
IN THE CONGRESS OF THE UNITED STATES

APRIL 17, 2020

Mr. EMPERIO (for himself, Mr. HERSEY, Mr. ROSS, Mr. SANDOVAL, Mr. SONN) introduced
the following bill;

JOINT RESOLUTION

To update the Authorization for Use of Military Force for operations against the Taliban, al Qaeda, the Islamic State in Iraq and Syria, and other designated associated forces, along with providing a transparent and sustainable statutory basis for counter-terrorism operations.

Whereas, ever 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 armed conflict has expanded to encompass multiple non-state terrorist organizations, such as al-Qaeda, the Taliban, the Islamic State of Iraq and Syria, and other designated associated forces, that pose a grave danger to the security of the United States.

Whereas, it is appropriate for Congress to affirm the legal basis for the use of military force and the waging of conflict overseas, and to reassert the role of Congress for conducting oversight for the military forces.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

- (a) SHORT TITLE.— This joint resolution may be cited as the “Authorization for Use of Military Force of 2020”, or acronymically as the ‘2020 AUMF’.
- (b) ASSOCIATED FORCE DEFINED.— The term “associated forces” means any organization, person, or force, other than a sovereign nation, that the President determines has entered the fight alongside and is a co-belligerent with al Qaeda, the Taliban, or ISIS, in hostilities against the United States or its coalition partners, or that has been a part of al Qaeda, the Taliban, ISIS, or an associated force designated pursuant to this authorization and is engaged in hostilities against the United States or its coalition partners; and

SECTION 2. PURPOSE.

The purpose of this joint resolution is—

- (1) To reaffirm that Congress, the President and the American people stand in solidarity in their resolve to defeat the Taliban, al-Qaeda, ISIS, and designated associated forces.

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

(A) provides the President with uninterrupted authority to use all necessary and appropriate forces to carry out the conflict against the Taliban, al-Qaeda, ISIS, and designated associated forces;

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

(C) provides for regular congressional review;

(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).

SECTION 3. AUTHORIZATION FOR USE OF UNITED STATES MILITARY FORCES.

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

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

(2) associated forces, pursuant to section 5;

(b) WAR POWERS RESOLUTION.—

(1) SPECIFIC STATUTORY AUTHORIZATION.— Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SECTION 4. YEARLY REVIEW.

(a) PRESIDENTIAL REPORT.— On April 22nd, 2020, once, the President shall provide to Congress a report with respect to the use of military force pursuant to this joint resolution, which shall include a proposal to amend, repeal or leave this joint resolution in place.

(b) CONGRESSIONAL RECONSIDERATION.— During the 60-calendar day period beginning on April 22nd, 2022, and again every 2 years thereafter, a privileged resolution to repeal or modify this joint resolution shall be introduced into Congress.

SECTION 5. CONGRESSIONAL OVERSIGHT.

(a) ASSOCIATED FORCES.—

(1) **EXISTING ASSOCIATED FORCES.**— The following organizations, persons, or forces are designated associated forces, as covered by the authorization of military force, as provided under section 3(a) of this joint resolution:

- (A) Al Qaeda in the Arabian Peninsula.
- (B) Al Shabaab.
- (C) Al Qaeda in Syria (including Al Nusra Front).
- (D) Al Qaeda in the Islamic Maghreb (AQIM)
- (E) The Haqqani Network.

(2) **DESIGNATION.**— Not later than thirty days after the enactment of this resolution, the President shall submit to Congress a report containing all organizations, persons, or forces other than those listed in paragraph (1), that the President deem are associated forces to be covered by the authorization for use of military force.

(3) **INCLUSION OF NEW ASSOCIATED FORCE.**— Not later than 72 hours after the President has determined that an organization, person, or force other than those listed in paragraph (1) should be deemed an associated force, covered by the Authorization for Use of Military Force, the President shall designate such organization, person, or force by submitting an appropriate report to Congress.

(b) GEOGRAPHY.—

(A) IN GENERAL.—

(a) **INITIAL LIST.**— Not later than 30-calendar days after the enactment of this resolution, the President shall submit to Congress containing all foreign countries in which the United States is using military force pursuant to this joint resolution, including detailed descriptions of military objectives and the organization, person or force targeted.

(b) **NEW FOREIGN COUNTRIES.**— Not later than 48 hours after the use of military force in a new foreign country pursuant to this joint resolution, the President shall submit to Congress a report as required by this paragraph and consult with the appropriate congressional committees and leadership. Authorization for use of military force pursuant to this joint resolution in a new foreign country is contingent upon the reporting to Congress pursuant to this paragraph.

(c) **NEW FOREIGN COUNTRY DEFINITION.**— In this resolution, the term “new foreign country” refers to a foreign country other than Afghanistan, Iraq, Syria, Somalia, Yemen, or Libya not previously reported to Congress pursuant to this paragraph.

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

SECTION 6. REPEAL OF 2001 AUTHORIZATION FOR USE OF MILITARY FORCE AND UNINTERRUPTED AUTHORITY.

- (a) **REPEAL.**— The Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541 note), is hereby repealed, effective immediately 180 days after the enactment of this joint resolution.
- (b) **UNINTERRUPTED AUTHORITY.**— This joint resolution provides uninterrupted authority for ongoing military operations conducted pursuant to the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541 note) as of the date of the enactment of this joint resolution. Subsection (a) shall not be construed otherwise.

SECTION 7. REPEAL OF 2002 AUTHORIZATION FOR USE OF MILITARY FORCE.

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) is hereby repealed, effective 120 calendar days after the enactment of this joint resolution.

SECTION 8. CONFORMING AMENDMENT.

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

- (1) by inserting “and the Authorization for Use of Military Force of 2018” after “the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note)” in subsection (a),;
- (2) by inserting “, the Islamic State in Iraq and Syria (ISIS),” after “the Taliban” in subsection (b)(2); and
- (3) by inserting “or the Authorization for Use of Military Force of 2018” after “the Authorization for Use of Military Force” in subsection (c)(1).

SECTION 9. SEVERABILITY.

If any provision of this joint resolution, or the application of any provision to any person or circumstance, is held to be unconstitutional, the remainder of this joint resolution, and the application of the provisions of this joint resolution to any person or circumstance, shall not be affected.