



**Statement of Lead Republican Michael McCaul (R-TX)
House Committee on Foreign Affairs**

“Floor Remarks for Lee Amendment #425: 2001 AUMF Complaints”

July 11, 2019

Remarks as Delivered

I rise in strong opposition to this amendment. It simply lists complaints about the 2001 Authorization for the Use of Military Force, while avoiding the serious work of proposing an improved replacement.

Most Members – including me – say they’d be fine with an updated AUMF that better describes current threats. Unfortunately, there is no consensus at all about what that should look like. And the fact that the majority has not put forward a single proposal in the six months they’ve been in charge indicates to me that they have deep disagreements.

The author of this amendment also inserted a repeal, an outright repeal, of the 2001 AUMF into this year’s Defense Appropriations bill, which would make all counterterrorism operations globally illegal. That is reckless because the AUMF provides the necessary legal authority to confront ongoing, deadly threats against our homeland.

It would simply be irresponsible and dangerous to repeal it until an adequate replacement has passed both chambers and sent to the President’s desk.

The Gentlelady from California (Ms. Lee) – with all respect -- has held a principled, consistent position. And I do respect that, I just disagree with it.



But it is incorrect to assert, as this amendment does, that the 2001 AUMF is a “a blank check for any President to wage war at any time and at any place.”

The AUMF has been interpreted as covering Al Qaeda, the Taliban, and [QUOTE] “associated forces.” And while that interpretation is somewhat broad, it can’t be stretched to cover just anything. For example, it does not capture North Korea or countless other potential adversaries, and arguably Iran as well.

The amendment also complains that the 2001 AUMF did not include things like geographic limitations or a named enemy. But it is hard to see how it could have done so while also meeting the grave transnational terrorist threat it was intended to defeat. Because these enemies aren’t nation-states marching not in uniforms troops to face us on the fields of battle, authorizing force to fight them is much more complicated.

The amendment also wrongly implies that the will of Congress has been thwarted by how long and how broadly the AUMF has been used.

But Congress has been kept aware of how it’s being used, and has always had the same power to legislate, amend, or repeal as it had back in 2001. The fact is, and these goes on both sides of the aisle, it has not done. And that indicates a decision – that under both Democrat and Republican majorities and administrations –the 2001 AUMF is working.

From my years as Homeland Security Chairman, I know that our operations overseas – and the sacrifices of our servicemen and women -- have saved American lives and helped to protect the homeland from countless thwarted attacks.



Unfortunately, the threat does continue: As the Director of National Intelligence testified, Al Qaeda and ISIS maintain transnational networks actively committed to our destruction.

Don't get me wrong: I'd like to see an updated AUMF as well. That comes out of the Committee on Foreign Affairs. We should deliberate an updated AUMF on our committee. But this amendment contributes nothing toward that outcome.

And until we have new authorities in place to combat the real and dynamic threats to American lives and safety, we need to focus on responsibly using the authorities we have, not just complaining about their imperfections.

If the other side is serious about "a fix", then let's work together. Let's work together on a fix and provide a serious replacement to begin this process on a very serious issue of counterterrorism and war and peace.

And with that Madam Chairman...

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