

118TH CONGRESS
2D SESSION

S. CON. RES. 28

Expressing the sense of Congress regarding the authority of the President to use appropriate and necessary force to liberate United States citizens being held by Hamas.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13 (legislative day, FEBRUARY 12), 2024

Mr. SCOTT of South Carolina (for himself and Mr. WICKER) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations

CONCURRENT RESOLUTION

Expressing the sense of Congress regarding the authority of the President to use appropriate and necessary force to liberate United States citizens being held by Hamas.

Whereas Hamas, an Iranian-backed terrorist organization, carried out a coordinated series of surprise terrorist attacks against Israel on October 7, 2023;

Whereas, during the attacks of October 7, 2023, Hamas brutally claimed the lives of more than 1,200 Israelis and foreign nationals, including 35 United States citizens;

Whereas, during the attacks of October 7, 2023, Hamas took an estimated 240 Israelis and foreign nationals hostage;

Whereas, after a temporary pause in hostilities in November 2023, during which some hostages were released in ex-

change for the release of Palestinian prisoners, Hamas continues to hold approximately 130 people hostage in Gaza, including 6 United States citizens;

Whereas the hostages who were released from Gaza in November 2023 have provided harrowing reports of the brutality they faced at the hands of Hamas terrorists, including starvation, sexual assault, and other forms of torture;

Whereas Presidential Policy Directive 30, issued on June 24, 2015, states, “The United States will use every appropriate resource to gain the safe return of U.S. nationals who are held hostage. But the United States Government will make no concessions to individuals or groups holding U.S. nationals hostage.”;

Whereas article II of the Constitution of the United States empowers the President, as Commander-in-Chief, to direct the use of military force in self-defense, including the defense of United States citizens;

Whereas section 2(c) of the War Powers Resolution (50 U.S.C. 1541(c)) further states that the article II powers of the President, as Commander-in-Chief, to introduce the Armed Forces into situations of hostilities or imminent hostilities can be exercised in the event of “national emergency created by attack upon the United States, its territories or possessions, or its Armed Forces.”;

Whereas Executive Order No. 14078 (relating to bolstering efforts to bring hostages and wrongfully detained United States nationals home), issued on July 19, 2022, declared a national emergency to address the “unusual and extraordinary threat to the national security, foreign policy, and economy of the United States” posed by the

wrongful detention and hostage-taking of United States citizens and other persons abroad; and

Whereas, since 1980, the United States has utilized military force at least ten times for the rescue or attempted rescue of United States citizens and other persons held hostage overseas: Now, therefore, be it

1 *Resolved by the Senate (the House of Representatives*
2 *concurring)*, That it is the sense of Congress that—

3 (1) the act by Hamas of taking United States
4 citizens hostage on October 7, 2023, constitutes an
5 attack on the United States and its citizens;

6 (2) the President has the authority under arti-
7 cle II of the Constitution of the United States to use
8 appropriate and necessary force to liberate United
9 States citizens being held hostage by Hamas; and

10 (3) such authority should be utilized.

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