UNCLASSIFIED ANNEX: REPORT ON THE LEGAL AND POLICY FRAMEWORKS FOR THE UNITED STATES’ USE OF MILITARY FORCE AND RELATED NATIONAL SECURITY OPERATIONS


On February 19, 2021, President Biden submitted a notification in accordance with Section 1264(b) of the NDAA for FY 2018, as amended (50 U.S.C. § 1549(b)), describing a change to the legal and policy frameworks for the United States’ use of military force and related national security operations. The classified annex contains additional information about that change.

Countries in Which the United States Used Military Force

In 2021, the United States used military force in the following countries: Afghanistan, Iraq, Syria, and Somalia.


Criteria for Designating a Foreign Force, Irregular Force, Group, or Individual as Lawfully Targetable, as a High-Value Target, and as Formally or Functionally a Member of a Group Covered Under the 2001 AUMF: No change.

Application of Key Domestic and International Legal Principles to Key Theaters

Afghanistan: As directed by President Biden, U.S. forces withdrew from Afghanistan completely by August 31, 2021. The withdrawal of U.S. forces from Afghanistan did not change the legal and policy frameworks for the use of military force in Afghanistan. Although the United States is prepared to use force against al-Qa’ida, ISIS, and other terrorist threats in Afghanistan, if necessary, utilizing U.S. forces and assets based outside Afghanistan, the United States has not done so since the withdrawal of U.S. forces. The United States continues to monitor terrorist groups located in Afghanistan.
Iraq: The July 26, 2021, Joint Statement on the U.S.-Iraq Strategic Dialogue reported “that the [U.S.-Iraq] security relationship will fully transition to a training, advising, assisting, and intelligence-sharing role in Iraq by December 31, 2021. The United States intends to continue its support for the [Iraqi Security Forces], including the Peshmerga, to build their capacity to deal with future threats.”1 In mid-December 2021, the Government of Iraq and the U.S. Government announced that this transition was complete. The transition did not end the armed conflict against al-Qa’ida and associated forces, including against ISIS, and the legal and policy frameworks for the use of military force in Iraq did not change.

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1 Available at https://www.state.gov/joint-statement-on-the-u-s-iraq-strategic-dialogue-2/.