

**TESTIMONY FOR DEPUTY SECRETARY SHERMAN
HEARING ON THE 2001 AUMF AND WAR POWERS: THE PATH
FORWARD
HOUSE FOREIGN AFFAIRS COMMITTEE
MARCH 2, 2022**

Chairman Meeks, Ranking Member McCaul, distinguished members of the committee, thank you for inviting me to testify today.

President Biden is committed to engaging with Congress on questions of war and peace, and to being transparent about when, where, why, and how the United States uses military force. The President has committed as well to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework that will ensure we can continue to protect Americans from terrorist threats.

We are here today to discuss the 2001 Authorization for the Use of Military Force, which was passed shortly after the September 11 attacks. But this hearing has a broader purpose, too. And that is to demonstrate to the world how democracies—how great powers—should discuss and consider the solemn and weighty responsibilities that come with using military force, guided by facts, transparency, and the rule of law.

The 2001 AUMF authorizes the President to use all necessary and appropriate force against those he determines planned, authorized, committed, or aided the September 11 attacks, or those who harbored such organizations or persons. The Biden Administration recognizes—as the Administrations before us did—that this is not a blank check, and the 2001 AUMF does not authorize the President to use force against every terrorist group in the world.

That is why the Administration has provided Congress with a complete list of all groups that have been determined to be covered by the 2001 AUMF, and reports every six months on activities conducted pursuant to this AUMF. The most recent report, which was signed by President Biden on December 7, is also available on the White House website.

We also recognize that, fully two decades after it was enacted, the 2001 AUMF has been used in ways that Congress—and even the Executive Branch—did not fully anticipate at the time it was passed.

Given all of this, Congress and the Executive Branch should work together to replace or revise the 2001 AUMF in a way that ensures the United States can continue to respond effectively to terrorist threats, even as the source and level of threats to our national security changes.

And we do continue to face serious threats. Just last month, President Biden ordered a military raid that resulted in the death of the leader of ISIS, Abu Ibrahim al-Hashimi al-Qurayashi. That raid relied on the 2001 AUMF, which has been the cornerstone of our counterterrorism efforts against ISIS and al-Qa'ida. So it is critically important that we maintain a Congressional authorization to use military force against ISIS, al-Qa'ida, and other terrorist groups that threaten our national security interests.

The President also has authorities under Article II of the Constitution, which he has relied on to use force against certain Iran-aligned militia groups. We will, of course, consult Congress in the event the nature of the threat from Iran-aligned militia groups changes and the President determines new authorities are needed to effectively address that threat.

Finally, the President has been very clear that the United States reserves the inherent right to use necessary and proportionate force in self-defense if we are attacked.

I have already noted that a new or revised AUMF should provide uninterrupted authority to continue operations currently authorized by statute that the President and Congress determine are necessary to protect our national security.

In addition, Congress should consider establishing mechanisms and standards that address how the AUMF will apply to terrorist groups beyond those that may be named in the text, and that include periodic review of the groups subject to the use of force and locations where force is used under the AUMF. We are also open to further engaging with Congress on the issue of locations in which force can be used and how a periodic review process should be structured.

We look forward to an ongoing dialogue with Congress as we work together to determine what a new or revised authorization for the use of military force should look like.

Thank you again for inviting me to testify today. I look forward to taking your questions.

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