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[H. Con. Res. 55, directing the President, pursuant to section 5\(c\) of the War Powers Resolution, to remove United States Armed Forces deployed to Iraq or Syria on or after August 7, 2014, other than Armed Forces required to protect United States diplomatic facilities and personnel, from Iraq and Syria](#)

FLOOR SITUATION

On Wednesday, June 17, 2015, the House will consider H. Con. Res. 55, *a concurrent resolution directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove United States Armed Forces deployed to Iraq or Syria on or after August 7, 2014, other than Armed Forces required to protect United States diplomatic facilities and personnel, from Iraq and Syria*, under a [unanimous consent agreement](#). H. Con. Res. 55 was introduced on June 4, 2015, by Rep. Jim McGovern (D-MA) and was referred to the Committee on Foreign Affairs.

SUMMARY

H. Con. Res. 55 directs the President to remove U.S. Armed Forces who were deployed to Iraq or Syria on or after August 7, 2014, except for those required to protect U.S. diplomatic facilities and personnel in those countries, no later than 30 days after adoption of the resolution. If the President determines that removing such forces within that period is not safe, the resolution allows the forces to be withdrawn at any time he determines they can safely be removed, but not later than December 31, 2015.

BACKGROUND

The Constitution divides war powers between Congress and the President. Congress has the power to declare war and raise and support the Armed Forces (Article I, Section 8), while the President is Commander-in-Chief (Article II, Section 2). Although it is generally agreed that the President, as Commander-in-Chief, may utilize the Armed Forces to repel attacks against the United States, “there

has long been controversy over whether he is constitutionally authorized to send forces into hostile situations abroad without a declaration of war or other congressional authorization.”¹

The War Powers Resolution ([Public Law 93-148](#)) requires the President to notify Congress within 48 hours² of committing forces to military action and forbids forces from remaining for more than 60 days, with a further 30 day withdrawal period, without an authorization of the use of military force or a declaration of war.³ The 1973 law was passed by two-thirds of Congress, overriding President Nixon’s veto.

Every President since has argued that the law is unconstitutional because it interferes with the President’s prerogatives as Commander-in-Chief.⁴ This argument was supported by the Supreme Court’s decision in a 1983 immigration case, *INS v. Chadha*, which invalidated “legislative vetoes” that would allow Congress to exercise lawmaking authority by unilateral action that is not subject to presidential presentment and veto, such as a concurrent resolution.

Consistent with the War Powers Resolution, the President notified Congress of U.S. airstrikes against ISIL beginning on August 8, 2014. On September 23, the President claimed authorization for military operations against ISIL pursuant to the 2001 9/11 Authorization for Use of Military Force (AUMF) ([Public Law 107-40](#)) and the 2002 Iraq AUMF ([Public Law 107-243](#)), in addition to the President’s inherent constitutional authorities as Commander-in-Chief and Chief Executive. In the view of the Department of Defense, recently expressed by the Department’s General Counsel, because of its origins as al-Qaeda in Iraq, “the group we call ISIL today has been an enemy of the United States within the scope of the 2001 AUMF continuously since at least 2004.”⁵

H. Con. Res. 55 was filed pursuant to section 5(c) of the War Powers Resolution, which requires the President to remove forces at any time if Congress so directs by concurrent resolution. Section 7 provides expedited, privileged procedures for considering concurrent resolutions directing the removal of U.S. forces from unauthorized hostilities.⁶ The House will consider the resolution pursuant to a rule in advance of a 15-day deadline established by that section. If followed, the resolution would require the unilateral withdrawal of U.S. forces from the fight against ISIL, halt U.S. airstrikes in Iraq and Syria, and remove U.S. training personnel from Iraq.

In the 113th Congress, the House passed [H. Con. Res. 105](#), *a concurrent resolution prohibiting the President from deploying or maintaining United States Armed Forces in a sustained combat role in Iraq without specific, subsequent statutory authorization*, on July 25, 2014, by a vote of [370 to 40](#). The Senate did not act on the resolution before the Congress adjourned.

COST

A Congressional Budget Office (CBO) cost estimate is currently unavailable.

¹ See CRS Report—[“The War Powers Resolution: Concepts and Practice,”](#) April 3, 2015 at 1.

² Id. at 3.

³ Id. at 4.

⁴ Id. at 6.

⁵ Department of Defense, [“The Legal Framework for the United States’ Use of Military Force Since 9/11,”](#) April 10, 2015.

⁶ CRS Report at 5.

STAFF CONTACT

For questions or further information please contact [Jerry White](#) with the House Republican Policy Committee by email or at 5-0190.