



Dated AUMFs Are Overdue for Repeal

R Street Responds to Common Concerns

Like many other congressional powers, Congress's war powers have eroded over time. If Congress wants to reassert itself and restore its role as our First Branch of government, repealing dated Authorizations for the Use of Military Force (AUMFs) is an important part of that process.

The Constitution divides war powers between Congress and the president, but the 1991 and 2002 congressional authorizations for the president to use military force against Iraq are outdated and their lingering stay on the books allows for future abuse.

Objection: We continue to face threats from around the globe, and the president needs authorization—like the 2002 AUMF—to protect our country.

The 2002 AUMF does not help combat today's threats. The 2002 AUMF was [enacted](#) to combat Saddam Hussein's government and Iraq's potential threat to the United States. Today, Hussein's regime is gone, and Iraq, according to the State Department, "is now a key partner" in the Middle East.

The president has other authorities that are more useful than the 2002 AUMF. The 2001 AUMF for example, [passed](#) days after the 9/11 attacks, broadly permits force against organizations that planned or aided in the terrorist attacks. Presidents have

since [interpreted](#) this language to include force against “associated forces,” like ISIS. The president’s powers under the Constitution also permit limited military action without congressional approval, like defending the country from imminent attack.

Objection: If we repeal the 2002 AUMF, we will leave our troops serving overseas in jeopardy.

Repealing the 2002 AUMF would not harm any troops serving overseas. The vast majority of military actions overseas rely on the 2001 AUMF for approval. In the rare occasions that presidents have cited the 2002 AUMF—like the 2014 airstrikes in Syria or 2020 killing of Qassem Soleimani—it was in combination with other [legal authorities](#). In other words, the 2002 AUMF is legally irrelevant for any modern operations.

Objection: While neither the 1991 nor the 2002 AUMF may not be currently useful, it could be a helpful tool to carry out future operations.

This logic leads to a number of future abuses. Regardless of party affiliation, the Executive Branch often interprets congressional authorizations in a way that maximizes executive power while minimizing congressional intervention. This is contrary to Congress’s important role in policy debates, including when the country goes to war.

Whether after Dec. 7, 1941, or after Sept. 11, 2001, Congress holds the ability to quickly grant the president additional war authorities. But those authorities should be carefully scrutinized and deployed in a way that addresses the current national security challenges. Reviving decades-old authorizations to fight today’s battles invites abuse and reduces Congress’s constitutional role.

We strongly urge Members of Congress to support bipartisan efforts in both the Senate and House to repeal the outdated 1991 and 2002 authorizations for use of military force against Iraq.

To learn more, visit rstreet.org. If you have additional questions, please contact Anthony Marcum, Resident Fellow for Governance: amarcum@rstreet.org.



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