

115TH CONGRESS
1ST SESSION

H. J. RES. 89

To authorize the use of United States Armed Forces against al-Qaeda, the Taliban, the Islamic State of Iraq and Syria, successor organizations, and associated forces.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2017

Mr. BANKS of Indiana (for himself and Mr. JONES) submitted the following joint resolution; which was referred to the Committee on Foreign Affairs

JOINT RESOLUTION

To authorize the use of United States Armed Forces against al-Qaeda, the Taliban, the Islamic State of Iraq and Syria, successor organizations, and associated forces.

Whereas, on September 11, 2001, al-Qaeda committed acts of treacherous violence against the United States and the citizens of the United States;

Whereas such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect the citizens of the United States both at home and abroad;

Whereas al-Qaeda and its affiliates continue to represent a threat to the people of the United States and the national security of the United States;

Whereas the Taliban continues to conduct attacks against people of the United States and allies of the United States, including the Government of Afghanistan;

Whereas the terrorist organization referred to as the “Islamic State of Iraq and Syria” (ISIS), also known as the “Islamic State in Iraq and the Levant” (ISIL), the “Islamic State”, or “Daesh”, has systematically targeted, kidnapped, and killed innocent men, women, and children throughout Iraq and Syria;

Whereas the Islamic State of Iraq and Syria poses a grave threat to the people of Iraq and Syria, the stability of the Middle East, and the national security interests of the United States and allies and partners of the United States;

Whereas the Islamic State of Iraq and Syria has conducted, supported, and inspired terrorist attacks that have resulted in the murder of people of the United States and allies of the United States;

Whereas the Islamic State of Iraq and Syria has committed genocide, despicable acts of violence, and mass executions against religious and ethnic minorities who do not subscribe to the depraved, violent, and oppressive ideology of the Islamic State of Iraq and Syria; and

Whereas the Islamic State of Iraq and Syria has targeted women and girls with horrific acts of violence, including abduction, enslavement, torture, rape, and forced marriage: Now, therefore, be it

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

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES**
6 **ARMED FORCES.**

7 (a) IN GENERAL.—The President is authorized to
8 use all necessary and appropriate force against al-Qaeda,
9 the Taliban, the Islamic State of Iraq and Syria, successor
10 organizations, and associated forces.

11 (b) WAR POWERS RESOLUTION REQUIREMENTS.—

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

18 (2) APPLICABILITY OF OTHER REQUIRE-
19 MENTS.—Nothing in this joint resolution supercedes
20 any requirement of the War Powers Resolution (50
21 U.S.C. 1541 et seq.).

22 **SEC. 3. AUTHORITY TO DETAIN.**

23 (a) IN GENERAL.—The authority of the President to
24 use all necessary and appropriate force pursuant to section
25 2(a) includes the authority for the Armed Forces of the
26 United States to detain, pending disposition under the law

1 of war, persons who are a part of or substantially sup-
 2 ported al-Qaeda, the Taliban, the Islamic State of Iraq
 3 and Syria, any successor organization, or any associated
 4 force of those organizations.

5 (b) DISPOSITION UNDER LAW OF WAR.—The dis-
 6 position of a person under the law of war described in
 7 subsection (a) includes the following:

8 (1) Detention under the law of war without
 9 trial until the end of the hostilities authorized by
 10 section 2(a).

11 (2) Trial under chapter 47A of title 10, United
 12 States Code.

13 (3) Transfer for trial by an alternative court or
 14 competent tribunal having lawful jurisdiction.

15 (4) Transfer to the custody or control of the
 16 person's country of origin, any other foreign coun-
 17 try, or any other foreign entity.

18 **SEC. 4. STRATEGY TO DEFEAT THE ISLAMIC STATE OF IRAQ**
 19 **AND SYRIA.**

20 (a) STRATEGY REQUIRED.—Not later than 30 days
 21 after the date of the enactment of this joint resolution,
 22 the President shall submit to the appropriate congres-
 23 sional committees a comprehensive strategy to defeat the
 24 Islamic State of Iraq and Syria.

1 (b) ELEMENTS.—The comprehensive strategy re-
2 quired by subsection (a) shall, at a minimum, detail the
3 following:

4 (1) Vital and important United States national
5 security interests threatened by the Islamic State of
6 Iraq and Syria.

7 (2) Strategic and operational objectives.

8 (3) Milestones for assessing progress toward po-
9 litical, diplomatic, development, informational, and
10 military goals.

11 (4) Risks for the strategy.

12 (5) Public diplomacy, information operations,
13 and cyber strategies to isolate and delegitimize the
14 Islamic State of Iraq and Syria and its radical
15 Islamist ideology.

16 (6) Actual and proposed contributions of coali-
17 tion partners.

18 (7) Humanitarian assistance and support for
19 displaced civilian populations.

20 (8) Mechanisms to cut off or seize the financial
21 support of the Islamic State of Iraq and Syria, in-
22 cluding financial transfers, money laundering, oil
23 revenue, human trafficking, sales of looted art and
24 historical artifacts, and other sources of revenue.

1 (9) Plans for countering the international travel
2 of terrorists of the Islamic State of Iraq and Syria.

3 (10) Plans for the law of war detention and in-
4 terrogation of combatants of the Islamic State of
5 Iraq and Syria.

6 (11) Plans for sustainable governance and secu-
7 rity in areas retaken from the Islamic State of Iraq
8 and Syria.

9 (12) An endstate and exit strategy for any
10 planned combat deployment of United States con-
11 ventional ground forces.

12 (13) An estimate of the costs of carrying out
13 the strategy.

14 (14) Plans to inform periodically the people of
15 the United States about the campaign to defeat the
16 Islamic State of Iraq and Syria.

17 (c) FORM OF SUBMISSION.—The plan submitted
18 under subsection (a) shall be submitted in classified form
19 with an unclassified summary.

20 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
21 DEFINED.—In this section, the term “appropriate con-
22 gressional committees” means—

23 (1) the Committee on Appropriations, the Com-
24 mittee on Armed Services, the Committee on For-
25 eign Relations, the Committee on Homeland Secu-

1 rity and Governmental Affairs, and the Select Com-
2 mittee on Intelligence of the Senate; and

3 (2) the Committee on Appropriations, the Com-
4 mittee on Armed Services, the Committee on For-
5 eign Affairs, the Committee on Homeland Security,
6 and the Permanent Select Committee on Intelligence
7 of the House of Representatives.

8 **SEC. 5. REPORTS TO CONGRESS.**

9 (a) REPORTS.—Not less frequently than once every
10 60 days, the President shall submit to Congress a report
11 on matters relevant to this joint resolution, including ac-
12 tions taken pursuant to the exercise of authority granted
13 by this joint resolution.

14 (b) SINGLE CONSOLIDATED REPORT.—To the extent
15 that the submission of any report described in subsection
16 (a) coincides with the submission of any other report on
17 matters relevant to this joint resolution otherwise required
18 to be submitted to Congress pursuant to the reporting re-
19 quirements of the War Powers Resolution, all such reports
20 may be submitted as a single consolidated report to Con-
21 gress.

1 **SEC. 6. REPEAL OF AUTHORIZATION FOR USE OF MILITARY**
2 **FORCE.**

3 (a) REPEAL.—The Authorization for Use of Military
4 Force (Public Law 107–40; 50 U.S.C. 1541 note) is here-
5 by repealed.

6 (b) CONTINUATION OF ONGOING OPERATIONS AND
7 ACTIVITIES.—Nothing in this section shall be construed
8 as prohibiting the continuation after the date of the enact-
9 ment of this joint resolution of operations and activities
10 being carried out under the Authorization for Use of Mili-
11 tary Force as of the date of the enactment of this joint
12 resolution.

13 **SEC. 7. REPEAL OF AUTHORIZATION FOR USE OF MILITARY**
14 **FORCE AGAINST IRAQ.**

15 The Authorization for Use of Military Force Against
16 Iraq Resolution of 2002 (Public Law 107–243; 116 Stat.
17 1498; 50 U.S.C. 1541 note) is hereby repealed.

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