

**Statement for the Record**  
**HFAC Hearing on the 2001 AUMF and War Powers: The Path Forward**  
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Thank you very much, Mr. Chairman and Members of the Committee, for providing an opportunity to address the question of repealing and replacing the 2001 Authorization for the Use of Military Force (AUMF). I am pleased to be here to discuss how Congress and the Administration can work together on this important and complex task and to answer your questions on the 2001 AUMF. The President has committed to working with Congress to ensure that outdated authorizations for the use of military force are replaced with a narrow and specific framework that will ensure that we can continue to protect Americans from terrorist threats.

Congress passed the 2001 AUMF shortly after the September 11, 2001 terrorist attacks, and it remains the cornerstone of our domestic legal authority for the use of force against al-Qa'ida and associated forces. Specifically, it authorizes the President to “use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided” the September 11 attacks or “harbored such organizations or persons.” As stated in the 2001 AUMF, Congress’s purpose in authorizing force against those groups was to “prevent any future acts of international terrorism against the United States” by such nations, organizations, or persons.

Presidential Administrations across both parties have acknowledged the authority conferred upon the President by the 2001 AUMF to use necessary and appropriate force against the Taliban, al-Qa'ida, and associated forces. Congress has also acknowledged this authority, including in section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81). But, this Administration, like prior Administrations, understands that the 2001 AUMF does not authorize the President to use force against every terrorist group.

A determination that a group is covered by the 2001 AUMF is made at the most senior levels of the U.S Government only after careful evaluation of the intelligence concerning each group’s organization, links with al-Qa'ida, and its participation with al-Qa'ida’s ongoing hostilities against the United States and its coalition partners. To be considered an associated force of al-Qa'ida, an entity must satisfy two conditions. First, an entity must be an organized, armed group that has entered the fight alongside al-Qa'ida. Second, the entity must be a co-belligerent with al-Qa'ida against the United States and its coalition partners. The Executive Branch has provided Congress with a complete list of all groups that have been determined to be covered by the 2001 AUMF, including al Qa'ida, the Taliban, certain other terrorist or insurgent groups affiliated with al Qa'ida and the Taliban in Afghanistan, al Qa'ida in the Arabian Peninsula, al Shabaab, al Qa'ida in the Lands of the Islamic Maghreb, al Qa'ida in Syria, and ISIS. The Executive Branch is required to keep Congress informed on all groups determined to be within the scope of the 2001 AUMF through reporting under section 1264 of the National Defense Authorization Act for Fiscal Year 2018 (P.L. 115-91), as amended, and also regularly reports to Congress on the ways in which the 2001 AUMF is used.

Repealing and replacing the 2001 AUMF is an extremely complex task. The Biden-Harris Administration welcomes enhanced dialogue between Congress and the Executive Branch over the use of military force, and I am here today as part of that effort. The Administration does not have all the answers yet on what a new or revised authority should look like, but we are committed to working with Congress to get it right.

The United States faces terrorist threats that continue to evolve, and the Administration will work with Congress to explore the contours of a new or updated AUMF that would establish mechanisms for appropriate input from and engagement between the President and Congress to ensure the United States can continue to respond effectively as these threats change. Any new or updated AUMF should provide uninterrupted authority to continue operations currently authorized by statute that the President and Congress deem necessary to address an ongoing threat, including detention activities.

Additionally, Congress should consider establishing mechanisms and standards in an updated or replacement AUMF to address the following issues. First, any AUMF should be narrow and specific in defining against whom the President is authorized to use military force. In particular, it should include explicit authority to use force against ISIS and al-Qa'ida. The authorization should also establish a mechanism and standards to address how it will apply to terrorist groups beyond those identified by name in the AUMF. Second, any AUMF should include periodic review of the groups that are subject to the use of force, and the locations where force is used, under the AUMF. The Administration is 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 hope that today's hearing will provide some momentum for these conversations. We look forward to answering your questions today and to working with you to ensure that outdated authorizations are replaced with a narrow and specific framework that will ensure that we can continue to protect Americans from terrorist threats.

Thank you.