

# United States Senate

WASHINGTON, DC 20510

October 23, 2019

The Honorable James M. Inhofe  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, D.C. 20510

The Honorable Jack Reed  
Ranking Member  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, D.C. 20510

Dear Chairman Inhofe and Ranking Member Reed:

We write to request that the Committee leadership include the legislative language in Section 1270W of H.R. 2500 repealing the Authorization for Use of Military Force Against Iraq Resolution of 2002 [Public Law 107-243; 50 USC 1541 note] (“2002 AUMF”) in the final conference report.

As the Committee is aware, the 107th Congress passed the 2002 AUMF to authorize military operations against Saddam Hussein’s regime in Iraq. It permits the President to use the Armed Forces “as necessary and appropriate” to “defend U.S. national security against the continuing threat posed by Iraq” and to “enforce all relevant Security Council resolutions regarding Iraq.” Consistent with clear legislative language, congressional intent was reflected in the debate surrounding the vote on the 2002 AUMF that focused on whether to authorize a singular war against Saddam Hussein’s regime in Iraq.

Despite clear congressional intent and the plain language of the 2002 AUMF, successive administrations have sought to weaken the Legislative Branch’s Article I power to declare war by claiming that the 2002 AUMF provides authority for counter ISIS operations initiated long after the death of Saddam Hussein, and more recently, as an authorization to address threats to, or stemming from, Iraq. Expansive interpretations of the 2002 AUMF not only fail to accurately reflect the reality that Congress authorized a war in Iraq that formally concluded in 2011, but if left unchallenged, weaken the Legislative Branch’s ability to check an increasingly aggressive Executive Branch.

Repealing the 2002 AUMF will achieve what is already clear: that it was never an unlimited authorization for use of military force that could justify military operations against new adversaries and fought by U.S. Servicemembers who may have been born after the 2002 AUMF was signed into law. It would also be an important first step in initiating a comprehensive congressional review of existing AUMFs and promoting debate over whether additional authorizations are necessary to protect our national security.

As always, we are grateful for your bipartisan leadership of the Senate Armed Services Committee, and we appreciate your commitment to ensuring that Congress’s primary role in employing military power is preserved in statute and practice.

Sincerely,



Tammy Duckworth  
United States Senator



Kirsten Gillibrand  
United States Senator