

3 senators introduce a bipartisan bill to reassert Congress's war-making powers.



By Catie Edmondson

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A bipartisan group of senators unveiled legislation on Tuesday that would significantly curtail presidential war-making powers, a long-shot effort that nonetheless reflected a growing interest among lawmakers to reassert congressional prerogatives on matters of war and peace.

The bill, introduced by Senators Christopher S. Murphy, Democrat of Connecticut, Mike Lee, Republican of Utah, and Bernie Sanders, the Vermont independent, seeks to claw back congressional authority by placing greater restrictions on the War Powers Resolution of 1973, a landmark law which says that presidents must win congressional approval after introducing armed forces into hostilities, or terminate them after 60 days. The proposed bill would add a provision that would automatically cut off funding for military operations that were not authorized by Congress and shorten the window of time in which presidents must end the unauthorized military operations.

In a major shift, it would also retire existing authorizations of military force — including the measures Congress approved for the invasions of Afghanistan in 2001 and Iraq in 2002 — and define what amounts to “hostilities,” under the War Powers Resolution. Past administrations have narrowly construed the term to wage military operations without congressional approval.

“Let us never forget those times in history when our country was tragically led into wars that never should have been fought,” Mr. Sanders said. Many of those wars, he said, were “based on the fact that the United States Congress did not ask the important questions the American people wanted to have asked. And that process must end.”

The bill has little chance of passing, given that senators have balked at approving measures that were far narrower. But it comes as lawmakers in both parties have expressed renewed interest in moderating presidential war authorities, as voters tire of the nation's intractable military conflicts abroad.

In the coming weeks, senators are set to debate whether to repeal the 2002 authorization of military force that Congress provided to President George W. Bush to invade Iraq. The House voted last month to revoke it.

The legislation introduced on Tuesday also seeks to reassert congressional authority over arms sales and presidential emergency powers. It would require Congress to affirmatively approve arms sales that are worth more than \$14 million and contain certain destructive weapons, such as air to ground munitions. Currently, administration-approved arms sales are delivered without debate, unless Congress is able to muster a veto-proof majority in both chambers to block them.

It would also require lawmakers to proactively approve emergency declarations, which allow a president to gain access to military funding and special powers based on a determination that urgent circumstances exist. Former President Donald J. Trump used one in 2019 to tap billions of dollars that Congress had refused to provide for border wall construction, for example, and lawmakers failed to garner the votes to override it. The proposed bill would mandate that Congress approve both the declaration as well as a specified array of emergency powers that would lapse in 30 days.

“This is one of those topics in which Washington can be completely consumed with domestic politics one day, and then a switch flips, a crisis occurs, and we are completely consumed by a foreign national security emergency the next day,” Mr. Murphy said. “Better off to get this conversation started now.”