

## How Congress can take back control of America's wars

### [Editorial]

CONGRESS HAS a constitutional role in determining the use of U.S. military force, but there are two characteristic forms of error that go with it: Either lawmakers let the president do whatever he wants, **without legal authorization, or they micromanage the commander in chief to the point where he cannot take necessary action, at least not openly. At a time when the occupant of the Oval Office is particularly mercurial and polarizing, it is especially important that Congress gets the balance right and exercise its constitutional war powers in a sustainable, bipartisan manner.**

The 2001 Authorization for the Use of Military Force (AUMF) against al-Qaeda and related terrorist groups, adopted in the wake of the Sept. 11, 2001, attacks, was necessary and appropriate at the time. And whatever one's opinion of the Iraq War, at least Congress's 2002 vote to authorize it was constitutionally in order. The problem now is that U.S. troops remain embattled around the world long after these two enactments. Last year, troops died fighting in the African nation of Niger, pursuant to the 2001 AUMF. Their engagement there surprised many Americans — including many members of the Congress that supposedly authorized them to be there.

This statutory authority would need a refresh even if the president were someone more temperamentally suited for the job than President Trump. Sen. Tim Kaine (D-Va.) has been pursuing such legislation for several years, including when a president of his own party, Barack Obama, was in office. This worthy effort now seems to be bearing fruit in the form of Republican agreement to bring up a bill in the Senate Foreign Relations Committee. Mr.

**Kaine compromised with Committee Chairman Bob Corker (R-Tenn.) on a plan that would repeal the 2001 and 2002 authorizations and replace them with a new statute that requires the president and Congress to consult much more systematically on how and whether to wage anti-terrorist battles.**

**To get the deal, Mr. Kaine dropped his previous insistence on a five-year time limit. This was wise politics, in the Republican-controlled Congress, and it was wise policy, because the United States should not announce ahead of time when it might pull out. What remains in the measure is specific authorization to fight al-Qaeda, the Taliban, the Islamic State and associated forces, plus a new requirement that the president notify Congress whenever the list of enemies increases or the military takes the fight to a new country. Congress would then have 60 days to vote no. Meanwhile, the AUMF must be reviewed entirely every four years, with the president submitting a proposal for continuing, modifying or repealing it, again, subject to a congressional vote of disapproval. Under the bill's special rules, it would be very hard for the Senate to avoid at least a procedural vote on the matter.**

**This is far from the clarity of an old-fashioned declaration of war; yet the war against far-flung terrorist groups does not necessarily lend itself to one. What Mr. Kaine, Mr. Corker and their colleagues have produced, instead, is a means by which Congress shares responsibility for wars it has previously been a bit too content to fob off on the executive branch.**