



A TV displays U.S. President Donald Trump's prime-time address on the war in Iran inside a Cheesecake Factory on April 1, 2026, in Washington, D.C. Anna Moneymaker/Getty Images

Why the 60-day War Powers Resolution deadline doesn't actually constrain presidents

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May 1, 2026, marks the 60th day of Operation Epic Fury in Iran – a symbolically significant date designating when a president who has mounted unilateral military operations must receive Congressional approval or wind it down.

However, the complex history of the War Powers Resolution clock demonstrates it is a toothless milestone.

The Trump administration signaled on April 30, 2026, that it would ignore that deadline, set by the War Powers Resolution. Secretary of Defense Pete Hegseth testified before the Senate Armed Services Committee that “we are in a cease-fire right now, which my understanding is that the 60-day clock pauses or stops in a cease-fire. That’s our understanding, so you know.”

Sen. Tim Kaine of Virginia, a Democrat, responded that the 60-day threshold poses a “legal question” and “constitutional concerns.”

This is not the first time presidents and members of Congress have sparred on the meaning of the War Powers Resolution. What happens next will play out through regular politics, because the conflict is not a matter of simple legal interpretation.

War: Collective judgment

In the U.S. Constitution, Congress and the president share war powers.

In the shadow of political struggles in the final years of the Vietnam War, Congress passed the War Powers Resolution in 1973 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.”

A crucial section of the resolution reasserts legislators’ role, and makes clear that the constitutional power of the president to make war is subject to, or exercised with, the following conditions: a Congressional declaration of war; specific statutory authorization; or a national emergency created by attack upon the United States, its territories or possessions or its armed forces.

For new military campaigns that do not meet these criteria, the resolution included a 60-day clock that begins when a president reports the action to congressional leadership within 48 hours of the action beginning.

The clock can be expanded to up to 90 days upon presidential determination and certification of “unavoidable military necessity respecting the safety of United States Armed Forces” related to removal of troops.

After 60 to 90 days, the resolution originally said this type of unilateral military action would be terminated automatically unless both chambers of Congress approved some form of legislative authorization.

Congress could also choose to terminate an unauthorized military operation any time before the 60 days with a concurrent resolution, which doesn’t require a president’s signature – essentially, a “legislative veto.”

And to make sure the president couldn’t stretch the definition of congressional approval, the resolution said neither existing treaties nor new budget appropriations could substitute for legislative authorization of a military action.

Since 1973, actions by all three branches across a variety of political and policy landscapes have undermined its intents and procedures.

Veto vetoed

In 1983, the Supreme Court declared various kinds of legislative vetoes unconstitutional, which led Congress to reinterpret its War Powers Resolution procedures and powers and effectively amend its processes to expedite any joint resolution or bill that “requires the removal of U.S. armed forces from hostilities outside the United States.”

Now, if members want to stop a presidential military campaign already in progress, they must act affirmatively and pass a disapproval resolution, which a president could veto like any other bill. Congress has sent only one such disapproval – to President Donald Trump in his first term – which he vetoed. Congress did not have the two-thirds required in the Constitution to override.

Both chambers of Congress now have to vote twice, once to disapprove a military action and then again to overcome a likely veto, to stop something it never approved in the first place.



House Majority Leader Mike Johnson explains on March 4, 2026, why his party rejects a Democratic-led measure to assert Congress' war powers and stop the Iran military action.

The 60-day mark for the current Iran operation has therefore loomed as more of a politically charged symbol of this longstanding imbalance on war powers than a real deadline for action by either branch.

Parallels to Kosovo and Libya

The House and Senate have tried to pass legislation to stop military operations against Iran six times since operations began. All attempts have failed, including the most recent vote on April 30.

Democrats are considering filing suit against President Trump if operations go beyond 60 days without authorization.

Yet federal courts have long expressed disinterest in getting involved in constitutional questions related to the War Powers Resolution, especially if members of Congress are the plaintiffs.

Although most presidents from Richard Nixon onward have claimed that the War Powers Resolution is an unconstitutional check on their institutional powers, they usually filed the required reports on new military actions 48 hours after they began.

While the current Iran conflict is different in many ways, presidential unilateralism, inconclusive chamber actions and even member lawsuits all echo controversies over U.S. military action in Kosovo in 1999 and Libya in 2011.

Where Trump administration may lean on Clinton

Operation Epic Fury against Iran began Feb. 28, 2026, and [President Trump sent the required report to Congress on March 2, 2026.](#)

After detailing the rationale for military action, Trump added “Although 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.”

He concluded the memo with his interpretation of constitutional power to act unilaterally.

“I directed this military action consistent with my responsibility to protect Americans and United States interests both at home and abroad and in furtherance of United States national security and foreign policy interests,” the president wrote. He acted, he said, “pursuant to my constitutional authority as Commander in Chief and Chief Executive to conduct United States foreign relations.” He said he made the report “consistent with the War Powers Resolution. I appreciate the support of the Congress in these actions.”

Similarly, on March 26, 1999, President [Bill Clinton sent a War Powers Resolution letter](#) explaining his decision two days earlier to take part in a NATO-led operation against the Federal Republic of Yugoslavia, known as FRY.

Clinton wrote to Congress using mostly the same words and phrases Trump did in his 2026 letter. Clinton also said that he took the action “in response to the FRY government’s continued campaign of violence and repression [against the ethnic Albanian population of Kosovo.](#)”



President Bill Clinton after his television address to the nation on the NATO bombing of Serbian forces in Kosovo, March 24, 1999. Pool/Getty Images

Clinton explained his authority in virtually the same language as Trump and, like Trump, said it was hard to predict how long the operations would continue.

The House and Senate repeatedly failed to either approve or disapprove of Clinton's actions through a series of votes across March and April 1999. But lawmakers did send him supplemental appropriations for the operations in May.

NATO suspended the operation after 78 days. Almost a year later, a federal appellate court upheld a district court's decision rejecting a lawsuit led by Rep. Tom Campbell, a California Republican, alleging Clinton violated the War Powers Resolution. Rather than deciding on the merits, the decision rejected the lawmakers' claims of injury as not reviewable by the court.

Obama did it, too

In a very different context, a similar rhythm played out during President Barack Obama's presidency.

During the "Arab Spring" revolts of 2010-2011, the U.N. Security Council passed two resolutions condemning violence against Libyan civilians by security forces under the direction of Colonel Moammar Gadhafi.

On March 21, 2011, two days after NATO operations began against Gadhafi's forces, which included American air support, Obama sent his War Powers Resolution letter to the Republican House and Democratic Senate. Obama had not received prior legislative authority from Congress.

Obama's letter included language almost identical to Clinton's earlier letter and Trump's later one.

As with Kosovo, the House and Senate did not ultimately agree to either approve or disapprove of the president's actions in support of the UN and NATO over the operation's 222 days. In addition, Democratic Rep. Dennis Kucinich of Ohio led a group of mostly Republican House members in a failed War Powers Resolution lawsuit to stop the president.

Unilateral action endures

The Office of Legal Counsel in the Department of Justice has published legal opinions that explain and defend presidential war powers, including with Kosovo and Libya. In December 2025, that office published a memo defending the imminent January 2026 capture of Nicolás Maduro. On April 21, 2026, the State Department published a defense of ongoing U.S. actions in Iran.

Within the current dynamics of the War Powers Resolution, until Congress musters bipartisan supermajorities to connect its own institutional ambition with constitutional power, presidents from either party will decide alone if, and when, the country goes to war. Instead of Congress, presidents may heed public opinion and economic indicators, especially in election years.

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