

115TH CONGRESS
2D SESSION

S. J. RES. 59

To authorize the use of military force against the Taliban, al Qaeda, the Islamic State in Iraq and Syria, and designated associated forces, and to provide an updated, transparent, and sustainable statutory basis for counterterrorism operations.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 2018

Mr. CORKER (for himself, Mr. KAINE, Mr. FLAKE, Mr. COONS, Mr. YOUNG, and Mr. NELSON) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

To authorize the use of military force against the Taliban, al Qaeda, the Islamic State in Iraq and Syria, and designated associated forces, and to provide an updated, transparent, and sustainable statutory basis for counterterrorism operations.

Whereas, since the enactment of the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) in response to the attacks of September 11, 2001, the nature of the ongoing armed conflict against al Qaeda, the Taliban, and associated forces has evolved to include numerous non-state terrorist groups, including the Islamic State in Iraq and Syria (ISIS), that pose a grave threat to the United States;

Whereas it is appropriate for Congress to reaffirm the domestic legal basis for this ongoing conflict and the commitment of the political branches to victory, and to reassert the role of Congress in authorizing and conducting oversight of the use of military force; and

Whereas Congress supports the ultimate goal of the Administration’s South Asia strategy, including a political settlement between the Government of Afghanistan and the Taliban that rejects terrorism, protects United States national interests, is in accordance with the Afghan constitution, and defends the rights of women and girls: 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 of 2018”.

6 **SEC. 2. PURPOSE.**

7 The purposes of this joint resolution are as follows:

8 (1) To reaffirm that Congress, the President,
 9 and the American people stand united in their re-
 10 solve to defeat the Taliban, al Qaeda, ISIS, and des-
 11 ignated associated forces, and to express support for
 12 the United States Armed Forces and other United
 13 States personnel in this continuing armed conflict.

14 (2) To replace the Authorization for Use of
 15 Military Force (Public Law 107–40; 50 U.S.C. 1541
 16 note) with an updated authorization that—

(A) provides uninterrupted authority to use all necessary and appropriate force in the current and continuing armed conflict against the Taliban, al Qaeda, ISIS, and associated forces;

(B) establishes rigorous congressional oversight and improves transparency; and

(C) provides for regular congressional review and debate of the authorization provided by this joint resolution.

(3) To repeal 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).

**SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES
ARMED FORCES.**

(a) IN GENERAL.—The President is authorized to use all necessary and appropriate force against—

(1) the Taliban, al Qaeda, and the Islamic State in Iraq and Syria (ISIS); and

(2) associated forces designated pursuant to section 5.

(b) WAR POWERS RESOLUTION.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—
Consistent with section 8(a)(1) of the War Powers

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

6 (2) APPLICABILITY OF OTHER REQUIRE-
 7 MENTS.—Nothing in this resolution supersedes any
 8 requirement of the War Powers Resolution (50
 9 U.S.C. 1541 et seq.).

10 **SEC. 4. QUADRENNIAL REVIEW OF THE AUTHORIZATION**
 11 **FOR USE OF MILITARY FORCE.**

12 (a) PRESIDENTIAL SUBMISSION.—On January 20,
 13 2022, and again every 4 years thereafter, the President
 14 shall submit to Congress a report regarding the use of
 15 military force pursuant to this joint resolution, which shall
 16 include a proposal to repeal, modify, or leave in place this
 17 joint resolution.

18 (b) EXPEDITED CONGRESSIONAL RECONSIDER-
 19 ATION.—During the 60-calendar day period beginning on
 20 January 20, 2022, and again every 4 years thereafter, a
 21 qualifying resolution to repeal or modify this joint resolu-
 22 tion shall be entitled to expedited consideration pursuant
 23 to section 9 of this joint resolution.

24 **SEC. 5. CONGRESSIONAL OVERSIGHT.**

25 (a) ASSOCIATED FORCES.—

1 (1) EXISTING ASSOCIATED FORCES.—The fol-
2 lowing organizations, persons, or forces are des-
3 ignated associated forces covered by the authoriza-
4 tion for use of military force provided by section
5 3(a) of this joint resolution:

6 (A) Al Qaeda in the Arabian Peninsula.

7 (B) Al Shabaab.

8 (C) Al Qaeda in Syria (including Al
9 Nusrah Front).

10 (D) The Haqqani Network.

11 (E) Al Qaeda in the Islamic Mahgreb
12 (AQIM).

13 (2) DESIGNATION.—Not later than 30 calendar
14 days after the date of the enactment of this joint
15 resolution, the President shall designate all organiza-
16 tions, persons, or forces other than those listed in
17 paragraph (1) that the President has determined are
18 associated forces covered by the authorization for
19 use of military force provided by section 3(a) of this
20 joint resolution by submitting to the appropriate
21 congressional committees and leadership a report
22 listing all such associated forces.

23 (3) NEW ASSOCIATED FORCE.—Not later than
24 48 hours after the President determines that a new
25 organization, person, or force is an associated force

1 covered by the authorization for use of military force
2 provided by section 3(a) of this joint resolution, the
3 President shall designate such organization, person,
4 or force as an associated force by submitting a re-
5 port to the appropriate congressional committees
6 and leadership.

7 (4) REPORT.—Each report required by para-
8 graph (2) or (3) shall contain detailed information
9 providing the basis for the designation of each asso-
10 ciated force, including classified information relating
11 thereto.

12 (5) CONGRESSIONAL REVIEW.—During the 60-
13 calendar day period following the submission of any
14 report pursuant to this subsection that designates a
15 new organization, person, or force as an associated
16 force (other than the associated forces identified in
17 paragraph (1)), a qualifying resolution to amend this
18 joint resolution to remove the authorization to use
19 military force against such associated force shall be
20 entitled to expedited procedures pursuant to section
21 9 of this joint resolution.

22 (b) GEOGRAPHY.—

23 (1) IN GENERAL.—

24 (A) INITIAL LIST.—Not later than 30 cal-
25 endar days after the date of the enactment of

1 this joint resolution, the President shall submit
2 to the appropriate congressional committees
3 and leadership a report detailing all foreign
4 countries in which the United States is using
5 military force pursuant to this joint resolution,
6 including a detailed description of the military
7 objectives and the organizations, persons, or
8 forces targeted.

9 (B) NEW FOREIGN COUNTRIES.—Not later
10 than 48 hours after the use of military force in
11 a new foreign country pursuant to this joint
12 resolution, the President shall submit an up-
13 dated report required by this paragraph and
14 consult with the appropriate congressional com-
15 mittees and leadership. Authorization for use of
16 military force pursuant to this joint resolution
17 in a new foreign country is contingent upon the
18 reporting to Congress pursuant to this para-
19 graph.

20 (C) NEW FOREIGN COUNTRY DEFINED.—
21 In this resolution, the term “new foreign coun-
22 try” means a foreign country other than Af-
23 ghanistan, Iraq, Syria, Somalia, Yemen, or
24 Libya not previously reported to Congress pur-
25 suant to this paragraph.

1 (2) CONGRESSIONAL REVIEW.—During the 60-
2 calendar day period following the submission of any
3 report pursuant to this subsection that identifies a
4 new foreign country in which the United States is
5 using military force pursuant to this joint resolution,
6 a qualifying resolution to amend this joint resolution
7 to remove the authorization to use military force in
8 such foreign country shall be entitled to expedited
9 procedures pursuant to section 9 of this joint resolu-
10 tion.

11 (c) FORM OF REPORTS.—The reports required by
12 this section may be submitted in a consolidated report,
13 as appropriate, and shall be provided in unclassified form
14 but may include a classified annex.

15 **SEC. 6. REPEAL OF 2001 AUTHORIZATION FOR USE OF MILI-**
16 **TARY FORCE AND UNINTERRUPTED AUTHOR-**
17 **ITY.**

18 (a) REPEAL.—The Authorization for Use of Military
19 Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C.
20 1541 note) is hereby repealed, effective 120 calendar days
21 after the date of the enactment of this joint resolution.

22 (b) UNINTERRUPTED AUTHORITY.—This joint reso-
23 lution provides uninterrupted authority for ongoing mili-
24 tary operations conducted pursuant to the Authorization
25 for Use of Military Force (Public Law 107–40; 115 Stat.

1 224; 50 U.S.C. 1541 note) as of the date of the enactment
2 of this joint resolution. Subsection (a) shall not be con-
3 strued otherwise.

4 **SEC. 7. REPEAL OF 2002 AUTHORIZATION FOR USE OF MILI-**
5 **TARY FORCE.**

6 The Authorization for Use of Military Force Against
7 Iraq Resolution of 2002 (Public Law 107–243; 116 Stat.
8 1498; 50 U.S.C. 1541 note) is hereby repealed, effective
9 120 calendar days after the date of the enactment of this
10 joint resolution.

11 **SEC. 8. DEFINITIONS.**

12 In this joint resolution—

13 (1) the term “appropriate congressional com-
14 mittees and leadership” means—

15 (A) the Committee on Foreign Relations,
16 the Committee on Armed Services, the Select
17 Committee on Intelligence, and the Committee
18 on Appropriations of the Senate;

19 (B) the Majority and Minority Leaders of
20 the Senate;

21 (C) the Committee on Foreign Affairs, the
22 Committee on Armed Services, the Permanent
23 Select Committee on Intelligence, and the Com-
24 mittee on Appropriations of the House of Rep-
25 resentatives; and

1 (D) the Speaker, the Majority Leader, and
2 the Minority Leader of the House of Represent-
3 atives;

4 (2) the term “associated forces” means any or-
5 ganization, person, or force, other than a sovereign
6 nation, that the President determines has entered
7 the fight alongside and is a co-belligerent with al
8 Qaeda, the Taliban, or ISIS, in hostilities against
9 the United States or its coalition partners, or that
10 has been a part of al Qaeda, the Taliban, ISIS, or
11 an associated force designated pursuant to this au-
12 thorization and is engaged in hostilities against the
13 United States or its coalition partners; and

14 (3) the term “coalition partner” has the mean-
15 ing given that term in section 948a of title 10,
16 United States Code, and for the purposes of such
17 definition the “hostilities engaged in by the United
18 States” are hostilities against al Qaeda, the Taliban,
19 ISIS, or an associated force designated pursuant to
20 this authorization.

21 **SEC. 9. EXPEDITED PROCEDURES.**

22 (a) PERIOD FOR REVIEW BY CONGRESS.—

23 (1) IN GENERAL.—The expedited procedures
24 provided by this section shall be available for the fol-
25 lowing joint resolutions:

1 (A) QUADRENNIAL RECONSIDERATION.—A
2 joint resolution that is described in subsection
3 (b)(1)(A), during the 60-calendar day period
4 after the date on which expedited congressional
5 reconsideration begins pursuant to section 4(b).

6 (B) REMOVAL OF A NEW ASSOCIATED
7 FORCE.—A joint resolution that is described in
8 subsection (b)(1)(B), during the 60-calendar
9 day period after the date on which the Presi-
10 dent designates a new organization, person, or
11 force as an associated force by submitting to
12 the appropriate congressional committees and
13 leadership a report required under section 5(a).

14 (C) REMOVAL OF A NEW FOREIGN COUN-
15 TRY.—A joint resolution that is described in
16 subsection (b)(1)(C), during the 60-calendar
17 day period after the date on which the Presi-
18 dent notifies the appropriate congressional com-
19 mittees and leadership in a report required by
20 section 5(b)(1) that the United States is using
21 military force in a new foreign country pursu-
22 ant to this joint resolution.

23 (b) QUALIFYING RESOLUTION.—

1 (1) QUALIFYING RESOLUTION.—In this joint
2 resolution, the term “qualifying resolution” means
3 only a joint resolution of either House of Congress—

4 (A) to repeal or modify this joint resolu-
5 tion—

6 (i) the title of which is as follows: “A
7 joint resolution relating to the Authoriza-
8 tion for Use of Military Force of 2018.”;

9 (ii) the sole matter after the resolving
10 clause of which is the following: “(a) The
11 Authorization for Use of Military Force of
12 2018 is hereby _____.”, with the
13 blank space being filled in with the words
14 “repealed” or “modified as provided in
15 subsection (b)”;

16 (iii) the matter in subsection (b), if
17 applicable, is “(b) MODIFICATION TO THE
18 AUTHORIZATION FOR USE OF MILITARY
19 FORCE OF 2018.—_____”, with the
20 blank space being filled in with any modi-
21 fications to the Authorization for Use of
22 Military Force of 2018 that are relevant to
23 such authorization; and

24 (iv) that is introduced during the 30-
25 calendar day period following each date on

1 which expedited congressional reconsider-
2 ation begins pursuant to section 4(b);

3 (B) to amend this joint resolution to re-
4 move the authorization to use military force
5 against an associated force designated by the
6 President pursuant to this joint resolution—

7 (i) the title of which is as follows: “A
8 joint resolution to remove the authorization
9 for use of military force against an associ-
10 ated force provided by the Authorization
11 for Use of Military Force of 2018.”;

12 (ii) that does not have a preamble;

13 (iii) the sole matter after the resolving
14 clause of which is the following: “The Au-
15 thorization for Use of Military Force of
16 2018 is hereby amended by adding at the
17 end: ‘As of the date of enactment of
18 _____, this joint resolution shall not
19 authorize the use of military force against
20 _____.’”, with the first blank space
21 being filled in with the title of the quali-
22 fying resolution and the second blank
23 space being filled in with the name of the
24 associated force; and

1 (iv) that is introduced during the 30-
2 calendar day period after the date on
3 which the President designates such new
4 associated force by submitting to the ap-
5 propriate congressional committees and
6 leadership a report required by section
7 5(a); or

8 (C) to amend this joint resolution to re-
9 move the authorization to use military force in
10 a new foreign country pursuant to this joint
11 resolution—

12 (i) the title of which is as follows: “A
13 joint resolution to remove the authorization
14 for use of military force in a foreign coun-
15 try provided by the Authorization for Use
16 of Military Force of 2018.”;

17 (ii) that does not have a preamble;

18 (iii) the sole matter after the resolving
19 clause of which is the following: “The Au-
20 thorization for Use of Military Force of
21 2018 is hereby amended by adding at the
22 end: ‘As of the date of enactment of
23 _____ this joint resolution shall not au-
24 thorize the use of military force in
25 _____.’”, with the first blank space

1 being filled in with the title of the quali-
2 fying resolution and the second blank
3 space being filled in with the name of the
4 foreign country; and

5 (iv) that is introduced during the 30-
6 calendar day period after the date on
7 which the President notifies the appro-
8 priate congressional committees and lead-
9 ership in a report required by section
10 5(b)(1) of this joint resolution that the
11 United States is using military force in
12 such new foreign country pursuant to this
13 joint resolution.

14 (2) AMENDMENTS.—(A) A qualifying resolution
15 described in paragraph (1)(A) shall be subject only
16 to relevant amendment.

17 (B) No amendments shall be received to a
18 qualifying resolution described in subparagraph (B)
19 or (C) of paragraph (1).

20 (3) FLOOR CONSIDERATION IN HOUSE OF REP-
21 REPRESENTATIVES.—If a committee of the House of
22 Representatives to which a qualifying resolution has
23 been referred has not reported any qualifying resolu-
24 tion within 10 calendar days after the expiration of
25 the applicable 30-calendar day period for introduc-

tion of the qualifying resolution, that committee shall be discharged from further consideration of any qualifying resolution and any qualifying resolution shall be placed on the appropriate calendar.

(4) CONSIDERATION IN THE SENATE.—

(A) COMMITTEE REFERRAL.—A qualifying resolution introduced in the Senate shall be referred to the Committee on Foreign Relations.

(B) REPORTING AND DISCHARGE.—If the Committee on Foreign Relations has not reported any qualifying resolution within 10 calendar days after the expiration of the applicable 30-calendar day period for introduction of the qualifying resolution, the committee shall be discharged from consideration of any qualifying resolution introduced during the applicable 30-calendar day period and any such resolution shall be placed on the calendar.

(C) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the applicable period for review provided by subsection (a), after the Committee on Foreign Relations of the Senate reports a qualifying resolution to the Senate or has been dis-

1 charged from consideration of such a qualifying
2 resolution, to move to proceed to the consider-
3 ation of the qualifying resolution, except that
4 no motion to proceed shall be in order after one
5 motion to proceed to a qualifying resolution has
6 been disposed of with respect to the same new
7 associated force or the same new foreign coun-
8 try, or, in the case of a qualifying resolution de-
9 scribed in subsection (b)(1)(A), after one mo-
10 tion to proceed to such a qualifying resolution
11 has been disposed of. Consideration of the mo-
12 tion to proceed shall be limited to not more
13 than 8 hours equally divided between the major-
14 ity leader and the minority leader or their des-
15 ignees. The motion to consider is not subject to
16 a motion to postpone. A motion to reconsider
17 the vote by which the motion is agreed to or
18 disagreed to shall not be in order. All points of
19 order against the qualifying resolution are
20 waived. If, after one motion to proceed to a
21 qualifying resolution has been disposed of, any
22 qualifying resolution regarding the same new
23 associated force or the same new foreign coun-
24 try remains on the calendar, a motion to pro-
25 ceed to consider such resolution shall not be in

1 order for the remainder of the Congress. If,
 2 after one motion to proceed to a qualifying res-
 3 olution identified in subsection (b)(1)(A) has
 4 been disposed of, any qualifying resolution re-
 5 mains on the calendar, a motion to proceed to
 6 consider such resolution shall not be in order
 7 for the remainder of the Congress.

8 (D) CONSIDERATION OF VETO MES-
 9 SAGES.—Debate in the Senate of any veto mes-
 10 sage with respect to a qualifying resolution, in-
 11 cluding all debatable motions and appeals in
 12 connection with the joint resolution, shall be
 13 limited to 10 hours, to be equally divided be-
 14 tween, and controlled by, the majority leader
 15 and the minority leader or their designees.

16 (5) RULES OF HOUSE OF REPRESENTATIVES
 17 AND SENATE.—This section is enacted by Con-
 18 gress—

19 (A) as an exercise of the rulemaking power
 20 of the Senate and the House of Representa-
 21 tives, respectively, and as such is deemed a part
 22 of the rules of each House, respectively, but ap-
 23 plicable only with respect to the procedure to be
 24 followed in that House in the case of a quali-
 25 fying resolution, and supersedes other rules

1 only to the extent that it is inconsistent with
2 such rules; and

3 (B) with full recognition of the constitu-
4 tional right of either House to change the rules
5 (so far as relating to the procedure of that
6 House) at any time, in the same manner, and
7 to the same extent as in the case of any other
8 rule of that House.

9 **SEC. 10. CONFORMING AMENDMENT.**

10 Section 1021 of the National Defense Authorization
11 Act for Fiscal Year 2012 (Public Law 112–81; 10 U.S.C.
12 801 note) is amended—

13 (1) in subsection (a), by inserting “and the Au-
14 thorization for Use of Military Force of 2018” after
15 “the Authorization for Use of Military Force (Public
16 Law 107–40; 50 U.S.C. 1541 note)”;

17 (2) in subsection (b)(2), by inserting “, the Is-
18 lamic State in Iraq and Syria (ISIS),” after “the
19 Taliban”; and

20 (3) in subsection (c)(1), by inserting “or the
21 Authorization for Use of Military Force of 2018”
22 after “the Authorization for Use of Military Force”.

23 **SEC. 11. SEVERABILITY.**

24 If any provision of this joint resolution, or the appli-
25 cation of any provision to any person or circumstance, is

1 held to be unconstitutional, the remainder of this joint res-
2 olution, and the application of the provisions of this joint
3 resolution to any person or circumstance, shall not be af-
4 fected.

