

WAR POWERS



Congress has shied away from its duty to authorize and oversee military action, skewing the constitutional balance of war powers. Leaving war-making decisions entirely to the executive branch puts America in danger of unwisely entering or lingering in conflicts not critical to our national interests with little-to-no oversight or debate. Outdated Authorizations for the Use of Military Force (AUMF's) that perpetuate these dangers should be repealed, and the War Powers Resolution of 1973 should be reformed to provide better oversight for the future.

Background

Article I, Section 8 of the Constitution assigns Congress the responsibility of declaring war. After the United States fought several conflicts after World War II without formal declarations of war, Congress passed the War Powers Resolution (WPR) in 1973. The WPR sought to limit the president's ability to deploy U.S. forces to conflict without Congressional consent. The legislation requires the president to notify Congress within 48 hours of deploying U.S. troops to hostilities and forbids their use for longer than 60 days (allowing 30 additional days to withdraw) unless Congress passes an AUMF or issues a declaration of war.

In practice, the War Powers Resolution has been flagrantly ignored and its mechanisms have been counterproductive. Interventions in Kosovo, Libya, Syria, and Yemen have overrun or entirely ignored WPR deadlines. When Congress authorized the use of force, such as in 2001 after the 9/11 attacks or in 2002 before the invasion of Iraq, open-ended wording allowed these AUMFs to be used to justify deployments their sponsors never envisioned. For example, though less than a fifth of current members of Congress voted on the 2001 AUMF, it has been [invoked](#) at least 19 times for operations in over 41 countries since passage.

CONGRESS SHOULD

- **Repeal both the 2001 and 2002 Authorizations for Use of Military Force.** These AUMFs do not reflect current threats and should not remain a tool future presidents could use to bypass Congress to enter conflict.
- **Reassert its Article I oversight powers against unauthorized conflicts.** In 2019, a bipartisan Congressional coalition made history by invoking the WPR against unauthorized U.S. support for the Saudi-led war in Yemen. It should do so again in order to bring this conflict to a close.
- **Reform the War Powers Resolution with stronger oversight requirements for future AUMFs**
 - **Time limits:** Shorter windows for troop deployments without Congressional authorization and 2-year sunsets for all AUMFs. Renewal should require Congressional debate and a recorded vote to foster critical evaluation of which deployments are necessary.
 - **Geographic and mission specificity:** To prevent their use to enter new conflicts without Congressional consent, AUMFs should clearly define countries and targets U.S. forces are authorized to operate in and engage. Congress should receive regular reports about which groups AUMFs are being used to target and where to aid oversight.
 - **Ground combat restrictions:** Given historic lessons, any use of conventional ground forces should require passage of a separate AUMF in order to avoid mission creep.

CONGRESS SHOULD NOT

- **Pass "blank-check" AUMFs.** Previous attempts to replace the 2001 AUMF sought to pass what amounted to a one-time, open-ended authorization for future uses of force. To ensure we fight only when necessary, Congress must take responsibility for its ongoing oversight duty our Founders intended.

