



EXPLAINER

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Repealing the 1991 and 2002 Authorizations for Use of Military Force

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Introduction

Article 1, Section 8, Clause 11 of the United States Constitution gives Congress the power to declare war and authorize the deployment of U.S. armed forces and military operations. However, past presidents have repeatedly conducted military activities without express authorization from Congress, known formally as an Authorization for the Use of Military Force (AUMF). This explainer examines the various AUMFs still in effect and specifically addresses the Iraq war AUMFs of 1991 and 2002.

Scope of an AUMF

Typically, an AUMF provides clear guidelines on the scope and parameters of U.S. military operations, essentially, the “reason to go to war.” AUMFs can target specific governments or can be broader, targeting various groups and multiple countries. Once proposed, Congress debates and votes on the parameters of an AUMF.

AUMFs should not exist in perpetuity. Outdated and ambiguous AUMFs risk abuse by the executive branch to be used for military actions outside the intended scope or risk future war by justifying military actions that are inconsistent with the AUMF. Repealing AUMFs that have already served their purpose and no longer apply due to wars being over will be an important step in ending America’s forever wars and reigning in executive branch overreach.

The 1991 AUMF: The Gulf War

On August 2, 1990, Iraq, led by Saddam Hussein, invaded Kuwait. Soon after Iraq’s invasion, the United Nations Security Council (UNSC) passed a series of resolutions that included an embargo and sanctions on Iraq. On January 14, 1991, [Congress passed an AUMF](#) that gave President George H.W. Bush the authority to use military force against Iraq to enforce these UN resolutions and end Iraq’s invasion of Kuwait. The U.S. deployed troops on January 16, 1991, which began U.S. involvement in the Gulf War. Iraq was defeated and retreated from Kuwait on February 28, 1991, effectively ending the war. **Three decades later, the 1991 AUMF has not been repealed and remains a legal authority for the president to use.**

The 2002 AUMF: The Iraq War

In response to [false claims](#) that Saddam Hussein's regime had "weapons of mass destruction," [Congress passed the 2002 AUMF](#) on October 16, 2002, and President George W. Bush deployed the first U.S. troops to Iraq on March 19, 2003. Congress outlined [two specific objectives](#) in the 2002 AUMF:

1. Defend the U.S. against false threats posed by [Saddam Hussein's](#) regime in Iraq.
2. Enforce relevant U.N. Security Council Resolutions regarding Iraq.

After [\\$2 trillion](#) spent and over [500,000 lives lost](#),¹ the war in Iraq officially ended in [December 2011](#) when President Barack Obama brought the last U.S. troops home. Despite the war being over for over a decade, twenty years since the initial invasion, and the fact that the government of Saddam Hussein no longer exists in Iraq, **Congress has still not repealed the 2002 AUMF.**

Broad Use of the 2002 AUMF

After the official end of the Iraq War, both Presidents Obama and Trump used the 2002 AUMF as a legal basis for military engagements not authorized by Congress. In 2014, President Obama cited the 2002 AUMF as an "[alternate statutory authority](#)" to the 2001 AUMF (explained below) to justify operations against ISIS in Iraq. Notwithstanding that statement, the Obama Administration maintained that the 2002 AUMF should be [repealed](#).

President Trump asserted that the 2002 AUMF justified military engagement in Iraq, Syria, and [elsewhere](#). He further used the 2002 AUMF to justify a drone strike that killed [Qassem Soleimani](#), one of Iran's top commanders, in January 2020. Congress responded to Trump's unilateral action by passing a [resolution](#) prohibiting military force against Iran, which President Trump subsequently vetoed. The House also passed the [No War Against Iran Act](#) to defund military force against Iran and repeal the 2002 AUMF, but that bill stalled in the Senate.

Military Force under the Biden Administration

In February 2021, [President Biden ordered an airstrike in Syria](#) to respond to attacks by Iranian proxies against U.S. bases in Iraq. Congress did not authorize U.S. military forces to engage in hostilities in Syria. President Biden justified this attack by claiming the power to act in [self-defense](#) under Article II of the Constitution, rather than relying on an existing AUMF. On June 27, 2021, President Biden ordered [another airstrike](#) against Iranian-backed groups on the Iraq-Syria border, again without authorization from or consultation with Congress.

On July 23, 2021, the Biden Administration conducted its [second airstrike in Somalia](#) that week. These strikes were unique because they were ordered by Gen. Stephen Townsend, the head of U.S. Africa Command, not President Biden. A [bipartisan group of Senators](#) said the executive's unilateral action in Somalia goes against the

¹ This number refers to the lives lost in Iraq and Syria.

intentions of Congress and sets a dangerous precedent. The Biden Administration offered the 2001 AUMF as its legal justification for the attacks in Somalia.

Other military activities under the Biden Administration include:

- A [ground raid](#) into Syria on February 3, 2022 which resulted in death by suicide of Islamic State leader, Abu Ibrahim al-Hasnawi al-Qurayshi. Thirteen individuals were also killed, including six children. Congress has not authorized any U.S. military activities in Syria.
- An [airstrike](#) in Kabul, Afghanistan that killed Al-Qaeda leader Ayman al-Zawahiri on August 1, 2022. While President Biden did not offer the legal authority his administration had to conduct this strike, [legal experts](#) contend that the administration would likely rely on [Article 51 of the U.N. Charter](#) to act in “self-defense” and possibly the 2001 AUMF as the domestic legal basis.
- A third [airstrike](#) against Iran-backed groups in Syria on August 24, 2022. Congress has not authorized any U.S. military activities in Syria.
- On March 23, 2023, the Biden Administration conducted an airstrike on facilities in Syria used by Iran-backed groups. The administration said this was in [response](#) to an Iran drone strike that killed a U.S. contractor and wounded five U.S. service members. President Biden officially [notified Congress](#) of this strike three days later, in line with requirements under the 1973 War Powers Resolution. The President cited power under Article II of the Constitution to act in self-defense and did not cite either the 1991 or 2002 AUMF, since neither provide the authority to attack Iran, its groups, or Syria.

Despite the Biden Administration conducting military operations without congressional approval, about two months into office, and one month after his first airstrike, President Biden committed to working with Congress to pursue a “[narrow and specific framework](#)” on congressional war authorizations. Additionally, when asked about AUMFs during his senate confirmation hearing, [Secretary of State Antony Blinken](#) stated that it is “long past time we revisit and review them. In many instances, they have been cited and used in countries and against groups that were not part of the original authorization.”

On June 14, 2021, the Biden Administration issued a [Statement of Administration Policy](#) supporting H.R. 256, Rep. Barbara Lee’s bill to repeal the 2002 AUMF. The statement acknowledged, “The United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis.”

Congressional Activity to Repeal the 2002 AUMF

Congress has taken multiple actions to repeal the 2002 AUMF. **Most recently, the Senate voted to repeal the 1991 and 2002 Iraq AUMFs on March 29, 2023.** Other efforts to repeal the 2002 AUMF are outlined in Table 1.²

² Table 1 only includes instances when an entire chamber voted to repeal an AUMF. There have been occasions various congressional committees voted to repeal, however, those committee votes did not make it to the floor of the respective chamber. For example, in FY2022 the House Appropriations Committee [voted to repeal the 2001 and 2002 AUMFs](#), however these repeals were not included in the final bill.

TABLE 1: CONGRESSIONAL ACTIVITY TO REPEAL THE 2002 AUMF

Bill/amendment	Date of vote	Outcome
H.Amdt. 555 to H.R. 2500, the FY2020 National Defense Authorization Act	July 12, 2019	House adopted amendment (242-180). Removed in conference with the Senate.
H.R. 550, No War Against Iran Act	January 30, 2020	House passed bill (236-166). Not considered in the Senate.
H.R. 7617, FY2021 defense and other appropriations	July 31, 2020	House passed bill (217-197). Removed from the year-end appropriations bill.
H.R. 256, Repeal the 2002 AUMF	June 17, 2021	House passed bill (268-161). Not considered in the Senate.
H.Amdt.170 to H.R. 7900 the FY2023 National Defense Authorization Act	July 14, 2022	House passed bill (329-101). Removed in conference with the Senate.
S.316 to Repeal the 1991 and 2002 Iraq AUMFs	March 29, 2023	Senate passed bill (66-30). Consideration in the House pending

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Other AUMFs Still in Effect

A total of four AUMFs still remain on the books, meaning the president can conduct military operations under these AUMFs, despite all these wars being over.

TABLE 2: OTHER AUMFS STILL IN EFFECT

AUMF	Scope
1957	Communist threats in the Middle East
1991	Gulf War
2001	War in Afghanistan and against groups who “planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.” The 2001 AUMF has been used to justify 41 operations in 19 countries.
2002	War in Iraq to defend the U.S. from false claims that Saddam Hussein’s regime has “weapons of mass destruction.”

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AUMF Repeal Legislation

Lawmakers have introduced several bills to repeal the four existing AUMFs.

TABLE 3: AUMF REPEAL LEGISLATION

Bill	Sponsor(s)	Summary	Status
H.R. 3283	Rep. Peter Meijer	Repeals the 1957 AUMF	Passed the House on June 29, 2021 under suspension.
H.R. 3261	Rep. Abigail Spanberger	Repeals the 1991 AUMF	Passed the House on June 29, 2021 under suspension.
H.R. 255	Rep. Barbara Lee	Repeals the 2001 AUMF	Introduced January 11, 2021.
H.R. 2014	Reps. Mike Gallagher, Jared Golden, Peter Meijer, and Abigail Spanberger	Repeals the 1957, 1991, and 2002 AUMFs	Introduced March 18, 2021.
S.J.Res. 10	Sens. Tim Kaine and Todd Young	Repeals the 1991 and 2002 AUMFs	Passed the SFRC on August 4, 2021. Not considered on the Senate floor.
S.316	Sens. Tim Kaine and Todd Young	Repeals the 1991 and 2002 AUMFs	Passed the Senate on March 29, 2023
H.R. 932	Reps. Barbara Lee, Abigail Spanberger, Chip Roy, and Tom Cole	Repeals the 1991 and 2002 AUMFs	Introduced February 9, 2023

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Conclusion

AUMFs that have not sunset or been repealed become a blank check the Executive branch can use for military operations that Congress has not authorized. Any military action without congressional authorization is unconstitutional. To finally end America's forever wars and ensure constitutional integrity, Congress must repeal all AUMFs still in effect.