

H.R. 2014 | Repeal Outdated Presidential War Authorizations

A bipartisan group of House lawmakers with military or national security backgrounds introduced H.R.2014 on 18 MAR to repeal three decades-old war authorizations. It would repeal the 1991 authorization for the use of military force (AUMF) for the Gulf War, the 2002 AUMF for the Iraq War and a 1957 resolution authorizing military action in the Middle East. The bill's sponsors described it as a first step toward reclaiming Congress' constitutional authority to declare war.

“Congress has abdicated its Article 1 authority for too long. By taking these outdated authorizations off the books, we can start to reclaim our constitutional war powers,” Rep. Mike Gallagher (R-WI) said in a statement. “The 1957, 1991 and 2002 AUMFs are no longer relevant and their repeal would not impact 54 ongoing operations. War powers are this institution's most important constitutional responsibility, and it's critical we take this small but significant step forward to reassert congressional authority.”

Gallagher, a Marines veteran, introduced the bill with Marines veteran Rep. Jared Golden (D-ME), former CIA officer Rep. Abigail Spanberger (D-VA), and Army veteran Rep. Peter Meijer (R-MI). “Congress after Congress has been content to sit back while presidents of both parties send young Americans into battle without an honest discussion or accountability to the public. Enough is enough,” Golden said in a statement, adding the bill is an “opening salvo to prevent the forever wars that have come to characterize the past two decades.”

The introduction of the bill is the latest sign new momentum is building toward reining in existing war authorizations after President Biden ordered an airstrike on Iran-backed militias in Syria last month in retaliation for militia attacks on U.S. personnel in Iraq. The Biden administration cited as its legal justification for the strike his constitutional authority to defend U.S. personnel, not an AUMF. But the strike has still sparked renewed efforts by lawmakers to repeal and replace existing AUMFs. Earlier this month, Sens. Tim Kaine (D-VA) and Todd Young (R-IN) led a bipartisan group of senators in introducing a bill to repeal the 1991 and 2002 AUMFs. And House Foreign Affairs Committee Chairman Rep. Gregory Meeks (D-NY) said last week his panel would take up a bill from Rep. Barbara Lee (D-CA) to repeal the 2002 AUMF in “the coming weeks.”

The House voted last year to repeal the 2002 AUMF, but it was never taken up by the Senate, which was controlled by Republicans at the time. The Trump administration in part cited the 2002 AUMF in its legal justification for the 2020 drone strike that killed Iranian Gen. Qassem Soleimani. The 2002 authorization has also occasionally been cited to bolster legal arguments in the fight against ISIS, though the main authorization cited for that war has been the 2001 AUMF. It is the 2001 AUMF that is likely to pose the most difficulty in renewed congressional efforts on war powers. The 2001 AUMF authorized military action against the perpetrators of the 9/11 terrorist attacks but has since been used to justify military action in more than a dozen countries against disparate terrorist groups.

The White House has signaled it is willing to work with Congress on crafting a narrower war authorization. But while there is bipartisan agreement the 2001 AUMF is outdated, past

congressional efforts on a replacement have all stalled amid partisan fights over the details, including whether to impose limits on time, geography and types of forces.