



THE AMERICAN LEGION LEGISLATIVE POINT PAPERS

Addressing the Forever Wars & Restoring Congressional War Powers

Today, the global security environment the United States faces has changed with the rise of great-power competition and other threats. Too often, the use of military force, as opposed to diplomacy, is considered the primary instrument of national power. There are currently three Authorization for Use of Military Force (AUMF) that presidents can unilaterally use to commit U.S. Armed Forces without congressional approval – AUMF Against Iraq Resolution of 1991, the 2001 AUMF, and AUMF Against Iraq Resolution of 2002.

After decades of protracted military conflicts overseas with little congressional input, Congress needs to reclaim its rightful role in matters of war and peace. Immediate reforms are needed to ensure a balance of national security powers between the president and Congress. These powers must be used for clearly defined purposes and be subject to intense regular review by Congress. Military interventions, and emergency declarations, are areas where the president may act only with authorization or approval from Congress. However, in situations where Congress has no time to act, the president may proceed without congressional approval – for a limited time.

The American Legion urges the renewal of a proper constitutional balance to U.S. foreign policy decision-making by urging Congress to renew its war-making oversight role beginning with repealing outdated AUMFs, reforming the 1973 War Powers Resolution, and properly resourcing civilian tools of diplomacy.

Key Points

- The 1973 War Powers Resolution, enacted near the end of the Vietnam War, sought to reassert Congressional prerogatives with respect to matters of war and peace. While intended to keep Congress informed on decisions related to the use of force, it has too often failed to prevent the president from taking the nation into elective war or continuing hostilities without congressional authorization.
- Outdated AUMFs are no longer relevant in an era of great-power competition.
- An overstretched hegemon - as the United States is today - faces limited options in crises, weakened diplomatic influence, and an inability to focus on top priorities.
- The Cost of War Project at Brown University estimates that 20 years of post-9/11 wars have cost the U.S. an estimated \$8 trillion and have killed more than 900,000 people.

What Can Congress Do?

- Reassert congressional responsibilities concerning matters of military force.
- Repeal and replace outdated AUMFs (S.J.Res.10, the Repeal the 1991 & 2002 Iraq AUMFs; S.2391, the *National Security Powers Act of 2021*).
- **Relevant Resolution:** American Legion Resolution No. 22 (2020): [*Addressing the "Forever War"*](#)