



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

January 9, 2020
(House)

STATEMENT OF ADMINISTRATION POLICY

H.Con.Res. 83 – Directing the President Pursuant to Section 5(c) of the War Powers Resolution to Terminate the Use of United States Armed Forces to Engage in Hostilities in or Against Iran

(Rep. Slotkin, D-MI, and 134 cosponsors)

The Administration strongly opposes passage of H.Con.Res. 83, which purports to direct the President to terminate the use of United States Armed Forces engaged in hostilities in or against Iran or any part of its government or military unless authorized by Congress.

At the President’s direction, on January 2, the United States military successfully executed a strike in Iraq that killed Qassem Soleimani, the Commander of the Islamic Revolutionary Guard Corps-Qods Force, a designated foreign terrorist organization. Soleimani was personally responsible for terrible atrocities. He trained terrorist armies, including Hezbollah, launching terror strikes against civilian targets. He fueled bloody civil wars all across the region. He directed and facilitated actions that viciously wounded and murdered thousands of United States troops, including by planting bombs that maim and dismember their victims. In eliminating Soleimani from the battlefield, the President took action to stop a war, not to start a war. He took action to protect our diplomats, our service members, our allies, and all Americans.

Although concurrent resolutions like H.Con.Res. 83 lack the force of law under controlling Supreme Court precedent, *I.N.S. v. Chadha*, 462 U.S. 919 (1983), it is nevertheless important to highlight some of its deficiencies.

First, H.Con.Res. 83 is unnecessary because the military actions to which it applies are already authorized by law, including the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) (“2002 AUMF”). The 2002 AUMF provides specific statutory authorization to engage in military action to “defend the national security of the United States against the *continuing threat posed by Iraq*.” Public Law 107-243, § 3(a)(1). The United States forces that have been threatened by Iranian and Iran-backed attacks in Iraq are there to combat terrorist groups—such as ISIS. Thus, in addition to acting in accordance with his Constitutional authorities as Commander in Chief and Chief Executive, the President also acted against Soleimani pursuant to existing statutory authorization. The 2002 AUMF has always been understood to authorize the use of force for, among other purposes, addressing terrorist threats—like Soleimani and the attacks he was planning and facilitating—emanating from Iraq. This is consistent with actions taken by previous Presidents pursuant to the 2002 AUMF. For example, during the last administration, United States forces frequently conducted operations in response to attacks and threats by Iran-backed militias in Iraq under the authority conferred by the 2002 AUMF. Moreover, the Administration’s engagement with Congress on this strike has been fully

in accordance with past precedent, including by providing notification consistent with the War Powers Resolution and by briefing Congressional leadership, the full membership of the House and Senate, and appropriate staff.

Second, were provisions like those included in H.Con.Res. 83 to become law, they could undermine the President's ability to defend United States forces and interests in the region against ongoing threats from Iran and its proxies. Iran has a long history of attacking United States and coalition forces both directly and through its proxies, including, most recently, by means of a January 7 missile attack from Iran against United States forces stationed at two bases in Iraq. Over the last several months, Soleimani planned and supported these escalating attacks by Iranian-directed Shia militia groups on coalition bases throughout Iraq. He orchestrated the December 27, 2019 attack on an Iraqi military base, which resulted in the death of a United States citizen and badly wounded four United States service members. Soleimani also approved the subsequent attack later that month on the United States Embassy in Baghdad, which turned violent and damaged the Embassy facility. At the time of the January 2 strike, Soleimani was in Iraq in violation of a United Nations Security Council travel ban and was actively developing plans to imminently attack United States diplomats and service members in Iraq and throughout the region. Subsequently, Iran launched an attack against the United States. Were Congress to attempt to compel the President to adhere to a resolution like H.Con.Res. 83, it could hinder the President's ability to protect United States forces and interests in the region from the continued threat posed by Iran and its proxies.

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

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