yet, rather than voting on an AUMF against Iran *proactively*, as previously [recommended](#) by JINSA, Congress will instead vote *retroactively* this week on whether the President should be directed to terminate the use of U.S. Armed Forces for hostilities against Iran.

In the House, Democratic Leader Hakeem Jeffries announced Democrats will compel a vote in the House this week on a motion to discharge [H.Con.Res.38](#), which was introduced by Rep. Thomas Massie (R-KY) and 82 Democratic co-sponsors in the aftermath of Operation Midnight Hammer last June and which has remained stuck in the Foreign Affairs Committee. Meanwhile in the Senate, a companion resolution ([S.J.Res.104](#)), was introduced on January 29 by Sens. Tim Kaine (D-VA) and Rand Paul (R-KY) and referred to the Foreign Relations Committee. In both chambers, under procedures outlined in 1973 War Powers Resolution ([50 U.S.C. §1544](#)), members can make a motion to discharge these respective resolutions from committee and force a floor vote to enable a Congress vote on the conflict in at least some fashion.

The Senate is anticipated to vote on Wednesday, with the House following on Thursday. Both chambers are set to receive classified briefings from senior administration officials ahead of those votes on Tuesday, and several undecided members including Sen. Todd Young (R-IN) have indicated they will reserve judgment until after those briefings.

The Senate debate is likely to echo the its consideration of a similar joint resolution ([S.J.Res.59](#)) last June, which was also introduced by Sen. Tim Kaine (D-VA), following Operation Midnight Hammer. A vote on that motion to discharge failed [47–53](#) in a largely party-line vote, with nearly all Republicans voting in opposition and nearly all Democrats voting in favor, with the exceptions of Sen. Rand Paul (R-KY), who has been a strong defender of congressional war powers, and Sen. Fetterman (D-PA), who has been a staunch advocate of Israel since the October 7th terrorist attacks, voting with the opposite parties. Fetterman has embraced the strikes so far and [said](#) “President Trump has been willing to do what’s right and necessary to produce real peace in the region.” Senate Republicans potentially on the fence to watch include Sen. Josh Hawley (R-MO), who wavered earlier this year on a Venezuela war powers resolution, but has said he intends to oppose Kaine’s measure unless ground forces are deployed; and the two Republicans who supported the earlier Venezuela war powers effort, Sens. Susan Collins (R-ME) and Lisa Murkowski (R-AK), who have been publicly non-committal.

In the Houses most Democrats have [coalesced](#) around strong opposition to strikes against Iran, [backing](#) the Massie resolution out of concern over escalation and [skepticism](#) that military action will precipitate the Iranian regime’s collapse. They are also seizing on what they [describe](#) as the administration’s strategic whiplash—returning to confrontation with Tehran after claiming Iran’s nuclear sites were “obliterated” during Operation Midnight Hammer—while [arguing](#) foreign adventurism is a distraction from domestic priorities.

Not all Democrats are on board, however. Rep. Josh Gottheimer (D-NJ), alongside Rep. Mike Lawler (R-NY), [released](#) a joint statement opposing the Khanna–Massie measure, arguing it would unduly constrain President Trump: “this resolution would restrict the flexibility needed to respond to real and evolving threats and risks signaling weakness at a dangerous moment.” Rep. Jared Moskowitz (D-FL) [agreed](#), stating: “I am a no [vote]. I am not willing to preemptively tell the Supreme Leader that he has nothing to

worry about, no reason to negotiate because you are totally safe, and that the people of Iran can't depend on us."

AUMF Would Ensure Maximum Authority for U.S. Actions

President Trump is likely to eke out a legislative win this week merely by preventing a loss, but this hardly constitutes a ringing endorsement. It would be far better for Congress to vote for a straightforward AUMF against Iran to provide an unassailable legal basis for Operation Epic Fury moving forward.

As Supreme Court Justice Robert Jackson [wrote](#) in the Youngstown Steel case, "[w]hen the president acts pursuant to an express or implied authorization of Congress, his authority is at its maximum" but "in absence of either a congressional grant...there is a zone of twilight." U.S. interests would be best served if the president were operating at the apex of his power and if Tehran knew it. Not only would passage of an AUMF provide the executive branch with clear guidelines and a path for action, but it would restore Congress to its rightful place: leading and carrying out its constitutional war powers obligations.