To authorize the use of United States Armed Forces against al-Qaeda, the Taliban, and the Islamic State of 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

In the Senate of the United States
May 25, 2017

Mr. Flake (for himself and Mr. Kaine) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations.
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Military Force Against Iraq Resolution of 2002, to address the threat posed by the regime of Saddam Hussein in Iraq, is no longer valid;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

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 “Authorization for Use of Military Force Against al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria”.

SEC. 2. PURPOSES.

The purposes of this joint resolution are as follows:

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

(2) To establish a process for oversight by Congress of military action against persons or forces associated with al-Qaeda, the Taliban, or the Islamic State of Iraq and Syria that pose a direct threat to the United States.

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

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

(1) al-Qaeda and the Taliban;
(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
(3) associated persons or forces as provided in
section 4.

(b) War Powers Resolution Requirements.—

(1) Specific statutory authorization.—
Consistent with section 8(a)(1) of the War Powers
Resolution (50 U.S.C. 1547(a)(1)), Congress de-
clares that this section is intended to constitute spe-
cific statutory authorization within the meaning of
section 5(b) of the War Powers Resolution (50
U.S.C. 1544(b)).

(2) Applicability of other require-
ments.—Nothing in this joint resolution supersedes
any requirements of the War Powers Resolution (50
U.S.C. 1541 et seq.).
SEC. 4. ASSOCIATED PERSONS OR FORCES.

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

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

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

(b) INITIAL ASSOCIATED PERSONS OR FORCES.—

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

(2) REPORT.—Not later than 60 days after the date of the enactment of this joint resolution, the President shall submit to Congress a report specifying the persons or forces (other than the groups al-Nusra Front (also known as Jabhat al-Nusra and Jabhat Fateh al-Sham), Khorasan Group, al-Qaeda in the Arabian Peninsula, and al-Shabaab, which Congress considers to be associated persons or forces for purposes of this joint resolution) that are associ-
ated persons or forces under subsection (a) as of the
date of the enactment of this joint resolution.

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

(c) Additional Associated Persons or
Forces.—

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

(2) Report.—Upon a determination by the
President that any persons or forces not previously
treated as associated persons or forces for purposes
of section 3(a)(3) shall be treated under this sub-
section as associated persons or forces, the President
shall submit to Congress a report specifying that
such persons or forces are to be treated under this
subsection as associated persons or forces. Persons
or forces may not be specified in such a report if
such persons or forces have previously been dis-
approved in accordance with section 6 for treatment as associated persons or forces under subsection (a).

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

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

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

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

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

(3) A justification why the use of force in the country is necessary and appropriate.
SEC. 6. EXPEDITED PROCEDURES FOR JOINT RESOLUTION
OF DISAPPROVAL OF USE OF FORCE AGAINST
INITIAL OR ADDITIONAL ASSOCIATED PERSONS OR FORCES OR IN OTHER COUNTRIES.

(a) Resolution of Disapproval.—For purposes of this section, the term “resolution” means only a joint resolution of the two Houses of Congress—

(1) the title of which is as follows: “A joint resolution of disapproval of an addition by the President to the scope of the Authorization for Use of Military Force against al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria.”;

(2) which does not have a preamble; and

(3) either—

(A) with respect to a report submitted under section 4(b) or 4(c), the matter after the resolving clause of which is as follows: “That Congress does not approve the use of force against _____________ under the Authorization for Use of Military Force against al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria.”, the blank space being filled with the persons or forces concerned; or

(B) with respect to a report submitted under section 5, the matter after the resolving clause of which is as follows: “That Congress
does not approve the use of force in the country concerned.

(b) Consideration in the Senate.—

(1) Referral.—Any resolution introduced in the Senate shall be referred to the Committee on Foreign Relations.

(2) In General.—If the committee has not reported a resolution within 10 session days after the date of referral of the resolution, the committee shall be discharged from further consideration of the resolution and the resolution shall be placed on the appropriate calendar.

(3) Proceeding to Consideration.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which the resolution is reported or discharged from the committees, for the Majority Leader of the Senate or the Majority Leader’s designee to move to proceed to the consideration of the resolution. Thereafter, it shall be in order for any Member of the Senate to move to proceed to the
consideration of the resolution at any time. A motion
to proceed is not in order if a previous motion to the
same effect has been disposed of. All points of order
against the motion to proceed to the resolution are
waived. The motion to proceed is not debatable. The
motion to proceed to the resolution is not subject to
a motion to postpone. A motion to reconsider the
vote by which the motion to proceed is agreed to or
disagreed to shall not be in order.

(4) Waiver of all points of order.—All
points of order against the resolution (and against
consideration of the resolution) are waived.

(5) Rules to coordinate action with
other House.—If, before the passage by one
House of a resolution of that House, the House re-
ceives from the other House a resolution identical to
a resolution introduced in that House, then the fol-
lowing procedures shall apply:

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

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

(C) If one House fails to introduce or consider a resolution identical to one passed by the other House, the resolution of the other House shall be entitled to expedited floor procedures under this subsection.

(D) If, following passage of the resolution in the Senate, the Senate receives an identical resolution from the House of Representatives, the companion measure shall not be debatable. The vote on passage of the identical resolution in the Senate shall be considered to be the vote on passage of the resolution received from the House of Representatives.

(e) Action After Passage.—

(1) In General.—If Congress passes a resolution, the period beginning on the date the President is presented with the resolution and ending on the date the President takes action with respect to the resolution shall be disregarded in computing the 60-calendar-day period described in section 7(b).

(2) Vetoes.—If the President vetoes a resolution—
(A) the period beginning on the date the President vetoes the resolution and ending on the date the Congress receives the veto message with respect to the resolution shall be disregarded in computing the 60-calendar-day period described in section 7(b); and

(B) debate in the Senate of any veto message with respect to the resolution, including all debatable motions and appeals in connection with the resolution, shall be limited to 10 hours, to be equally divided between, and controlled by, the Majority Leader and the Minority Leader of the Senate or their designees.

SEC. 7. EFFECT OF ENACTMENT OF JOINT RESOLUTION OF DISAPPROVAL OF USE OF FORCE AGAINST INITIAL OR ADDITIONAL ASSOCIATED PERSONS OR FORCES OR IN OTHER COUNTRIES.

(a) IN GENERAL.—

(1) AGAINST INITIAL OR ADDITIONAL ASSOCIATED PERSONS OR FORCES.—Subject to subsection (b), upon the enactment by Congress of a resolution described in section 6(a) with respect to the use of force pursuant to section 3 against initial associated persons or forces pursuant to 4(b), or against additional associated persons or forces pursuant to sec-
tion 4(c), the authority under this joint resolution to
use force against such persons or forces shall cease.

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

(b) DEADLINE FOR EFFECTIVENESS.—Except as
provided in section 6(c), a resolution described in section
6(a) is effective only if enacted during the 60-calendar-
day period beginning on the date on which the President
submits to Congress the report on the associated persons
or forces concerned under section 4(b) or 4(c) or on the
country concerned under section 5, as applicable.

(c) AUTHORIZATION.—The authority sought by the
President pursuant to the report under section 4(b), to
specify initial associated persons or forces to be covered
by section 3(a)(3), pursuant to a report under section
4(c), to add additional associated persons or forces to the
associated persons or forces currently covered by section
3(a)(3), or pursuant to a report under section 5, to au-
thorize the use of force under section 3 in a country or
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.

SEC. 8. DURATION OF AUTHORIZATION.

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

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

SEC. 9. REPEAL OF AUTHORIZATION FOR USE OF MILITARY
FORCE.

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

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

The Authorization for Use of Military Force Against
1541 note) is repealed, effective 60 days after the date
of the enactment of this joint resolution.
SEC. 11. EXPEDITED PROCEDURES FOR REAUTHORIZATION OF AUTHORIZATION FOR THE USE OF MILITARY FORCE.

(a) Resolution of Reauthorization.—For purposes of this section, the term “resolution” also means a joint resolution of the two Houses of Congress—

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

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

(3) which does not have a preamble; and

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

(b) Expedited Procedures.—Consideration of the resolution described in subsection (a) shall be governed by the procedures set forth in section 6, as if the resolution described in subsection (a) were a resolution described in section 6(a), including the procedures relating to veto messages specified in section 6(e).
SEC. 12. REPORTS TO CONGRESS.

(a) Strategy.—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 of the United States, encompassing military, economic, humanitarian, and diplomatic capabilities, to protect the United States from al-Qaeda, the Taliban, and the Islamic State of Iraq and Syria in their fight to defeat such organizations.

(b) Implementation of Strategy.—

(1) Biannual reports.—Not later than 180 days after the date of the enactment of this joint resolution, and every 180 days thereafter, the President shall submit to the appropriate committees and leadership of Congress a written report setting forth a current comprehensive assessment of the implementation of the strategy required by subsection (a), including a description of any substantive change to the strategy (including the reasons for the change and the effect of the change on the rest of the strategy).

(2) Elements.—Each report under this subsection shall include a description of the specific actions taken pursuant to this joint resolution to address the threat to the United States posed by
transnational terrorist organizations and associated persons or forces, including—

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

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

(C) the nature and location of such actions; and

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

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

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

(2) A list of all foreign countries in which the United States conducted operations under the authority of this joint resolution during such 90-day period.

(d) CLASSIFIED ANNEX.—Any report submitted under this section may include a classified annex.
(c) APPROPRIATE COMMITTEES AND LEADERSHIP OF
CONGRESS DEFINED.—In this section, the term “appro-
priate committees and leadership of Congress” means—

(1) the Committee on Foreign Relations, the
Committee on Armed Services, the Select Committee
on Intelligence, and the Committee on Appropri-
tions of the Senate;

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

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

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