

**TESTIMONY FOR DEPUTY SECRETARY SHERMAN
HEARING ON AUTHORIZATIONS OF USE OF FORCE:
ADMINISTRATION PERSPECTIVES
SENATE FOREIGN RELATIONS COMMITTEE**

AUGUST 3, 2021

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

Ensuring the safety and wellbeing of American personnel overseas is of the highest priority to the State Department. As diplomats, it is our responsibility and our honor to represent America's values and interests at home and abroad. That work requires our personnel to travel—and live—all over the world, including in many challenging environments.

We are here today to discuss authorizations for the use of military force. But I believe this hearing is also about our democracy, and the democratic values we model around the world. President Biden is committed to engaging with Congress on questions of war and peace, and to being open and transparent about when, where, why, and how the United States chooses to use military force.

At the outset, I want to note that the Biden-Harris administration believes the 2002 Authorization for the Use of Military Force against Iraq has outlived its usefulness and should be repealed.

For the State Department, repealing the 2002 AUMF would not affect our ongoing or planned diplomatic initiatives. The administration has made clear, and my legal colleagues can elaborate further, that we have no ongoing military activities that rely solely on the 2002 AUMF for their legal justification, and that repeal would have minimal impacts on military operations.

The fact is, the 2002 AUMF is no longer necessary to protect the American people from terrorist threats, respond to attacks on our personnel or facilities overseas, to ensure the safety and security of our people, or to maintain our strong relationships with Iraq and other regional partners. The President has other tools available to achieve all of these objectives. In fact, for at least the last six years, the executive branch has primarily relied on other authorities to underpin counterterrorism actions overseas, and has only relied on the 2002 AUMF as an additional authority.

There should be no doubt that, even if the 2002 AUMF is repealed, the President will not hesitate to take necessary, proportionate action to respond to attacks against U.S. personnel or facilities, including in Iraq. On June 27, the President relied on his authority under Article II of the Constitution to direct targeted strikes at locations in Syria and Iraq used by Iran-backed militia groups who had been involved in attacks against U.S. personnel and facilities in Iraq. He did not need the 2002 AUMF to protect American interests in June, and our current assessment is that we will not need the 2002 AUMF to protect American interests in the foreseeable future. If we do need additional authority at any point, we would not hesitate to come to Congress and seek that authority.

I want to thank members of the Senate, including members of this committee, who have worked tirelessly on AUMF reform for many years. I particularly want to acknowledge Senator Kaine, Senator Young, and Senator Murphy for your leadership on this committee and in the Senate, and to thank former Senator Udall for his efforts as well.

I know members of this committee and others in Congress are actively considering options to repeal and replace the 2001 AUMF as well. As these efforts continue, the Biden-Harris administration stands ready to provide expert guidance and other materials to ensure Congress understands the likely effects of such a measure, as well as the threats facing American forces, personnel, and interests around the world.

Repealing outdated, broad, or unnecessary authorizations for the use of military force, like the 2002 AUMF, and replacing them as needed with clear, narrow, and specific frameworks will allow us to continue protecting our people and our interests.

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