the world should recognize as lawful settlements going forward. The naysayers who warn that this war will kill international law forget that international law rules grow out of painful historical experience, not naive utopian aspiration. Long after the Trump administration has become history, "international law-signposting" will mark a way to end conflicts that international lawbreaking has begun. This signposting serves as a central tenet of what I have called the "Yale School of International Law": "[a]ffirming that America is part of one international legal system . . . [that] sees international law as a constitutive process through which free states can build frameworks of law within which they can cooperate to achieve peace" and the advancement of human dignity.[85] It also advances a core commitment of the *American Journal of International Law*.

HAROLD HONGJU KOH*
Yale Law School, USA

GENERAL INTERNATIONAL AND U.S. FOREIGN RELATIONS LAW

The Iran Conflict and the War Powers Resolution

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One issue that arose during the 2026 conflict with Iran was the effect of the War Powers Resolution (WPR) on President Donald J. Trump's authority to continue using military force in that conflict. This statutory issue is separate from the question of whether President Trump had the constitutional authority to initiate the use of force against Iran in the first place, and it is also separate from the question of whether the U.S. actions in the conflict violated international law. Although the WPR helped structure some of the interactions between Congress and the president during the Iran conflict, that conflict also illustrated a number of the WPR's well-known limitations. Given the significant scale and regional implications of the Iran conflict, and the fact that it continued well past the sixty-day cutoff mandated in the WPR, it may present a particularly strong case for WPR reform.

WAR POWERS RESOLUTION

Congress's most significant modern effort to regulate presidential uses of military force is the WPR, a statute enacted in 1973 at the end of the Vietnam War.[1] As the House Foreign Affairs Committee explained regarding the bill that became the WPR, Congress had perceived that "the constitutional 'balance' of authority over warmaking ha[d] swung heavily

[85] Koh, *supra* note 34, at 20.

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[1] War Powers Resolution of 1973, Pub. L. No. 93-148, 87 Stat. 555 (1973) (codified at 50 U.S.C. §§ 1541–1548). The WPR was enacted over President Richard Nixon's veto.

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to the President in modern times," and it designed the WPR "[t]o restore the balance provided for and mandated in the Constitution."[2]

The WPR begins by expressing the view, in a provision that the executive branch does not view as legally binding, that presidents have the constitutional authority to introduce U.S. armed forces into hostilities or imminent hostilities "only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces."[3]

Next, the WPR mandates that "in every possible instance," the president is to "consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."[4] It also states that, after introducing U.S. forces into hostilities or imminent hostilities, the president is to "consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations."[5]

The WPR then proceeds to impose two key requirements on the president. First, it states that, when presidents introduce U.S. armed forces "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances," they must file a report with congressional leadership within forty-eight hours describing "(A) the circumstances necessitating the introduction of United States Armed Forces; (B) the constitutional and legislative authority under which such introduction took place; and (C) the estimated scope and duration of the hostilities or involvement."[6] Presidents have regularly filed these 48-Hour Reports. In doing so, they typically state that they are submitting the reports "consistent with" the requirement in the WPR, without conceding that they are legally obligated to make the submission.[7]

Second, the WPR states that, within sixty calendar days after a 48-Hour Report is submitted or required to be submitted under the WPR, "the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted)," unless Congress has declared war or enacted a specific authorization of force, has extended the sixty-day deadline, or is physically unable to meet because of an attack on the United States.[8] Presidents can extend the sixty-day deadline by up to an additional thirty days if they certify to Congress in writing "that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces."[9]

[2] House Committee on Foreign Affairs, Report, War Powers Resolution of 1973, H.R. Rep. 93-287, 93d Cong., 1st Sess. 4 (June 15, 1973).

[3] 50 U.S.C. § 1541(c). The executive branch has long maintained that this section is merely "an expression of Congress' interpretation of the Constitution." Assistant Attorney General Antonin Scalia, Memorandum for the Attorney General, Use of Troops in Vietnam and Cambodia 1 (Apr. 12, 1975), *at* https://www.justice.gov/d9/pages/attachments/2022/09/02/la_19750412_use_of_troops_in_vietnam_and_cambodia_0.pdf [https://perma.cc/TJG3-YXFJ].

[4] 50 U.S.C. § 1542.

[5] *Id.*

[6] 50 U.S.C. § 1543(a)(3)(A)–(C). The reporting requirement does not apply if Congress has issued a declaration of war. Congress has not issued such a declaration since 1942.

[7] For a searchable collection of all the 48-Hour Reports filed by presidents since the enactment of the WPR, see War Powers Resolution Reporting Project, Reiss Center on Law and Security, *at* https://warpowers.lawandsecurity.org [https://perma.cc/RC7P-WSTD].

[8] 50 U.S.C. § 1544(b).

[9] *Id.*

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A separate section of the WPR states that presidential authority to introduce armed forces into hostilities shall not be inferred from statutes that do not specifically contain an authorization provision (such as appropriations statutes) or from treaties.[10]

The WPR also has a provision that purports to give Congress the authority to stop presidential uses of military force through a "concurrent resolution," which is a resolution approved by both houses of Congress but not presented to the president for signature.[11] Many observers assume that this provision is unconstitutional in light of the Supreme Court's 1983 decision in *INS v. Chadha*, which held that a legislative veto provision violated the requirements in Article I of the Constitution for the enactment of legislation.[12]

Finally, the WPR provides for expedited congressional consideration of resolutions to authorize the continued use of U.S. armed forces.[13] A 1983 amendment to the WPR that was adopted in the wake of *Chadha* further provides for expedited congressional consideration of proposed statutes that call for the termination of the use of U.S. armed forces.[14]

One notable absence from the WPR is any mention of international law restrictions on the use of force. Under the UN Charter, to which the United States has been a party since 1945, nations are allowed to use military force against other nations only in individual or collective self-defense or when authorized to do so by the UN Security Council.[15] But those restrictions are not referenced in the WPR.

Although a statute, the WPR operates against the backdrop of contested issues of U.S. constitutional law. Many scholars believe that the Constitution is best interpreted to require that presidents obtain congressional authorization before using military force, except in narrow circumstances such as responding to attacks on the United States or U.S. forces. Although Congress expressed a similar view about the Constitution in the first section of the WPR, the statute does not purport to mandate advance congressional authorization for uses of force. In any event, executive branch lawyers have long maintained that presidents have broad authority to use military force in the absence of congressional authorization, at least if the use of force does not rise to the level of "war."[16] The constitutional analysis is complicated by the fact that there have been over two hundred years of practice under the Constitution, and this practice includes many instances of unilateral presidential uses of force.[17] Under some theories of constitutional interpretation, such longstanding practice is relevant when discerning the respective powers of Congress and the president.

[10] 50 U.S.C. § 1547(a).

[11] 50 U.S.C. § 1544(c).

[12] INS v. Chadha, 462 U.S. 919 (1983); *see* MICHAEL J. GLENNON, CONSTITUTIONAL DIPLOMACY 98–100 (1991) (concluding that the concurrent resolution provision in the WPR is inconsistent with *Chadha*); CONG. RSCH. SERV., THE WAR POWERS RESOLUTION: CONCEPTS AND PRACTICE 7 (Mar. 8, 2019), *at* https://www.congress.gov/crs-product/R42699 ("Since Section 5(c) [of the WPR] requires forces to be removed ... if Congress so directs by a concurrent resolution, it is constitutionally suspect under the reasoning applied by the Court [in *Chadha*].").

[13] 50 U.S.C. § 1545. *See* CONG. RSCH. SERV., WAR POWERS RESOLUTION: EXPEDITED PROCEDURES IN THE HOUSE AND THE SENATE (June 24, 2025), *at* https://www.congress.gov/crs-product/R47603.

[14] 50 U.S.C. § 1546(a).

[15] UN Charter, Arts. 2(4), 42, 51 (June 26, 1945).

[16] *See, e.g.*, U.S. Dept. of Justice, Office of Legal Counsel, Memorandum Opinion for the Counsel to the President, April 2018 Airstrikes Against Syrian Chemical-Weapons Facilities, 42 OP. O.L.C. 39 (May 31, 2018).

[17] *See* CURTIS A. BRADLEY, HISTORICAL GLOSS AND FOREIGN AFFAIRS: CONSTITUTIONAL AUTHORITY IN PRACTICE, Ch. 6 (2024).

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It is sometimes said that all presidents have claimed that the sixty-day cutoff provision in the WPR is unconstitutional, but that is not correct. To be sure, President Nixon did make that claim in his veto message,[18] and certain other presidents (including President Trump) have made the claim as well. But other presidential administrations, such as the Carter and Obama administrations, have not contested the constitutionality of the sixty-day cutoff provision.[19] When a president acts in violation of the sixty-day provision, he is in what Justice Robert Jackson described as the "lowest ebb" of presidential power, a situation in which courts can uphold his action "only by disabling the Congress from acting upon the subject."[20]

The 2026 Iran Conflict

The 2026 conflict with Iran was in some ways a resumption of a conflict that occurred in 2025. On June 13, 2025, Israel began a substantial military campaign against Iran, which came to be referred to as the "Twelve-Day War." About a week after Israel began its campaign, President Trump authorized U.S. airstrikes against several nuclear facilities in Iran, a campaign that his administration called "Operation Midnight Hammer."[21] President Trump submitted a 48-Hour Report to Congress in connection with these strikes, emphasizing that the strikes were "limited in scope and purpose" and that "Iranian troops and other military facilities were not targeted."[22] The Report also asserted that the strikes were "taken to advance vital United States national interests, and in collective self-defense of our ally, Israel, by eliminating Iran's nuclear program."[23] The campaign ended a few days later when Israel and Iran agreed to a ceasefire. Because the U.S. bombing operation was completed quickly, the WPR's sixty-day deadline never came into play.

About eight months later, on February 28, 2026, President Trump initiated a much broader and longer-lasting military campaign against Iran, in coordination with Israel. The campaign, which the administration referred to as "Operation Epic Fury," was conducted against a wide range of targets, and the U.S. and Israeli airstrikes killed a number of Iranian officials, including Iran's supreme leader, Ayatollah Ali Khamenei. Iran responded by attacking Israel, U.S. bases in the region, and other neighboring countries. The extensive conflict caused, among other things, substantial disruptions in the world's oil supply.

[18] *See* Richard Nixon, Veto of the War Powers Resolution (Oct. 24, 1973), *at* https://www.presidency.ucsb.edu/documents/veto-the-war-powers-resolution [https://perma.cc/RF8W-KUM3].

[19] *See* U.S. Dept. of Justice, Office of Legal Counsel, Memorandum Opinion for the Attorney General, Presidential Power to Use Armed Forces Abroad Without Statutory Authorization, 4A Op. O.L.C. 185, 196 (Feb. 12, 1980) ("We believe that Congress may, as a general constitutional matter, place a 60-day limit on the use of our armed forces as required by the provisions of § 1544(b) of the Resolution."); Foreign Relations Committee, Libya and War Powers: Hearing Before the S. Comm. on Foreign Rel., Statement of Harold Koh, 112th Cong., 1st Sess. 7 (June 28, 2011) (contending that President Obama "has never claimed authority to violate the War Powers Resolution or any other statute").

[20] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 637-38 (1952) (Jackson, J., concurring).

[21] *See* Jean Galbraith, Contemporary Practice of the United States, 119 AJIL 798 (2025).

[22] Donald J. Trump, Letter to Congressional Leaders on United States Military Operations in Iran (June 23, 2025), *at* https://www.presidency.ucsb.edu/documents/letter-congressional-leaders-united-states-military-operations-iran [https://perma.cc/2YRE-FK9T].

[23] *Id.*

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Shortly after initiating Operation Epic Fury, President Trump sent Congress a 48-Hour Report. In that report, the president explained that the strikes "were undertaken to protect United States forces in the region, protect the United States homeland, advance vital United States national interests, including ensuring the free flow of maritime commerce through the Strait of Hormuz, and in collective self-defense of our regional allies, including Israel."[24] He also emphasized that "[n]o United States ground forces were used in these strikes, and the mission was planned and executed in a manner designed to minimize civilian casualties, deter future attacks, and neutralize Iran's malign activities."[25] He acknowledged, however, that "[a]lthough the United States desires a quick and enduring peace, it is not possible at this time to know the full scope and duration of military operations that may be necessary."[26]

After about five weeks of hostilities, President Trump announced on April 7 that he had ordered a two-week ceasefire so that the United States and Iran could pursue negotiations to end the conflict. On April 21, he extended the ceasefire indefinitely. Meanwhile, the United States imposed a naval blockade on Iranian ports in an effort to pressure Iran to reach a deal, an operation that the administration labeled "Project Freedom."[27] After Iran shot down a U.S. helicopter in early June, the United States conducted a series of military strikes against Iran, which it described as defensive in nature, although President Trump suggested that some of the strikes were also conducted in an effort to pressure Iran to conclude an agreement.[28]

During this conflict, Democratic members of Congress tried on numerous occasions to force a vote on the president's use of force, and each time their efforts were blocked by their Republican colleagues.[29] Some Republican members of Congress began signaling, however, that they might join the Democratic efforts if the conflict dragged on.[30]

Despite President Trump's declaration of a ceasefire in April, many observers assumed that, because the conflict had not been resolved, the sixty-day clock in the War Powers Resolution was still ticking. If so, the clock was set to run out at the beginning of May 2026. In late April 2026, the administration responded to concerns about the upcoming expiration of the sixty-day clock by suggesting that the ceasefire had paused the clock's operation.[31]

[24] Letter Informing Congress of Action Taken Consistent with the War Powers Resolution (Mar. 3, 2026), *at* https://www.govinfo.gov/content/pkg/CDOC-119hdoc139/pdf/CDOC-119hdoc139.pdf [https://perma.cc/6HXG-JH5D].

[25] *Id.*

[26] *Id.*

[27] For an account of the timeline of the conflict, see *Iran War Timeline: The Latest on Where the Iran War Stands*, N.Y. TIMES (Aug. 9, 2026), *at* https://www.nytimes.com/article/iran-war-trump-us-oil-hormuz-key-dates-events.html.

[28] *See* Lara Jakes, Max Bearak, Jonathan Swan & Michael Levenson, *U.S. Strikes Iran for Second Day, as War Heats Back Up*, N.Y. TIMES (June 10, 2026), *at* https://www.nytimes.com/2026/06/10/world/middleeast/us-iran-strikes.html; Eric Schmitt, *U.S. Strikes Iran After Army Helicopter Is Downed*, N.Y. TIMES (June 9, 2026), *at* https://www.nytimes.com/2026/06/09/us/politics/trump-helicopter-iran-war.html.

[29] *See* Ashley Wu & Robert Jimison, *Congress Has Rejected 10 Chances to Assert Its War Powers in Iran*, N.Y. TIMES (May 14, 2026), *at* https://www.nytimes.com/interactive/2026/05/14/us/politics/congress-iran-war-powers.html.

[30] *See* Megan Mineiro, *After 60 Days, Republican Patience for the Iran War Is Wearing Thin*, N.Y. TIMES (May 1, 2026), *at* https://www.nytimes.com/2026/05/01/us/politics/trump-war-powers-republicans.html; Megan Mineiro, *Senate Again Rejects Bid to End Iran War, but G.O.P. Opposition Grows*, N.Y. TIMES (May 13, 2026), *at* https://www.nytimes.com/2026/05/13/us/politics/iran-war-powers-trump.html.

[31] *See* Megan Mineiro, *Hegseth Says Iran Cease-Fire Stops Clock for Congressional Approval*, N.Y. TIMES (Apr. 30, 2026), *at* https://www.nytimes.com/2026/04/30/us/politics/hegseth-iran-cease-fire-congress.html.

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Then, on May 1, 2026, President Trump sent congressional leadership a letter asserting that the clock had in fact stopped operating. His letter claimed that, because of the ceasefire, "[t]he hostilities that began on February 28, 2026, have terminated."[32] He made this claim even though the United States was imposing a naval blockade and had continued to fire on Iranian ships and other targets, and even though he had threatened at various times to resume the bombing campaign.[33] The Trump administration subsequently suggested that if the negotiations collapsed, the United States might have to initiate a new military operation against Iran, potentially under the name "Sledgehammer."[34]

In early June 2026, four Republicans joined with Democrats in the House to pass a concurrent resolution calling for withdrawal of U.S. troops from hostilities in Iran.[35] This vote took place after the Senate had voted in May to allow consideration of a different resolution that also called for a withdrawal of the troops.[36] These actions in Congress did not have any legal effects but were politically significant.[37]

In mid-June, the United States and Iran entered into a memorandum of understanding (MOU) designed to end the conflict. Under the MOU, the two countries agreed to a ceasefire, and the United States agreed to end its naval blockade.[38] They also agreed to negotiate a final agreement within the next sixty days, although the period could be extended by mutual consent.

After the countries signed the MOU, a majority of the Senate voted in support of a concurrent resolution, which had already passed the House, calling for an end to the use of military force in Iran in the absence of congressional authorization.[39] This was the first time since the WPR's enactment that both the House and Senate had voted in support of a concurrent resolution directing a president to end the use of military force.[40] As noted above, because of the *Chadha* decision, a concurrent resolution like this one may not be legally binding, but the development was nevertheless a milestone in the history of the WPR. Under pressure from the president, however, some Republicans switched their votes a day

[32] The White House, Letter from Donald J. Trump to the Speaker of the House (May 1, 2026), *at* https://s3.documentcloud.org/documents/28089081/2026warpowersglobalposture5126idl1signed.pdf [https://perma.cc/7JAD-WJ9Y].

[33] *See* Jack Goldsmith, *Trump's Interpretation of the War Powers Resolution Is Wrong But Not Crazy*, EXEC. FUNCTIONS (May 4, 2026), *at* https://www.execfunctions.org/p/trumps-interpretation-of-the-war [https://perma.cc/W25J-2S2V].

[34] Mosheh Gains, Courtney Kube & Monica Alba, *Pentagon Considering Renaming Iran War "Sledgehammer" if Ceasefire Collapses*, NBC NEWS (May 12, 2026), *at* https://www.nbcnews.com/politics/national-security/pentagon-considering-re-naming-iran-war-sledgehammer-ceasefire-collaps-rcna344630.

[35] *See* H. Con. Res. 86, 119th Cong. (2026); Robert Jimison & Megan Mineiro, *House Votes to Rein in Trump on Iran War, in a Bipartisan Rebuke*, N.Y. TIMES (June 3, 2026), *at* https://www.nytimes.com/2026/06/03/us/politics/house-vote-trump-iran-war-powers.html. The vote in the House was 215 to 208.

[36] *See* S.J. Res. 185, 119th Cong. (2026); Megan Mineiro, *Senate Votes to Take Up Measure to Force Trump to End Iran War*, N.Y. TIMES (May 19, 2026), *at* https://www.nytimes.com/2026/05/19/us/politics/senate-iran-war-authorization.html.

[37] For possible indirect legal effects, see Scott R. Anderson, *What Congressional Resolutions Mean for the War in Iran,* LAWFARE (June 8, 2026), *at* https://www.lawfaremedia.org/article/what-congressional-resolutions-mean-for-the-war-in-iran [https://perma.cc/A8VU-RXKY].

[38] *See A Look at the Text of the Agreement Between the United States and Iran*, N.Y. TIMES (updated June 20, 2026), *at* https://www.nytimes.com/2026/06/17/us/politics/us-iran-agreement-deal-text.html.

[39] *See* H. Con. Res. 86, *supra* note 35. The vote in the Senate was 50 to 48.

[40] *See* Robert Jimison, *Senate Votes to Check Trump's War Powers, Rebuking Him on Iran*, N.Y. TIMES (June 23, 2026), *at* https://www.nytimes.com/2026/06/23/us/politics/senate-trump-war-powers-iran.html.

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later and defeated a similar measure.[41] After these votes, the United States carried out additional strikes against Iran.[42] In July, the United States engaged in a series of strikes against Iran after accusing it of violating the ceasefire agreement, and President Trump subsequently declared that the ceasefire was over and proceeded to reimpose a naval blockade.[43] He also sent Congress a new WPR letter, suggesting that his administration viewed the renewed hostilities as restarting the sixty-day clock.[44] President Trump paused airstrikes in early August in an effort to resume negotiations.[45] When this Essay was being written, the conflict did not appear to be over, and it was difficult to tell whether or when active hostilities might once again resume. Meanwhile, Democrats in Congress continued to push for votes on the conflict.[46]

Assessment

The WPR states that its purpose is to "insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities or in such situations."[47] Measured against that standard, it is difficult to view the WPR as a success. Since the enactment of the WPR, presidents have introduced U.S. forces into hostilities on numerous occasions without seeking congressional approval.[48] Most of these operations have not reflected the "collective judgment" of Congress and the executive branch. The conflict with Iran is simply the latest example, although it is a particularly significant one given the scale and regional implications of the conflict.

As critics have long pointed out, there are a number of potential drawbacks to the WPR's methods for regulating presidential war-making. First, the sixty-day clock gives presidents a substantial period of time in which they can use force without violating the statute. Especially given advances in aerial bombardment technology, presidents can often conclude military campaigns within the sixty-day period. Even some campaigns involving substantial

[41] *See* Robert Jimison & Michael Gold, *After Trump's Outburst, Senate G.O.P. Reverses Course on Iran*, N.Y. Times (June 24, 2026), *at* https://www.nytimes.com/2026/06/24/us/politics/trump-senate-iran.html. The vote was 50–47.

[42] *See* Helene Cooper, Euan Ward, Jenny Gross & Pranav Baskar, *U.S. Strikes Iran in Retaliation for Attack on Vessel in Strait of Hormuz*, N.Y. Times (June 26, 2026), *at* https://www.nytimes.com/2026/06/26/world/middleeast/strait-of-hormuz-iran-attack.html.

[43] *See* Max Bearak, Tyler Pager, Shirin Hakim & Michael Levenson, *U.S. Strikes Iran for a Second Day, After Trump Says U.S. Truce is "Over,"* N.Y. Times (July 8, 2026), *at* https://www.nytimes.com/2026/07/08/world/middleeast/iran-truce-trump.html.

[44] *See* Peter Baker, *Trump Says Fighting with Iran Has Resumed as He Orders Blockade and Tolls*, N.Y. Times (July 13, 2026), *at* https://www.nytimes.com/2026/07/13/us/politics/trump-iran-ceasefire.html.

[45] *See* Aaron Boxerman, Vivian Nereim, Adam Rasgon & Francesca Regalado, *Trump Says He Canceled Strikes on Iran, Claiming Progress on Outlines of a Deal*, N.Y. Times (updated Aug. 3, 2026), *at* https://www.nytimes.com/2026/08/02/world/middleeast/trump-iran-cancels-attack-deal.html.

[46] *See* Robert Jimison, *Why Democrats Won't Stop Forcing Votes on the War*, N.Y. Times (July 30, 2026), *at* https://www.nytimes.com/2026/07/30/us/politics/democrats-war-powers-votes.html.

[47] 50 U.S.C. § 1541(a).

[48] *See* Curtis A. Bradley, Ashley Deeks & Jack L. Goldsmith, Foreign Relations Law: Cases and Materials 705 (8th ed. 2024).

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uses of ground troops, such as the U.S. invasions in the 1980s of Panama and Grenada, have been completed in less than sixty days.[49]

Second, the WPR does not define the key term "hostilities." The absence of a definition has allowed presidents to claim that various uses of force by the U.S. military do not implicate the WPR. An especially controversial example is the claim by the Obama administration that its continued involvement in a bombing campaign in Libya in 2011 did not constitute hostilities because (among other things) there was little risk of U.S. casualties.[50] The Trump administration has made a similar argument with respect to its attacks on boats in the Caribbean and Eastern Pacific allegedly operated by drug traffickers.[51]

Third, the WPR's sixty-day clock applies to particular military operations, and presidents sometimes divide military campaigns into multiple operations and claim that each one has its own sixty-day clock.[52] This workaround was evident in the Iran conflict, first when the Trump administration treated its blockade of Iranian ports as an operation separate from Operation Epic Fury, and then when it suggested that the hostilities that occurred after the collapse of the ceasefire constituted a new operation.

Fourth, because the WPR does not specify any penalties for non-compliance (such as funding cutoffs), it puts the enforcement burden on Congress, and for a variety of reasons, Congress is often not well positioned to carry out that burden. Once a military campaign is initiated, Congress typically feels compelled to continue funding it, in order to support U.S. troops and ensure U.S. success in the operation. Moreover, once Congress does provide supplemental funding, presidents can assert that this constitutes sufficient authorization to meet the WPR's requirement. Although (as noted above) the WPR expressly tries to preclude such a claim, the executive branch has plausibly argued that a 1973 statute cannot control how a later appropriations statute is construed.[53]

Some of these issues could be addressed by amendments to the Act. But there is a broader challenge to reining in presidential war-making, which is that, regardless of what the WPR

[49] *See* LOUIS FISHER, PRESIDENTIAL WAR POWER 150 (3d rev. ed. 2013) ("Military operations in Grenada and Panama were conducted as though the 60-day limit was enforceable—if not legally, then politically.").

[50] *See* U.S. Department of State, Harold Hongju Koh, Legal Adviser, Testimony on Libya and War Powers, Before the Senate Foreign Relations Committee (June 28, 2011), *at* https://2009-2017.state.gov/documents/organization/167452.pdf [https://perma.cc/88AJ-YE76]; Charlie Savage & Mark Landler, *White House Defends Continuing U.S. Role in Libya Operation*, N.Y. TIMES (June 15, 2011), *at* https://www.nytimes.com/2011/06/16/us/politics/16powers.html. The administration made this argument over the objection of some of its top lawyers. *See* Charlie Savage, *2 Top Lawyers Lost to Obama in Libya War Policy Debate*, N.Y. TIMES (June 17, 2011), *at* https://www.nytimes.com/2011/06/18/world/africa/18powers.html.

[51] *See* Charlie Savage & Julian E. Barnes, *War Powers Law Does Not Apply to Trump's Boat Strikes, Administration Says*, N.Y. TIMES (Nov. 1, 2025), *at* https://www.nytimes.com/2025/11/01/us/politics/trump-boat-attacks-war-powers.html. The House Foreign Affairs Committee report on the bill that became the WPR suggested a broad understanding of "hostilities" that would "encompass[] a state of confrontation in which no shots have been fired but where there is a clear and present danger of armed conflict." House Foreign Affairs Committee Report, *supra* note 2, at 7.

[52] *See* Brian Finucane, *Renewed Tensions in the Persian Gulf: Further War Powers Lessons from the Tanker War*, JUST SECURITY (Aug. 16, 2023), *at* https://www.justsecurity.org/87650/renewed-tensions-in-the-persian-gulf-further-war-powers-lessons-from-the-tanker-war [https://perma.cc/9LQA-WALR].

[53] *See* U.S. Dept. of Justice, Office of Legal Counsel, Randolph D. Moss, Assistant Attorney General, Memorandum for the Attorney General, Authorization for Continuing Hostilities in Kosovo, 24 OP. O.L.C. 327 (Dec. 19, 2000).

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requires, Congress often lacks sufficient institutional incentives to enforce the statute. This is especially true when Congress is controlled by the president's own party, something that was evident in the early parts of the Iran conflict. Even separate from the issue of partisan loyalty, Congress often seems reluctant to assume accountability for decisions about the use of force, preferring instead for the president to assume the political risk.

A potential alternative to congressional enforcement of the WPR would be judicial enforcement. Any judicial challenge to a president's use of force, however, faces daunting justiciability challenges relating to standing, ripeness, and the political question doctrine. To date, the lower courts have consistently dismissed challenges brought to enforce the WPR.[54]

Despite these limitations, it is apparent from the Iran conflict that the WPR has important effects on the inter-branch dynamics concerning the use of military force. Even though presidents try to work around it, the WPR's sixty-day clock appears to increase political pressure on the president to conclude operations before the clock expires. This may be because, by specifying a concrete cutoff date, the WPR provides a focal point that members of Congress can coordinate around, as compared with the more uncertain and debatable constitutional standards concerning presidential uses of force.[55] The WPR may also give members of Congress, especially those of the president's party, political cover, since they can maintain that they are simply enforcing the statute, not opposing the president. It is noteworthy that, even though presidents have sometimes claimed that the sixty-day rule is unconstitutional, no president has admitted to violating it.[56]

In addition, provisions in the WPR for expedited consideration of resolutions to authorize or disallow the use of force help the minority party in Congress focus attention on the issue, something that was evident throughout the Iran conflict. Minority party members can also more easily force members of the majority party to take a position on a conflict.[57] And, even if the WPR's concurrent resolution provision is unconstitutional under *Chadha* and thus unenforceable in court, a resolution from one or both houses of Congress opposing the use of force is likely to be politically very significant. The fact that both houses of Congress

[54] *See, e.g.*, Campbell v. Clinton, 203 F.3d 19 (D.C. Cir. 2000); Smith v. Obama, 217 F. Supp. 3d 283 (D.D.C. 2016), *vacated as moot*, 731 Fed. Appx. 8 (D.C. Cir. 2018); Kucinich v. Obama, 821 F. Supp. 2d 110 (D.D.C. 2011); Lowry v. Reagan, 676 F. Supp. 333 (D.D.C. 1987).

[55] If so, this may mean, somewhat counter-intuitively, that statutory law in this instance has more of a constraining effect than constitutional law.

[56] *See* Charlie Savage, *Why Trump's and Vance's Claim About the War Powers Resolution Is Very Misleading*, N.Y. TIMES (Jan. 9, 2026), *at* https://www.nytimes.com/2026/01/09/us/politics/trump-war-powers-resolution.html (noting that, "to date, no president has conceded that [the WPR] applied to a situation and violated it anyway based on a theory that it was unconstitutional"); *see also* Scott R. Anderson, *The Underappreciated Legacy of the War Powers Resolution*, LAWFARE (Nov. 9, 2023), *at* https://www.lawfaremedia.org/article/the-underappreciated-legacy-of-the-war-powers-resolution [https://perma.cc/L95K-KFCP] ("While it has not achieved its own vision of 'collective judgment' on matters of war and peace, the War Powers Resolution has both constrained the executive branch and empowered Congress in substantial and often underappreciated ways."); Matthew C. Waxman, *War Powers Reform: A Skeptical View*, 133 YALE L.J. F. 793 (Mar. 8, 2024) ("Even if the WPR is not enforceable, its sixty-day clock and special legislative procedures help ease congressional collective-action problems and make congressional opposition to ongoing military operations less politically risky.").

[57] *See* Anderson, *supra* note 37 ("By forcing public votes on resolutions clearly opposed to the Trump administration's policy toward Iran, legislators have been able to compel their colleagues to take public positions and build associated political pressure.").

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eventually supported a concurrent resolution disallowing the continued use of force in Iran signaled that domestic support for the conflict was weak.

Whether the WPR has *ex ante* effects on presidential decisions to use military force is less clear. It is conceivable that when a president perceives that a potential military conflict is unlikely to be resolved quickly, the existence of the WPR might give the president an incentive to seek advance congressional authorization, in order to avoid potential disputes with Congress over the sixty-day clock. It may not be coincidental that presidents sought congressional authorization for what turned out to be the most protracted U.S. military operations since the WPR's enactment: the two Iraq wars and the post-9/11 "war on terror."

In any event, the WPR would likely be more effective if some of its well-known design limitations were addressed through amendments—for example, if its sixty-day clock were shortened.[58] The sixty-day clock is treated by presidents as, in effect, a permission slip for short-term uses of force, even though that was almost certainly not Congress's intent.[59] Because of this phenomenon, as a check on presidential power, the WPR as currently drafted may be doing more harm than good by providing an aura of legitimacy to short-term presidential uses of force.

CURTIS A. BRADLEY
University of Chicago Law School, USA

INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

U.S. Secondary Sanctions on Iran and China's Countermeasures: From Meng Wanzhou to Hengli

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U.S. sanctions on Iran have long had a China problem. So long as China remains the principal purchaser of Iranian oil,[1] sanctions directed at Tehran cannot be effective unless they also reach the Chinese refiners, traders, shipping firms, ports, and financial intermediaries that sustain Iran's oil revenues. This dynamic became especially visible during the current U.S.–Iran conflict, when Washington revived its "maximum pressure"

[58] For suggested reforms, see, for example, GLENNON, *supra* note 12, at 113–21; and Tess Bridgeman & Stephen Pomper, *Good Governance Paper No. 14: War Powers Reform*, JUST SECURITY (Oct. 30, 2020), *at* https://www.justsecurity.org/73160/good-governance-paper-no-14-war-powers-reform [https://perma.cc/9VCA-LAU5].

[59] *See, e.g.*, U.S. Dept. of Justice, Office of Legal Counsel, Caroline D. Krass, Memorandum Opinion for the Attorney General, Authority to Use Military Force in Libya, 35 OP. O.L.C. 20, 30 (Apr. 1, 2011) (contending that the WPR's "structure—requiring a report within 48 hours after the start of hostilities and their termination within 60 days after that—'makes sense only if the President may introduce troops into hostilities or potential hostilities without prior authorization by the Congress'"); U.S. Dept. of Justice, Office of Legal Counsel, Walter Dellinger, Letter Opinion for Four United States Senators, Deployment of United States Armed Forces into Haiti, 18 OP. O.L.C. 173, 175–76 (Sept. 27, 1994) (similar). The WPR states that it should not be "construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances." 50 U.S.C. § 1547(d)(2).

[1] *See* U.S.-China Economic and Security Review Commission, China-Iran Fact Sheet: A Short Primer on the Relationship (Mar. 16, 2026), *at* https://www.uscc.gov/research/china-iran-fact-sheet-short-primer-relationship [https://perma.cc/3EFD-QF6J].

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