

CONSTITUTIONAL WAR POWERS



One of the most important votes a legislator can take is deciding whether to send U.S. troops into harm's way. Unfortunately, Congress has ignored its Article I duty to authorize and oversee military action. Leaving war-making decisions entirely to the executive branch increases the risk of America entering unwise conflicts with little-to-no oversight or debate and flouts the intended constitutional balance of these solemn powers. Congress should repeal outdated Authorizations for the Use of Military Force (AUMFs) that perpetuate these dangers and reform the War Powers Resolution of 1973 to provide better oversight for the future. **If our men and women in uniform have the courage to put themselves at risk on our behalf, members of Congress should have the courage to vote on when they ask our troops to do so.**

POLICY SOLUTIONS

Repeal Outdated AUMFs: Congress should pass [S.J. Res. 10](#), repealing the 1991 & 2002 Iraq AUMFs. With our troops out of Afghanistan, Congress should also repeal the 2001 AUMF which authorized our invasion. Less than a fifth of current Members of Congress voted on any of these Authorizations, and none of them reflect current threats.

Keeping outdated AUMFs in place allows them to remain a tool for future presidents to bypass Congress to enter conflict. For example, the 2001 AUMF has been stretched so far beyond its original intent that by 2021, it had been used to authorize operations in over [22 countries](#). Congress should pass AUMFs when the missions are necessary for our national interests, but they should be narrowly written, thoroughly debated, and voted on.

War Powers Reform: Congress should pass the bipartisan [National Security Powers Act](#) (NSPA), the most comprehensive policy solution for war powers reform, developed with the guidance of some of the nation's most prominent national security jurists. In addition to improving oversight for arms sales and emergency declarations, the NSPA would rebalance constitutional war powers by:

- Providing clear definitions to missing terms in the current War Powers Resolution, such as "hostilities."
- Shortening the "termination clock" to require unauthorized hostilities to end 20 days instead of 60.

- Automatically cutting off funding for unauthorized military action that continues beyond the deadline for Congressional approval.
- Ensuring that future AUMFs are narrowly targeted towards specific missions and geography while automatically sunseting every two years to require regular debate and votes.

Reject Preemptive and "Blank-Check" AUMFs: Congress has a constitutional duty to vote on when to send American troops into harm's way. Lawmakers should honor this obligation and reject proposals for any preemptive AUMFs, which hand the power to declare war to the president. When outdated active AUMFs are repealed, Congress should also reject any replacements that are too broadly written, as the 2001 and 2002 AUMFs were, to ensure they do not become new blank checks for future military action.

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