

ISIS AUMF Proposals in 115th Congress (2017-18)

Just Security

[As of June 19, 2017]

Provision	<u>H.Res. _____ [Rep. Eliot Engel Discussion Draft]</u>	<u>S.J.Res.43</u>	<u>H.J.Res.100</u>	<u>S.J. Res. 31</u> <u>H.J. Res. 89</u>	<u>H.Con.Res.2</u>	<u>H.J.Res.63</u>
1. Short Title	ISIL Amendment to the 2001 Authorization for Use of Military Force	Authorization for Use of Military Force Against al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria	Consolidated Authorization for Use of Military Force Resolution of 2017	Authorization for Use of Military Force Against al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria”	Authorization for Use of Military Force Against the Islamic State of Iraq and the Levant and its Associated Forces	Authorization for Use of Military Force against the Islamic State of Iraq and the Levant
2. Sponsors	Rep. Engel , Eliot [D-NY] T.B.A.	Sen. Flake , Jeff [R-AZ] Sen. Kaine , Tim [D-VA]*	Rep. Schiff , Adam B. [D-CA-28] Rep. Carson, Andre [D-IN-7]* Rep. Castor, Kathy [D-FL-14]* Rep. Evans, Dwight [D-PA-2]* Rep. Hanabusa, Colleen [D-HI-1]* Rep. Hastings, Alcee L. [D-FL-20]* Rep. Lowenthal, Alan S. [D-CA-47]* Rep. Moulton, Seth [D-MA-6]* Rep. Pocan, Mark [D-WI-2]* Rep. Walz, Timothy J. [D-MN-1]* Rep. Sanford, Mark [R-SC-1]	Sen. Young , Todd C. [R-IN] Rep. Banks , Jim [R-IN-3] Rep. Jones, Walter B., Jr. [R-NC-3]* Rep. Cole, Tom [R-OK-4] Rep. Bacon, Don [R-NE-2] Rep. Knight, Stephen [R-CA-25]	Rep. Cole , Tom [R-OK-4] Rep. Taylor, Scott [R-VA-2]	Rep. Kinzinger , Adam [R-IL-16] Rep. Hice, Jody B. [R-GA-10]* Rep. Hunter, Duncan D. [R-CA-50]* Rep. Roby, Martha [R-AL-2]* Rep. Byrne, Bradley [R-AL-1]* Rep. Wenstrup, Brad R. [R-OH-2]* Rep. Curbelo, Carlos [R-FL-26]
*original co-sponsor						
3. Target of use of	“the Islamic State of Iraq and the	“(1) al-Qaeda and the Taliban;	“(1) Al Qaeda , the Islamic State of	“ al-Qaeda , the Taliban ,	“ Islamic State of Iraq and the	“the Islamic State of Iraq and the Levant

<p>military force</p>	<p>Levant (ISIL) and associated forces of ISIL.”</p>	<p>(2) the Islamic State of Iraq and Syria (also known as the Islamic State of Iraq and the Levant, the Islamic State, Daesh, ISIS, and ISIL); and</p> <p>(3) associated persons or forces”</p>	<p>Iraq and the Levant (ISIL), and the Afghan Taliban.</p> <p>(2) Any organized and armed group that is associated with an entity described in paragraph (1) if such group is a co-belligerent with such entity in hostilities against the United States.”</p>	<p>the Islamic State of Iraq and Syria, successor organizations, and associated forces.”</p>	<p>Levant, its associated forces, organizations, and persons, and any successor organizations.”</p>	<p>(“ISIL”) or associated persons or forces as defined in section 4.”</p>
<p>4. Associated forces definition</p>	<p>“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.”</p>	<p>“any person or force, other than a sovereign nation, that—</p> <p>(1) is a part of, or substantially supports al-Qaeda, the Taliban, or the Islamic State of Iraq and Syria; and</p> <p>(2) is engaged in hostilities against the United States, its Armed Forces, or its other personnel”</p>	<p>“organized and armed group that is associated with an entity described in paragraph (1) if such group is a co-belligerent with such entity in hostilities against the United States.”</p>	<p>None specified.</p>	<p>None specified.</p>	<p>SEC 4 — “In this joint resolution, the term “associated persons or forces” means individuals and organizations fighting for, on behalf of, or alongside ISIL or any closely related successor entity in hostilities against the United States or its coalition partners.”</p>

		Codifies congressional agreement with determination of associated forces including al-Nusra Front, Khorasan Group, al-Qaeda in the Arabian Peninsula, and al-Shabaab				
5. Purpose	Sec. 3: “to protect the national security of the United States against the Islamic State of Iraq and the Levant (ISIL) and associated forces of ISIL”	“In order to prevent any future acts of international terrorism against the United States”	“to protect the national security of the United States against” the identified entities and associated groups	To enable “the United States [to] exercise its rights to self-defense and to protect the citizens of the United States both at home and abroad. ”	None specified.	None specified.
6. Scope of authorized force	Sec. 2-3: “the President is authorized to use necessary and appropriate force” Sec. 4: authorities granted “shall not be exercised in any way that is inconsistent with the obligations of the United States under international law ”	“the President is authorized to use all necessary and appropriate force”	“the President is authorized to use all necessary and appropriate force”	“the President is authorized to use all necessary and appropriate force”	“The President is authorized to use all necessary and appropriate force”	“The President is authorized to use the Armed Forces of the United States as the President determines to be necessary and appropriate”

<p>7. Types of military action explicitly authorized</p>	<p>None specified.</p>	<p>None specified.</p>	<p>None specified.</p>	<p>SEC 3 “(a) IN GENERAL.— The authority of the President to use all necessary and appropriate force pursuant to section 2(a) includes the authority for the Armed Forces of the United States to detain, pending disposition under the law of war, persons who are a part of or substantially supported al-Qaeda, the Taliban, the Islamic State of Iraq and Syria, any successor organization, or any associated force of those organizations.”</p>	<p>None specified.</p>	<p>None specified.</p>
<p>8. Military unit/action limitation</p>	<p>Limitations on ground combat operations: Category 1: “does not authorize ... ground combat operations except as necessary:</p>	<p>Requires congressional notification Sec. 4 “Upon a determination” of a new associated person or force, President shall report to Congress</p>	<p>Requires congressional notification “if the President exercises the authority granted in section 2(a) to deploy ground forces in a combat role”</p>	<p>None specified.</p>	<p>None specified.</p>	<p>None specified.</p>

	<p>“(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”</p> <p>Category 2:</p> <p>provides authorization of ground combat operations in addition to the above if (a) the President determines such use of armed forces is “vital to the national security interests of the US,” and notifies</p>	<p>Sec. 5 “the use of force ... may take place in a country (other than Afghanistan, Iraq, Syria, Somalia, Libya, or Yemen) if the President submits to Congress a report” detailing country specifics and justification “why the use of force in the country is necessary and appropriate”</p> <p>Provides for expedited procedure for Congress to pass a joint resolution disapproving either a new associated person or force or use of force in any new country</p>	<p>Option for a joint resolution “that provides for the modification or repeal of the authority provided in section 2(a) with respect to the deployment of ground forces in a combat role ... in accordance with the procedures described in section 6 of the War Powers Resolution that are applicable to a joint resolution or bill introduced pursuant to section 5(b) of the War Powers Resolution.”</p>			
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	Congress with detailed justifications; and (b) Congress passes a joint resolution , the specific text of which is detailed in the draft AUMF; includes mechanism for expedited procedure					
9. Sunset	3 years after the date of the enactment.	5 years after the date of the enactment	3 years after the date of the enactment	None.	None.	None.
10. Reporting/Notification	<p>SEC. 5. On a six month basis, the President shall submit reports with:</p> <p>1. a list of associated forces of al Qaeda, associated forces of the Taliban, and associated force of ISIL and “the legal and factual basis” for those determinations (sec. (a)(1) and (b)(1))</p> <p>2. an intelligence assessment of the risk to the United States posed by al-</p>	<p>SEC 12. “Not later than 90 days after the date of the enactment of this joint resolution, the President shall submit to the appropriate committees and leadership of Congress a report setting forth a comprehensive strategy” to defeat al-Qaeda, the Taliban, and ISIS</p> <p>Biannual reports including: “(A) a description of the specific</p>	<p>SEC 3(a) “(1) IN GENERAL— At least once every 90 days after the date of the enactment of this joint resolution, the President shall submit to the appropriate congressional committees and publish in the Federal Register a list of entities and organized and armed groups against which such authority has been exercised and the geographic location</p>	<p>SEC 5(a) — “Not less frequently than once every 60 days, the President shall submit to Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted by this joint resolution.”</p>	<p>SEC 3(a) — “The President shall, at least once every 60 days, submit to Congress a report on matters relevant to this concurrent resolution, including actions taken pursuant to the exercise of authority granted in section 2.”</p>	<p>SEC 3— “The President shall report to Congress at least once every three months on specific actions taken pursuant to this authorization.”</p>

	<p>Qaeda, the Taliban, ISIL and their associated force.</p> <p>3. “a military strategy to defeat ISIL and associated forces of ISIL”</p> <p>4. the geographic scope of operations conducted pursuant to the relevant authority (sec. (c)(1))</p> <p>5. “the number of civilian casualties, the number of combatant casualties, and the total number of all casualties” (sec. (c)(2))</p> <p>6. “the methods used to limit civilian casualties”</p> <p>7. “a description of humanitarian assistance and support provided for civilian populations displaced by events related to the</p>	<p>authorities relied upon for such actions;</p> <p>(B) the persons and forces targeted by such actions;</p> <p>(C) the nature and location of such actions; and</p> <p>(D) an evaluation of the effectiveness of such actions.”</p> <p>Quarterly reports including:</p> <p>“(1) A list of the organizations, persons, and forces against which operations were conducted....</p> <p>(2) A list of all foreign countries in which the United States conducted operations....</p> <p>“Classified Annex.— Any report submitted under this section</p>	<p>where such authority has been exercised.</p> <p>(2) ADDITIONAL INFORMATION.—In the case in which the authority granted in section 2(a) has been exercised against an organized and armed group described in paragraph (2) of such section, the President shall submit to the appropriate congressional committees a summary of the factual predicate for concluding that such group meets the requirements of paragraph (2) of such section.</p> <p>(3) FORM.—Any part of the list required by paragraph (1) or the additional information required by paragraph (2) may be submitted in classified form if the President determines it is necessary to protect the national</p>			
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	<p>exercise of the relevant authority” (sec. (c)(4))</p> <p>8. “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”</p> <p>9. “a diplomatic, military, and development strategy for restoring governance and civil society to territory secured in operations related to the relevant authority granted”</p> <p>10. “the benchmarks for assessing progress toward political,</p>	<p>[sec. 12] may include a classified annex.”</p> <p>[see also row 8: reporting requirements for new determinations of “associated persons and forces” and for use of force in any new country]</p>	<p>security of the United States. Any such information submitted in classified form shall be accompanied by unclassified written findings to support such a determination.”</p>			
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	<p>diplomatic, and military objectives”</p> <p>11. “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”</p> <p>Form: “The information required under subsections (a)(1), (b)(1), and (c)(1), (2), and (4) ... shall be submitted in unclassified form.”</p> <p>In a sub-section entitled “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 [see</p>					
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	rows 5 and 6 above], the President shall comply with the reporting requirements —described in this section to the same extent and in the same manner”					
11. AUMF Repeal/Supersession	Repeals 2002 AUMF. Amends 2001 AUMF.	Repeals 2001 and 2002 AUMFs “effective 60 days after the date of the enactment of this joint resolution”	Repeals 2001 and 2002 AUMFs	Repeals 2001 and 2002 AUMFs	N/A	Repeals 2001 AUMF