

118TH CONGRESS
1ST SESSION

H. J. RES. 52

To repeal and replace the Authorization for Use of Military Force.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2023

Mr. MEEKS (for himself, Mr. KIM of New Jersey, Ms. KUSTER, Ms. DEAN of Pennsylvania, Mr. ALLRED, Mr. PHILLIPS, Mr. CROW, and Mr. CARSON) submitted the following joint resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

JOINT RESOLUTION

To repeal and replace the Authorization for Use of Military Force.

Whereas the Constitution vests Congress with the sole authority to declare war and authorize the use of military force;

Whereas Congress has not updated the Authorization for Use of Military Force (Public Law 107–40; 115 Stat. 224; 50 U.S.C. 1541 note) since it was enacted into law seven days after the attacks of September 11, 2001;

Whereas the Authorization for Use of Military Force has been expanded to authorize the use of military force

against entities that did not exist at the time of those attacks;

Whereas the United States remains ready to defend itself, when necessary, against armed attack, or the imminent threat of such an attack, by foreign terrorist groups; and

Whereas Congress recognizes that the members of the United States Armed Forces and all other Americans deserve to know whether the deployment of the Armed Forces for the use of military force under a congressional authorization remains necessary and aligned with current threats: 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 Resolution of 2023”.

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

8 (a) IN GENERAL.—The Authorization for Use of
9 Military Force (Public Law 107–40; 115 Stat. 224; 50
10 U.S.C. 1541 note) is hereby repealed.

11 (b) EFFECTIVE DATE.—This section shall take effect
12 on the date that is 180 days after the date of the enact-
13 ment of this joint resolution.

14 **SEC. 3. AUTHORIZATION FOR USE OF MILITARY FORCE.**

15 (a) AUTHORIZATION.—

1 (1) IN GENERAL.—To the extent necessary to
2 defend against a direct and substantial armed attack
3 against the United States or a threat of such armed
4 attack by any of the entities described in paragraph
5 (2), the President is authorized to use necessary and
6 appropriate force against such entities.

7 (2) ENTITIES DESCRIBED.—The entities de-
8 scribed in this paragraph are the following:

9 (A) The al Qaeda organization that is
10 based in Afghanistan.

11 (B) The Islamic State Khorasan organiza-
12 tion that is based in Afghanistan.

13 (C) The Islamic State of Iraq and Syria
14 that is based in Iraq and Syria.

15 (b) WAR POWERS RESOLUTION REQUIREMENTS.—

16 (1) SPECIFIC STATUTORY AUTHORIZATION.—
17 Consistent with section 8(a)(1) of the War Powers
18 Resolution (50 U.S.C. 1547(a)(1)), Congress de-
19 clares that subsection (a) is intended to constitute
20 specific statutory authorization within the meaning
21 of section 5(b) of the War Powers Resolution (50
22 U.S.C. 1544(b)).

23 (2) APPLICABILITY OF OTHER REQUIRE-
24 MENTS.—Nothing in this joint resolution supersedes

1 any requirement of the War Powers Resolution (50
2 U.S.C. 1541 et seq.).

3 (c) APPLICABILITY IN CHANGED CIRCUMSTANCES.—

4 The authority provided in subsection (a)—

5 (1) may not be construed to cease to apply with
6 respect to an entity described in such subsection if
7 the entity adopts a different name than the name
8 specified in such subsection if—

9 (A) the President notifies the appropriate
10 congressional committees and leadership not
11 later than 60 days after determining that the
12 name has changed; and

13 (B) the President determines that the enti-
14 ty has the same leadership, membership, and
15 mission and continues to pose a direct and sub-
16 stantial threat of armed attack against the
17 United States as the entity had at the time of
18 the name change;

19 (2) shall not apply to an entity that emerges as
20 a result of a division of an entity described in such
21 subsection, unless the President certifies to the ap-
22 propriate congressional committees and leadership
23 not later than 60 days after determining that a divi-
24 sion occurred that—

1 (A) the entity that emerged has the same
2 basic characteristics as the entity from which it
3 formed as a result of division, including with re-
4 spect to its leadership, membership, and mis-
5 sion;

6 (B) the entity that emerged retains the in-
7 tent and capability of posing a direct and sub-
8 stantial threat of armed attack the United
9 States; and

10 (C) the use of force against the entity that
11 emerged remains necessary to respond to such
12 threat of armed attack; and

13 (3) shall not apply to an entity that is not de-
14 scribed in such subsection, whether or not the entity
15 is involved in an armed conflict against a force of a
16 United States ally or partner or is an affiliate, asso-
17 ciated force, or successor entity of an entity de-
18 scribed in such subsection.

19 (d) SOLE SOURCE OF AUTHORITY.—Notwithstanding
20 any other provision of law, the authority provided in sub-
21 section (a) shall be the sole statutory authority to use
22 force or direct the use of force against the entities to which
23 such subsection applies. No additional authority to use
24 force or direct the use of force against the entities to which
25 subsection (a) applies shall be inferred from any provision

1 of law (whether or not in effect before the date of the en-
2 actment of this joint resolution), including any provision
3 contained in any appropriation Act, unless such provision
4 specifically provides for authority to use force or direct
5 the use of force against the entities to which subsection
6 (a) applies and states that it is intended to constitute ad-
7 ditional authority within the meaning of this joint resolu-
8 tion.

9 (e) TREATY COMMITMENTS, LAW OF ARMED CON-
10 FFLICT, AND TERRITORIAL INTEGRITY OF STATES.—The
11 authority provided in subsection (a) shall not be used in
12 a manner inconsistent with the treaty obligations of the
13 United States, the law of armed conflict, or in countries
14 from which there is no armed attack emanating.

15 (f) REPORT PURSUANT TO WAR POWERS RESOLU-
16 TION.—Any use of force against an entity that is not de-
17 scribed in subsection (a) or otherwise authorized by stat-
18 ute shall be reported to the Speaker of the House of Rep-
19 resentatives and the President pro tempore of the Senate
20 as an introduction into hostilities pursuant to section
21 4(a)(1) of the War Powers Resolution, and shall be subject
22 to the requirements of the War Powers Resolution as such.

23 (g) EFFECTIVE DATE.—This section shall take effect
24 on the date that is 180 days after the date of the enact-
25 ment of this joint resolution.

1 **SEC. 4. REPORT.**

2 (a) IN GENERAL.—Not later than one year after the
3 date of the enactment of this joint resolution, and annually
4 thereafter for four years, the Secretary of Defense, the
5 Secretary of State, the Director of National Intelligence,
6 the Director of the Central Intelligence Agency, and the
7 heads of any other relevant Federal departments and
8 agencies shall jointly submit to the appropriate congres-
9 sional committees and leadership a report on the exercise
10 of the authority provided in section 3(a). The initial report
11 required by this subsection shall address the time period
12 since the date of the enactment of this joint resolution
13 and each subsequent report required by this subsection
14 shall address the time period since the date of submission
15 of the most recent prior report required by this subsection.

16 (b) MATTERS TO BE INCLUDED.—The report re-
17 quired by subsection (a) shall including the following:

18 (1) For each entity against which the United
19 States conducted activities pursuant to this joint
20 resolution:

21 (A) A description of any force used against
22 such entity, the timeframes and geographic
23 areas within countries in which such force was
24 used, whether or not each such area is des-
25 ignated an area of active hostilities, and the
26 legal and factual basis for determining that the

1 authority provided in this joint resolution ap-
2 plied with respect to the force used against such
3 entity, including the United States constitu-
4 tional and statutory basis and whether such use
5 is consistent with the obligations of the United
6 States under its treaty obligations and the law
7 of armed conflict.

8 (B) The domains, including land, sea, air,
9 cyber, space, or any other domains, in which
10 operations were conducted against such entity,
11 the nature of these operations, and whether
12 such operations were conducted remotely.

13 (C) Lists and descriptions of any oper-
14 ations against high value targets, any sensitive
15 military operations (as such term is defined in
16 section 130f of title 10, United States Code),
17 and any sensitive military cyber operations (as
18 such term is defined in section 395 of title 10,
19 United States Code) conducted with respect to
20 such entity.

21 (D) Whether any force used against such
22 entity was a function of deliberate or dynamic
23 targeting and the number of combatant casual-
24 ties, disaggregated by country, in connection
25 with force used.

1 (E) Assessments of the extent to which
2 such entity posed a direct and substantial
3 threat of an armed attack against the United
4 States at the time force was used, the extent to
5 which such entity continues to pose such a
6 threat, and whether the force used against such
7 entity helped to protect against such threat, in-
8 cluding the metrics used for such assessments.

9 (F) Whether and to what extent such enti-
10 ty used force against United States forces.

11 (2) An identification and description of the in-
12 volvement of any multilateral forces, multilateral or-
13 ganizations, ally or partner countries, or ally or
14 partner forces in activities conducted pursuant to
15 this joint resolution, including a description of any
16 United States activities related to training, equip-
17 ping, advising, assisting, or accompanying any ally
18 or partner force with respect to activities against en-
19 tity covered in section 3(a), including identification
20 of each such ally or partner force, each entity cov-
21 ered under section 3(a) against with such ally or
22 partner force engaged in armed conflict, and any
23 other entity against which such ally or partner force
24 engaged in armed conflict.

1 (3) A description of the civilian casualties re-
2 sulting from activities conducted pursuant to this
3 joint resolution, including for each such entity the
4 number of civilian casualties, disaggregated by coun-
5 try, in connection with force used by the United
6 States against such entity, as determined by—

7 (A) the United States Government; and

8 (B) credible and reliable nongovernmental
9 entities.

10 (4) An explanation for the differences, if any,
11 between the number of civilian casualties reported
12 pursuant to paragraph (3)(A) and the number of ci-
13 vilian casualties reported pursuant to paragraph
14 (3)(B), the standard of proof the United States gov-
15 ernment used to make its assessment and its criteria
16 for distinguishing between combatants and civilians.

17 (5) Descriptions of the mechanisms used to pre-
18 vent, limit, investigate, and mitigate civilian harm in
19 connection with any force used against such entity,
20 including descriptions of any ex gratia payments by
21 the United States to those harmed as a result of
22 United States, allied, partnered, or coalition oper-
23 ations.

24 (6) An assessment of whether any ally or part-
25 ner force with which the United States conducts

1 joint operations under this authorization may have
2 violated the law of armed conflict, including in its
3 involvement in detention operations, during the time
4 period since submittal of the most recent report pur-
5 suant to this section and a description of the steps
6 the United States is taking to address any such vio-
7 lations.

8 (7) A description of the diplomatic, develop-
9 ment, and humanitarian objectives, strategy, and ac-
10 tivities by which the United States intends to reduce
11 extremism, violence, and fragility relative to each
12 such entity in order to create the conditions for the
13 end of use of United States military force against
14 such entity, including the following:

15 (A) How the United States has and plans

16 to—

17 (i) create or improve inclusive, trans-
18 parent, and accountable power structures,
19 including effective, legitimate, and resilient
20 national and sub-national institutions;

21 (ii) promote strong foundations for
22 human rights, rule of law, and equal access
23 to justice;

24 (iii) build resilience among relevant
25 segments of the local population to resist

1 terrorist radicalization and recruitment
2 and violent extremist ideology by address-
3 ing their appeal; and

4 (iv) support peacebuilding and conflict
5 resolution efforts, including through en-
6 gagement with local civil society.

7 (B) The roles of each relevant Federal de-
8 partment or agency in the activities described in
9 subparagraph (A).

10 (C) How the use of force by the United
11 States and any ally or partner force against en-
12 tities covered in section 3(a) in such country af-
13 fects achievement of the objectives outlined this
14 paragraph.

15 (D) The outcome metrics used to assess
16 progress towards the objectives described in this
17 paragraph and an assessment of progress on
18 each such metric.

19 (E) A strategy to sustain political, secu-
20 rity, and development gains relative to each
21 such entity once the United States no longer
22 uses force against such entity.

23 (8) A comprehensive and current description,
24 both for the reporting period and in aggregate as of
25 the date of submittal, of—

1 (A) amounts expended by the United
2 States for and in support of military operations
3 and other activities pursuant to this joint reso-
4 lution; and

5 (B) United States military personnel,
6 United States civilian personnel, and United
7 States contractors involved in activities against
8 such entity, including the numbers located in
9 each foreign country, their missions, and as-
10 sements of progress towards completing those
11 missions during the reporting period, as well as
12 the outcome metrics used to assess such
13 progress.

14 (9) A description of any other force that was
15 used or any other significant activities that were
16 conducted in connection with the authority provided
17 in this joint resolution, as well as any other matters
18 the President may consider appropriate.

19 (c) FORM.—

20 (1) IN GENERAL.—The report required by sub-
21 section (a) shall be submitted in unclassified form.

22 (2) CLASSIFIED FORM.—The report required by
23 subsection (a) may contain a classified annex if the
24 President determines it is necessary to protect the
25 national security of the United States. Any such

1 annex shall be separated from the unclassified report
2 and accompanied by unclassified written findings to
3 support such a determination.

4 (d) BRIEFINGS.—The Secretary of Defense, the Sec-
5 retary of State, the Director of National Intelligence, the
6 Director of the Central Intelligence Agency, and the heads
7 of any other relevant Federal departments and agencies
8 shall provide a briefing to any of the appropriate congres-
9 sional committees or leadership upon request of such com-
10 mittee or leadership, but not less often than every 180
11 days, on the activities undertaken pursuant to this joint
12 resolution.

13 **SEC. 5. SUNSET; REAUTHORIZATION REQUIREMENTS.**

14 (a) SUNSET.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the authority provided in section 3(a)
17 shall terminate on the date that is four years after
18 the date of the enactment of this joint resolution,
19 unless reauthorized by an Act of Congress enacted
20 after the date of the enactment of this joint resolu-
21 tion.

22 (2) LIMITED WIND-DOWN PERIOD.—For such
23 time as may be necessary, but not to exceed 180
24 days after the date described in paragraph (1), the
25 authority provided in section 3(a) may be exercised

1 only as necessary to end the deployment or engage-
2 ment of United States Armed Forces.

3 (b) REAUTHORIZATION REQUIREMENTS.—

4 (1) STRATEGY.—Not later than one year after
5 the date of the enactment of this joint resolution,
6 and annually thereafter for four years, the Presi-
7 dent, in order to inform any potential reauthoriza-
8 tion of the authority provided in section 3(a), shall
9 submit to the appropriate congressional committees
10 and leadership a strategy for—

11 (A) defeating or sufficiently degrading
12 each entity described in section 3(a)(2); and

13 (B) creating the conditions under which
14 the exercise of such authority is no longer nec-
15 essary to defend against a direct and substan-
16 tial armed attack against the United States or
17 a threat of such armed attack by such entity.

18 (2) REPORT.—

19 (A) IN GENERAL.—Not later than 90 days
20 before the date described in subsection (a)(1),
21 the President shall submit to the appropriate
22 congressional committees and leadership a re-
23 port on any potential reauthorization of the au-
24 thority provided in section 3(a).

1 (B) MATTERS TO BE INCLUDED.—The re-
2 port required by subparagraph (A) shall in-
3 clude—

4 (i) a certification of whether each en-
5 tity described in section 3(a)(2) continues
6 to pose a direct and substantial threat of
7 armed attack against the United States;

8 (ii) evidence to support the certifi-
9 cation required by clause (i), including rel-
10 evant intelligence regarding the current in-
11 tentions and capabilities of each such enti-
12 ty; and

13 (iii) any recommendations the Presi-
14 dent determines to be necessary for the ex-
15 tension or modification of such authority,
16 including any recommendations and jus-
17 tifications for adding or removing entities
18 from the list of entities described in section
19 3(a)(2).

20 (3) BRIEFING.—The President shall brief the
21 appropriate congressional committees and leadership
22 on any recommendations for the reauthorization of
23 the authority provided in section 3(a) that are in-
24 cluded in the report required by paragraph (2).

1 **SEC. 6. APPROPRIATE CONGRESSIONAL COMMITTEES AND**
2 **LEADERSHIP DEFINED.**

3 In this joint resolution, the term “appropriate con-
4 gressional committees and leadership” means—

5 (1) the Committee on Foreign Affairs, the
6 Committee on Armed Services, the Permanent Select
7 Committee on Intelligence, the Committee on Appro-
8 priations, the Speaker, the majority leader, and the
9 minority leader of the House of Representatives; and

10 (2) the Committee on Foreign Relations, the
11 Committee on Armed Services, the Select Committee
12 on Intelligence, the Committee on Appropriations,
13 the majority leader, and the minority leader of the
14 Senate.

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