



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 12, 2020
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J. Res. 68 – A Joint Resolution to Direct the Removal of United States Armed Forces from Hostilities Against the Islamic Republic of Iran that have not been Authorized by Congress

(Sen. Kaine, D-VA, and 27 cosponsors)

The Administration strongly opposes passage of S.J. Res. 68, which purports to direct the President to terminate the use of United States Armed Forces against Iran.

S.J. Res. 68 fails to account for present reality. It was drafted many weeks ago with the intent of preventing an escalation between the United States and Iran. Despite the predictions of many people, however, no such escalation occurred. The resolution is thus grounded in a faulty premise. The United States is not currently engaged in any use of force against Iran, in part because of the sound policies and decisive, effective actions of this Administration.

On January 2, 2020, United States Armed Forces struck leadership elements of Iran's Revolutionary Guard Corps-Qods Force. This action was in response to an escalating series of attacks in recent months by Iran and Iran-backed militias on United States forces and interests in the Middle East. The purposes of this action were to protect United States personnel, deter Iran from conducting or supporting further attacks against United States forces and interests, degrade the ability of Iran's and Qods Force-backed militias' to conduct attacks, and end Iran's strategic escalation of attacks on and threats to United States interests.

On January 7, 2020, Iran launched 16 ballistic missiles against United States military and coalition forces in Iraq.

On January 8, 2020, President Trump stated: "To the people and leaders of Iran: We want you to have a future and a great future—one that you deserve, one of prosperity at home, and harmony with the nations of the world. The United States is ready to embrace peace with all who seek it."

On January 9, 2020, S.J. Res. 68 was introduced.

Since then, there have been no further uses of force between Iran and the United States. In fact, deterrence has been re-established.

Further, S.J. Res. 68 incorrectly presumes that the military airstrike against Qassem Soleimani in Iraq was without statutory authority. Even were that presumption relevant to present circumstances, the President, in addition to acting in accordance with his Constitutional authorities as Commander in Chief and Chief Executive also directed that strike pursuant to existing statutory authorization in the Authorization for Use of Military Force Against Iraq

Resolution of 2002 (Public Law 107-243) (“2002 AUMF”). Although the threat posed by Saddam Hussein’s regime was the initial focus of the statute, the United States has long relied upon the 2002 AUMF to authorize the use of force for the purpose of establishing a stable, democratic Iraq and addressing terrorist threats emanating from Iraq. Such uses of force need not address threats from the Iraqi government apparatus only, but may address threats to the United States posed by militias, terrorist groups, or other armed groups in Iraq. This is consistent with actions taken by previous presidents pursuant to the 2002 AUMF. For example, during the last administration, United States forces similarly conducted operations in response to attacks and threats by Iran-backed militias in Iraq under the authority conferred by the 2002 AUMF.

S.J. Res. 68 also should be rejected because it attempts to hinder the President’s ability to protect United States diplomats, forces, allies, and partners, including Israel, from the continued threat posed by Iran and its proxies. Iran has a long history of attacking United States and coalition forces both directly and through its proxies. S.J. Res. 68 could hinder the President’s ability to protect United States forces and interests in the region through actions to de-escalate the threat posed by Iran and its proxies. The resolution’s “rule of construction” that “nothing in this section shall be construed to prevent the United States from defending itself from imminent attack” does not remedy this problem. Protecting the national security of the United States could foreseeably require the President to respond to Iranian threats beyond direct attacks on the United States.

This joint resolution is untimely and misguided. Its adoption by Congress could undermine the ability of the United States to protect American citizens whom Iran continues to seek to harm.

If S.J. Res. 68 were presented to the President, his advisors would recommend that he veto the joint resolution.

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