

113TH CONGRESS
2^D SESSION

H. J. RES. 128

To authorize the use of United States Armed Forces against the Islamic State of Iraq and the Levant.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2014

Mr. LARSON of Connecticut introduced the following joint resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, 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 authorize the use of United States Armed Forces against the Islamic State of Iraq and the Levant.

Whereas the Islamic State of Iraq and the Levant (ISIL) has committed gruesome atrocities in Iraq and Syria;

Whereas ISIL has been instigating sectarian violence that threatens the stability of the Middle East region and the national security interest of the United States;

Whereas ISIL has directly threatened the United States and has kidnapped and killed United States citizens in Syria;

Whereas such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy 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 United States citizens both at home and abroad;

Whereas consistent with the War Powers Resolution (Public Law 93–148), the President authorized a series of limited airstrikes in Iraq to protect United States personnel and support certain humanitarian operations; and

Whereas continued use of the United States Armed Forces after the time limitations specified in section 5(b) of the War Powers Act requires authorization by the United States Congress: 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 Against ISIL Resolution”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) the President has rightly committed limited
9 forces in Iraq to protect United States diplomatic
10 and military personnel against the threat of the Is-
11 lamic State of Iraq and the Levant (“ISIL”);

12 (2) the President should be commended for au-
13 thorizing military operations to protect ethnic and
14 religious minorities from slaughter at the hands of
15 ISIL and for providing assistance to prevent a hu-
16 manitarian disaster;

1 (3) the President should be commended for
2 working with North Atlantic Treaty Organization al-
3 lies to form a coordinated world response to the
4 threat of ISIL;

5 (4) if the President determines that it is nec-
6 essary to use the United States Armed Forces
7 against ISIL, the President—

8 (A) should seek consensus in the United
9 Nations Security Council prior to pursuing a
10 multilateral military campaign against ISIL;

11 (B) should endeavor to form a coalition of
12 allies as broadly based as practicable to support
13 and participate with the United States Armed
14 Forces; and

15 (C) should seek equal participation and as-
16 sistance from members of the Arab League; and

17 (5) although military intervention might be nec-
18 essary to significantly disrupt and degrade ISIL's
19 activities and operational capabilities in Iraq and
20 Syria, a negotiated political solution among ethnic
21 groups is the only sure solution to end sectarian vio-
22 lence and reach permanent peace.

1 **SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES**
2 **ARMED FORCES IN ACCORDANCE WITH**
3 **UNITED NATIONS SECURITY COUNCIL RESO-**
4 **LUTION.**

5 (a) AUTHORIZATION.—The President is authorized to
6 use the United States Armed Forces as the President de-
7 termines to be necessary and appropriate in order to—

8 (1) defend the national security of the United
9 States against the Islamic State of Iraq and the Le-
10 vant (“ISIL”); and

11 (2) enforce a United Nations Security Council
12 resolution adopted on or after the date of the enact-
13 ment of this joint resolution that—

14 (A) provides for multilateral action against
15 ISIL, including sanctions, humanitarian assist-
16 ance to those affected by the violence, and the
17 protection of civilians, refugees, nongovern-
18 mental organization workers and journalists;
19 and

20 (B) authorizes a military force, formed by
21 a coalition of nations, including members of the
22 Arab League, under the auspices of the United
23 Nations Security Council for the individual and
24 collective self-defense against ISIL and to de-
25 grade its capacities to commit terrorist acts, de-

1 stabilize peaceful governments, and perpetuate
2 further attacks.

3 (b) **RULE OF CONSTRUCTION.**—Nothing in sub-
4 section (a) shall be construed to prevent or otherwise limit
5 the authority of the Armed Forces to use all appropriate
6 force for self-defense and enforcement purposes.

7 **SEC. 4. AUTHORIZATION FOR USE OF UNITED STATES**
8 **ARMED FORCES IN ABSENCE OF UNITED NA-**
9 **TIONS SECURITY COUNCIL RESOLUTION.**

10 (a) **AUTHORIZATION.**—The President is authorized to
11 use the United States Armed Forces as the President de-
12 termines to be necessary and appropriate to defend the
13 national security of the United States against the Islamic
14 State of Iraq and the Levant (“ISIL”), other than the
15 use of such Armed Forces in direct ground combat oper-
16 ations, if—

17 (1) the President submits to the Speaker of the
18 House of Representatives and the President pro
19 tempore of the Senate—

20 (A) a certification described in subsection

21 (b); and

22 (B) a strategy for the use of military force
23 against ISIL; and

1 (2) a joint resolution that meets the require-
2 ments of a qualifying resolution under section 5 is
3 enacted into law.

4 (b) CERTIFICATION DESCRIBED.—A certification de-
5 scribed in this subsection is a certification that—

6 (1)(A) the United States has sought adoption
7 by the United Nations Security Council of a resolu-
8 tion described in section 2(4), and the Security
9 Council has failed to adopt such a resolution, and no
10 other action taken by the United Nations Security
11 Council has been sufficient to compel action against
12 ISIL; or

13 (B) the United Nations Security Council has
14 passed a resolution that does not sanction the use of
15 force, and—

16 (i) the United Nations Security Council is
17 unlikely to take further action that will result
18 in authorizing military action; and

19 (ii) the use of military force against ISIL
20 is necessary to combat its threat; and

21 (2) the United States is in the process of estab-
22 lishing, or has established, a coalition of other coun-
23 tries as broadly based as practicable to support and
24 participate with the United States in any action that
25 is taken against ISIL.

1 **SEC. 5. EXPEDITED CONGRESSIONAL CONSIDERATION OF**
2 **JOINT RESOLUTION AUTHORIZING USE OF**
3 **FORCE UNDER SECTION 4.**

4 (a) **QUALIFYING RESOLUTION.**—(1) This section ap-
5 plies with respect to a joint resolution of the Senate or
6 House of Representatives—

7 (A) that is a qualifying resolution; and

8 (B) that is introduced (by request) by a quali-
9 fying Member as described in paragraph (2) not
10 later than the next legislative day after the date of
11 submission of a certification described in section
12 4(b) by the Speaker of the House of Representatives
13 and the President pro tempore of the Senate; and

14 (C) the text of which is as follows: “The Presi-
15 dent is authorized to use the United States Armed
16 Forces as the President determines to be necessary
17 and appropriate to defend the national security of
18 the United States against the Islamic State of Iraq
19 and the Levant (‘ISIL’), other than the use of such
20 Armed Forces in direct ground combat operations.”.

21 (2) For purposes of this subsection, a qualifying
22 Member is—

23 (A) in the case of the House of Representatives,
24 the majority leader or minority leader of the House
25 of Representatives; and

1 (B) in the case of the Senate, the majority lead-
2 er or minority leader of the Senate.

3 (b) PLACEMENT ON CALENDAR.—Upon introduction
4 in either House of a resolution described in subsection (a),
5 the resolution shall be placed on the appropriate calendar
6 of the House involved.

7 (c) CONSIDERATION IN THE HOUSE OF REPRESENT-
8 ATIVES.—(1) A resolution described in subsection (a) shall
9 be considered in the House of Representatives in accord-
10 ance with the provisions of this subsection.

11 (2) On or after the first legislative day after the day
12 on which such a resolution is introduced, it is in order
13 (even though a previous motion to the same effect has
14 been disagreed to) for any Member of the House of Rep-
15 resentatives to move to proceed to the consideration of the
16 resolution. All points of order against the resolution (and
17 against consideration of the resolution) are waived. Such
18 a motion is privileged and is not debatable. An amendment
19 to the motion is not in order. It shall not be in order to
20 move to postpone the motion or to proceed to the consider-
21 ation of other business. A motion to reconsider the vote
22 by which the motion is agreed to or disagreed to shall not
23 be in order. If a motion to proceed to the consideration
24 of the resolution is agreed to, the House of Representa-
25 tives shall immediately proceed to consideration of the res-

1 olution without intervening motion, and the resolution
2 shall remain the unfinished business of the House of Rep-
3 resentatives until disposed of.

4 (3) Debate on the resolution shall be limited to not
5 more than a total of 20 hours, which shall be divided
6 equally between the majority leader and the minority lead-
7 er or their designees. A motion to further limit debate is
8 not debatable. An amendment to, or motion to recommit,
9 the resolution is not in order.

10 (4) Immediately following the conclusion of the de-
11 bate on the resolution, the vote on final passage of the
12 resolution shall occur.

13 (5) A motion to reconsider the vote by which the reso-
14 lution is agreed to or disagreed to is not in order.

15 (d) CONSIDERATION IN SENATE.—(1) A resolution
16 described in subsection (a) shall be considered in the Sen-
17 ate in accordance with the provisions of this subsection.

18 (2) On or after the first legislative day after the day
19 on which such a resolution is introduced, it is in order
20 (even though a previous motion to the same effect has
21 been disagreed to) for any Member of the Senate to move
22 to proceed to the consideration of the resolution. All points
23 of order against the resolution (and against consideration
24 of the resolution) are waived. The motion is privileged and
25 is not debatable. The motion is not subject to amendment,

1 or to a motion to postpone, or to a motion to proceed to
2 the consideration of other business. A motion to reconsider
3 the vote by which the motion is agreed to or disagreed
4 to shall not be in order. If a motion to proceed to the
5 consideration of the resolution is agreed to, the Senate
6 shall immediately proceed to consideration of the resolu-
7 tion without intervening motion, order, or other business,
8 and the resolution shall remain the unfinished business of
9 the Senate until disposed of.

10 (3) Debate on the resolution, and on all debatable
11 motions and appeals in connection therewith, shall be lim-
12 ited to not more than a total of 20 hours, which shall be
13 divided equally between the majority leader and the minor-
14 ity leader or their designees. A motion to further limit de-
15 bate is not debatable. An amendment to, or motion to re-
16 commit, the resolution is not in order.

17 (4) Immediately following the conclusion of the de-
18 bate on a resolution and a single quorum call at the con-
19 clusion of the debate if requested in accordance with the
20 rules of the Senate, the vote on final passage of the resolu-
21 tion shall occur.

22 (5) A motion to reconsider the vote by which the reso-
23 lution is agreed to or disagreed to is not in order.

24 (6) Appeals from the decisions of the Chair relating
25 to the application of the rules of the Senate to the proce-

1 dure relating to a resolution described in subsection (a)
2 shall be decided without debate.

3 (e) ACTION ON MEASURE FROM OTHER HOUSE.—

4 (1) If, before the passage by one House of a resolution
5 of that House described in subsection (a), that House re-
6 ceives from the other House a resolution described in sub-
7 section (a), then the following procedures shall apply:

8 (A) The resolution of the other House shall not
9 be referred to a committee and may not be consid-
10 ered in the House receiving it except as provided in
11 subparagraph (B)(ii).

12 (B) With respect to a resolution described in
13 subsection (a) of the House receiving the resolu-
14 tion—

15 (i) the procedure in that House shall be
16 the same as if no resolution had been received
17 from the other House; but

18 (ii) the vote on final passage shall be on
19 the resolution of the other House.

20 (2) Upon disposition pursuant to paragraph
21 (1)(B)(ii) of a resolution described in subsection (a) that
22 is received by one House from the other House, it shall
23 no longer be in order to consider such a resolution that
24 was introduced in the receiving House.

1 (f) LEGISLATIVE DAY DEFINED.—For the purposes
2 of this section, with respect to either House of Congress,
3 a “legislative day” is a calendar day on which that House
4 is in session.

5 (g) SECTION ENACTED AS EXERCISE OF RULE-
6 MAKING POWER OF THE TWO HOUSES.—The provisions
7 of this section (other than subsection (h)) are enacted by
8 the Congress—

9 (1) as an exercise of the rulemaking power of
10 the House of Representatives and the Senate, re-
11 spectively, and, as such, shall be considered as part
12 of the rules of either House and shall supersede
13 other rules only to the extent they are inconsistent
14 therewith; and

15 (2) with full recognition of the constitutional
16 right of either House to change the rules (so far as
17 they relate to the procedures of that House) at any
18 time, in the same manner, and to the same extent
19 as in the case of any other rule of that House.

20 (h) PRESIDENTIAL RECALL OF CONGRESS.—In the
21 event that Congress is not in session upon submission of
22 a Presidential certification under section 4, the President
23 is authorized to convene a special session of the Congress
24 to allow consideration of a joint resolution under this sec-
25 tion.

1 **SEC. 6. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—At least once every 60 days after
3 the date of the enactment of this joint resolution, the
4 President shall transmit to Congress a report on matters
5 relevant to this joint resolution. The President shall in-
6 clude in such report when, where, and under what cir-
7 cumstances lethal force has been used pursuant to the au-
8 thorization for use of the United States Armed Forces
9 under section 3 or 4 (as the case may be), and how many
10 civilian casualties have resulted from those actions as well
11 as an estimate of expenditures by the United States and
12 allied nations to combat the Islamic State of Iraq and the
13 Levant (“ISIL”). The President shall include in such re-
14 port the status of planning for efforts that are expected
15 to be required for the redeployment of United States
16 Armed Forces after actions taken pursuant to this joint
17 resolution are completed.

18 (b) CONSULTATION.—The President shall consult on
19 a regular basis with the congressional committees of juris-
20 diction to provide updated information on actions being
21 taken pursuant to this joint resolution in either public or
22 closed sessions.

23 **SEC. 7. WAR POWERS RESOLUTION REQUIREMENTS.**

24 (a) SPECIFIC STATUTORY AUTHORIZATION.—Con-
25 sistent with section 8(a)(1) of the War Powers Resolution,
26 the Congress declares that section 3 or 4 (as the case may

1 be) is intended to constitute specific authorization within
2 the meaning of section 5(b) of the War Powers Resolution.

3 (b) APPLICABILITY OF OTHER REQUIREMENTS.—

4 Nothing in this resolution supersedes any requirement of
5 the War Powers Resolution.

6 **SEC. 8. INHERENT RIGHT TO SELF-DEFENSE.**

7 Nothing in this joint resolution is intended to dero-
8 gate or otherwise limit the authority of the President to
9 use military force in self-defense pursuant to the Constitu-
10 tion of the United States and the War Powers Resolution.

11 **SEC. 9. REPEALS.**

12 (a) IN GENERAL.—Subject to subsection (b), the fol-
13 lowing provisions of law are hereby repealed:

14 (1) The Authorization for Use of Military Force
15 Against Iraq Resolution of 2002 (Public Law 107–
16 243).

17 (2) The Authorization for Use of Military Force
18 (Public Law 107–40).

19 (b) EFFECTIVE DATE.—The repeal made by sub-
20 section (a)(2) shall be effective as of the date that is two
21 years after the date of the enactment of this joint resolu-
22 tion.

23 **SEC. 10. SUNSET.**

24 This joint resolution and the authorities under this
25 joint resolution (other than section 9) shall expire on the

- 1 date that is two years after the date of the enactment of
- 2 this joint resolution.

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