

Congress of the United States
Washington, DC 20515

January 21, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

Please let us extend our warmest congratulations on your inauguration as President of the United States. We look forward to working with you and your administration across a variety of arenas to strengthen our nation. One in particular that we believe deserves your early attention is repealing outdated and overly broad Authorizations for Use of Military Force (AUMFs). We ask that you commit to working with Congress to address this issue.

We appreciate your stated ambition to end the “forever wars” that have stretched on for decades at great cost in human life and our resources. As you have said, these conflicts “drain our capacity to lead on other issues that require our attention, and it prevents us from rebuilding the other instruments of American power.”¹

We agree that our government is past due for a reexamination of our security needs and authorities to determine whether we are directing our efforts and resources in ways that truly make Americans more secure. Our view, which we hope you share, is that by reexamining outdated AUMFs we can align the legal authorities we need with the threats we face as well as our responsibilities to the U.S. Constitution and the American people. This process should begin early in your administration with an effort to engage with Congress to fulfill the commitment of the 2020 Democratic platform to “work with Congress to repeal decades-old authorizations for the use of military force and replace them with a narrow and specific framework that will ensure we can protect Americans from terrorist threats while ending the forever wars.”

The 2001 and 2002 AUMFs were both passed nearly 20 years ago and bear little resemblance to the threats we face today. The 2001 AUMF (P.L. 107-40) has been employed by successive presidents to wage war in ways well beyond the scope that Congress initially intended when it was passed on September 14, 2001. Over the past 19 years, three successive presidents have used military force pursuant to the 2001 AUMF in more than seven countries, against a continuously expanding list of targetable adversaries. These presidents have further identified to Congress combat-ready counterterrorism deployments to at least 14 additional countries, indicating that armed combat pursuant to the 2001 AUMF could arise in additional countries as well.

The 2002 AUMF (P.L. 107-243) was drafted more narrowly than the 2001 AUMF. It is not a necessary source of authorization for any current military operations, all of which could be conducted pursuant to the 2001 AUMF according to executive branch legal interpretations.

¹ Joe Biden, speech at City University of New York, July 11, 2019

However, the 2002 AUMF has been stretched to cover past operations Congress never authorized, including the January 2020 killing of Iranian General Qassem Soleimani in Baghdad.

Both of these authorities should be reviewed closely. As a first step, we urge you to call for the immediate repeal of the 2002 AUMF, a policy which was adopted in a bipartisan vote by the House of Representatives in 2019, and which would not disrupt any ongoing operations. Additionally, we urge you to work closely with Congress to consider how the 2001 AUMF should be addressed.

Any new authorization for the use of military force must include—

1. A sunset clause and timeframe within which Congress should revisit the authority provided in the new authorization for use of military force;
2. A clear and specific expression of defined mission objectives, named opponents (i.e. specified states or organized armed groups), and countries in which the authority applies, as well as provisions to protect against expanding the authority to countries or entities not explicitly named in the authorization;
3. Language making clear that any new legislation to use military force is the sole, superseding statutory source of authority to use force against the state or armed group to which it applies;
4. Regular and specific reporting requirements to increase transparency, promote democratic accountability, ensure compliance with domestic and international law, and allow Congress to fulfill its oversight responsibilities; and
5. An explicit statement that its authorities are limited to “necessary and appropriate” actions and may only be exercised in compliance with the U.S. Constitution and America’s other domestic and international legal obligations.

We look forward to working with you to end the ongoing wars, provide for the safe return home of our troops in the field, and restore the credibility and influence of the United States. We also hope you will work closely with Congress to ensure America’s full array of foreign policy tools are used to advance U.S. interests and national security while ensuring that military force is a last resort. We would welcome the opportunity to discuss these recommendations in more detail.

Sincerely,



Barbara Lee
Member of Congress



Gregory W. Meeks
Member of Congress



James P. McGovern
Member of Congress



Adam B. Schiff
Member of Congress



Anthony G. Brown
Member of Congress