

Testimony of Acting Deputy Secretary Nuland
House Foreign Affairs Committee Hearing
“Reclaiming Congress’s Article I Powers: Counterterrorism AUMF Reform”
Thursday, September 28, 2023

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

President Biden, Secretary Blinken, and the whole Administration welcome the opportunity to work with Congress to update existing Authorizations for the Use of Military Force.

In that spirit, we gather to consider some of the gravest and weightiest questions we face as public servants:

Questions about how to address and eliminate emerging and imminent dangers to our citizens, when the use of military force is appropriate, and how those decisions should be made.

Twenty-two years ago, the 9/11 terrorist attacks violently reminded our country of the threats we face and renewed our national resolve to secure our homeland.

Out of that moment of tragedy came a measure of unity. And in the aftermath, members of Congress came together to enact the 2001 AUMF, which created the legal bedrock of U.S. counterterrorism operations, enabling us to dismantle key terrorist organizations and thwart their plans to attack Americans.

The world is a different place now. The threat of terrorism persists, but it has evolved. So, too, must the tools to meet it.

We applaud congressional efforts to update this law to reflect the realities of the current threat landscape.

There is no more powerful signal we can send to those who wish us harm than a new authorization which is broadly supported by both chambers of Congress and both parties.

We agree that repealing and replacing the 2001 AUMF is warranted and necessary. Here is how the Administration views the key issues:

First: What comes next should provide our military with the uninterrupted authority to continue critical operations authorized by the 2001 law – and provide the flexibility to rapidly adapt to constantly-changing dangers.

Second: A revised AUMF should explicitly authorize force against al-Qaida and ISIS.

Third: A revised AUMF should not include a specific expiration date, given the persistence of these threats. We know that this is a critical issue for members of this committee, and we are prepared to discuss ways to review the continuing need for these authorities on an agreed, regular basis.

Fourth: A revised AUMF should ensure uninterrupted permission for terrorist detention operations.

Finally: A revised AUMF should enable us to apply this authority to new geographic areas and groups as needed.

While the rate of global terrorist attacks has declined, groups like ISIS and Al-Qaida maintain safe havens across the globe – and an intent to attack our nation and our people overseas.

Over the past decade, we've built and led a successful coalition to root out ISIS, to reduce its territory, and to disrupt its recruitment and financial networks.

Yet terrorist groups continue to pose threats to the U.S. and our interests, from Al-Shabaab in Somalia to ISIS-K in Afghanistan to Al-Qaida in the Arabian Peninsula to ISIS in Syria.

At the same time, terrorist activities in the Sahel are on the rise – a trend likely to worsen with increased political instability in the region.

Meanwhile, we've taken significant steps toward closing the facility at Guantanamo Bay. That remains our goal. But until that day comes, we cannot afford any gaps in our detention authorities there.

We know that military force is only part of the answer to countering terrorist threats.

With your support, we are investing hundreds of millions of dollars in State Department-run programs in countries around the world to train, mentor, and equip law enforcement officers to counter terrorism effectively and to respect the rule of law and human rights.

We have worked with partners in more than 25 countries across the globe to combat racially and ethnically-motivated violent extremists.

And through the Global Counterterrorism Forum, we have collaborated with over 40 countries to increase the resilience of local communities to terrorist actors.

But given evolving threats, we must be able to use force when necessary to prevent groups from planning attacks, reestablishing footholds, reconstituting, and resurging.

As we consider a new AUMF, we support effective congressional engagement on the use of this authorization, including which terrorist groups are targets.

The Biden Administration is deeply committed to working with Congress on a new authorization and remaining accountable to the American people for actions taken under any AUMF.

We look forward to a frank discussion today.

Thank you.

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