

**MEMORANDUM**

July 10, 2013

**To:** Honorable Barbara Lee  
**From:** Matthew Weed, Analyst in Foreign Policy Legislation, 7-4589  
**Subject:** **The 2001 Authorization for Use of Military Force: Background in Brief**

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This memorandum responds to your request for information on presidential utilization of the Authorization for Use of Military Force (AUMF; P.L. 107-40; 50 U.S.C. § 1541 note), enacted in response to the September 11, 2001 terrorist attacks on the United States, to justify and undertake military and other action. It contains very brief discussions of the relevant provisions of the AUMF, and the use of U.S. armed forces and other actions initiated under AUMF authority. Material in this memorandum may be used in other Congressional Research Service (CRS) products.

## 2001 AUMF Use of Force Provision

Section 2(a) of the AUMF authorizes the use of force in response to the September 11 attacks:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

....

### SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

## Analysis

**Scope:** The authorizing language is broad in its scope concerning the prevention of any future acts of terrorism that might be perpetrated against the United States, but is circumscribed by authorizing the targeting only of those nations, organizations, or persons determined to be involved in perpetrating the September 11 attacks or harboring those who perpetrated the attacks.

**War Against Non-State Actors:** The AUMF is considered groundbreaking as it (1) empowered the President to target non-state actors, even to the individual level, as well as states, and (2) did not specify which states and non-state actors were included under the authorization.

**Current Debate:** After nearly 12 years in force, executive branch reliance on the AUMF has raised a number of concerns for a number of commentators and Members of Congress. These concerns relate to Congress's constitutional role in exercising its war power, as well as several types of executive branch activities to counter terrorism that are perceived as problematic. In contrast, Obama Administration officials have testified that the legal framework for the current conflict against Al Qaeda and associated forces, which includes the AUMF, remains valid and effective in meeting the U.S. military's requirements for conducting counterterrorism operations.

## **Actions Taken Under AUMF Authority**

CRS has located 30 occurrences of a publicly disclosed presidential reliance on the AUMF to take or continue military or related action (including non-military action like detentions and military trials).<sup>1</sup> Of the 30 occurrences, 18 were made during the Bush Administration, and 12 have been made during the Obama Administration.

Pursuant to the AUMF, President George W. Bush notified Congress that he was deploying U.S. armed forces to Afghanistan in 2001 to oust the Taliban from power and eliminate al Qaeda training sites and safe harbors in the country. In addition, Presidents Bush and Obama have invoked the AUMF to use U.S. armed forces or engage in other actions to

- counter the terrorist threat against the United States following 9/11;
- deploy and direct such forces, or report on ongoing use of such forces in
  - Afghanistan;
  - the Philippines;
  - Georgia;
  - Yemen;
  - Djibouti;
  - Kenya;
  - Ethiopia;
  - Eritrea;
  - Iraq;
  - Somalia;
- engage terrorist groups “around the world”;
- engage terrorist groups “on the high seas”;
- detain individuals at Guantanamo Bay, Cuba, and to take other actions related to detainment decisions; and
- conduct trials of terrorist suspects in military commissions.

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<sup>1</sup> See Appendix for information on each notification. Based on notifications from the President concerning deployments of U.S. armed forces in the Federal Register and Compilation of Presidential Documents. It is possible that actions have been taken under the AUMF without being disclosed in these publications, and may have been disclosed to Congress through other means.

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## Appendix.

**Table 1**, below, provides dates and subject matter of each of the presidential notifications located by CRS that reference the AUMF as authority for the deployment or use of U.S. armed forces or other activities. In many cases, the notifications indicate the continuation of a given deployment or activity.

**Table 1. List of Presidential Notifications Referencing AUMF**

Date	Relevant Country, Geographic Area, Targeted Group, or Type of Action
9/24/2001	Afghanistan; the Taliban
10/9/2001	al Qaeda; other terrorist organizations
11/13/2001	Military detention and trial of terrorist suspects
9/20/2002	Afghanistan; Philippines; Georgia; Yemen; Guantanamo Bay
3/20/2003	Yemen; Djibouti; Guantanamo Bay
9/19/2003	Afghanistan; Philippines; Georgia; Yemen; Guantanamo Bay
3/20/2004	Afghanistan; Guantanamo Bay; Georgia; Djibouti; Yemen; Kenya; Ethiopia; Eritrea; high seas
11/4/2004	Afghanistan; Guantanamo Bay; Iraq; Yemen; Ethiopia; Kenya; Eritrea; Djibouti; high seas
5/20/2005	Afghanistan; Guantanamo Bay; Iraq; Djibouti; Yemen; Kenya; Ethiopia; Eritrea; high seas
12/7/2005	Afghanistan; Guantanamo Bay; Iraq; Djibouti; Yemen; Kenya; Ethiopia; high seas
6/15/2006	Afghanistan; Guantanamo Bay; Iraq; Djibouti; Yemen; high seas
12/15/2006	Afghanistan; Guantanamo Bay; Iraq; Djibouti; Yemen; high seas
2/14/2007	Executive Order 13425: includes Military Commissions
6/15/2007	Afghanistan; Guantanamo Bay; Iraq; Horn of Africa; Somalia; high seas
7/20/2007	Executive Order 13440: includes detention and interrogation of terrorist suspects
12/14/2007	Afghanistan; Guantanamo Bay; Iraq; global counterterrorism; Horn of Africa; high seas
6/13/2008	Afghanistan; Guantanamo Bay; Iraq; global counterterrorism; Horn of Africa; high seas
12/16/2008	Afghanistan; Guantanamo Bay; Iraq; global counterterrorism; Horn of Africa; high seas
6/15/2009	Afghanistan; Guantanamo Bay; Iraq; global counterterrorism; Horn of Africa; high seas
12/15/2009	Presidential Memorandum includes Guantanamo Bay issues
12/16/2009	Afghanistan; Guantanamo Bay; Iraq; global counterterrorism; Horn of Africa; high seas
6/15/2010	Afghanistan; Guantanamo Bay; Djibouti; Horn of Africa; global counterterrorism; high seas
12/15/2010	Afghanistan; Guantanamo Bay; global counterterrorism; high seas
3/7/2011	Executive Order 13567: includes detention at Guantanamo Bay
6/15/2011	Afghanistan; Guantanamo Bay; global counterterrorism; high seas
12/15/2011	Afghanistan; Guantanamo Bay; global counterterrorism; high seas
2/28/2012	Military detention of terrorist suspects
6/15/2012	Afghanistan; Guantanamo Bay; global counterterrorism; Somalia; Yemen; high seas

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Date	Relevant Country, Geographic Area, Targeted Group, or Type of Action
12/14/2012	Afghanistan; Guantanamo Bay; global counterterrorism; Somalia; Yemen; high seas
6/14/2013	Afghanistan; Somalia; Yemen; Guantanamo Bay; high seas

**Sources:** Federal Register; Compilation of Presidential Documents.

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