



Rebalance 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 neglected its Article I duty to authorize and oversee military action, relinquishing its war powers to the executive branch and increasing the risk of the U.S. entering unwise conflicts without proper deliberation. If our men and women in uniform have the courage to put themselves at risk in defense of the country, members of Congress should have the courage to vote on deploying American troops to that end.

THE ISSUE

Obsolete, over-broad, and open-ended Authorizations for Use of Military Force (AUMF) leave war-making decisions entirely to the executive branch, increasing the risk of America entering unwise conflicts with little-to-no oversight or debate. Congress's abdication of its constitutional duty to decide matters of war and peace has skewed the intended constitutional balance of these powers. Our current AUMFs are over 20 years old, do not reflect current U.S. strategic challenges, and were voted on by little over a tenth of current Members.

Congress should honor its proper role by proactively reforming the War Powers Resolution to drive more robust future oversight. Legislators should require the operational specificity in future AUMFs that their gravity demands, and ensure they are thoroughly debated and regularly voted on. Lawmakers should also reject preemptive AUMFs, which bypass Congress' constitutional role, effectively allowing the president to unilaterally declare war.

POLICY SOLUTIONS

REPEAL OUTDATED AUMFS | The United States has active force authorizations from 1957, 1991, 2001, and 2002 in place. All are obsolete and disconnected from current strategic challenges. On the 20th anniversary of the Iraq War, it is time to repeal the 2002 AUMF which authorized the conflict. Congress could safely repeal the 2002 AUMF immediately as it is not the sole authority for any U.S. military operations. Similarly, it is time to sunset the 2001 AUMF now that the U.S. has withdrawn from the war in Afghanistan it authorized. The preservation of either authority will allow the executive to bypass Congressional authorization of future conflicts.

MODERNIZE THE WAR POWERS RESOLUTION | Congress should reform the War Powers Resolution to protect its original intent. Additions should include clear definitions to key missing terms such as "hostilities," shortening the "termination clock" for allowable unauthorized hostilities to 20 days (from the excessive 60 days currently permitted), and automatically cutting off funding for unauthorized military action that continues beyond deadlines for Congressional approval.

TARGETED, TRANSPARENT FUTURE AUTHORIZATIONS | Congress should require that future AUMFs are narrowly targeted towards specific missions, countries, and adversaries. AUMFs that are too broadly

written, like the 2001 and 2002 AUMFs, risk becoming blank checks for military action beyond their extended scope. Congress should require regular, non-classified reporting to Congress on the use of future AUMFs and mandate their automatic sunset every two years. Renewal should always be subject to thorough debate and a recorded vote, ensuring wars do not become afterthoughts.

REJECT PREEMPTIVE AUTHORIZATIONS | Congress should fulfill its constitutional duty to vote on when to send American troops into harm's way. Preemptive AUMFs disregard this solemn obligation our Framers deliberately gave legislators, ceding the power to declare war to the president.

Last Updated: Jan 2023