

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.

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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

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## 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—

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

6 (B) establishes rigorous congressional over-  
7 sight and improves transparency; and

8 (C) provides for regular congressional re-  
9 view and debate of the authorization provided  
10 by this joint resolution.

11 (3) To repeal the Authorization for Use of Mili-  
12 tary Force Against Iraq Resolution of 2002 (Public  
13 Law 107–243; 116 Stat. 1498; 50 U.S.C. 1541  
14 note).

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

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

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

21 (2) associated forces designated pursuant to  
22 section 5.

23 (b) WAR POWERS RESOLUTION.—

24 (1) SPECIFIC STATUTORY AUTHORIZATION.—  
25 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-

1 tion of the qualifying resolution, that committee  
2 shall be discharged from further consideration of  
3 any qualifying resolution and any qualifying resolu-  
4 tion shall be placed on the appropriate calendar.

5 (4) CONSIDERATION IN THE SENATE.—

6 (A) COMMITTEE REFERRAL.—A qualifying  
7 resolution introduced in the Senate shall be re-  
8 ferred to the Committee on Foreign Relations.

9 (B) REPORTING AND DISCHARGE.—If the  
10 Committee on Foreign Relations has not re-  
11 ported any qualifying resolution within 10 cal-  
12 endar days after the expiration of the applicable  
13 30-calendar day period for introduction of the  
14 qualifying resolution, the committee shall be  
15 discharged from consideration of any qualifying  
16 resolution introduced during the applicable 30-  
17 calendar day period and any such resolution  
18 shall be placed on the calendar.

19 (C) PROCEEDING TO CONSIDERATION.—  
20 Notwithstanding Rule XXII of the Standing  
21 Rules of the Senate, it is in order at any time  
22 during the applicable period for review provided  
23 by subsection (a), after the Committee on For-  
24 eign Relations of the Senate reports a quali-  
25 fying 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.

○