

# United States Senate

WASHINGTON, DC 20510

June 7, 2026

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Mr. President,

We write to express our strong disagreement with the legal justification presented in your May 1, 2026, notification to Congress pursuant to the War Powers Resolution of 1973, regarding the authority to conduct war against Iran. The notification stands in sharp contrast with the text of the War Powers Resolution, the relevant legislative history, domestic and international law, and past interpretations made by the Office of Legal Counsel (OLC) and the State Department under Administrations of both parties. We also request that you make public the OLC opinion justifying the administration's claim that U.S.-Iran hostilities were determined to be "terminated" for the purposes of the War Powers Resolution, and any OLC opinion justifying the use of military force against Iran without congressional authorization.

Your May 1 notification falsely stated that "the hostilities that began on February 28, 2026, have terminated."<sup>1</sup> This statement was repeated by Secretary Hegseth in his April 30 testimony to the Senate Armed Services Committee when he asserted that after the April 7 ceasefire announcement, the administration's "understanding means the 60-day clock pauses or stops in a ceasefire."<sup>2</sup> This argument fails to account for the facts and actions of the parties to the conflict. The ongoing naval operations and related efforts to conduct a blockade against Iran constitute hostilities. Furthermore, the United States and Iran, and their associated partners and proxies, have continued to use lethal force in contravention of the ceasefire, which also constitute

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<sup>1</sup>President Donald J. Trump, Letter to the President Pro Tempore of the Senate Regarding the War Powers Resolution (May, 1, 2026), <https://assets.ctfassets.net/6hn51hpulw83/5O4BjM9u32bYJKjwwFbeFl/3df651ec7077bb017cf2e939ee954bc6/P20260501-Trump.pdf>.

<sup>2</sup> *To Receive Testimony on the Department of Defense Budget Request for Fiscal Year 2027 and the Future Years Defense Program* Hearing Before the S. Comm. On Armed Services, 119 Cong. xx (2026) (statement of Secretary Hegseth, Department of Defense).

hostilities. Finally, U.S. forces remain postured for, and you have regularly threatened, the swift return of major combat operations.

The War Powers Resolution does not provide authority for the use of force, but it imposes clear limits when Congress has not authorized such force. The Resolution states that the “President shall terminate *any* use of armed forces” (emphasis added) within sixty calendar dates after a report is submitted to Congress announcing the commencement of hostilities or imminent involvement in hostilities unless Congress has declared war or authorized military force.<sup>3</sup> At that time, the President is compelled to promptly remove forces from the situation without Congressional intervention or a physical, domestic attack.

Furthermore, legislative history demonstrates Congress’ clear intent for these terms (“hostilities” and “imminent involvement in hostilities”), which are to be understood broadly, to establish a low threshold for both the reporting and withdrawal provisions of the War Powers Resolution. The House Foreign Affairs Committee’s report on the Resolution explains that “the word hostilities was substituted for the phrase armed conflict during the subcommittee drafting process because it was considered to be somewhat broader in scope...hostilities encompasses a state of confrontation in which no shots have been fired but where there is clear and present danger of armed conflict.”<sup>4</sup> That describes the Iran War starting on February 28, 2026, and continuing to today regardless of a declaration of ceasefire.

Given the discrepancy between the requirements of the War Powers Resolution and the continued use of American forces in the Strait of Hormuz and throughout the CENTCOM area of responsibility, it is critical for Congress to understand the Executive Branch’s legal basis for its exceedingly narrow interpretation of “hostilities,” and “any use of armed forces.” Since February 28, 2026, your administration has maintained a force presence of thousands of U.S. servicemembers in the region, blockaded Iranian ports (including using military force to seize vessels), and continued to interrupt global supply chains and increase the cost of living on all Americans. On May 8, 2026, Central Command publicly confirmed that over 15,000 troops are forward deployed, and over 200 aircraft and 20 warships are enforcing an active naval blockade in the Strait of Hormuz.<sup>5</sup> Even after your notification to Congress indicating that hostilities had “terminated” on May 1, 2026, you accurately referred on May 4, 2026, to the war with Iran in the present tense, saying “we have a war right now.”<sup>6</sup>

We have established that the United States and Iran’s continued posture of a state of military confrontation is itself sufficient to constitute ongoing hostilities under the text and legislative

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<sup>3</sup> Public Law 93-148

<sup>4</sup> H.R. Rep. No. 93-547, at 7 (1973) (Conf. Rep.).

<sup>5</sup> U.S. Central Command (@CENTCOM), X (May 8, 2026, 7:59 AM), <https://x.com/CENTCOM/status/2052720127427174859?s=20>.

<sup>6</sup> President Donald J. Trump, Remarks at Forum Club of the Palm Beaches (May 1, 2026), <https://www.c-span.org/program/white-house-event/president-trump-speaks-at-forum-club-of-the-palm-beaches/678475>; Aaron Rupar (@atrupar), X (May 4, 2026, 4:14 PM), <https://x.com/atrupar/status/2051395009425846501>

history of the War Powers Resolution. The Department of Defense's Law of War Manual affirms that a declared ceasefire alone does not mean an end to war and hostilities, the current ceasefire "is not a partial or temporary peace; it is only the suspension of military operations to the extent agreed upon by the parties to the conflict. War as a legal state of hostilities between parties may continue, despite the conclusion of an armistice agreement."<sup>7</sup>

Moreover, despite the stated ceasefire, both sides have continued to exchange fire on several occasions since April 7. And even if they had not exchanged fire, the naval blockade in the Strait of Hormuz in itself further constitutes hostilities.<sup>8</sup> The Supreme Court, the Department of Defense, and OLC all have published opinions confirming that they unequivocally consider a blockade to be a belligerent act and an act of war.<sup>9</sup> As the Supreme Court held in the *Prize Cases* in 1862, the "proclamation of blockade is itself official and conclusive evidence to the Court that a state of war exist[s]."<sup>10</sup> The Commander of U.S. Central Command himself recently acknowledged in his May 14 testimony to the Senate Armed Services Committee that an international armed conflict continued to exist due to the ongoing blockade.<sup>11</sup>

Congress has a recent and directly applicable legal opinion from your administration on how to interpret what it means for hostilities to cease. On April 21, 2026, the State Department's Office of the Legal Adviser published a statement that notes that, "any assessment of whether an armed conflict has ended must be fact-based, taking into account both the intentions and the actions of the parties to the conflict."<sup>12</sup> The Legal Adviser argued that the fact of ongoing ceasefire or peace negotiations did not in itself constitute the termination of hostilities. Instead, he stated that a credible intention to end hostilities, and an absence of parties planning or threatening further military engagements should diplomacy fail, is required to indicate an end to hostilities. Given that Secretary Hegseth has consistently argued that U.S. forces are "locked and loaded" and are "ready to go at the command of our President and at the push of a button," it cannot be credibly

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<sup>7</sup> U.S. Department of Defense, *Department of Defense Law of War Manual* § 12.11.12, at 876 (June 2015, updated July 2023), <https://media.defense.gov/2023/Jul/31/2003271432/-1/-1/0/dod-law-of-war-manual-june-2015-updated-july%202023.pdf>.

<sup>8</sup> Press Release, U.S. Cent. Command, *CENTCOM Protects U.S. Warships Transiting Strait of Hormuz* (May 7, 2026), <https://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/4480437/centcom-protects-us-warships-transiting-strait-of-hormuz/>.

<sup>9</sup> *Authority of the President to Blockade Cuba*, 1 O.L.C. Supp. 122, 122 (1962), <https://www.justice.gov/file/147646/dl?inline>; U.S. Department of Defense, *Department of Defense Law of War Manual* § 13.10 (June 2015, updated July 2023), <https://media.defense.gov/2023/Jul/31/2003271432/-1/-1/0/dod-law-of-war-manual-june-2015-updated-july%202023.pdf>; *The Prize Cases*, 67 U.S. (2 Black) 635, 670 (1862).

<sup>10</sup> *The Prize Cases*, 67 U.S. (2 Black) 635, 670 (1862).

<sup>11</sup> *To Receive Testimony on the Posture of United States Central Command and United States Africa Command in Review of the Defense Authorization Request for Fiscal Year 2027 and the Future Years Defense Program* Hearing Before the S. Comm. On Armed Services, 119 Cong. xx (2026) (statement of Admiral Charles B. Cooper, II, U.S. Navy, Commander, U.S. Central Command).

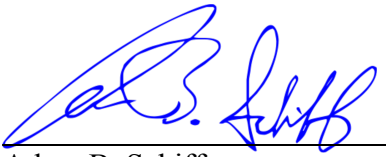
<sup>12</sup> U.S. Department of State, Office of the Legal Adviser, *Operation Epic Fury and International Law* (Apr. 21, 2026), <https://www.state.gov/releases/office-of-the-legal-adviser/2026/04/operation-epic-fury-and-international-law/>

argued that the current ceasefire meets the test set forward by the State Department's Legal Adviser for constituting an end to hostilities.<sup>13</sup>

We would not need to discuss the War Powers Resolution if this were a war authorized by Congress, but it is not. Our view, supported by law and history and consistent with even past Executive Branch practice taking a far broader view of the President's authority, is that the current war violates our Constitution's separation of powers. Your administration has not explained to the Congress or the American people why you believe the Constitution permits launching a war of this magnitude – including the loss of U.S. service members' lives, scores of civilians killed in Iran and the broader region, and staggering economic and geopolitical costs – without authorization from Congress as Article I requires.

The facts, history, and law affirm that the hostilities that began on February 28 are active and ongoing, in violation of international law and the War Powers Resolution of 1973. There is no justification to interpret military actions that would “restart,” “unpause,” or begin a new 60-day clock. Rather, hostilities have continued since February 28 and never terminated; the 60-day clock specified in the War Powers Resolution does not have a pause button. It is imperative that you publish the OLC legal theory underlying your interpretation to the contrary in a timely manner.

Sincerely,



Adam B. Schiff  
United States Senator



Tim Kaine  
United States Senator



Charles E. Schumer  
United States Senator



Jack Reed  
United States Senator

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<sup>13</sup> Phil Stewart, *U.S. Forces Ready to Restart Combat if Iran Doesn't Agree a Deal, Says Hegseth*, Reuters (Apr. 16, 2026), <https://www.reuters.com/world/middle-east/us-forces-ready-restart-combat-if-iran-doesnt-agree-deal-says-hegseth-2026-04-16/>.



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Jeanne Shaheen  
United States Senator



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Andy Kim  
United States Senator



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Chris Van Hollen  
United States Senator



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Christopher A. Coons  
United States Senator



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Peter Welch  
United States Senator



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Ruben Gallego  
United States Senator



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Alex Padilla  
United States Senator



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Michael F. Bennet  
United States Senator



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Elizabeth Warren  
United States Senator



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Tammy Baldwin  
United States Senator



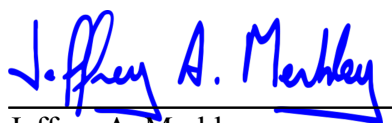
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Cory A. Booker  
United States Senator



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Richard Blumenthal  
United States Senator



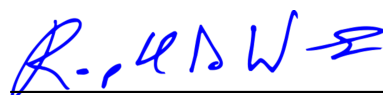
Jeffrey A. Merkley  
United States Senator



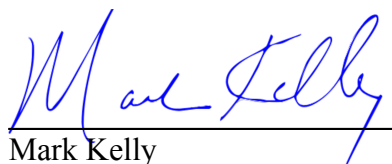
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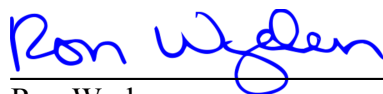
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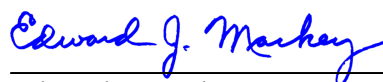
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Ron Wyden  
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United States Senator



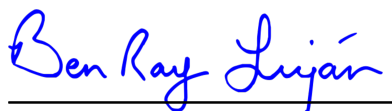
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Richard J. Durbin  
United States Senator



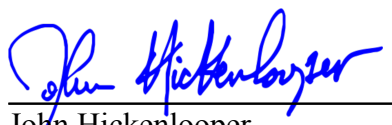
Mazie K. Hirono  
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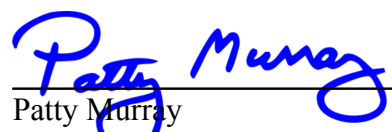


Ben Ray Lujan  
United States Senator



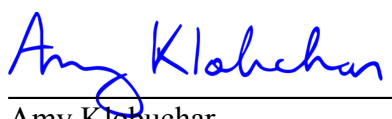
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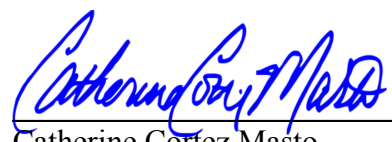
  
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Patty Murray  
United States Senator

  
Jacky Rosen  
United States Senator

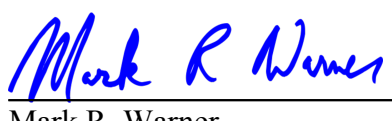
  
Gary C. Peters  
United States Senator

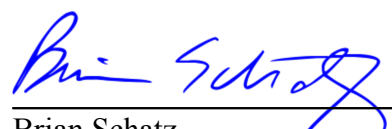
  
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United States Senator

  
Catherine Cortez Masto  
United States Senator

  
Jon Ossoff  
United States Senator

  
Lisa Blunt Rochester  
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Mark R. Warner  
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Brian Schatz  
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