

[Discussion Draft]

115TH CONGRESS
1ST SESSION

H. J. RES. _____

To amend the 2001 Authorization for Use of Military Force with respect to the use of force against the Islamic State of Iraq and the Levant (ISIL) and associated forces of ISIL, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. ENGEL introduced the following joint resolution; which was referred to the Committee on

JOINT RESOLUTION

To amend the 2001 Authorization for Use of Military Force with respect to the use of force against the Islamic State of Iraq and the Levant (ISIL) and associated forces of ISIL, and for other purposes.

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

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “ISIL Amendment to the 2001 Authorization for Use of Military Force”.

SEC. 2. AMENDMENT TO AUTHORIZATION FOR USE OF MILITARY FORCE.

The Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) is amended by adding at the end the following:

“SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES AGAINST THE ISLAMIC STATE OF IRAQ AND THE LEVANT.

“(a) AUTHORIZATION.—

[Discussion Draft]

“(1) IN GENERAL.—Subject to subsection (b), the President is authorized to use necessary and appropriate force to protect the national security of the United States against the Islamic State of Iraq and the Levant (ISIL) and associated forces of ISIL.

“(2) WAR POWERS RESOLUTION REQUIREMENTS.—

“(A) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

“(B) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this section supersedes any requirement of the War Powers Resolution (50 U.S.C. 1541 et seq.).

“(b) LIMITATION.—The authority granted in subsection (a) does not authorize the use of the Armed Forces of the United States for the purpose of ground combat operations—

“(1) except as necessary—

“(A) to rescue members of the Armed Forces of the United States or United States citizens;

“(B) to conduct limited operations against high-value individuals;

“(C) to enable air operations;

“(D) to collect or share intelligence; or

“(E) to provide operational planning, advice, supplies, or similar assistance to forces fighting ISIL or associated forces of ISIL; or

“(2) unless—

“(A) the President—

[Discussion Draft]

“(i) determines and notifies Congress that such use of the Armed Forces is vital to the national security interests of the United States; and

“(ii) submits to the appropriate congressional committees and leadership a report that contains—

“(I) a description of the Armed Forces of the United States to be used;

“(II) a description of the intended purpose of such use;

“(III) a description of how such use will contribute to a military strategy to defeat ISIL and associated forces of ISIL;

“(IV) a description of the diplomatic strategy to restore local governance to any territory secured from the control of ISIL or associated forces of ISIL;

“(V) benchmarks for assessing progress toward military and diplomatic objectives; and

“(VI) any other matters that the President determines to be appropriate; and

“(B) a joint resolution described in subsection (c)(1) is enacted into law pursuant to the provisions of subsection (c)(2).

“(c) JOINT RESOLUTION DESCRIBED; EXPEDITED PROCEDURES.—

“(1) JOINT RESOLUTION DESCRIBED.—A joint resolution described in this paragraph is a joint resolution of the 2 Houses of Congress the matter after the resolving clause of such joint resolution is as follows: ‘That Congress authorizes the President to use the Armed Forces of the United States for the purpose of ground combat operations pursuant to the authority granted in subsection (a) of section 3 of the Authorization for Use of Military Force in accordance with the report submitted to the appropriate congressional committees and leadership under subsection (b)(2)(A)(ii) of such section on __’, the blank space being filled with the date of the report submitted to

[Discussion Draft]

appropriate congressional committees and leadership by the President pursuant to subsection (b)(2)(A)(ii).

“(2) EXPEDITED PROCEDURES.—The provisions of section 6 of the War Powers Resolution (50 U.S.C. 1545), apply to a joint resolution described in paragraph (3) to the same extent and in the same manner as such provisions apply to a joint resolution or bill under such section, except that any reference in such provisions to ‘the sixty-day period specified in such section’ or ‘the sixty-day period’ shall be deemed to be a reference to the sixty-day period beginning on the date on which the President submits to the appropriate congressional committees and leadership a report under subsection (b)(2)(A)(ii).

“(3) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subsection is enacted by Congress—

“(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

“(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

“(d) RULE OF CONSTRUCTION.—Notwithstanding any other provision of law, this section shall supersede any other statutory authorization for the use of military force with respect to ISIL and associated forces of ISIL.

“SEC. 4. OBLIGATIONS UNDER INTERNATIONAL LAW.

“The authorities granted under this joint resolution shall not be exercised in any way that is inconsistent with the obligations of the United States under international law.

“SEC. 5. REPORTS AND BRIEFINGS.

“(a) REPORT ON ACTIONS UNDER SECTION 2 AUTHORITY.—At the end of the 6-month period beginning on the date of the enactment of this section, and at

[Discussion Draft]

the end of each 6-month period thereafter, the President shall submit to the appropriate congressional committees and leadership a report on specific actions taken pursuant to the authority granted under section 2 during that period, including—

“(1) a list of associated forces of al Qaeda and of associated forces of the Taliban with respect to which such authority is exercised, including the legal and factual basis for the determination that such authority applies with respect to each such associated force; and

“(2) an intelligence assessment of the risk to the United States posed by al-Qaeda and associated forces of al-Qaeda and the Taliban and associated forces of the Taliban.

“(b) REPORT ON ACTIONS UNDER SECTION 3 AUTHORITY.—At the end of the 6-month period beginning on the date of the enactment of this section, and at the end of each 6-month period thereafter, the President shall submit to the appropriate congressional committees and leadership a report on specific actions taken pursuant to the authority granted under section 3 during that period, including—

“(1) a list of associated forces of ISIL with respect to which such authority is exercised, including the legal and factual basis for the determination that such authority applies with respect to each such associated force;

“(2) an intelligence assessment of the risk to the United States posed by ISIL and associated forces of ISIL; and

“(3) a military strategy to defeat ISIL and associated forces of ISIL.

“(c) ADDITIONAL MATTERS TO BE INCLUDED.—Each report required under this section shall also include, for the period covered by the report, the following:

“(1) The geographic scope of operations conducted pursuant to the relevant authority granted under section 2 or 3.

“(2) The number of civilian casualties, the number of combatant casualties, and the total number of all casualties sustained in operations conducted pursuant to the relevant authority granted under section 2 or 3.

[Discussion Draft]

“(3) The methods used to limit civilian casualties in operations conducted pursuant to the relevant authority granted under section 2 or 3.

“(4) A description of humanitarian assistance and support provided for civilian populations displaced by events related to the exercise of the relevant authority granted under section 2 or 3.

“(5) The actual and proposed contributions, including financing, equipment, training, troops, and logistical support, provided by coalition partners of the United States for operations conducted pursuant to the relevant authority granted under section 2 or 3.

“(6) A diplomatic, military, and development strategy for restoring governance and civil society to territory secured in operations related to the relevant authority granted under section 2 or 3.

“(7) The benchmarks for assessing progress toward political, diplomatic, and military objectives in operations related to the relevant authority granted under section 2 or 3.

“(8) A description of the lessons learned from diplomatic, military, and development activities conducted in areas in which military operations were conducted pursuant to the authority granted under section 2 or 3.

“(d) FORM.—The information required under subsections (a)(1), (b)(1), and (c)(1), (2), and (4) that is included the reports required under this section shall be submitted in unclassified form.

“(e) OTHER REPORTS.—If the President uses force against any non-state terrorist actor pursuant to authorities other than authorities under section 2 or 3 of this joint resolution, the President shall comply with the reporting requirements—

“(1) described in this section to the same extent and in the same manner as such reporting requirements apply to specific actions taken pursuant to the authority granted under section 2 or 3 of this joint resolution;

“(2) under the War Powers Resolution (50 U.S.C. 1541 et seq.);
and

[Discussion Draft]

“(3) under any other applicable provision of law.

“(f) BRIEFINGS.—At least once during each 6-month period described in subsections (a) and (b), the President shall provide to the appropriate congressional committees and leadership a briefing on the matters covered by each report required under this section.

“SEC. 6. DEFINITIONS.

“In this joint resolution:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ‘appropriate congressional committees and leadership’ means—

“(A) the Speaker, the minority leader, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives; and

“(B) the majority leader, the minority leader, the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

“(2) ASSOCIATED FORCES.—The term ‘associated forces’, with respect to al-Qaeda, the Taliban, or ISIL, means an organized, armed group that has and continues to be engaged in active hostilities against the United States alongside al-Qaeda, the Taliban, or ISIL, respectively, as a party to an ongoing armed conflict with the United States.

“(3) ISIL.—The term ‘ISIL’ means the Islamic State of Iraq and the Levant, also known as the ‘Islamic State’, the ‘Islamic State of Iraq and Syria’ or ‘ISIS’, or ‘Daesh’.

“SEC. 7. TERMINATION.

“This joint resolution shall terminate on the date that is three years after the date of the enactment of this section, unless reauthorized by Congress.”.

SEC. 3. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.

[Discussion Draft]

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed.