

115TH CONGRESS  
1ST SESSION

# S. J. RES. \_\_\_\_\_

To authorize the use of United States Armed Forces against al-Qaeda, the Taliban, and the Islamic State or Iraq and Syria, and associated persons or forces, that are engaged in hostilities against the United States, the Armed Forces, or its other personnel.

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## IN THE SENATE OF THE UNITED STATES

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Mr. FLAKE (for himself and Mr. Kaine) introduced the following joint resolution; which was read twice and referred to the Committee on \_\_\_\_\_

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# JOINT RESOLUTION

To authorize the use of United States Armed Forces against al-Qaeda, the Taliban, and the Islamic State or Iraq and Syria, and associated persons or forces, that are engaged in hostilities against the United States, the Armed Forces, or its other personnel.

Whereas the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) was approved on September 14, 2001;

Whereas the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) was approved on October 16, 2002;

Whereas, over the course of more than 15 years, the Authorization for Use of Military Force has been used by the

Executive Branch in at least 37 instances to justify sending the Armed Forces to 14 nations across the world to take action against terrorist organizations and for other purposes;

Whereas the purpose of the Authorization for Use of Military Force, to authorize military action against the perpetrators responsible for the attacks launched against the United States on September 11, 2001, remains valid and critical to our national security;

Whereas the purpose of the Authorization for Use of Military Force Against Iraq Resolution of 2002, to address the threat posed by the regime of Saddam Hussein in Iraq, is no longer valid;

Whereas the overwhelming majority of members of the 115th Congress were not present when the debate and vote on the Authorization for Use of Military Force took place during the 107th Congress;

Whereas the scope and purpose of the Authorization for Use of Military Force is in need of review and refinement in light of the lessons learned since its passage;

Whereas the Islamic State of Iraq and Syria grew out of al-Qaeda and is now its own organization that poses a grave threat to the people of the United States, the people and territorial integrity of Iraq and Syria, regional stability, and the national security interests of the United States and its allies and partners; and

Whereas the United States should take action against non-state, transnational actors in a disciplined way that meets the current threat environment and is consistent with the authorities provided under Articles I and II of the Constitution of the United States, the War Powers

Resolution (50 U.S.C. 1541 et seq.), and international law: Now, therefore, be it

1       *Resolved by the Senate and House of Representatives*  
2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This joint resolution may be cited as the “Authoriza-  
5 tion for Use of Military Force Against al-Qaeda, the  
6 Taliban, and the Islamic State of Iraq and Syria”.

7 **SEC. 2. PURPOSES.**

8       The purposes of this joint resolution are as follows:

9           (1) To update the Authorization for Use of  
10 Military Force (Public Law 107–40; 50 U.S.C. 1541  
11 note) in order to provide legal authority for military  
12 action against al-Qaeda, the Taliban, and the Is-  
13 lamic State of Iraq and Syria due to the continued  
14 threat they pose to the United States.

15           (2) To establish a process for oversight by Con-  
16 gress of military action against persons or forces as-  
17 sociated with al-Qaeda, the Taliban, or the Islamic  
18 State of Iraq and Syria that pose a direct threat to  
19 the United States.

20           (3) To repeal the Authorization for Use of Mili-  
21 tary Force and the Authorization for Use of Military  
22 Force Against Iraq Resolution of 2002 (Public Law  
23 107–243; 50 U.S.C. 1541 note).

1 **SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES**  
2 **ARMED FORCES TO PREVENT FUTURE ACTS**  
3 **OF INTERNATIONAL TERRORISM AGAINST**  
4 **THE UNITED STATES.**

5 (a) **AUTHORIZATION.**—In order to prevent any future  
6 acts of international terrorism against the United States,  
7 the President is authorized to use all necessary and appro-  
8 priate force against—

9 (1) al-Qaeda and the Taliban;

10 (2) the Islamic State of Iraq and Syria (also  
11 known as the Islamic State of Iraq and the Levant,  
12 the Islamic State, Daesh, ISIS, and ISIL); and

13 (3) associated persons or forces as provided in  
14 section 4.

15 (b) **WAR POWERS RESOLUTION REQUIREMENTS.**—

16 (1) **SPECIFIC STATUTORY AUTHORIZATION.**—  
17 Consistent with section 8(a)(1) of the War Powers  
18 Resolution (50 U.S.C. 1547(a)(1)), Congress de-  
19 clares that this section is intended to constitute spe-  
20 cific statutory authorization within the meaning of  
21 section 5(b) of the War Powers Resolution (50  
22 U.S.C. 1544(b)).

23 (2) **APPLICABILITY OF OTHER REQUIRE-**  
24 **MENTS.**—Nothing in this joint resolution supersedes  
25 any requirements of the War Powers Resolution (50  
26 U.S.C. 1541 et seq.).

1 **SEC. 4. ASSOCIATED PERSONS OR FORCES.**

2 (a) ASSOCIATED PERSONS AND FORCES.—For pur-  
3 poses of section 3(a)(3), the term “associated persons or  
4 forces” means any person or force, other than a sovereign  
5 nation, that—

6 (1) is a part of, or substantially supports al-  
7 Qaeda, the Taliban, or the Islamic State of Iraq and  
8 Syria; and

9 (2) is engaged in hostilities against the United  
10 States, its Armed Forces, or its other personnel.

11 (b) INITIAL ASSOCIATED PERSONS OR FORCES.—

12 (1) IN GENERAL.—For purposes of section  
13 3(a)(3), the term “associated persons or forces” in-  
14 cludes any person or force meeting the definition in  
15 subsection (a) that is specified in the report under  
16 paragraph (2).

17 (2) REPORT.—Not later than 60 days after the  
18 date of the enactment of this joint resolution, the  
19 President shall submit to Congress a report speci-  
20 fying the persons or forces (other than the groups  
21 al-Nusra Front (also known as Jabhat al-Nusra and  
22 Jabhat Fateh al-Sham), Khorasan Group, al-Qaeda  
23 in the Arabian Peninsula, and al-Shabaab, which  
24 Congress considers to be associated persons or forces  
25 for purposes of this joint resolution) that are associ-

1       ated persons or forces under subsection (a) as of the  
2       date of the enactment of this joint resolution.

3           (3) DISAPPROVAL.—The treatment of persons  
4       or forces specified in the report under paragraph (2)  
5       as associated persons or forces under subsection (a)  
6       is subject to disapproval in accordance with section  
7       6.

8       (c)    ADDITIONAL    ASSOCIATED    PERSONS    OR  
9   FORCES.—

10           (1) IN GENERAL.—For purposes of section  
11       3(a)(3), the term “associated persons or forces”  
12       shall also include any person or force meeting the  
13       definition in subsection (a) that is specified in a re-  
14       port under paragraph (2).

15           (2) REPORT.—Upon a determination by the  
16       President that any persons or forces not previously  
17       treated as associated persons or forces for purposes  
18       of section 3(a)(3) shall be treated under this sub-  
19       section as associated persons or forces, the President  
20       shall submit to Congress a report specifying that  
21       such persons or forces are to be treated under this  
22       subsection as associated persons or forces. Persons  
23       or forces may not be specified in such a report if  
24       such persons or forces have previously been dis-

1 approved in accordance with section 6 for treatment  
2 as associated persons or forces under subsection (a).

3 (3) DISAPPROVAL.—The treatment of persons  
4 or forces specified in a report under paragraph (2)  
5 as associated persons or forces under subsection (a)  
6 is subject to disapproval in accordance with section  
7 6.

8 **SEC. 5. COUNTRIES IN WHICH OPERATIONS AUTHORIZED.**

9 Subject to disapproval in accordance with section 6,  
10 the use of force authorized by section 3 may take place  
11 in a country (other than Afghanistan, Iraq, Syria, Soma-  
12 lia, Libya, or Yemen) if the President submits to Congress  
13 a report on the use of force in such country that includes  
14 the following;

15 (1) The name of the country in which the use  
16 of force will take place.

17 (2) A description of the presence in the country  
18 of al-Qaeda, the Taliban, or the Islamic State of  
19 Iraq and Syria, or associated persons or forces cur-  
20 rently covered by section 4.

21 (3) A justification why the use of force in the  
22 country is necessary and appropriate.

1 **SEC. 6. EXPEDITED PROCEDURES FOR JOINT RESOLUTION**  
2 **OF DISAPPROVAL OF USE OF FORCE AGAINST**  
3 **INITIAL OR ADDITIONAL ASSOCIATED PER-**  
4 **SONS OR FORCES OR IN OTHER COUNTRIES.**

5 (a) RESOLUTION OF DISAPPROVAL.—For purposes of  
6 this section, the term “resolution” means only a joint reso-  
7 lution of the two Houses of Congress —

8 (1) the title of which is as follows: “A joint res-  
9 olution of disapproval of an addition by the Presi-  
10 dent to the scope of the Authorization for Use of  
11 Military Force against al-Qaeda, the Taliban, and  
12 the Islamic State of Iraq and Syria.”;

13 (2) which does not have a preamble; and

14 (3) either—

15 (A) with respect to a report submitted  
16 under section 4(b) or 4(c), the matter after the  
17 resolving clause of which is as follows: “That  
18 Congress does not approve the use of force  
19 against \_\_\_\_\_ under the Authoriza-  
20 tion for Use of Military Force against al-Qaeda,  
21 the Taliban, and the Islamic State of Iraq and  
22 Syria.”, the blank space being filled with the  
23 persons or forces concerned; or

24 (B) with respect to a report submitted  
25 under section 5, the matter after the resolving  
26 clause of which is as follows: “That Congress



1           does not approve the use of force in  
2           \_\_\_\_\_ under the Authorization for  
3           Use of Military Force against al-Qaeda, the  
4           Taliban, and the Islamic State of Iraq and  
5           Syria.”, the blank space being filled with the  
6           country concerned.

7           (b) CONSIDERATION IN THE SENATE.—

8           (1) REFERRAL.—Any resolution introduced in  
9           the Senate shall be referred to the Committee on  
10          Foreign Relations.

11          (2) IN GENERAL.—If the Committee has not re-  
12          ported a resolution within 10 session days after the  
13          date of referral of the resolution, the Committee  
14          shall be discharged from further consideration of the  
15          resolution and the resolution shall be placed on the  
16          appropriate calendar.

17          (3) PROCEEDING TO CONSIDERATION.—Not-  
18          withstanding Rule XXII of the Standing Rules of  
19          the Senate, it is in order, not later than 2 days of  
20          session after the date on which the resolution is re-  
21          ported or discharged from the Committees, for the  
22          Majority Leader of the Senate or the Majority Lead-  
23          er’s designee to move to proceed to the consideration  
24          of the resolution. Thereafter, it shall be in order for  
25          any Member of the Senate to move to proceed to the

1 consideration of the resolution at any time. A motion  
2 to proceed is not in order if a previous motion to the  
3 same effect has been disposed of. All points of order  
4 against the motion to proceed to the resolution are  
5 waived. The motion to proceed is not debatable. The  
6 motion to proceed to the resolution is not subject to  
7 a motion to postpone. A motion to reconsider the  
8 vote by which the motion to proceed is agreed to or  
9 disagreed to shall not be in order.

10 (4) WAIVER OF ALL POINTS OF ORDER.—All  
11 points of order against the resolution (and against  
12 consideration of the resolution) are waived.

13 (5) RULES TO COORDINATE ACTION WITH  
14 OTHER HOUSE.—If, before the passage by one  
15 House of a resolution of that House, the House re-  
16 ceives from the other House a resolution identical to  
17 a resolution introduced in that House, then the fol-  
18 lowing procedures shall apply:

19 (A) The resolution of the other House shall  
20 not be referred to a committee.

21 (B) The procedure in the receiving House  
22 shall be the same as if no resolution has been  
23 received from the other House until the vote on  
24 passage, when the identical resolution received

1 from the other House shall supplant the resolu-  
2 tion of the receiving House.

3 (C) If one House fails to introduce or con-  
4 sider a resolution identical to one passed by the  
5 other House, the resolution of the other House  
6 shall be entitled to expedited floor procedures  
7 under this subsection.

8 (D) If, following passage of the resolution  
9 in the Senate, the Senate receives an identical  
10 resolution from the House of Representatives,  
11 the companion measure shall not be debatable.  
12 The vote on passage of the identical resolution  
13 in the Senate shall be considered to be the vote  
14 on passage of the resolution received from the  
15 House of Representatives.

16 (c) ACTION AFTER PASSAGE.—

17 (1) IN GENERAL.—If Congress passes a resolu-  
18 tion, the period beginning on the date the President  
19 is presented with the resolution and ending on the  
20 date the President takes action with respect to the  
21 resolution shall be disregarded in computing the 60-  
22 calendar day period described in 7(b).

23 (2) VETOES.—If the President vetoes a resolu-  
24 tion—

1 (A) the period beginning on the date the  
2 President vetoes the resolution and ending on  
3 the date the Congress receives the veto message  
4 with respect to the resolution shall be dis-  
5 regarded in computing the 60-calendar day pe-  
6 riod described in 7(b); and

7 (B) debate in the Senate of any veto mes-  
8 sage with respect to the resolution, including all  
9 debatable motions and appeals in connection  
10 with the resolution, shall be limited to 10 hours,  
11 to be equally divided between, and controlled  
12 by, the Majority Leader and the Minority Lead-  
13 er of the Senate or their designees.

14 **SEC. 7. EFFECT OF ENACTMENT OF JOINT RESOLUTION OF**  
15 **DISAPPROVAL OF USE OF FORCE AGAINST**  
16 **INITIAL OR ADDITIONAL ASSOCIATED PER-**  
17 **SONS OR FORCES OR IN OTHER COUNTRIES.**

18 (a) IN GENERAL.—

19 (1) AGAINST INITIAL OR ADDITIONAL ASSOCI-  
20 ATED PERSONS OR FORCES.—Subject to subsection  
21 (b), upon the enactment by Congress of a resolution  
22 described in section 6(a) with respect to the use of  
23 force pursuant to section 3 against initial associated  
24 persons or forces pursuant to 4(b), or against addi-  
25 tional associated persons or forces pursuant to sec-

1       tion 4(c), the authority under this joint resolution to  
2       use force against such persons or forces shall cease.

3           (2) IN OTHER COUNTIES.—Subject to sub-  
4       section (b), upon the enactment by Congress of a  
5       resolution described in section 6(a) with respect to  
6       the use of force pursuant to section 3 in another  
7       country pursuant to section 5, the authority under  
8       this joint resolution to use force in that country  
9       shall cease.

10       (b) DEADLINE FOR EFFECTIVENESS.—Except as  
11       provided in section 6(c), a resolution described in section  
12       6(a) is effective only if enacted during the 60-calendar day  
13       period beginning on the date on which the President sub-  
14       mits to Congress the report on the associated persons or  
15       forces concerned under section 4(b) or 4(c) or on the coun-  
16       try concerned under section 5, as applicable.

17       (c) AUTHORIZATION.—The authority sought by the  
18       President pursuant to the report under section 4(b), to  
19       specify initial associated persons or forces to be covered  
20       by section 3(a)(3), pursuant to a report under section  
21       4(c), to add additional associated persons or forces to the  
22       associated persons or forces currently covered by section  
23       3(a)(3), or pursuant to a report under section 5, to au-  
24       thorize the use of force under section 3 in a country or  
25       countries not explicitly set forth in section 5, shall exist

1 as of the date of the report concerned and continue until  
2 a resolution of disapproval described in section 6(a), if  
3 any, is enacted by Congress in accordance with section 6.

4 **SEC. 8. DURATION OF AUTHORIZATION.**

5 (a) IN GENERAL.—In order to encourage periodic re-  
6 view of the use of force authorized by this joint resolution,  
7 the authorization for use of force in section 3 shall termi-  
8 nate five years after the date of the enactment of this joint  
9 resolution, unless reauthorized by Congress.

10 (b) REAUTHORIZATION.—Before the expiration of  
11 this joint resolution, this joint resolution may be reauthor-  
12 ized pursuant to section 11.

13 **SEC. 9. REPEAL OF AUTHORIZATION FOR USE OF MILITARY**  
14 **FORCE.**

15 The Authorization for Use of Military Force (Public  
16 Law 107–40; 50 U.S.C. 1541 note) is repealed, effective  
17 60 days after the date of the enactment of this joint reso-  
18 lution.

19 **SEC. 10. REPEAL OF AUTHORIZATION FOR USE OF MILI-**  
20 **TARY FORCE AGAINST IRAQ RESOLUTION OF**  
21 **2002.**

22 The Authorization for Use of Military Force Against  
23 Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C.  
24 1541 note) is repealed, effective 60 days after the date  
25 of the enactment of this joint resolution.

1 **SEC. 11. EXPEDITED PROCEDURES FOR REAUTHORIZATION**  
2 **OF AUTHORIZATION FOR THE USE OF MILI-**  
3 **TARY FORCE.**

4 (a) **RESOLUTION OF REAUTHORIZATION.**—For pur-  
5 poses of this section, the term “resolution” also means a  
6 joint resolution of the two Houses of Congress—

7 (1) which is introduced not later than 180 be-  
8 fore the date of the expiration of this joint resolution  
9 in accordance with section 8(a);

10 (2) the title of which is as follows: “A joint res-  
11 olution to reauthorize the Authorization for Use of  
12 Military Force against al-Qaeda, the Taliban, and  
13 the Islamic State of Iraq and Syria.”;

14 (3) which does not have a preamble; and

15 (4) the matter after the enacting clause of  
16 which is as follows: “The Authorization for the Use  
17 of Military Force against al-Qaeda, the Taliban, and  
18 the Islamic State of Iraq and Syria is amended in  
19 section 8(a) by striking ‘5 years’ and inserting ‘10  
20 years’.”.

21 (b) **EXPEDITED PROCEDURES.**—Consideration of the  
22 resolution described in subsection (a) shall be governed by  
23 the procedures set forth in section 6, as if the resolution  
24 described in subsection (a) were a resolution described in  
25 section 6(a), including the procedures relating to veto mes-  
26 sages specified in section 6(c).

1 **SEC. 12. REPORTS TO CONGRESS.**

2 (a) STRATEGY.—Not later than 90 days after the  
3 date of the enactment of this joint resolution, the Presi-  
4 dent shall submit to the appropriate committees and lead-  
5 ership of Congress a report setting forth a comprehensive  
6 strategy of the United States, encompassing military, eco-  
7 nomic, humanitarian, and diplomatic capabilities, to pro-  
8 tect the United States from al-Qaeda, the Taliban, and  
9 the Islamic State of Iraq and Syria in their fight to defeat  
10 such organizations.

11 (b) IMPLEMENTATION OF STRATEGY.—

12 (1) BIENNIAL REPORTS.—Not later than 180  
13 days after the date of the enactment of this joint  
14 resolution, and every 180 days thereafter, the Presi-  
15 dent shall submit to the appropriate committees and  
16 leadership of Congress a written report setting forth  
17 a current comprehensive assessment of the imple-  
18 mentation of the strategy required by subsection (a),  
19 including a description of any substantive change to  
20 the strategy (including the reasons for the change  
21 and the effect of the change on the rest of the strat-  
22 egy).

23 (2) ELEMENTS.—Each report under this sub-  
24 section shall include a description of the specific ac-  
25 tions taken pursuant to this joint resolution to ad-  
26 dress the threat to the United States posed by



1 transnational terrorist organizations and associated  
2 persons or forces, including—

3 (A) a description of the specific authorities  
4 relied upon for such actions;

5 (B) the persons and forces targeted by  
6 such actions;

7 (C) the nature and location of such ac-  
8 tions; and

9 (D) an evaluation of the effectiveness of  
10 such actions.

11 (c) QUARTERLY REPORTS ON OPERATIONS.—Not  
12 later than 90 days after the date of the enactment of this  
13 joint resolution, and every 90 days thereafter, the Presi-  
14 dent shall submit to Congress a report setting forth the  
15 following:

16 (1) A list of the organizations, persons, and  
17 forces against which operations were conducted  
18 under the authority of this joint resolution during  
19 the 90-day period ending on the date of the report.

20 (2) A list of all foreign countries in which the  
21 United States conducted operations under the au-  
22 thority of this joint resolution during such 90-day  
23 period.

24 (d) CLASSIFIED ANNEX.—Any report submitted  
25 under this section may include a classified annex.

1           (e) APPROPRIATE COMMITTEES AND LEADERSHIP OF  
2 CONGRESS DEFINED.—In this section, the term “appro-  
3 priate committees and leadership of Congress” means—

4           (1) the Committee on Foreign Relations, the  
5 Committee on Armed Services, the Select Committee  
6 on Intelligence, and the Committee on Appropria-  
7 tions of the Senate;

8           (2) the Majority Leader and the Minority Lead-  
9 er of the Senate;

10           (3) the Committee on Foreign Affairs, the  
11 Committee on Armed Services, the Permanent Select  
12 Committee on Intelligence, and the Committee on  
13 Appropriations of the House of Representatives; and

14           (4) the Speaker of the House of Representa-  
15 tives and the Majority Leader and the Minority  
16 Leader of the House of Representatives.