

Recently, there have been renewed calls for Congress to pass an Authorization for the Use of Military Force (AUMF) against the Islamic State of Iraq and Syria (ISIS) and several members of Congress have released proposals for a new law. For nearly 16 years, longer than any war in the nation's history, the executive branch has been using the 2001 AUMF as the primary legal basis for military operations against an array of terrorist organizations in at least seven different countries around the world. The executive branch's continued reliance on the 2001 AUMF for military operations far beyond what Congress originally authorized undermines Congress' important constitutional role as the branch responsible for the decision to go to war. Continued reliance on outdated and ill-defined war authorizations that blur the line between war and peace undermine national security, U.S. leadership in the world, and human rights both at home and abroad. To ensure that the United States is empowered to counter the terrorist threat while upholding the rule of law and maintaining global legitimacy, it is important that any new AUMF be precise enough to prevent unintended expansion of the authority, while also remaining flexible enough to account for groups like ISIS that may go by more than one name, or may in the future rebrand themselves under another name.

This chart summarizes the most prominent ISIS AUMF proposals, and includes some commentary on why certain provisions are beneficial or problematic. For more information, including how to draft an effective AUMF for ISIS, see our detailed issue brief, available here: <http://www.humanrightsfirst.org/sites/default/files/AUMF-Issue-Brief.pdf>.

Author	Structure of AUMF	Enemy	Mission Objectives	Reporting Requirements	Compliance with International Law	Supersession Provision	Sunsets/ Repeals	Limitation on Ground Troops	Process for Modifying Scope
Engel (D-NY) 2017	Amends 2001 AUMF to add a new section that explicitly authorize force against ISIS.	Adds ISIS and its "associated forces" to the entities covered under the 2001 AUMF.	"To protect the national security of the United States against [ISIS] and associated forces of [ISIS]."  <i>Clear and specific, yet flexible mission objective.</i>	<b>Every six months</b> , including on groups covered, the geographic scope of the conflict, casualty numbers, and legal basis for targeting particular groups. Also requires reporting when force is used under other domestic authorities, such as when the president uses force under the president's powers in Article II of the Constitution.  <i>Should also require reports on the legal basis for using force in countries other than Iraq, Syria or Afghanistan.</i>	Authorizes "necessary and appropriate force," which requires compliance with international law. Also includes explicit statement requiring compliance with international law. <sup>1</sup>	"Notwithstanding any other provision of law, this section shall supersede any other statutory authorization for the use of military force with respect to [ISIS] and associated forces of [ISIS]."	<b>3-year sunset</b> for the amended 2001 AUMF.  <b>Repeals</b> 2002 AUMF.	"Ground combat operations" can be used for rescue operations, against high-value individuals, to enable air operations, collect/share intelligence, and training. Congressional approval required <i>before</i> using ground troops for other purposes.	None. President must report on geographic locations where force is used and groups targeted but does not require prior congressional approval.  <i>Should require congressional vote to expand geographic locations or groups targeted.</i>
Kaine (D-VA)/ Flake (R-AZ) 2017	Repeals 2001 AUMF and 2002 AUMFs and replaces with new consolidated AUMF against ISIS, al Qaeda, and the Taliban.	ISIS, al Qaeda, the Taliban, and their "associated persons or forces."	"To prevent any future acts of international terrorism against the United States."  <i>Should specify that the objective is to prevent these acts by ISIS, al Qaeda, and the Taliban—not international terrorism writ large, as this could be used to expand the AUMF beyond congressional intent.</i>	Provide strategy after <b>90 days</b> ; updates to strategy <b>every six months</b> ; notify Congress whenever a new associated person or force is designated; <b>every 90 days</b> provide a list of those targeted in preceding 90-day period.  <i>Should also require reports on civilian and combatant casualties and explicitly require legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i>	Authorizes "necessary and appropriate force," which requires compliance with international law.  <i>Should also include an explicit statement requiring compliance with international law.</i>	<i>Not required because this consolidated AUMF repeals both the 2001 AUMF and the 2002 Iraq AUMF.</i>	<b>5-year sunset</b> plus AUMF can be extended by further 5 years. <b>Repeals</b> 2001 and 2002 AUMF.  <i>Remove extension provision. Congress should fully review and revise AUMF before sunset date.</i>	None.	Expedited procedure for Congress to <u>disapprove</u> of proposed new associated persons or forces, or countries, which could be vetoed by the president.  <i>Congressional approval should be required to <u>approve</u> new targets or locations.</i>

<sup>1</sup> See principle 5 in <https://www.justsecurity.org/wp-content/uploads/2014/11/ISIL-AUMF-Statement.pdf>.

COMPARISON CHART OF ISIS AUMF PROPOSALS: OCTOBER 2017

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Schiff (D-CA) 2017	Repeals 2001 AUMF and 2002 Iraq AUMF and replaces with new consolidated AUMF.	ISIS, al Qaeda, the Taliban, and associated groups.	<p>"To protect the national security of the United States" against al Qaeda, the Taliban, ISIS, and any of their associated groups.</p> <p><i>Clear and specific, yet flexible mission objective.</i></p>	<p><b>Every 90 days</b> provide groups that have been targeted; locations where force has been used; "factual predicate" for determining a group is covered by the AUMF. May be submitted in classified form if president determines "in the national security interests of the United States to do so," with unclassified written findings.</p> <p><i>Should set a higher bar for when information can be classified. Should also require reports on civilian and combatant casualties and the legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i></p>	<p>Authorizes "necessary and appropriate force, which requires compliance with international law.</p> <p><i>Should also include an explicit statement requiring compliance with international law.</i></p>	<p><i>Not required because this consolidated AUMF repeals both the 2001 AUMF and the 2002 Iraq AUMF.</i></p>	<p><b>3-year sunset</b> for consolidated new AUMF. <b>Repeals</b> 2001 and 2002 AUMFs.</p>	<p>"Ground forces in a combat role" can be used for training, advising, search and rescue, intelligence gathering, ground support for air operations, against high-value targets. Notify Congress after deploying ground troops for other purposes. Expedited procedure for Congress to approve/disapprove continued use of ground troops.</p>	<p>None. President must report on geographic locations where force is used and groups targeted but does not require prior congressional approval.</p> <p><i>Should require congressional vote to expand geographic locations or groups targeted.</i></p>
Young (R-IN)/Banks (R-IN) 2017	Repeals 2001 AUMF and 2002 Iraq AUMF and replaces with new consolidated AUMF.	ISIS, al Qaeda, the Taliban, "associated forces," and "successor organizations." Does not define these terms.	<p>None, but requires the president to provide "strategic and operational objectives."</p> <p><i>Would be improved by including clear and specific, yet flexible mission objectives in the AUMF.</i></p>	<p>Provide "comprehensive strategy" <b>after 30 days</b>. Report <b>every 60 days</b> on "matters relevant" under the AUMF.</p> <p><i>"Matters relevant" is too vague. Should require reports on civilian and combatant casualties and explicitly require the legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i></p>	<p>Authorizes "necessary and appropriate force, which requires compliance with international law.</p> <p><i>Should also include an explicit statement requiring compliance with international law.</i></p>	<p><i>Not required because this consolidated AUMF repeals both the 2001 AUMF and the 2002 Iraq AUMF.</i></p>	<p><b>No sunset</b> for consolidated new AUMF. <b>Repeals</b> 2001 and 2002 AUMFs.</p>	<p>None.</p>	<p>None. President does not require prior congressional approval to use force against new groups or in new locations.</p> <p><i>Should require congressional vote to expand geographic locations or groups targeted.</i></p>
Coffman (R-CO)/Gallego (D-AZ)/Bacon (R-NE)/Panetta (D-CA) 2017	Repeals 2001 AUMF and 2002 Iraq AUMF and replaces with new consolidated AUMF.	ISIS, al Qaeda, the Taliban, and any "person" that is a part of, or substantially supports them and has engaged hostilities against the United States. <i>Unclear if other groups currently being targeted as associated forces are included.</i>	<p>"To prevent any future acts of international terrorism against the United States by ISIS, al Qaeda, the Taliban, and persons" part of or substantially supporting them.</p> <p><i>Clear and specific, yet flexible mission objective.</i></p>	<p>Provide report "describing any actions taken" under the AUMF <b>within 60 days</b>. Continue to provide updated reports <b>every 90 days</b> thereafter.</p> <p><i>"Action taken" is too vague. Should specify the information required, including reports on civilian and combatant casualties and explicitly require the legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i></p>	<p>Authorizes "necessary and appropriate force, which requires compliance with international law.</p> <p><i>Should also include an explicit statement requiring compliance with international law.</i></p>	<p><i>Not required because this consolidated AUMF repeals both the 2001 AUMF and the 2002 Iraq AUMF.</i></p>	<p><b>5-year sunset</b> for consolidated new AUMF. <b>Repeals</b> 2001 and 2002 AUMF.</p>	<p>None.</p>	<p>None. President does not require prior congressional approval to use force against new groups or in new locations.</p> <p><i>Should require congressional vote to expand geographic locations or groups targeted.</i></p>

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<p><b>Mc-Connell (R-KY)/ Graham (R-SC)</b></p> <p>2016</p>	Separate new ISIS AUMF.	ISIS, "its associated forces, organizations, and persons, and any successor organizations." Does not define these terms.	<p>"To defend the national security of the United States against the continuing threat posed by [ISIS], "its associated forces, organizations, and persons, and any successor entities."</p> <p><i>Clear and specific, yet flexible mission objective (apart from "successor entities."</i></p>	<p><b>Every 60 days</b> on "matters relevant" under the AUMF."</p> <p><i>"Matters relevant" is too vague. Should require reports on civilian and combatant casualties and explicitly require the legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i></p>	<p>Authorizes "necessary and appropriate force, which requires compliance with international law.</p> <p><i>Should also include an explicit statement requiring compliance with international law.</i></p>	<p>None.</p> <p><i>Does not specify that only the new ISIS AUMF applies to operations against ISIS.</i></p>	None.	None.	<p>None. President does not require prior congressional approval to use force against new groups or in new locations.</p> <p><i>Should require congressional vote to expand geographic locations or groups targeted.</i></p>
<p><b>Senate Foreign Relations Cmte</b></p> <p>2014</p>	Separate new ISIS AUMF.	ISIS, "or its associated persons or forces."	<p>None, but requires president to provide "military objectives"</p> <p><i>Would be improved by including clear and specific, yet flexible mission objectives in the AUMF.</i></p>	<p>Provide "comprehensive strategy report" <b>after 30 days</b>. Report <b>every 60 days</b> on "specific actions taken pursuant to this authorization."</p> <p><i>"Specific actions" is too vague. Should also require reports on civilian and combatant casualties and explicitly require legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i></p>	<p>Authorizes "necessary and appropriate force, which requires compliance with international law.</p> <p><i>Should also include an explicit statement requiring compliance with international law.</i></p>	<p>"The provisions of this joint resolution pertaining to the authorization of use of force against [ISIS] shall supersede any preceding authorization for the use of military force."</p>	<p><b>3-year sunset</b> for 2001 AUMF and new ISIS AUMF.</p> <p><b>Repeals</b> 2002 AUMF.</p>	<p>"Ground combat operations" can be used for rescue operations or "missions not intended to result in ground combat operations, such as" intelligence collection and sharing, enabling kinetic strikes, operational planning, advice, assistance.</p>	<p>None. President does not require prior congressional approval to use force against new groups or in new locations.</p> <p><i>Should require congressional vote to expand geographic locations or groups targeted.</i></p>
<p><b>Obama Admin</b></p> <p>2015</p>	Separate new ISIS AUMF.	ISIS, "or its associated persons or forces."	<p>None.</p> <p><i>Should specify clear and specific, yet flexible mission objectives.</i></p>	<p>Report <b>every 6 months</b> on "specific actions taken pursuant to this authorization."</p> <p><i>"Specific actions" is too vague. Would be improved by requiring reports on civilian and combatant casualties and explicitly require legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i></p>	<p>Authorizes "necessary and appropriate force, which requires compliance with international law.</p> <p><i>Should also include an explicit statement requiring compliance with international law.</i></p>	None.	<p><b>3-year sunset</b> for new ISIS AUMF.</p> <p><b>Repeals</b> 2002 AUMF.</p> <p><i>Should also sunset 2001 AUMF.</i></p>	<p>May not use U.S. armed forces in "enduring offensive ground combat operations."</p> <p><i>This ambiguous term could be interpreted beyond congressional intent. Any limitation on the use of ground troops should be clear.</i></p>	<p>None. President does not require prior congressional approval to use force against new groups or in new locations.</p> <p><i>Should require congressional vote to expand geographic locations or groups targeted.</i></p>

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<i>Lawfare</i> 2014	Repeals 2001 and 2002 AUMF and replaces with new consolidated AUMF.	ISIS, al Qaeda, the Taliban, and their "associated forces."	None.  However, one of the <i>Lawfare</i> proposal's authors has noted that the drafters were not in a position to address objectives <sup>2</sup> and two of the other authors argue in favor of mission objectives. <sup>3</sup>	Reports <b>every 90 days</b> on targets and locations where force is being used. Must also provide "factual predicate" for determining a group is an associated force. Also requires reporting when the president uses force under the president's powers in Article II of the Constitution.  <i>Would be improved by requiring reports on civilian and combatant casualties and explicitly require legal basis for targeting particular groups or using force in countries other than Iraq, Syria or Afghanistan.</i>	Authorizes "necessary and appropriate force, which requires compliance with international law. Also specifies that "applicable international law" constrains geographic locations where force can be used.	<i>Not required because this consolidated AUMF repeals both the 2001 AUMF and the 2002 Iraq AUMF.</i>	<b>3-year sunset</b> for consolidated new AUMF.  <b>Repeals</b> 2001 and 2002 AUMFs.	None.	None. President must report on geographic locations where force is used and groups targeted but does not require prior congressional approval.  <i>Should require congressional vote to expand geographic locations or groups targeted.</i>

<sup>2</sup> <https://www.justsecurity.org/20546/intellectual-but-political-aumf-consensus/>.

<sup>3</sup> [https://www.washingtonpost.com/opinions/five-principles-that-should-govern-any-us-authorization-of-force/2014/11/14/6e278a2c-6c07-11e4-a31c-77759fc1eacc\\_story.html](https://www.washingtonpost.com/opinions/five-principles-that-should-govern-any-us-authorization-of-force/2014/11/14/6e278a2c-6c07-11e4-a31c-77759fc1eacc_story.html); <https://www.lawfareblog.com/hasc-testimony-towards-better-aumf>; <https://www.lawfareblog.com/six-questions-congress-should-ask-administration-about-its-isil-aumf>.