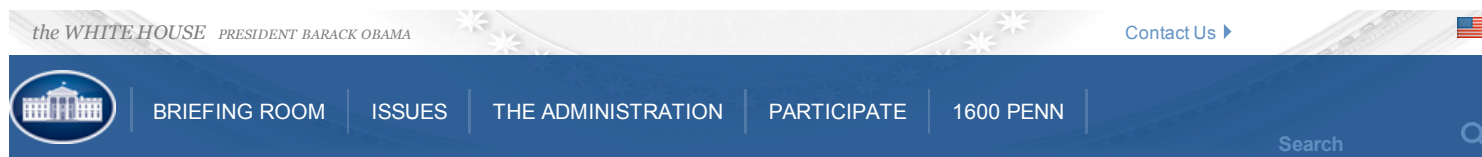


**Authorizing Military Action Against ISIL:
Geography, Strategy, and Unanswered Questions**

February 23, 2015

1. THE PRESIDENT’S PROPOSED AUTHORIZATION FOR THE USE OF UNITED STATES ARMED FORCES IN CONNECTION WITH THE ISLAMIC STATE OF IRAQ AND THE LEVANT (February 11, 2015).
2. REMARKS BY THE PRESIDENT AT THE UNITED STATES MILITARY ACADEMY COMMENCEMENT CEREMONY (May 2014).
3. AUTHORIZATION FOR USE OF MILITARY FORCE IN RESPONSE TO THE 9/11 ATTACKS, Pub. L. No. 107-40, 115 Stat. 224 (2001).
4. AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION, Pub. L. No. 107-243, 116 Stat. 1498 (2002).
5. Jack Goldsmith, Ryan Goodman, and Steve Vladeck, “Six Questions Congress Should Ask the Administration about its ISIL AUMF,” LAWFARE (February 20, 2015).
6. Jack Goldsmith, “The Administration’s Hard-To-Fathom Draft AUMF,” LAWFARE (February 12, 2015).
7. Jane Harman, “Why is Congress AWOL?” HUFFINGTON POST (October 26, 2014).
8. Jane Harman, “Time to Turn Crisis into an Opportunity,” CNN.COM (September 8, 2014).
9. Matt Fuller, “With Critics on Left and Right, AUMF Face Uphill Battle,” CQ NEWS (February 11, 2015).
10. Bob Corker, “Congress Should Update the 9/11 Law on the Use of Military Force,” THE WASHINGTON POST (May 22, 2014).
11. Matthew C. Weed, Congressional Research Service (“CRS”), Report No. R43760, “A New Authorization for Use of Military Force Against the Islamic State: Comparison of Proposals in Brief” (December 19, 2014).
12. Kenneth Katzman et. al, CRS, Report No. R43612, “The ‘Islamic State’ Crisis and U.S. Policy” (February 6, 2015).



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The White House

Office of the Press Secretary



For Immediate Release

February 11, 2015

Letter from the President -- Authorization for the Use of United States Armed Forces in connection with the Islamic State of Iraq and the Levant

TO THE CONGRESS OF THE UNITED STATES:

The so-called Islamic State of Iraq and the Levant (ISIL) poses a threat to the people and stability of Iraq, Syria, and the broader Middle East, and to U.S. national security. It threatens American personnel and facilities located in the region and is responsible for the deaths of U.S. citizens James Foley, Steven Sotloff, Abdul-Rahman Peter Kassig, and Kayla Mueller. If left unchecked, ISIL will pose a threat beyond the Middle East, including to the United States homeland.

I have directed a comprehensive and sustained strategy to degrade and defeat ISIL. As part of this strategy, U.S. military forces are conducting a systematic campaign of airstrikes against ISIL in Iraq and Syria. Although existing statutes provide me with the authority I need to take these actions, I have repeatedly expressed my commitment to working with the Congress to pass a bipartisan authorization for the use of military force (AUMF) against ISIL. Consistent with this commitment, I am submitting a [draft AUMF](#) that would authorize the continued use of military force to degrade and defeat ISIL.

My Administration's [draft AUMF](#) would not authorize long-term, large-scale ground combat operations like those our Nation conducted in Iraq and Afghanistan. Local forces, rather than U.S. military forces, should be deployed to conduct such operations. The authorization I propose would provide the flexibility to conduct ground combat operations in other, more limited circumstances, such as rescue operations involving U.S. or coalition personnel or the use of special operations forces to take military action against ISIL leadership. It would also authorize the use of U.S. forces in situations where ground combat operations are not expected or intended, such as intelligence collection and sharing, missions to enable kinetic strikes, or the provision of operational planning and other forms of advice and assistance to partner forces.

Although my proposed AUMF does not address the 2001 AUMF, I remain committed to working with the Congress and the American people to refine, and ultimately repeal, the 2001 AUMF. Enacting an AUMF that is specific to the threat posed by ISIL could serve as a model for how we can work together to tailor the authorities granted by the 2001 AUMF.

I can think of no better way for the Congress to join me in supporting our Nation's security than by enacting this legislation, which would show the world we are united in our resolve to counter the threat posed by ISIL.

BARACK OBAMA

THE WHITE HOUSE,
February 11, 2015.



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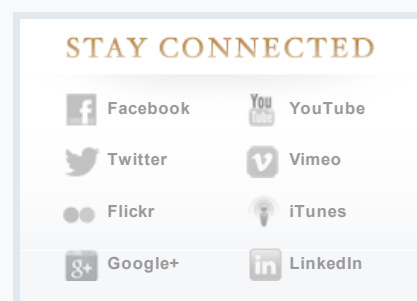
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JOINT RESOLUTION

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

Whereas the terrorist organization that has referred to itself as the Islamic State of Iraq and the Levant and various other names (in this resolution referred to as “ISIL”) poses a grave threat to the people and territorial integrity of Iraq and Syria, regional stability, and the national security interests of the United States and its allies and partners;

Whereas ISIL holds significant territory in Iraq and Syria and has stated its intention to seize more territory and demonstrated the capability to do so;

Whereas ISIL leaders have stated that they intend to conduct terrorist attacks internationally, including against the United States, its citizens, and interests;

Whereas ISIL has committed despicable acts of violence and mass executions against Muslims, regardless of sect, who do not subscribe to ISIL’s depraved, violent, and oppressive ideology;

Whereas ISIL has threatened genocide and committed vicious acts of violence against religious and ethnic minority groups, including Iraqi Christian, Yezidi, and Turkmen populations;

Whereas ISIL has targeted innocent women and girls with horrific acts of violence, including abduction, enslavement, torture, rape, and forced marriage;

Whereas ISIL is responsible for the deaths of innocent United States citizens, including James Foley, Steven Sotloff, Abdul-Rahman Peter Kassig, and Kayla Mueller;

Whereas the United States is working with regional and global allies and partners to degrade and defeat ISIL, to cut off its funding, to stop the flow of foreign fighters to its ranks, and to support local communities as they reject ISIL;

Whereas the announcement of the anti-ISIL Coalition on September 5, 2014, during the NATO Summit in Wales, stated that ISIL poses a serious threat and should be countered by a broad international coalition;

Whereas the United States calls on its allies and partners, particularly in the Middle East and North Africa, that have not already done so to join and participate in the anti-ISIL Coalition;

Whereas the United States has taken military action against ISIL in accordance with its inherent right of individual and collective self-defense;

Whereas President Obama has repeatedly expressed his commitment to working with Congress to pass a bipartisan authorization for the use of military force for the anti-ISIL military campaign; and

Whereas President Obama has made clear that in this campaign it is more effective to use our unique capabilities in support of partners on the ground instead of large-scale deployments of U.S. ground forces: Now, therefore, be it

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

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Authorization for Use of Military Force against the Islamic State of Iraq and the Levant.”

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) AUTHORIZATION.—The President is authorized, subject to the limitations in subsection (c), to use the Armed Forces of the United States as the President determines to be necessary and appropriate against ISIL or associated persons or forces as defined in section 5.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(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.).

(c) LIMITATIONS.—

The authority granted in subsection (a) does not authorize the use of the United States Armed Forces in enduring offensive ground combat operations.

SEC. 3. DURATION OF THIS AUTHORIZATION.

This authorization for the use of military force shall terminate three years after the date of the enactment of this joint resolution, unless reauthorized.

SEC. 4. REPORTS.

The President shall report to Congress at least once every six months on specific actions taken pursuant to this authorization.

SEC. 5. ASSOCIATED PERSONS OR FORCES DEFINED.

In this joint resolution, the term “associated persons or forces” means individuals and organizations fighting for, on behalf of, or alongside ISIL or any closely-related successor entity in hostilities against the United States or its coalition partners.

SEC. 6. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ.

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.

**POLITICS**

Transcript of President Obama's Commencement Address at West Point

MAY 28, 2014

Following is the full text as delivered of President Obama's commencement address at the United States Military Academy at West Point.

Thank you. Thank you so much. Thank you. Thank you, General Caslen, for that introduction. General Trainor, General Clarke, faculty and staff at West Point, you have been outstanding stewards of this proud institution and outstanding mentors for the newest officers in the United States Army.

I'd like to acknowledge the Army's leadership — General McHugh — Secretary McHugh, General Odierno, as well as Senator Jack Reed, who is here and a proud graduate of West Point himself. To the class of 2014, I congratulate you on taking your place on the Long Gray Line.

Among you is the first all-female command team: Erin Mauldin and Austen Boroff. In Calla Glavin, you have a Rhodes Scholar, and Josh Herbeck proves that West Point accuracy extends beyond the three-point line. (Laughter.)

To the entire class, let me reassure you in these final hours at West Point, as commander in chief, I hereby absolve all cadets who are on restriction for minor conduct offenses. (Laughter, applause.) Let me just say that nobody ever did that for me when I was in school.

I know you join me in extending a word of thanks to your families. Joe DeMoss, whose son James is graduating, spoke for a whole lot of parents when he wrote me a letter about the sacrifices you've made. "Deep inside," he wrote, "we want to explode with pride at what they are committing to do in the service

of our country.” Like several graduates, James is a combat veteran, and I would ask all of us here today to stand and pay tribute not only to the veterans among us, but to the more than 2.5 million Americans who have served in Iraq and Afghanistan, as well as their families. (Applause.)

It is a particularly useful time for America to reflect on those who’ve sacrificed so much for our freedom, a few days after Memorial Day. You are the first class to graduate since 9/11 who may not be sent into combat in Iraq or Afghanistan. (Cheers, applause.)

When I first spoke at West Point in 2009, we still had more than 100,000 troops in Iraq. We were preparing to surge in Afghanistan. Our counterterrorism efforts were focused on Al Qaeda’s core leadership — those who had carried out the 9/11 attacks. And our nation was just beginning a long climb out of the worst economic crisis since the Great Depression.

Four and a half years later, as you graduate, the landscape has changed. We have removed our troops from Iraq. We are winding down our war in Afghanistan. Al Qaeda’s leadership on the border region between Pakistan and Afghanistan has been decimated, and Osama bin Laden is no more. (Cheers, applause.) And through it all, we’ve refocused our investments in what has always been a key source of American strength: a growing economy that can provide opportunity for everybody who’s willing to work hard and take responsibility here at home.

In fact, by most measures America has rarely been stronger relative to the rest of the world. Those who argue otherwise — who suggest that America is in decline or has seen its global leadership slip away — are either misreading history or engaged in partisan politics.

Think about it. Our military has no peer. The odds of a direct threat against us by any nation are low, and do not come close to the dangers we faced during the Cold War. Meanwhile, our economy remains the most dynamic on Earth, our businesses the most innovative. Each year, we grow more energy independent. From Europe to Asia, we are the hub of alliances unrivaled in the history of nations.

America continues to attract striving immigrants. The values of our

founding inspire leaders in parliaments and new movements in public squares around the globe. And when a typhoon hits the Philippines, or schoolgirls are kidnapped in Nigeria, or masked men occupy a building in Ukraine, it is America that the world looks to for help. (Applause.) So the United States is and remains the one indispensable nation. That has been true for the century past, and it will be true for the century to come.

But the world is changing with accelerating speed. This presents opportunity, but also new dangers. We know all too well, after 9/11, just how technology and globalization has put power once reserved for states in the hands of individuals, raising the capacity of terrorists to do harm.

Russia's aggression towards former Soviet states unnerves capitals in Europe while China's economic rise and military reach worries its neighbors.

From Brazil to India, rising middle classes compete with us, and governments seek a greater say in global forums. And even as developing nations embrace democracy and market economies, 24-hour news and social media makes it impossible to ignore the continuation of sectarian conflicts, failing states and popular uprisings that might have received only passing notice a generation ago.

It will be your generation's task to respond to this new world. The question we face, the question each of you will face, is not whether America will lead but how we will lead, not just to secure our peace and prosperity but also extend peace and prosperity around the globe.

Now, this question isn't new. At least since George Washington served as commander in chief, there have been those who warned against foreign entanglements that do not touch directly on our security or economic well-being.

Today, according to self-described realists, conflicts in Syria or Ukraine or the Central African Republic are not ours to solve. And not surprisingly, after costly wars and continuing challenges here at home, that view is shared by many Americans.

A different view, from interventionists from the left and right, says that we ignore these conflicts at our own peril, that America's willingness to apply

force around the world is the ultimate safeguard against chaos, and America's failure to act in the face of Syrian brutality or Russian provocations not only violates our conscience, but invites escalating aggression in the future.

And each side can point to history to support its claims, but I believe neither view fully speaks to the demands of this moment. It is absolutely true that in the 21st century, American isolationism is not an option. We don't have a choice to ignore what happens beyond our borders. If nuclear materials are not secure, that poses a danger to American citizens.

As the Syrian civil war spills across borders, the capacity of battle-hardened extremist groups to come after us only increases. Regional aggression that goes unchecked, whether in southern Ukraine or the South China Sea or anywhere else in the world, will ultimately impact our allies, and could draw in our military. We can't ignore what happens beyond our boundaries.

And beyond these narrow rationales, I believe we have a real stake — abiding self-interest — in making sure our children and our grandchildren grow up in a world where schoolgirls are not kidnapped; where individuals aren't slaughtered because of tribe or faith or political belief. I believe that a world of greater freedom and tolerance is not only a moral imperative; it also helps keep us safe.

But to say that we have an interest in pursuing peace and freedom beyond our borders is not to say that every problem has a military solution. Since World War II, some of our most costly mistakes came not from our restraint but from our willingness to rush into military adventures without thinking through the consequences, without building international support and legitimacy for our action, without leveling with the American people about the sacrifices required. Tough talk often draws headlines, but war rarely conforms to slogans. As General Eisenhower, someone with hard-earned knowledge on this subject, said at this ceremony in 1947, "War is mankind's most tragic and stupid folly; to seek or advise its deliberate provocation is a black crime against all men."

Like Eisenhower, this generation of men and women in uniform know all

too well the wages of war, and that includes those of you here at West Point. Four of the service members who stood in the audience when I announced the surge of our forces in Afghanistan gave their lives in that effort. A lot more were wounded.

I believe America's security demanded those deployments. But I am haunted by those deaths. I am haunted by those wounds. And I would betray my duty to you, and to the country we love, if I sent you into harm's way simply because I saw a problem somewhere in the world that needed to be fixed, or because I was worried about critics who think military intervention is the only way for America to avoid looking weak.

Here's my bottom line: America must always lead on the world stage. If we don't, no one else will. The military that you have joined is, and always will be, the backbone of that leadership. But U.S. military action cannot be the only, or even primary, component of our leadership in every instance. Just because we have the best hammer does not mean that every problem is a nail.

And because the costs associated with military action are so high, you should expect every civilian leader — and especially your commander in chief — to be clear about how that awesome power should be used. So let me spend the rest of my time describing my vision for how the United States of America, and our military, should lead in the years to come, for you will be part of that leadership.

First, let me repeat a principle I put forward at the outset of my presidency: The United States will use military force, unilaterally if necessary, when our core interests demand it: when our people are threatened; when our livelihoods are at stake; when the security of our allies is in danger.

In these circumstances, we still need to ask tough questions about whether our actions are proportional and effective and just. International opinion matters, but America should never ask permission to protect our people, our homeland or our way of life. (Applause.)

On the other hand, when issues of global concern do not pose a direct threat to the United States, when such issues are at stake, when crises arise that stir our conscience or push the world in a more dangerous direction but

do not directly threaten us, then the threshold for military action must be higher. In such circumstances, we should not go it alone. Instead, we must mobilize allies and partners to take collective action. We have to broaden our tools to include diplomacy and development, sanctions and isolation, appeals to international law, and, if just, necessary and effective, multilateral military action. In such circumstances, we have to work with others because collective action in these circumstances is more likely to succeed, more likely to be sustained, less likely to lead to costly mistakes.

This leads to my second point. For the foreseeable future, the most direct threat to America, at home and abroad, remains terrorism, but a strategy that involves invading every country that harbors terrorist networks is naïve and unsustainable. I believe we must shift our counterterrorism strategy, drawing on the successes and shortcomings of our experience in Iraq and Afghanistan, to more effectively partner with countries where terrorist networks seek a foothold.

And the need for a new strategy reflects the fact that today's principal threat no longer comes from a centralized Al Qaeda leadership. Instead it comes from decentralized Al Qaeda affiliates and extremists, many with agendas focused in the countries where they operate. And this lessens the possibility of large-scale 9/11-style attacks against the homeland, but it heightens the danger of U.S. personnel overseas being attacked, as we saw in Benghazi. It heightens the danger to less defensible targets, as we saw in a shopping mall in Nairobi. So we have to develop a strategy that matches this diffuse threat, one that expands our reach without sending forces that stretch our military too thin or stir up local resentments.

We need partners to fight terrorists alongside us. And empowering partners is a large part of what we have done and what we are currently doing in Afghanistan. Together with our allies, America struck huge blows against Al Qaeda core and pushed back against an insurgency that threatened to overrun the country.

But sustaining this progress depends on the ability of Afghans to do the job. And that's why we trained hundreds of thousands of Afghan soldiers and

police. Earlier this spring, those forces — those Afghan forces — secured an election in which Afghans voted for the first democratic transfer of power in their history. And at the end of this year, a new Afghan president will be in office, and America's combat mission will be over.

Now — (applause) — that was an enormous achievement made because of America's armed forces. But as we move to a train-and-advise mission in Afghanistan, our reduced presence there allows us to more effectively address emerging threats in the Middle East and North Africa. So earlier this year I asked my national security team to develop a plan for a network of partnerships from South Asia to the Sahel.

Today, as part of this effort, I am calling on Congress to support a new counterterrorism partnerships fund of up to \$5 billion, which will allow us to train, build capacity and facilitate partner countries on the front lines. And these resources will give us flexibility to fulfill different missions, including training security forces in Yemen who've gone on the offensive against Al Qaeda, supporting a multinational force to keep the peace in Somalia, working with European allies to train a functioning security force and border patrol in Libya and facilitating French operations in Mali.

A critical focus of this effort will be the ongoing crisis in Syria. As frustrating as it is, there are no easy answers there, no military solution that can eliminate the terrible suffering anytime soon. As president, I made a decision that we should not put American troops into the middle of this increasingly sectarian civil war, and I believe that is the right decision. But that does not mean we shouldn't help the Syrian people stand up against a dictator who bombs and starves his own people. And in helping those who fight for the right of all Syrians to choose their own future, we are also pushing back against the growing number of extremists who find safe haven in the chaos.

So with the additional resources I'm announcing today, we will step up our efforts to support Syria's neighbors — Jordan and Lebanon, Turkey and Iraq — as they contend with refugees and confront terrorists working across Syria's borders. I will work with Congress to ramp up support for those in the Syrian opposition who offer the best alternative to terrorists and brutal dictators. And

we will continue to coordinate with our friends and allies in Europe and the Arab World to push for a political resolution of this crisis and to make sure that those countries and not just the United States are contributing their fair share of support to the Syrian people.

Let me make one final point about our efforts against terrorism. The partnerships I've described do not eliminate the need to take direct action when necessary to protect ourselves. When we have actionable intelligence, that's what we do, through capture operations, like the one that brought a terrorist involved in the plot to bomb our embassies in 1998 to face justice, or drone strikes, like those we've carried out in Yemen and Somalia.

There are times when those actions are necessary and we cannot hesitate to protect our people. But as I said last year, in taking direct action, we must uphold standards that reflect our values. That means taking strikes only when we face a continuing, imminent threat, and only where there is no certainty -- there is near certainty of no civilian casualties, for our actions should meet a simple test: We must not create more enemies than we take off the battlefield.

I also believe we must be more transparent about both the basis of our counterterrorism actions and the manner in which they are carried out. We have to be able to explain them publicly, whether it is drone strikes or training partners. I will increasingly turn to our military to take the lead and provide information to the public about our efforts. Our intelligence community has done outstanding work and we have to continue to protect sources and methods, but when we cannot explain our efforts clearly and publicly, we face terrorist propaganda and international suspicion, we erode legitimacy with our partners and our people, and we reduce accountability in our own government.

And this issue of transparency is directly relevant to a third aspect of American leadership, and that is our effort to strengthen and enforce international order.

After World War II, America had the wisdom to shape institutions to keep the peace and support human progress, from NATO and the United Nations, to the World Bank and I.M.F. These institutions are not perfect, but they have been a force multiplier. They reducing the need for unilateral American action

and increase restraint among other nations.

Now, just as the world has changed, this architecture must change as well. At the height of the Cold War, President Kennedy spoke about the need for a peace based upon a gradual evolution in human institutions. And evolving these international institutions to meet the demands of today must be a critical part of American leadership.

Now, there are lot of folks, a lot of skeptics who often downplay the effectiveness of multilateral action. For them, working through international institutions, like the U.N. or respecting international law, is a sign of weakness. I think they're wrong. Let me offer just two examples why.

In Ukraine, Russia's recent actions recall the days when Soviet tanks rolled into Eastern Europe. But this isn't the Cold War. Our ability to shape world opinion helped isolate Russia right away. Because of American leadership, the world immediately condemned Russian actions, Europe and the G-7 joined with us to impose sanctions, NATO reinforced our commitment to Eastern European allies, the I.M.F. is helping to stabilize Ukraine's economy, O.S.C.E. monitors brought the eyes of the world to unstable parts of Ukraine.

And this mobilization of world opinion and international institutions served as a counterweight to Russian propaganda and Russian troops on the border and armed militias in ski masks.

This weekend, Ukrainians voted by the millions. Yesterday, I spoke to their next president. We don't know how the situation will play out, and there will remain grave challenges ahead, but standing with our allies on behalf of international order, working with international institutions, has given a chance for the Ukrainian people to choose their future — without us firing a shot.

Similarly, despite frequent warnings from the United States and Israel and others, the Iranian nuclear program steadily advanced for years. But at the beginning of my presidency, we built a coalition that imposed sanctions on the Iranian economy, while extending the hand of diplomacy to the Iranian government. And now we have an opportunity to resolve our differences peacefully. The odds of success are still long, and we reserve all options to

prevent Iran from obtaining a nuclear weapon. But for the first time in a decade, we have a very real chance of achieving a breakthrough agreement, one that is more effective and durable than what we could have achieved through the use of force. And throughout these negotiations, it has been our willingness to work through multilateral channels that kept the world on our side.

The point is, this is American leadership. This is American strength.

In each case, we built coalitions to respond to a specific challenge. Now we need to do more to strengthen the institutions that can anticipate and prevent problems from spreading.

For example, NATO is the strongest alliance the world has ever known but we're now working with NATO allies to meet new missions both within Europe, where our eastern allies must be reassured, but also beyond Europe's borders, where our NATO allies must pull their weight to counterterrorism and respond to failed states and train a network of partners.

Likewise, the U.N. provides a platform to keep the peace in states torn apart by conflict. Now, we need to make sure that those nations who provide peacekeepers have the training and equipment to actually keep the peace so that we can prevent the type of killing we've seen in Congo and Sudan. We are going to deepen our investment in countries that support these peacekeeping missions because having other nations maintain order in their own neighborhoods lessens the need for us to put our own troops in harm's way. It's a smart investment. It's the right way to lead. (Applause.)

Keep in mind, not all international norms relate directly to armed conflict. We have a serious problem with cyberattacks, which is why we're working to shape and enforce rules of the road to secure our networks and our citizens. In the Asia Pacific, we're supporting Southeast Asian nations as they negotiate a code of conduct with China on maritime disputes in the South China Sea, and we're working to resolve these disputes through international law.

That spirit of cooperation needs to energize the global effort to combat climate change, a creeping national security crisis that will help shape your time in uniform, as we are called on to respond to refugee flows and natural disasters, and conflicts over water and food, which is why, next year, I intend

to make sure America is out front in putting together a global framework to preserve our planet.

You see, American influence is always stronger when we lead by example. We cannot exempt ourselves from the rules that apply to everyone else. We can't call on others to make commitments to combat climate change if a whole lot of our political leaders deny that it is taking place. We can't try to resolve problems in the South China Sea when we have refused to make sure that the Law of the Sea Convention is ratified by the United States Senate, despite the fact that our top military leaders say the treaty advances our national security. That's not leadership. That's retreat. That's not strength; that's weakness. It would be utterly foreign to leaders like Roosevelt and Truman, Eisenhower and Kennedy.

I believe in American exceptionalism with every fiber of my being. But what makes us exceptional is not our ability to flout international norms and the rule of law; it is our willingness to affirm them through our actions.

(Applause.)

And that's why I will continue to push to close Gitmo, because American values and legal traditions do not permit the indefinite detention of people beyond our borders. (Applause.) That's why we're putting in place new restrictions on how America collects and uses intelligence, because we will have fewer partners and be less effective if a perception takes hold that we're conducting surveillance against ordinary citizens. (Applause.) America does not simply stand for stability or the absence of conflict, no matter what the cost; we stand for the more lasting peace that can only come through opportunity and freedom for people everywhere -- which brings me to the fourth and final element of American leadership: our willingness to act on behalf of human dignity.

America's support for democracy and human rights goes beyond idealism; it is a matter of national security. Democracies are our closest friends and are far less likely to go to war. Economies based on free and open markets perform better and become markets for our goods. Respect for human rights is an antidote to instability and the grievances that fuel violence and terror.

A new century has brought no end to tyranny. In capitals around the globe — including, unfortunately, some of America's partners — there has been a crackdown on civil society. The cancer of corruption has enriched too many governments and their cronies and enraged citizens from remote villages to iconic squares.

And watching these trends, or the violent upheavals in parts of the Arab world, it's easy to be cynical. But remember that because of America's efforts, because of American diplomacy and foreign assistance, as well as the sacrifices of our military, more people live under elected governments today than at any time in human history. Technology is empowering civil society in ways that no iron fist can control. New breakthroughs are lifting hundreds of millions of people out of poverty. And even the upheaval of the Arab world reflects the rejection of an authoritarian order that was anything but stable, and now offers the long-term prospect of more responsive and effective governance.

In countries like Egypt, we acknowledge that our relationship is anchored in security interests, from peace treaties to Israel to shared efforts against violent extremism. So we have not cut off cooperation with the new government, but we can and will persistently press for reforms that the Egyptian people have demanded.

And meanwhile, look at a country like Burma, which only a few years ago was an intractable dictatorship and hostile to the United States. Forty million people. Thanks to the enormous courage of the people in that country, and because we took the diplomatic initiative, American leadership, we have seen political reforms opening a once- closed society; a movement by Burmese leadership away from partnership with North Korea in favor of engagement with America and our allies.

We're now supporting reform and badly needed national reconciliation through assistance and investment, through coaxing and, at times, public criticism. And progress there could be reversed, but if Burma succeeds we will have gained a new partner without having fired a shot — American leadership.

In each of these cases, we should not expect change to happen overnight. That's why we form alliances, not only with governments, but also with

ordinary people. For unlike other nations, America is not afraid of individual empowerment. We are strengthened by it. We're strengthened by civil society. We're strengthened by a free press. We're strengthened by striving entrepreneurs and small businesses. We're strengthened by educational exchange and opportunity for all people and women and girls. That's who we are. That's what we represent. (Applause.)

I saw that through a trip to Africa last year, where American assistance has made possible the prospect of an AIDS-free generation, while helping Africans care themselves for their sick. We're helping farmers get their products to market to feed populations once endangered by famine. We aim to double access to electricity in sub-Saharan Africa so people are connected to the promise of the global economy. And all this creates new partners and shrinks the space for terrorism and conflict.

Now, tragically, no American security operation can eradicate the threat posed by an extremist group like Boko Haram, the group that kidnapped those girls.

And that's we have to focus not just on rescuing those girls right away, but also on supporting Nigerian efforts to educate its youth. This should be one of the hard-earned lessons of Iraq and Afghanistan, where our military became the strongest advocate for diplomacy and development. They understood that foreign assistance is not an afterthought, something nice to do apart from our national defense, apart from our national security. It is part of what makes us strong.

Now, ultimately, global leadership requires us to see the world as it is, with all its danger and uncertainty. We have to be prepared for the worst, prepared for every contingency, but American leadership also requires us to see the world as it should be — a place where the aspirations of individual human beings really matters, where hopes and not just fears govern; where the truths written into our founding documents can steer the currents of history in the direction of justice. And we cannot do that without you.

Class of 2014, you have taken this time to prepare on the quiet banks of the Hudson. You leave this place to carry forward a legacy that no other

military in human history can claim. You do so as part of a team that extends beyond your units or even our Armed Forces, for in the course of your service, you will work as a team with diplomats and development experts.

You'll get to know allies and train partners. And you will embody what it means for America to lead the world.

Next week I will go to Normandy to honor the men who stormed the beaches there. And while it's hard for many Americans to comprehend the courage and sense of duty that guided those who boarded small ships, it's familiar to you. At West Point, you define what it means to be a patriot.

Three years ago Gavin White graduated from this academy. He then served in Afghanistan. Like the soldiers who came before him, Gavin was in a foreign land, helping people he'd never met, putting himself in harm's way for the sake of his community and his family and the folks back home. Gavin lost one of his legs in an attack. I met him last year at Walter Reed. He was wounded but just as determined as the day that he arrived here at West Point. And he developed a simple goal. Today his sister Morgan will graduate. And true to his promise, Gavin will be there to stand and exchange salutes with her. (Cheers, applause.)

We have been through a long season of war. We have faced trials that were not foreseen and we've seen divisions about how to move forward. But there is something in Gavin's character, there is something in the American character, that will always triumph.

Leaving here, you carry with you the respect of your fellow citizens. You will represent a nation with history and hope on our side. Your charge now is not only to protect our country, but to do what is right and just. As your commander in chief, I know you will. May God bless you. May God bless our men and women in uniform. And may God bless the United States of America. (Cheers, applause.)

Public Law 107–40
107th Congress

Joint Resolution

Sept. 18, 2001
[S.J. Res. 23]

To authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and
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; and
Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence; and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States; and

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States: Now, therefore, be it

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

Authorization for
Use of Military
Force.
50 USC 1541
note.

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Authorization for Use of Military Force”.

SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

President.

(a) IN GENERAL.—That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

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

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supercedes any requirement of the War Powers Resolution.

Approved September 18, 2001.

LEGISLATIVE HISTORY—S.J. Res. 23 (H.J. Res. 64):

CONGRESSIONAL RECORD, Vol. 147 (2001):

Sept. 14, considered and passed Senate and House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 37 (2001):

Sept. 18, Presidential statement.



PUBLIC LAW 107-243—OCT. 16, 2002

AUTHORIZATION FOR USE OF MILITARY
FORCE AGAINST IRAQ RESOLUTION OF 2002

Public Law 107-243
107th Congress

Joint Resolution

Oct. 16, 2002

[H.J. Res. 114]

To authorize the use of United States Armed Forces against Iraq.

Whereas in 1990 in response to Iraq's war of aggression against and illegal occupation of Kuwait, the United States forged a coalition of nations to liberate Kuwait and its people in order to defend the national security of the United States and enforce United Nations Security Council resolutions relating to Iraq;

Whereas after the liberation of Kuwait in 1991, Iraq entered into a United Nations sponsored cease-fire agreement pursuant to which Iraq unequivocally agreed, among other things, to eliminate its nuclear, biological, and chemical weapons programs and the means to deliver and develop them, and to end its support for international terrorism;

Whereas the efforts of international weapons inspectors, United States intelligence agencies, and Iraqi defectors led to the discovery that Iraq had large stockpiles of chemical weapons and a large scale biological weapons program, and that Iraq had an advanced nuclear weapons development program that was much closer to producing a nuclear weapon than intelligence reporting had previously indicated;

Whereas Iraq, in direct and flagrant violation of the cease-fire, attempted to thwart the efforts of weapons inspectors to identify and destroy Iraq's weapons of mass destruction stockpiles and development capabilities, which finally resulted in the withdrawal of inspectors from Iraq on October 31, 1998;

Whereas in Public Law 105-235 (August 14, 1998), Congress concluded that Iraq's continuing weapons of mass destruction programs threatened vital United States interests and international peace and security, declared Iraq to be in "material and unacceptable breach of its international obligations" and urged the President "to take appropriate action, in accordance with the Constitution and relevant laws of the United States, to bring Iraq into compliance with its international obligations";

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons capability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolution of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace

and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas the current Iraqi regime has demonstrated its capability and willingness to use weapons of mass destruction against other nations and its own people;

Whereas the current Iraqi regime has demonstrated its continuing hostility toward, and willingness to attack, the United States, including by attempting in 1993 to assassinate former President Bush and by firing on many thousands of occasions on United States and Coalition Armed Forces engaged in enforcing the resolutions of the United Nations Security Council;

Whereas members of al Qaida, an organization bearing responsibility for attacks on the United States, its citizens, and interests, including the attacks that occurred on September 11, 2001, are known to be in Iraq;

Whereas Iraq continues to aid and harbor other international terrorist organizations, including organizations that threaten the lives and safety of United States citizens;

Whereas the attacks on the United States of September 11, 2001, underscored the gravity of the threat posed by the acquisition of weapons of mass destruction by international terrorist organizations;

Whereas Iraq's demonstrated capability and willingness to use weapons of mass destruction, the risk that the current Iraqi regime will either employ those weapons to launch a surprise attack against the United States or its Armed Forces or provide them to international terrorists who would do so, and the extreme magnitude of harm that would result to the United States and its citizens from such an attack, combine to justify action by the United States to defend itself;

Whereas United Nations Security Council Resolution 678 (1990) authorizes the use of all necessary means to enforce United Nations Security Council Resolution 660 (1990) and subsequent relevant resolutions and to compel Iraq to cease certain activities that threaten international peace and security, including the development of weapons of mass destruction and refusal or obstruction of United Nations weapons inspections in violation of United Nations Security Council Resolution 687 (1991), repression of its civilian population in violation of United Nations Security Council Resolution 688 (1991), and threatening its neighbors or United Nations operations in Iraq in violation of United Nations Security Council Resolution 949 (1994);

Whereas in the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1), Congress has authorized the President "to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolution 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677";

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 687 as being consistent with the Authorization of Use of Military Force Against

Iraq Resolution (Public Law 102-1),” that Iraq’s repression of its civilian population violates United Nations Security Council Resolution 688 and “constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region,” and that Congress, “supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688”;

Whereas the Iraq Liberation Act of 1998 (Public Law 105-338) expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power the current Iraqi regime and promote the emergence of a democratic government to replace that regime;

Whereas on September 12, 2002, President Bush committed the United States to “work with the United Nations Security Council to meet our common challenge” posed by Iraq and to “work for the necessary resolutions,” while also making clear that “the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable”;

Whereas the United States is determined to prosecute the war on terrorism and Iraq’s ongoing support for international terrorist groups combined with its development of weapons of mass destruction in direct violation of its obligations under the 1991 cease-fire and other United Nations Security Council resolutions make clear that it is in the national security interests of the United States and in furtherance of the war on terrorism that all relevant United Nations Security Council resolutions be enforced, including through the use of force if necessary;

Whereas Congress has taken steps to pursue vigorously the war on terrorism through the provision of authorities and funding requested by the President to take the necessary actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President and Congress are determined to continue to take all appropriate actions against international terrorists and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such persons or organizations;

Whereas the President has authority under the Constitution to take action in order to deter and prevent acts of international terrorism against the United States, as Congress recognized in the joint resolution on Authorization for Use of Military Force (Public Law 107-40); and

Whereas it is in the national security interests of the United States to restore international peace and security to the Persian Gulf region: Now, therefore, be it

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

SECTION 1. SHORT TITLE.

This joint resolution may be cited as the “Authorization for Use of Military Force Against Iraq Resolution of 2002”.

Authorization for
Use of Military
Force Against
Iraq Resolution
of 2002.
50 USC 1541
note.

SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EFFORTS.

The Congress of the United States supports the efforts by the President to—

- (1) strictly enforce through the United Nations Security Council all relevant Security Council resolutions regarding Iraq and encourages him in those efforts; and
- (2) obtain prompt and decisive action by the Security Council to ensure that Iraq abandons its strategy of delay, evasion and noncompliance and promptly and strictly complies with all relevant Security Council resolutions regarding Iraq.

SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.

(a) **AUTHORIZATION.**—The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to—

- (1) defend the national security of the United States against the continuing threat posed by Iraq; and
- (2) enforce all relevant United Nations Security Council resolutions regarding Iraq.

(b) **PRESIDENTIAL DETERMINATION.**—In connection with the exercise of the authority granted in subsection (a) to use force the President shall, prior to such exercise or as soon thereafter as may be feasible, but no later than 48 hours after exercising such authority, make available to the Speaker of the House of Representatives and the President pro tempore of the Senate his determination that—

- (1) reliance by the United States on further diplomatic or other peaceful means alone either (A) will not adequately protect the national security of the United States against the continuing threat posed by Iraq or (B) is not likely to lead to enforcement of all relevant United Nations Security Council resolutions regarding Iraq; and

- (2) acting pursuant to this joint resolution is consistent with the United States and other countries continuing to take the necessary actions against international terrorist and terrorist organizations, including those nations, organizations, or persons who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001.

(c) **WAR POWERS RESOLUTION REQUIREMENTS.**—

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

- (2) **APPLICABILITY OF OTHER REQUIREMENTS.**—Nothing in this joint resolution supersedes any requirement of the War Powers Resolution.

SEC. 4. REPORTS TO CONGRESS.

(a) **REPORTS.**—The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after such actions are completed, including those actions described in section 7 of the Iraq Liberation Act of 1998 (Public Law 105-338).

President.

(b) SINGLE CONSOLIDATED REPORT.—To the extent that the submission of any report described in subsection (a) coincides with the submission of any other report on matters relevant to this joint resolution otherwise required to be submitted to Congress pursuant to the reporting requirements of the War Powers Resolution (Public Law 93-148), all such reports may be submitted as a single consolidated report to the Congress.

(c) RULE OF CONSTRUCTION.—To the extent that the information required by section 3 of the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1) is included in the report required by this section, such report shall be considered as meeting the requirements of section 3 of such resolution.

Approved October 16, 2002.

LEGISLATIVE HISTORY—H.J. Res. 114 (S.J. Res. 45) (S.J. Res. 46):

HOUSE REPORTS: No. 107-721 (Comm. on International Relations).
CONGRESSIONAL RECORD, Vol. 148 (2002):

Oct. 8, 9, considered in House.

Oct. 10, considered and passed House and Senate.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Oct. 16, Presidential remarks and statement.



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HARD NATIONAL SECURITY CHOICES

Six Questions Congress Should Ask the Administration about its ISIL AUMF

By [Jack Goldsmith](#), [Ryan Goodman](#) and [Steve Vladeck](#)

Friday, February 20, 2015 at 11:00 AM

[Cross-posted at [Just Security](#)]

With congressional hearings on the Obama Administration's proposed Authorization for the Use of Military Force (AUMF) for the Islamic State on the horizon, we propose six questions that Members of Congress should ask Administration witnesses:

1. What, exactly, is our strategic military objective?

As numerous commentators have pointed out, the Administration's draft is silent on perhaps the most important question—exactly what is the *goal* of the military force Congress is being asked to authorize? As Steve wondered [back in September](#),

Is the Administration's goal to do whatever it takes to destroy or degrade ISIL . . . ? To keep ISIL out of Iraq? To defend particular operations in particular theaters? To accomplish anything in particular in Syria? To somehow ensure that ISIL does not have capabilities to strike the United States?

Even the pre-ambular language in the draft AUMF lacks much indication about the administration's strategy. Without a clearly defined objective, Congress cannot assess *why* the President is asking for its authorization for the use of military force; *what* force ought to be authorized; or *how* Congress could ever ascertain (e.g., when it's time to reauthorize the bill) whether its purposes have been met). Indeed, all of the other questions about the Administration's bill pale in comparison to this one: What, exactly, is the mission's objective? Some past AUMFs have contained strategic guidance, and some have not. The important point is that Congress should press the administration on this issue, and that the administration should explain its goals concretely.

2. What is an “enduring” “offensive” ground combat operation?

Section 2(c) of the draft provides that the bill “does not authorize the use of the United States Armed Forces in enduring offensive ground combat operations.” This limitation on the authorization likely makes no difference to the president's authorities if the administration's independent interpretation of the 2001 AUMF to authorize force against ISIL remains in place (see below). And while such a limitation would [clearly be lawful](#), reasonable minds can differ on whether it is a good idea to include in the new AUMF. (The answer to whether it is a good idea turns in large part on the President's strategic objectives, noted above.) But taking the President's proposal seriously, Congress should push the administration to clarify what it means by the terms “enduring” and “offensive.” The President has sent thousands of U.S. troops to Iraq since last August. They have apparently been serving in a defensive posture. As ISIL gets closer to Baghdad, for example, will self-defense require “offensive” strikes against ISIL? What is the administration precluding under the draft AUMF by carving out certain defensive actions? And what does “enduring” mean in this context? Does it refer to the length of time during which the operation is ongoing? The scope of the operation? Some undefined relationship between time and scope? Something else? It is hard to see how a limit on “enduring offensive” operations has any teeth beyond ruling out the kind of massive ground offensive that we saw in 2003, which this President is certainly not going to repeat in any case. Even if the Administration won't define “enduring,” its witnesses should be asked to provide examples of what would, and would not, count.

3. What's wrong with Jeh Johnson's definition of “associated forces”?

As [Jack](#), [Ryan](#), and [Marty Lederman](#) have all documented in [different respects](#), the Administration draft's definition of “associated forces” is far broader than any interpretation that has previously been offered by the U.S. government. That provision appears in section 5:

the term “associated persons or forces” means individuals and organizations fighting for, on behalf of, or alongside ISIL or any closely-related successor entity in hostilities against the United States or its coalition partners.

Contrast this language with the far simpler and narrower definition provided by then-DoD General Counsel Jeh Johnson in a February 2012 [speech](#): “(1) an organized, armed group that has entered the fight alongside [ISIL], and (2) is a co-belligerent with [ISIL] in hostilities against the United States or its coalition partners.” Johnson's formulation has apparently been the consensus standard within the Administration under the 2001 AUMF. One question is why Johnson's definition isn't sufficient for the new AUMF. After all, “co-belligerency” is a concept that has been put forward by the administration [in litigation](#) and accepted by [federal courts](#). Why does the Administration's draft omit this idea? And why did the administration add novel language about “successor” organizations that are not closely associated with ISIL? This new language is akin to the gloss that the administration used to extend the 2001 AUMF to ISIL. Congress should ponder whether such an extension is a good idea, and if so, whether it can be addressed in a less open-ended way.

4. What “specific actions” will the Administration report to “Congress” (and why not also the public)?

Section 4 of the Administration's draft bill requires the President to report to Congress "at least once every six months on specific actions taken pursuant to this authorization." This is a good idea. But Congress should push the administration to clarify two points. First, exactly what *is* a "specific action" that must be reported under the terms of the provision. And second, will such disclosures also be made public? Presumably, one purpose of the reporting provision is to ensure that Congress is fully informed as to the continuing scope of the conflict when the authority provided by the bill sunsets three years after enactment. What actions does the Administration believe satisfy that purpose, and what types of actions does the Administration believe should not be reported to the public as well as the Congress?


5. Will ISIL *still* be covered by the 2001 AUMF once this bill is enacted?

As close observers well know, the Obama Administration has, since September, advanced the controversial claim that at least *some* military force against ISIL comes under the 2001 Authorization for the Use of Military Force, enacted one week after September 11 and directed at the groups responsible for those attacks—*i.e.*, al Qaeda and the Taliban. The Obama Administration has never repudiated this argument. Moreover, despite suggestions that any draft AUMF for ISIL expressly address the bill's relationship with the 2001 AUMF (and, perhaps, include language expressly superseding the 14-year-old statute *as applied to ISIL*, as the SFRC AUMF proposal did last year), the Administration's draft is silent on the subject. This has led many of us to infer the administration thinks the 2001 AUMF will continue as an independent authorization for force against ISIL regardless of what the new AUMF says. Congress should ask the Administration whether the 2001 AUMF will remain an *additional* font of power to use force against ISIL if the new AUMF is passed. We suspect that the administration will argue that the 2001 AUMF will no longer be necessary once the new AUMF is drafted. If that is so, Congress should the press the administration about why it did not include an explicit disclaimer in the draft itself.

6. What happens in 2018?

What happens if and when the ISIL AUMF expires, as it will in 2018 if it is not reauthorized? Because the current draft says nothing at all about the 2001 AUMF, there are two possibilities: Either (1) the expiration of an ISIL AUMF will have no bearing on the government's continuing authority to act under the 2001 AUMF (including against ISIL); or (2) it will. It is unclear what purpose a sunset in the ISIL AUMF serves if after it expires, the next Administration can simply revert back to the 2001 AUMF on the theory that it applies to ISIL. While President Obama will no longer be in office if and when that happens, it seems fairly important to ascertain now what position his Administration—as the author of this bill—takes on the question.





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HARD NATIONAL SECURITY CHOICES

The Administration's Hard-To-Fathom Draft AUMF

By [Jack Goldsmith](#)

Thursday, February 12, 2015 at 6:33 AM

Before I get to analysis and criticism, let me give the Obama administration credit for proposing a draft [AUMF](#) yesterday. The administration's many promises about working with Congress to craft an AUMF for the Islamic State (ISIL), combined with the lack of a concrete proposal that has long been [the President's responsibility](#), had led me to [doubt](#) that it really wanted one.

That said, I am very puzzled about what the administration thought it would accomplish – legally or politically – with its proposed ISIL-specific AUMF. Legally, the draft marks a non-trivial expansion of presidential authorities to use force against Islamist terrorists, contrary to the President's oft-stated intentions. Politically, it is hard to imagine broad support for this draft on Capitol Hill.

Legal. Considered in isolation, the draft AUMF appears to be a limited one in many respects by comparison with the 2001 AUMF and many AUMFs of the past. Yes, Section 5 defines “associated persons or forces” very broadly (more broadly than I have ever seen) to mean “individuals and organizations fighting for, on behalf of, or *alongside ISIL or any closely-related successor entity* in hostilities against the United States or its coalition partners” (my emphasis). And yes, unlike the 2001 AUMF, Section 2 in the draft gives the President potentially extra discretion-conferring authority to determine what force is “necessary and appropriate.” (Compare the [2001 AUMF](#), which authorized the President to use “all necessary and appropriate force” against the entities that “he determines” authorized, etc., the 9/11 attacks, with the draft AUMF, which authorizes the President to use force that “the President determines to be necessary and appropriate against ISIL”). But the draft contains a 3-year sunset clause, a vague limitation on the authorization for “enduring offensive ground combat operations,” and a requirement to report “specific actions taken pursuant to this authorization.” These seem like non-trivial limitations.

But the seeming-limitations evaporate when one takes into account other authorities. The President has for six months claimed that the 2001 AUMF and Article II authorize force against ISIL. Under the administration's ISIL-specific AUMF, *this prior construction remains entirely untouched*. The White House draft does not propose to sunset the 2001 AUMF (as I and [many, many others](#), including [Representative Schiff](#), have proposed). Nor does it abrogate its prior construction of the 2001 AUMF related to ISIL. (By comparison, the [draft AUMF passed by the Senate Foreign Relations Committee in December](#) provided: “The provisions of this joint resolution pertaining to the authorization of use of force against the Islamic State of Iraq and the Levant shall supersede any preceding authorization for the use of military force.”) As a legal matter, therefore, *any limitations on Congress's authorization in the draft ISIL-specific AUMF are meaningless*, since the President can simply revert to reliance on the 2001 AUMF as an independent basis of authority for any actions not authorized by the ISIL-specific AUMF. He can also rely on Article II as an independent basis for the use of force deployed in self-defense. The limits on the authorization in the ISIL-specific draft AUMF in no way qualify these independent authorities. And that means they are no limitations at all. (The ISIL-specific draft AUMF would abrogate the [2002 Iraq AUMF](#), which the administration has thrown in the mix as a basis for current uses of force against ISIL; but there is no reason to think that killing the 2002 AUMF would in any concrete way narrow the scope of the President's claimed authority under the 2001 AUMF and Article II.)

This explains why the limitations in the ISIL-specific draft AUMF do not in any way limit the President's overall authorities. But there is more. The ISIL-specific draft AUMF actually *expands presidential power from the current baseline*. The reason is Section 5, which defines “associated forces.” The administration has already stretched the 2001 AUMF quite a lot to apply to ISIL. But the draft AUMF would go even further, and authorize force for three years against non-Al Qaeda, non-ISIL terrorists and terrorist organizations that fight “alongside ISIL,” as well as “any closely-related successor entity” to ISIL. The administration's draft AUMF not only failed to kill its controversial interpretation of the 2001 AUMF to extend to ISIL; *it codifies the logic of that controversial interpretation to extend presidential power to use force against threats that develop beyond ISIL*. I would not have much of a problem with this in theory *if* – a big if – there were a rigorous mechanism for publicly identifying the precise groups other than IS against which the administration would use force, and where. But the reporting requirement in the draft AUMF does not obviously require this. Whatever one thinks about the desirability of Section 5, the undeniable fact is that it is an open-ended extender of authority to use force beyond ISIL, and an expansion of congressionally sanctioned force beyond the current baseline of statutory authorities.


Politics. It would have been quite easy for the administration to propose an AUMF that eliminated the controversial interpretation of the 2001 AUMF to extend to ISIL while at the same time maintaining the status quo in terms of the President's authorities to use military force against all extant Islamist terrorist threats. (Ben, Bobby, Matt and I [drafted](#) such a legally neutral AUMF, but there are many other ways to accomplish this end.) Two simple changes to its proposed draft would have accomplished this: (1) adding an abrogation of its interpretation of the 2001 AUMF to extend to ISIL (like the SFRC did, see above); and (2) narrowing its definition of “associated forces” to the one that currently prevails under the 2001 AUMF. These are not rocket-science insights. The administration knew how to craft a legally neutral draft AUMF. It also knew how to narrow the President's authorities overall, as the President pledged in his 2013 [NDU speech](#). And it knew how to maintain the status quo substantively and (as Representative Schiff proposes) sunset all of the authorities, including the 2001 AUMF, which at least would have allowed it to claim to seek temporal limits of sorts on the presidency.

But the administration quite self-consciously, and after much deliberation, did not do any of these things. Instead, it proposed to keep everything under the 2001 AUMF and Article II in place (including the controversial extension of the 2001 AUMF to ISIL), and to give the President the additional authority for three years to go after those “individuals and organizations fighting . . . alongside ISIL or any closely-related successor entity.” It is hard for me to understand the politics of this proposed expansion of presidential authorities. The expansion is sure to alienate many if not most Democrats, as well as libertarian Republicans. And yet the draft also appears to have disappointed the Republican presidential power hawks, who are focusing on the faux limitations in the

draft without considering how it adds to presidential power overall.


For these and other reasons, and as many have noted, the President's proposal faces a steep uphill battle on Capitol Hill. If the proposal is rejected, and if no AUMF emerges that satisfies both Congress and the White House, the President's legacy will be characterized by a controversial interpretation of the AUMF that significantly expands the Forever War. And he will not be able to blame Congress, since he extended the Forever War unilaterally last Fall, and because the presidential proposal that Congress rejected would have expanded it yet further. I just don't get the calculation. It seems that the President could have attracted much broader support in Congress, and avoided a lot of political and legacy headaches, while at the same time maintaining all extant authorities, with the two simple changes noted above. At a minimum this approach would have made a rejection of the President's proposal more palatable to his legacy. I cannot fathom why he and his Team did not go this route.





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Why Is Congress AWOL?

Posted: 08/26/2014 10:49 am EDT Updated: 10/26/2014 5:59 am EDT



Since June, President Obama has sent five notices to Congress on Iraq, in compliance with the terms of the War Powers Resolution. Each details a U.S. military action: the several hundred advisers deployed, the humanitarian airdrops for stranded Yazidis, the 500-pound bombs dropped on the fighters of the Islamic State of Iraq and the Levant (ISIL).

Each letter states, "I have directed these actions, which are in the national security and foreign policy interests of the United States, pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive."

Each ends, "I appreciate the support of Congress in this action."

Let's be clear: President Obama has all the legal authority he needs, under Article II of the Constitution, to take the limited action he has rightly taken so far. As commander-in-chief, he has an obligation to protect U.S. personnel in Erbil and Baghdad. And after the craven murder of James Foley -- which was, as former Acting CIA Director Mike Morell recently pointed out, ISIL's first terrorist attack against the United States -- ISIL has become a direct threat to American citizens.

That said, Senator Bob Corker, Ranking Member on the Senate Foreign Relations Committee, told the Wilson Center last June that, looking back on more than a decade of armed conflict with al-Qaeda, Congress finds itself left with "no ownership whatsoever" of U.S. counterterrorism (CT) policy. Some may prefer it that way, but Corker was less sanguine. He called the hands-off congressional approach "totally feckless" -- and he's right.

Given the experience of the last decade, it's understandable that the nation should be wary of mission creep. I can't speak for the other 419 "ayes," but I never imagined when I voted for the 2001 Authorization for Use of Military Force Against Terrorists (AUMF) that it would still be in effect in 2014. I thought that the Iraq AUMF passed in 2002 would have been repealed or replaced by now too, given that -- in the opinion of the White House -- it doesn't authorize anything anymore.

But CT operations sometimes snowball for a good reason. It's hard to see how the United States can pursue much longer an Iraq-only response to the increasingly regional threat of ISIL. That's exactly why congressional action is essential: not to endorse mission creep, but to limit it. Congress can no longer sit on the sidelines, delegating to the president its constitutional role to declare our wars. The McGovern/Jones/Lee resolution that passed overwhelmingly in the House in July barring a combat role in Iraq without specific authorization is a start -- but has no legal effect, or reach beyond Iraq.

As is now clear, ISIL has ambitions across the whole of the Levant. Its pseudo-capital is in Raqqa, Syria; it brutalized Yazidis in Sinjar, Iraq; and the group claimed credit for a suicide bombing in Beirut, Lebanon. A broader mission is probably a strategic imperative, albeit one we didn't invite. My view is that Saudi Arabia and the Gulf states have their heads in the sand; left unchecked, ISIL will want Mecca as the center of its misguided caliphate.

The president knows that CT actions against ISIL will cross borders. As was recently disclosed, Obama didn't hesitate to order U.S. forces into Syria when he saw a chance to rescue American hostages held there by ISIL. An effective response (which won't and shouldn't be entirely kinetic) will inevitably be regional. Congress has a responsibility to step forward, speak clearly, and shape the breadth and limits of the mission.

Historically, Congress has acted forcefully to define the president's war powers. When the scale of our debacle in Vietnam became clear, Congress repealed the Gulf of Tonkin Resolution; the president was not to have a blank check in Southeast Asia. When President Richard Nixon insisted on prosecuting the war regardless, Congress summoned the votes to pass the War Powers Resolution and override Nixon's veto. That vote was a vital statement on the separation of powers and an impressive success for bipartisanship. The same bipartisan spirit is needed today. ISIL didn't check James Foley's party registration before brutally executing him on tape.

Though Congress has only a handful of legislative days left this election-year session, both chambers should make it a priority to schedule time to debate a new AUMF. Hearings should also consider revising the War Powers Act to strengthen its consultation provisions, as Senators John McCain and Tim Kaine have suggested.

Our CT strategy will benefit enormously from a reconsidered legal framework; our national security will be bolstered by debating coherent boundaries for combatting and defeating ISIL; and the country will be strengthened by a clear statement from the branch of our government tasked with declaring war.

I respect the president's measured approach to the crisis. All the same, the public deserves congressional representation in this debate.

If asked to embark on a wise, just and well-defined campaign against ISIL, the American Congress -- and through it the American people -- will likely consent. But, in a democracy like ours, the choice is theirs.

Jane Harman, the president and chief executive of the Woodrow Wilson International Center for Scholars, represented California's 36th District in the House for nine terms, including four years as the ranking Democrat on the House intelligence committee. The opinions expressed in this commentary are solely those of the author.

Time to turn crisis into an opportunity

By Jane Harman

Updated 10:37 PM ET, Mon September 8, 2014

CNN.com

President Barack Obama has properly decided to go to Congress and then the American people this week to [reveal his strategy](#) to degrade and destroy the Islamic State of Iraq and the Levant (ISIL or ISIS). To paraphrase former White House Chief of Staff Rahm Emanuel, this is a crisis the President should not waste. How individual members of Congress respond to this call should matter and should be a 2014 election issue -- the duck and blame game stops here.

Since September 11, 2001, the relationship between Congress and the president has collapsed. Following the lead of President George W. Bush, President Obama has used Article II commander-in-chief authorities, plus the quaint and seemingly ancient 2001 Authorization for Use of Military Force, or AUMF, to hijack Congress' constitutional responsibility over war and peace.

As a member of Congress, I witnessed the transformation. I was there on 9/11 and a senior member of the House Intelligence Committee. But House Speaker John Boehner, The New York Times [recently pointed out](#), is the only member of House Republican leadership who was in office on the day that changed this country. And Democrats have faced turnover, too; institutional memory of a time before the 2001 AUMF is fading fast.

Speaking to Chuck Todd for "Meet the Press" this weekend, Obama [suggested](#) he has "the authorization he needs" for the mission he has in mind, - but no one is clear on what authority he's invoking. Jack Goldsmith, writing for Lawfare, [suggested](#) recently that the Obama administration might think it can restart the War Powers clock with each notification it sends to Congress. By this otherworldly interpretation, we aren't fighting a war with ISIL, we're picking a dozen sequential fights with ISIL (which calls itself the "Islamic State"), and will continue doing so until the President decides he has achieved his objectives.

With all this going on, it's no wonder that we've struggled to craft a coherent response to this depraved band of thugs. There's a reason Obama doesn't feel able to trust this hyper-partisan Congress, but this is a poor way of shaping strategy. It's also an attitude that blows

the War Powers Resolution to pieces and evokes Richard Nixon's actions in Vietnam.

But it doesn't have to be this way. A change can start immediately, at no cost to the President.

When he speaks with congressional leaders, Obama should -- at the very least -- be explicit about what he believes his authorities to be. Can he strike Syria on his own authority? Can he keep up the air campaign in Iraq indefinitely by hitting the snooze button on the War Powers alarm every few weeks? If he believes the answer is yes, Congress deserves to know as much. But if the President believes he has these authorities, he's setting a very dangerous precedent. He does need a vote -- and he should want it, too.

President Obama has an opportunity to unite Congress and the American people behind a cause on which they seem (for a change) to agree. This is not the same country that Obama addressed last year, when Syrian President Bashar al-Assad's use of chemical weapons came to light. In September 2013, [55%](#) of Americans opposed airstrikes against al-Assad even if the President were to secure congressional approval. Today, [60%](#) of Americans, including majorities in both parties, support air and drone strikes against ISIL in Syria.

If the President will explain and defend his plan for countering ISIL, he likely has a congressional and public majority ready to back it. Its outlines are clear: no American boots on the ground; strikes on ISIL wherever it is (Iraq, Syria, and beyond if necessary); sustained support for the Kurds, Syrian opposition fighters, and Iraqi troops on the front lines; and a coalition of Western and Arab nations dedicated to shepherding ISIL into its grave. This seems to be the fight that President Obama already has in mind.

On Tuesday, he should ask congressional leaders for the authority to wage it. On Wednesday, he should be clear about his objectives and the costs, and he should ask the American people for their support. And on Thursday, we should hope to mark a sea change in the way the United States conducts foreign policy.

We used to treat these debates with reverence. Describing the vote to authorize the use of military force in the Gulf War, venerable Sen. Robert Byrd [said](#), "I've cast 12,822 votes during my 39 years in Congress, but this vote is the most important vote that I shall have cast in my career." We could use more of that spirit today -- and we'll need it when the next threat, whatever it may be, rears its head. After all, the current dysfunction is deeper than ISIL.

The fact is that this crisis can be an opportunity for both ends of Pennsylvania Avenue. Voters are paying attention. The duck and blame game on this issue isn't good politics -- and it's reckless policy.

With Critics on Left and Right, AUMF Faces Uphill Battle

By Matt Fuller

Hours after President Barack Obama sent a proposed Authorization for Use of Military Force to Capitol Hill, the reviews from House lawmakers were already in: Changes will be needed.

The [three-page request](#) would repeal the 2002 AUMF for Iraq and give the president authority for the next three years to take military action anywhere in the world against groups associated with the Islamic State. It also pointedly would not authorize “enduring offensive ground combat operations” — whatever that means.

CQ Roll Call heard from a number of lawmakers expressing concern over the AUMF, either because it was overly broad or because it was too limited. They agree the AUMF is wrong. They’re just split on what’s wrong with it.

And therein lies the problem for the Obama administration: The current Congress is a collection of lawmakers with diverse but rigid views on war. Some believe a military authorization needs to ensure the job can be done, while others believe it’s the job of Congress to ensure the use of force is tightly controlled.

The administration is just hoping there’s enough lawmakers — enough votes — somewhere in the middle so they can cobble together a coalition of Republicans and Democrats to pass it.

Among the voices of Capitol Hill discontent Wednesday, it was, perhaps, Speaker John A. Boehner’s baritone that rang loudest — not because he was the fiercest in opposition, but because his opposition or support matters most.

“If we’re going to authorize the use of military force, the president should have all the tools necessary to win the fight that we’re in,” Boehner told reporters.

The Ohio Republican emphasized the draft AUMF is “the beginning” of the legislative process, one that will include “hearings, markups and, I’m sure, changes.”

“At this point,” he said, “I think we’ve got an awful lot of work to do before we get into what I’m for and what I’m against.”

Boehner said the AUMF was an important step forward to deal with ISIS. He reiterated, however, that Obama would have to make his case to the American people.

Boehner is doing what he can to avoid owning the lobbying effort for the AUMF — and there may be good reason.

Some of the most hawkish House Republicans seem to have real issues with the limitations Obama placed on the authorization. Rep. Duncan Hunter of California, an Iraq and Afghanistan combat veteran, said he has deep concerns over the duration limits, adding he would prefer “no timeframe.”

Putting new restrictions on war and replacing the more broadly written AUMF already in place could hurt military operations in the Middle East, say many of the most defense-minded lawmakers.

“What we don’t want to do is limit the commander in chief, or the next commander in chief,” Hunter said. “So, if this proposes more limitations, then it’s not a good AUMF.”

Rep. Peter T. King went further.

“I don’t think there should be any limitations,” King told CQ Roll Call. “As the commander in chief, the president should have the power to do what he wants. No limitations [were] put on [President Franklin D.] Roosevelt, World War II. If you’re going to use force, as commander in chief, the president should have the power to use what force he thinks is necessary at the time.”

Asked if he was sensitive to Americans weary of nearly a decade-and-a-half of war, King said “the public has to realize we’re fighting for survival.”

The New York Republican, who represents parts of central Long Island, said, “I lost too many people on 9/11.”

On the other side of the political spectrum, Massachusetts Democrat Jim McGovern said he was “definitely a ‘no’” on the proposed AUMF, and probably a “no” on any AUMF — “unless I felt comfortable with what the policy was.”

McGovern said there was still no strategy to end the war in the Middle East, and a new AUMF wouldn't change that. But it wasn't just the overall concept that McGovern opposed. He had problems with the specific language in the authorization. Specifically, he pointed to the "enduring" ground operations clause.

"That's not a limitation," McGovern said. "What that is is language that's supposed to make people like me feel better. ... In real terms, it doesn't mean anything."

Adam Smith, the ranking Democrat on the House Armed Services Committee, said he didn't know what "enduring offensive ground combat operations" meant.

"I don't think there is a clear definition," Smith said.

"I mean, how do you say you don't want full-scale combat operations?" the Washington Democrat asked. "I mean, because there's going to be troops there. There's troops there now! You can't say no troops. But how do you limit what they do?"

Smith said Congress would be working on that "linguistic challenge," but either way, it would be a challenging vote.

"I think it's going to be tough to pass," Smith said, "because you're going to have some people who want it to be broader."

The administration acknowledged Wednesday that the fuzzy language in the AUMF is no accident. White House Press Secretary Josh Earnest said the language was "intentionally" unclear.

The president needs flexibility to deal with future contingencies, Earnest said.

But without any real checks, some lawmakers feel they are functionally authorizing ground troops. And the appetite in Congress for approving another war is low.

"The last one I voted for, I bought the lie from [President] George [W.] Bush," said Republican Walter B. Jones Jr. of North Carolina, a senior member of the Armed Service panel.

"We're spending millions and billions of dollars all around the world, and we got programs being cut for seniors in children right here in America," Jones said. "Does that make any sense?"

Steven T. Dennis contributed to this report.

Opinions

Bob Corker: Congress should update the 9/11 law on the use of military force

By Bob Corker May 22, 2014

Bob Corker, a Republican, represents Tennessee in the Senate, where he is the ranking member of the Foreign Relations Committee.

One week after the 9/11 attacks, Congress authorized the president “to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.” More than 12 years later, the president continues to rely on this [60-word authorization](#) to fight terrorist organizations around the world. This week, the [Senate Foreign Relations Committee held a hearing on this subject](#), the first step in [an effort to reassert congressional oversight](#) of this issue, which has fundamentally changed from the initial hunt for Osama bin Laden.

A [recent State Department report](#) revealed how the diminishment of al-Qaeda’s central leadership corresponds with the [growing strength and proliferation](#) of its affiliates and other terrorist groups, contributing to a 43 percent increase in global terrorist attacks in 2013. Today’s terrorists may invoke the brand and methods of al-Qaeda, but they have evolved in ways that suggest that our legal foundation for conducting drone strikes or raids is outdated and inadequate.

For example, al-Qaeda's recent expulsion of the ruthless [Islamic State of Iraq and the Levant](#) from its ranks has forced the Obama administration's lawyers to question whether, under the auspices of the 9/11 law, the president still has the authority to target that group. In other words, there are legitimate doubts about whether the president can take necessary actions against [the most dangerous terrorist group in Syria](#) in a conflict that — according to recent congressional testimony from the director of national intelligence — has attracted more than 7,000 foreign fighters from 50 countries, some with aspirations to attack the U.S. homeland. This follows the testimony of Gen. Martin Dempsey, the chairman of the Joint Chiefs of Staff, who conceded that the terrorists responsible for killing four Americans in Benghazi are not covered under the current resolution.

These incidents seem to suggest that the September 2001 [Authorization on the Use of Military Force \(AUMF\)](#) is too narrow and that the president is hamstrung by stale semantic distinctions. But there are also legitimate reasons to believe it is too broad. Both the Obama and Bush administrations have stretched the resolution's authority well beyond its words to go after groups that have little to no connection to the attacks on the World Trade Center and the Pentagon.

Aware of these problems, the Obama administration has hinted that the 9/11 AUMF might expire, at least in part, once combat operations ease in Afghanistan and the president draws down U.S. forces. Yet the administration has offered no legal justification for how important counterterrorism operations could then continue in places such as Somalia and Yemen — nor has it explained what would happen to enemy combatants held at Guantanamo Bay, Cuba.

Given the complexity and importance of these issues, I welcomed [President Obama's May](#)

[2013 speech](#) in which he aptly pointed out that “the threat has shifted and evolved from the one that came to our shores on 9/11” and pledged to work with Congress on revising the 12-year-old resolution.

Unfortunately, the president has since failed to engage Congress on the issue.

Two of his top lawyers went before the Senate this week and said they had been cleared to discuss the issue with senators but then refused to do so. The administration’s witnesses could not say whether the president acknowledges any limits on his executive power to use force without congressional authority, and they refused to identify which groups are and are not covered by the 2001 law. Instead, they offered some support for repealing the [2002 Iraq AUMF](#). However, this doesn’t address the more important challenges facing us in the evolving conflict against al-Qaeda and other terrorist groups.

An issue this critical to U.S. national security demands a robust debate to ensure that counterterrorism efforts reflect American values and laws, while respecting the president’s authority and preserving the flexibility to employ covert action in appropriate circumstances. The existing authority should be both narrowed and broadened — to create a mechanism for regular congressional oversight and reporting from the administration, including a possible sunset date to revisit the law, and to allow for the addition of organizations that were not involved in 9/11 but nonetheless pose a direct threat to the United States and our interests.

Absent congressional action, the president will continue to operate under an outdated authorization, leaving the door open for future presidents to claim undue and unbounded powers that will, over time, erode the balance of power fundamental to our constitutional system.

Terrorist groups with global reach will continue to present a serious threat for the foreseeable future. Rather than abdicating the responsibility for confronting them and

leaving it to the executive branch — as it has done too often — Congress should take advantage of this unique opportunity to act in a bipartisan fashion.

Read more on this issue:

[The Post's View: Congress should clarify authorization for war](#)

[Charles Krauthammer: Obama's Dorothy Doctrine](#)

[Charles Krauthammer: Codify the drone war](#)

[David Ignatius: A nightmare group in Syria could target the U.S.](#)



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A New Authorization for Use of Military Force Against the Islamic State: Comparison of Proposals in Brief

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The IS Crisis and the U.S. Response

In 2014, the armed offensive of the Islamic State (IS, also known as ISIL or ISIS) in northern and western Iraq and northeastern Syria raised significant concerns for the United States. After first ordering multiple deployments of U.S. troops to Iraq to provide security to diplomatic personnel and facilities, advise Iraqi security forces, and conduct intelligence gathering and reconnaissance, President Obama began ordering U.S. military airstrikes on IS forces in Iraq in August 2014. Later in September, after laying out plans for expanded use of military force against the Islamic State in a televised speech to the American people, the President ordered U.S. military airstrikes in Syria against both IS forces and forces of the “Khorasan Group,” identified by the President as part of Al Qaeda. The intensified U.S. military engagement has raised numerous questions about the President’s authority to use military force against the Islamic State.

Presidential Authority to Use Military Force Against the Islamic State¹

The President in his August 2014 notifications to Congress of deployments and airstrikes in Iraq indicated his powers as Commander in Chief and Chief Executive under Article II of the Constitution gave him authority to undertake such action. Obama Administration officials and the President’s September 2014 notifications² to Congress for airstrikes and other actions in Iraq and Syria, however, stated that two enacted authorizations for use of military force (AUMFs), the Authorization for Use of Military Force (2001 AUMF; P.L. 107-40), and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (2002 AUMF; P.L. 107-243), provide authorization for certain U.S. military strikes against the Islamic State in Iraq and Syria, as well as the Khorasan Group of Al Qaeda in Syria. Most recently, the President on November 5, 2014, indicated that he intends to enter into discussions with congressional leaders to develop a new AUMF specifically targeting the Islamic State, in order to “right-size and update whatever authorization Congress provides to suit the current fight, rather than previous fights” authorized by the 2001 and 2002 AUMFs.³

¹ For more information and analysis of the IS crisis, the U.S. response, presidential authority to use military force, and the operation of the War Powers Resolution in this situation, see CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by Christopher M. Blanchard; CRS Insight IN10147, *Considerations for Possible Authorization for Use of Military Force Against the Islamic State*, by Matthew C. Weed; and CRS Report R43720, *U.S. Military Action Against the Islamic State: Answers to Frequently Asked Legal Questions*, by Michael John Garcia and Jennifer K. Elsea.

Another proposal, H.J.Res. 127, introduced September 8, 2014, would recognize a state of war exists between the United States and the Islamic State, and authorize the use of military force against the Islamic State and associated forces.

² Available at <http://www.whitehouse.gov/the-press-office/2014/09/23/letter-president-war-powers-resolution-regarding-iraq>; <http://www.whitehouse.gov/the-press-office/2014/09/23/letter-president-war-powers-resolution-regarding-syria>.

³ President Barack Obama, remarks at a press conference, November 5, 2014, <http://www.whitehouse.gov/the-press-office/2014/11/05/remarks-president-press-conference>.

2001 Post-9/11 Authorization for Use of Military Force

In response to the 9/11 terrorist attacks, Congress enacted the AUMF authorizing the President to use military force against “those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons....” Although the Islamic State does not appear to fall within that language, it is possible that the executive branch regards it as one of the “associated forces” fighting alongside Al Qaeda and the Taliban that it asserts are also targetable under the 2001 AUMF.⁴ The Obama Administration had stated previous to the latest action against the Islamic State and the Khorasan Group that it will use force against such associated forces under the 2001 AUMF only when they are lawful military targets that “pose a continuing, imminent threat to U.S. persons....” Due to Al Qaeda’s February 2014 disavowal of any remaining ties with the Islamic State, some question whether the Islamic State can be considered an associated force under the 2001 AUMF. The Obama Administration has stated that the Islamic State can be targeted under the 2001 AUMF because its predecessor organization, Al Qaeda in Iraq, communicated and coordinated with Al Qaeda; the Islamic State currently has ties with Al Qaeda fighter and operatives; the Islamic State employs tactics similar to Al Qaeda; and the Islamic State, with its intentions of creating a new Islamic caliphate, is the “true inheritor of Osama bin Laden’s legacy.”⁵

2002 Authorization for Use of Military Force Against Iraq

Congress enacted the 2002 AUMF prior to the 2003 U.S. invasion of Iraq that toppled the government of Saddam Hussein, with U.S. military deployments to and operations in Iraq continuing until December 2011. The 2002 AUMF authorizes the President to use U.S. Armed Forces to enforce relevant United Nations Security Council resolutions and to “defend the national security of the United States against the continuing threat posed by Iraq....” Although the 2002 AUMF has no sunset provision and Congress has not repealed it, one view is that after the establishment of a new Iraqi government, the restoration of full Iraqi sovereignty, and the U.S. withdrawal from Iraq, the 2002 AUMF no longer has force. Obama Administration officials have recently voiced support for repealing the 2002 AUMF, reflecting the Administration’s belief that it is no longer needed. Conversely, another view asserts that, although its preamble focuses on the Saddam Hussein regime and its WMD programs, the 2002 AUMF’s authorization language is broad, referring only to a “continuing threat” from Iraq, and that the 2002 AUMF could provide authority to defend against threats to Iraq as well as threats posed by Iraq. Indeed, 2002 AUMF authority was the basis for the U.S. military presence in Iraq from the fall of Saddam Hussein and completion of the WMD search to its 2011 withdrawal, a span of over eight years, a period that could be characterized as dealing with threats to Iraq rather than threats from Iraq. The IS threat in Iraq could therefore be seen as breathing new life into 2002 AUMF authority. In addition, former supporters of Saddam Hussein reportedly provide support to the Islamic State, possibly forming a link between the original aims of the 2002 AUMF and any future actions taken against the Islamic State.

⁴ Testimony of Stephen W. Preston, General Counsel, Department of Defense, before the Senate Committee on Foreign Relations, hearing on the Authorization for Use of Military Force, 113th Cong., 2nd sess., May 21, 2014, http://www.foreign.senate.gov/imo/media/doc/Preston_Testimony.pdf.

⁵ White House, “Press Briefing by Press Secretary Josh Earnest,” press release, September 11, 2014, <http://www.whitehouse.gov/the-press-office/2014/09/11/press-briefing-press-secretary-josh-earnest-9112014>.

Presidential Authority Under Article II of the Constitution

Article II of the Constitution makes the President Commander in Chief of the U.S. Armed Forces, and gives the President certain foreign affairs powers. It is debated to what extent Article II authorizes the President to unilaterally use military force, especially given Congress's Article I war powers, including the power to declare war. The President's authority to use force to defend the United States, its personnel, and citizens against ongoing or imminent attack has been generally accepted, while employing such force simply to further foreign policy or general national security goals is more controversial. In Iraq, the President would seem to have substantial authority to use force to defend U.S. personnel, the U.S. embassy in Baghdad, and any other U.S. facilities and property. His August 2014 notifications of airstrikes in Iraq, however, have also cited as justification furthering U.S. national security and foreign policy interests, and have described uses of force to provide humanitarian assistance, and to aid Iraqi security forces in their fight against the Islamic State. In addition, the President's stated strategy for degrading and destroying the Islamic State, as well as his September 2014 notifications to Congress of airstrikes and other actions in Iraq and Syria, are not based primarily on immediate protection of the United States, its personnel, or citizens. Thus, it can be argued that Article II alone might not provide sufficient authorization for the use of military force against IS and Khorasan Group forces in Iraq and Syria.

Calls for a New AUMF Targeting the Islamic State

Although the Obama Administration has claimed 2001 AUMF and 2002 AUMF authority for its recent and future actions against the Islamic State, it might be argued that these authorizations do not apply, and that these actions also fall outside the President's Article II powers. Concerned with Congress's constitutional role in the exercise of the war power, perceived presidential overreach in that area of constitutional powers, and the President's expansion of the use of military force in Iraq and Syria, several Members of Congress have expressed the view that continued use of military force against the Islamic State requires congressional authorization. Members differ on whether such authorization is needed, given existing authorities, or whether such a measure should be enacted. As mentioned above, President Obama has stated that he would seek to come to agreement with congressional leaders on a new AUMF targeting the Islamic State, bolstering calls from Congress for such new authorization.

Language in a new AUMF targeting the Islamic State and other groups (IS AUMF) could either broaden the purpose of military force to include unspecified U.S. national security interests, or narrow the scope of authorization to specific objectives related to the Administration's stated goal of "degrading and ultimately destroying" the Islamic State. Congress could limit the IS AUMF's geographic scope, authorizing force only in Iraq and/or Syria. With continued uncertainty surrounding the Iraqi government, Congress might include authorization to use U.S. Armed Forces in Iraq in furtherance of political stability objectives. Provisions in any IS AUMF targeting the Islamic State might address the possible effect that targeting the Islamic State in Syria and Iraq could have on the ongoing conflict in Syria. Congress might also include a prohibition on the use of appropriated funds for the use of military force outside the scope of the specified authorization.

IS AUMF Proposals During the 113th Congress⁶

In September 2014, a number of Members proposed several new authorizations to use military force against the Islamic State:

Table 1. Proposed Authorizations to Use Force Against the Islamic State

Bill or Resolution	Title	Sponsor	Date Introduced
H.R. 5415	Authorization for Use of Military Force against International Terrorism Act	Representative Frank Wolf	September 8, 2014
H.J.Res. 123	Authorization for the Use of Military Force Against the Islamic State of Iraq and the Levant (ISIL)	Representative Darrell Issa	September 8, 2014
S.J.Res. 42	Authorization for Use of Military Force against the Islamic State in Iraq and the Levant	Senator Bill Nelson	September 8, 2014
S.J.Res. 43	Authorization for Use of Force Against the Organization Called the Islamic State	Senator James Inhofe	September 8, 2014
S.J.Res. 44	Authorization for Use of Military Force against the Islamic State in Iraq and the Levant	Senator Tim Kaine	September 8, 2014
H.J.Res. 125	Authorization for Use of Military Force Against ISIL Resolution	Representative Adam Schiff	September 16, 2014
H.J.Res. 128	Authorization for Use of Military Force Against ISIL Resolution	Representative John Larson	September 19, 2014

Note: As of the date of this report, each proposal has been referred to either the House Foreign Affairs Committee or Senate Foreign Relations Committee, except H.J.Res. 128, which is before both the House Foreign Affairs and House Rules Committees.

None of these proposals received any formal action from their assigned committees. A new proposal (S.J.Res. 47) was marked up in the Senate Foreign Relations Committee and reported to the Senate in December 2014, but has received no further action as of the date of this report (see “December 2014 Senate Foreign Relations Committee Activities,” below). The President’s recent statement that he would enter into discussions with congressional leaders on enacting a new AUMF targeting the Islamic State might affect future congressional action on these or similar proposals. Although one of the current IS AUMF proposals might be adopted as the vehicle for any congressional-executive agreement on authorization, it is not clear what authorization language might be proposed by the executive branch in its discussions with congressional leaders, possibly requiring significant changes to existing proposals or the introduction of a new IS AUMF. In addition, a number of the proposals listed above contain provisions to limit presidential authority to use military force against the Islamic State as to scope and duration, and in some cases to sunset or repeal the existing authority in the 2001 and 2002 AUMFs. The Administration might seek to roll back such restrictions to ensure the maximum authority for the President to carry out the military campaign against the Islamic State “not just ... over the next

⁶ This section does not include proposals introduced earlier in the 113th Congress that would, for example, repeal existing AUMFs or express a sense-of-Congress about military action in Iraq and/or Syria.

two or three months, but our strategy going forward.”⁷ Although the President indicated that discussions with congressional leaders on this issue would begin in November 2014, he stated that the process involved with a new IS AUMF may carry over into the 114th Congress.⁸

Scope of Force and Military Activities Authorized

All but one of the proposed IS AUMFs listed above are substantially similar in their description of the scope of authorized force, stating that the President is authorized to use “necessary and appropriate force.” Two of the proposals grant the President the authority to determine what type and degree of force is necessary and appropriate, while four others state that “necessary and appropriate force” is authorized, without stating who is authorized to make such a determination. H.J.Res. 125 does not limit the scope of the use of force in this way, however, stating that the President is authorized to “use the Armed Forces of the United States,” without requiring such use of force to be “necessary and appropriate” as determined by the President or otherwise. While it might be expected that the President, as Commander in Chief, will make the “necessary and appropriate” determination in all cases regardless, explicitly granting the President that role in the authorization might preclude congressional challenges to presidential decision making after an authorization is enacted.

S.J.Res. 44 also specifies the scope of military activities authorized and the objective of those activities. Under this proposed IS AUMF, the President is authorized “to participate in a campaign of airstrikes ... to degrade and defeat ISIL....” Coupled with a general prohibition against the President’s use of ground troops against the Islamic State, this provision might be effective in preventing expansion of the military activities that the President might utilize against IS forces.

Targeted Entities

Each of the proposed IS AUMFs identifies the Islamic State (using that moniker or one of the ISIS/ISIL aliases) as the target of authorized U.S. military force. S.J.Res. 43 specifies “ISIL” but also “any successor organization” to the Islamic State. S.J.Res. 44 extends the authorization to IS-associated forces, subject to the President’s identification of such groups to Congress through a certification process set out in the resolution. While these provisions seem straightforwardly effective in ensuring they authorize force against the Islamic State, they might be considered less than sufficient in their coverage of the overall situation in Iraq and Syria. In late September, President Obama notified Congress of strikes against IS forces in Syria, but also made a separate notification of airstrikes in that country against the “Khorasan Group,” identified by the President as part of Al Qaeda. If Congress intends to enact an AUMF to direct the President to conduct military activities in Iraq and Syria, it might craft authorization language that can encompass non-IS associated groups, of which the Khorasan group might be an example. On the other hand, Congress might choose to deliberately exclude such groups from a new authorization.

H.R. 5415 includes the Islamic State as a target, but also covers a number of other named terrorist groups and expansive categories of terrorist threats. The lawful targets of the bill include

⁷ President Barack Obama, remarks at a press conference, November 5, 2014, <http://www.whitehouse.gov/the-press-office/2014/11/05/remarks-president-press-conference>.

⁸ Ibid.

those countries, organizations, or persons associated with or supporting terrorist groups, including al Qaeda and its regional affiliates, the Islamic State of Iraq and Syria, al Shabaab, Boko Haram, and any other emerging regional terrorist groups that share a common violent extremist ideology with such terrorist groups, regional affiliates, or emerging terrorist groups....

This broad language would significantly expand the authorized use of military force not only with regard to the current crisis with the Islamic State in Iraq and Syria, but also in terms of U.S. counterterrorism activities worldwide. The authorization seems to include every state, other entity, or person that is part of or supporting a terrorist group, authorizing use of U.S. Armed Forces against each. In this regard, H.R. 5415 would seem to essentially serve as an expansive replacement for the authorities in the 2001 AUMF, delinking U.S. military action from the September 11, 2001, attacks that serve as some limitation on the use of military force in that earlier authorization.

Purpose of Authorization

Most of the proposed IS AUMFs state that their purpose, at least in part, is to “defend the national security of the United States” against the Islamic State. Some of these proposals include additional elements, however, that expand the purpose past U.S. national security. S.J.Res. 44, for example, states that the authorization is also intended to protect the United States and “other countries” from terrorist attacks. Should the Islamic State expand its operations or shift its tactics toward an expansive transnational terrorist agenda, such authorization could prove to be far reaching. S.J.Res. 44 also authorizes the use of force to “protect individuals from acts of violence in clear contravention of international law and basic human rights....” Read as an additional purpose to authorize the use of military force against IS forces, this language might be read to allow the President to use U.S. Armed Forces to fight the Islamic State even in cases where the United States is not facing a threat to its security. If the additional language were interpreted to be a second purpose, the authorization could be read to include military action against actors other than the Islamic State in order to stop human rights violations, greatly increasing the scope of the authorization.

Another proposal, S.J.Res. 42, does not include the “defend the national security” language, instead stating the authorization’s purpose is “to prevent terrorist attacks on the people and interests of the United States and our allies.” While the focus on the prevention of terrorist attacks is arguably more limited than a general protection of undefined national security interests, the inclusion of protecting of U.S. “interests” and allies generally from such attacks could be seen as broadening the authorization beyond the “U.S. national security” language of other proposals. Limiting the purpose to preventing terrorist attacks also might narrow the authorization insofar as it would not necessarily include a broader purpose to “defeat” the Islamic State completely or stop the Islamic State’s ability to operate in a non-ally state such as Syria. H.R. 5415 has similar purpose language to that of S.J.Res. 42, but also states it is also the authorization’s purpose “to eliminate” a wide range of terrorist groups (explained in the “Targeted Entities” section, above). This purpose language, therefore, might not require a known threat to the United States or its allies prior to the President using military force against a terrorist group. Criteria for assessing the “defeat” or “elimination” of targeted entities are not included.

Conditions on Use of Military Force

Three of the proposals include authorization language that states the President has authority to use military force when the United States is part of an effort by the broader international community, or part thereof, to meet the threat posed by the Islamic State. H.R. 5415 states that the President may use military force “with the close consultation, coordination, and cooperation with NATO and regional allies....” S.J.Res. 44 authorizes the President to use military force “as part of a multinational coalition....” H.J.Res. 128 includes two authorizing provisions, one of which seems to be intended to operate when the U.N. Security Council has passed a resolution authorizing its membership to use force against the Islamic State. Although each of these proposals seems to indicate an intent to ensure the United States does not use military force without international support, it is difficult to say whether the language might strictly require such multilateral action, or to what extent cooperation and coordinated action with other nations might be required.

Limitations on Use of Military Force

The proposed IS AUMFs contain a number of provisions intended to limit the authority to use military force. Some of the proposals include language excluding the deployment of U.S. ground troops from the President’s authority, except for certain types of military units or to carry out certain activities. These proposals include language excluding authority for “deployment of ground forces in a combat role,” “Armed Forces in direct combat operations,” “rotational ground forces,” or “United States ground combat forces.” Each of these descriptions might be interpreted to affect the President’s authority differently. Excluding deployment of ground forces “in a combat role” might be more restrictive than excluding forces that engage in “direct combat operations,” as there might be combat roles for U.S. Armed Forces that do not fall within the interpretation of the term “direct.” A number of types of ground combat forces might also fall outside the definition of “rotational” ground forces. These differences in language might result in authorizations with limitations on presidential authority of varied effectiveness. In addition, two of the proposed IS AUMFs provide exceptions to the limitation on ground troops. H.J.Res. 125 would allow deployment of ground troops that are “special operations forces” or forces “deployed in a training, advisory, or intelligence capacity.” While these exceptions might still exclude most U.S. Armed Forces units from deployment under the proposed AUMF, the overall number of troops that could be deployed under the exceptions could be sizeable, and their roles could place them in harm’s way in many cases. S.J.Res. 44 also includes exceptions to the ban on ground troops, allowing deployments for military assistance and training, protection or rescue of U.S. Armed Forces or citizens, and “limited operations against high value targets.”

H.J.Res. 125 and S.J.Res. 44 also include geographic limitations to their respective overall authority to use military force. Both limit that authority to Iraq and Syria.⁹ In light of the Islamic State’s expansive ambitions and operations close to the borders of Turkey, Jordan, Lebanon, and potentially other countries, such language could prove more restrictive in an evolving conflict than might be initially assumed. In the context of implementation of recent AUMFs, especially the 2001 AUMF, such limitations seem to be important, as successive Presidents have interpreted the 2001 AUMF to allow for use of military force in multiple countries that might not have been contemplated when Congress enacted the original authorization. S.J.Res. 44 also limits any use of force against IS associated forces, stating that there is no authority to use force against those

⁹ H.J.Res. 125 states that the limitation does not apply to foreign military training, although this type of activity would not be expected to raise questions concerning the authority to use military force.

forces unless the President identifies such forces in periodic reports to Congress. Again, this seems to be a response to the executive branch's implementation of the 2001 AUMF; both President Bush and Obama have independently interpreted that authority to extend to associated forces that are "co-belligerents" with Al Qaeda and the Taliban, including forces in multiple countries outside the original target of U.S. military action, Afghanistan.

Five of the proposed IS AUMFs include a provision that automatically terminates their respective authorizations after a certain period of time, with sunset provisions of 120 days, one year, 18 months, two years, and three years.

S.J.Res. 44 also includes an interpretive provision, stating that its authorization should not be construed as "authorizing support for force in support of, or in cooperation with, the national government of Syria ... or its security services...."

Repeal of Previous AUMFs

Four of the proposals would repeal the 2002 AUMF authorizing the use of military force against Iraq. Two of these four, H.J.Res. 125 and H.J.Res. 128, would also repeal the 2001 AUMF with a delay, with repeal taking effect 18 months and two years after enactment, respectively. The Obama Administration had recently adopted the position both that the 2002 AUMF could be repealed without detriment to U.S. Armed Forces or U.S. interests, and that the 2001 AUMF could be amended or repealed once the planned U.S. Armed Forces withdrawal from Afghanistan was completed and a bilateral security agreement with Afghanistan is finalized.¹⁰ These repeal provisions seem to generally correspond with these recent Administration positions. Recent statements by the Obama Administration and the President's September 23, 2014, notification to Congress of strikes against IS forces, however, indicate that the President considers the 2001 and 2002 AUMFs as authority to conduct a military campaign against the Islamic State as well as other Al Qaeda-related groups. Given this presidential application of existing AUMFs, the repeal provisions might take on the role of repudiating the President's positions on his existing authority to use military force against the Islamic State and other terrorist groups. Repeal of these AUMFs could be seen as an indication that Congress disagrees with the President's interpretation of his existing authorities to use force and that it intends to replace his existing authority with a possibly narrower authority in an IS AUMF.

Reporting and Certification Requirements

Five of the proposed IS AUMFs require presidential reporting to Congress to include various information, including

- the Administration's strategy for military action against the Islamic State and in Iraq and Syria generally, and implementation of or changes to the strategy;
- the status of military actions taken under a given authorization;
- descriptions of plans for further military action, as well as redeployment of U.S. Armed Forces after military action is completed;

¹⁰ See testimony of Mary McLeod and Stephen Preston, U.S. Congress, Senate Committee on Foreign Relations, hearing on Authorization for Use of Military Force, 113th Cong., 2nd sess., May 21, 2014.

- expenditures made pursuant to the authorization, or the budgetary effects of military action taken; and
- the status and actions of any multinational coalition cooperating with the United States to engage the Islamic State and other groups militarily.

S.J.Res. 44 requires the President to report to Congress every 90 days on his identification of IS associated forces in order to gain the authority to use military force against such associated forces. In order for the President to have authority to use military force without a relevant U.N. Security Council resolution, H.J.Res. 128 requires the President to certify that the United States sought approval of such a resolution, that the Security Council is unlikely to approve such a resolution, and that the President has instead sought to build a broad coalition of nations to counter the IS threat.

War Powers Resolution and Expedited Consideration Provisions

Each of the proposals states that its respective provision authorizing the use of military force is intended to constitute specific statutory authorization within the meaning of Section 5(b) of the War Powers Resolution (WPR; P.L. 93-148; 50 U.S.C. §§1541-1548). Section 5(b) of the WPR states that the President shall withdraw U.S. Armed Forces from active or imminent hostilities within 60 days after a presidential notification of the introduction of U.S. Armed Forces into such hostilities is made or is required to be made under Section 4(a)(1) of the WPR, unless Congress has enacted a declaration of war or authorization to use military force, among other exceptions. The statement that these proposals are intended to act as authorization under the WPR might indicate Congress's desire to approve the President's current military actions, within the scope and limitations explained above. Although the President ordered the first airstrikes against IS forces in early August, there does not seem to be clear consensus among experts or Members of Congress on when the 60-day period began running, and whether it is running currently. The President's reliance on the existing AUMFs to conduct military operations against the Islamic State and other groups in Iraq and Syria, if accepted by Congress, would have stopped any running of the 60-day clock, whether or not a new IS AUMF is enacted, as there would be existing congressional authorization for his actions.

Section 6 of the WPR provides for expedited consideration of legislative proposals introduced in accordance with Section 5(b); it is not apparent that any of the current IS AUMF proposals are currently being subjected to these expedited procedures. Although the WPR sets out these procedures in legislation, such procedural provisions do not take precedence over the rulemaking and procedural prerogatives of either house of Congress, and each house maintains the authority to enforce its own rules at its discretion.¹¹ H.J.Res. 128 sets out its own procedures for expedited consideration of a further resolution authorizing military force against the Islamic State, if such resolution meets H.J.Res. 128's definition of a "qualified resolution." The process is described in **Table 2** below, in the "Expedited Consideration" section.

¹¹ For more information, see CRS Report 98-888, *"Fast-Track" or Expedited Procedures: Their Purposes, Elements, and Implications*, by Christopher M. Davis; CRS Report RS20234, *Expedited or "Fast-Track" Legislative Procedures*, by Christopher M. Davis; CRS Report RL30599, *Expedited Procedures in the House: Variations Enacted Into Law*, by Christopher M. Davis.

December 2014 Senate Foreign Relations Committee Activities

In December 2014, the Senate Foreign Relations Committee conducted a hearing and considered legislation concerning a new authorization for use of military force against the Islamic State. After Senator Rand Paul reportedly intended to propose an amendment to S. 2946 prior to the committee's vote on that bill that would have declared a state of war between the United States and the Islamic State, the committee decided to consider an IS AUMF proposed by Committee Chairman Robert Menendez. Prior to the committee's markup of the proposal on December 11, the committee held a hearing on December 9 with Secretary of State John Kerry to discuss the Obama Administration's views on enactment of a new IS AUMF.

Senator Menendez's IS AUMF proposal, as amended and reported favorably out of committee on December 13 (S.J.Res. 47), would authorize the use of U.S. Armed Forces against the Islamic State and "associated persons or forces," defined as "individuals and organizations fighting for or on behalf of the Islamic State ... or a closely-related successor entity...." The authorization would prohibit "ground combat operations" except for the rescue or protection of U.S. Armed Forces or U.S. citizens, intelligence gathering, enabling kinetic strikes, operational planning, and providing assistance to forces fighting the Islamic State in Iraq and Syria. The AUMF would repeal the 2002 AUMF and sunset the authorization in the 2001 AUMF three years after enactment of S.J.Res. 47. It states that the authority contained in the AUMF supersedes any previous authority that could apply to the use of force against the Islamic State. The AUMF's authority would terminate three years after enactment, "unless reauthorized."

At the hearing, Secretary Kerry reiterated President Obama's earlier-stated position that the Administration supports enactment of a new AUMF targeting the Islamic State, agreeing with the goal of providing specific and limited authority to conduct operations against this organization and its associated forces. The Secretary informed the committee that the Administration supports the three-year sunset of the authorization contained in Senator Menendez's proposal, "subject to provisions for extension" of that authorization. He stated the Administration's view, however, that such authority "should give the President the clear mandate and flexibility he needs to successfully prosecute the armed conflict against [the Islamic State]...." The Administration, according to Secretary Kerry, therefore opposes inclusion of a limitation on the use of ground combat forces, and any geographic restriction limiting operations to Iraq and Syria. With regard to the definition of "associated persons or forces" in Senator Menendez's proposed IS AUMF, Secretary Kerry stated that the Administration would prefer the definition be based on those "fighting alongside" the Islamic State, rather than the current language, which he stated might require a determination of "ideological association or other kind of affiliation."¹²

With regard to the sunset provisions in Senator Menendez's proposal, automatically terminating both the IS-specific authorization as well as the authorization in the 2001 AUMF after three years, there is concern that Congress placing time limitations on the campaigns against the Islamic State, as well as Al Qaeda and other terrorist groups targeted under the 2001 AUMF, would send the wrong message to such targeted groups and the world about U.S. resolve to defeat these

¹² Testimony of Secretary of State John Kerry, U.S. Congress, Senate Committee on Foreign Relations, *Authorization For The Use of Military Force Against ISIL*, 113th Cong., 2nd sess., December 11, 2014.

groups. On the other hand, a sunset on authority to use military force could be utilized to ensure that the IS and 2001 AUMF authorizations are not interpreted to authorize the use of military force in perpetuity, and in a manner that some perceive as outside the scope and intent of the original authorizations. Given the Obama Administration's continuing reliance on that authorization to conduct the current campaign against the Islamic State, for example, leaving the 2001 AUMF in place without amendment might be a continuing source of confusion and contention concerning presidential authority to use military force against the Islamic State, and in Iraq, Syria, and the Middle East/North Africa region in general. In any case, some argue, automatic terminations of authority might force Congress to reconsider previous AUMFs and their provisions in light of changed circumstances, amending and reauthorizing as Congress sees necessary.

In considering any proposals to limit the authority of an IS AUMF by prohibiting the use of ground forces or constraining operations to a certain geographic area, Congress must weigh competing interests. The limitation on the use of ground forces or prohibiting ground combat operations might, as some argue, significantly restrict the ability of the President and U.S. military leadership to prosecute conflict against the Islamic State in the manner they feel is most effective. Congress might consider such restriction acceptable, however, if it is determined to avoid the involvement of the U.S. Armed Forces in another large-scale ground conflict following so closely upon the end of two such conflicts in Iraq and Afghanistan.

A geographic limitation might hinder the President's ability to strike IS and associated forces in countries other than Iraq and Syria, despite these forces' proven ability to cross state borders when it suits their purposes. In addition, as more groups pledge to fight alongside the Islamic State in countries such as Egypt, Libya, Algeria, Saudi Arabia, and Yemen, it could be reasonably expected that the President would determine U.S. military operations should expand outside Iraq and Syria in the future. Congress, however, might wish to include such a limitation to prevent a similar geographic expansion of military operations to the President's expansion under the 2001 AUMF's authority to several countries other than Afghanistan.

It can be argued that even if such limitations are perceived later to have a deleterious effect on the U.S. campaign against the Islamic State, either limitation could be removed or modified through subsequent legislative action if the need arises. Such limitations and an overall lack of flexibility in any IS AUMF, however, might be difficult to change legislatively if Members of Congress cannot agree to changes; neither the 2001 nor 2002 AUMF has been amended, for example, despite the stated need for amendments by observers and Members over the lifespan of those two measures.

Table 2. Proposed Authorizations for Use of Military Force Against the Islamic State in the 113th Congress

Comparison of Similar Provisions (as of October 20, 2014)

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128^a with U.N. Security Council Resolution	H.J.Res. 128^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
Scope of authorized force	"The President is authorized ... to use all necessary and appropriate force"	"The President is authorized to use the Armed Forces of the United States as the President determines to be necessary and appropriate"	"The President is authorized to use the Armed Forces of the United States"	"The President is authorized to use the United States Armed Forces as the President determines to be necessary and appropriate"	Same, except subject to conditions (see Reporting/Certification row, below) and enactment of a second joint resolution under expedited procedures	"The President is authorized to use appropriate force"	"the President is authorized to use all necessary and appropriate force"	"the President is authorized ... to use all necessary and appropriate force"
International conditions for use of force	"with the close consultation, coordination, and cooperation with NATO and regional allies"	none specified	none specified	U.N. Security Council resolution authorizing use of force against ISIL	No U.N. Security Council resolution authorizing use of force against ISIL	none specified	none specified	"as part of a multinational coalition"

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128^a with U.N. Security Council Resolution	H.J.Res. 128^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
Types of military action authorized	none specified	none specified	none specified	none specified		none specified	none specified	<p>“to participate in a campaign of airstrikes in Iraq, and if the President deems necessary, in Syria, to degrade and defeat ISIL”</p> <p>The resolution would also authorize the President to “provide military equipment and training to forces fighting ISIL in Iraq or Syria”</p>

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128 ^a with U.N. Security Council Resolution	H.J.Res. 128 ^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
Target of use of military force	“those countries, organizations, or persons associated with or supporting terrorist groups, including al Qaeda and its regional affiliates, the Islamic State of Iraq and Syria, al Shabaab, Boko Haram, and any other emerging regional terrorist groups that share a common violent extremist ideology with such terrorist groups, regional affiliates, or emerging terrorist groups”	“Islamic State of Iraq and the Levant (ISIL)”	“Islamic State of Iraq and the Levant (ISIL)”	“Islamic State of Iraq and the Levant (‘ISIL’)”	“Islamic State of Iraq and the Levant (‘ISIL’)”	“Islamic State of Iraq and the Levant (ISIL)”	“Islamic State (or ‘IS’), formally known as the Islamic State of Iraq and the Levant, as well as any successor organization”	“Islamic State in Iraq and the Levant (ISIL)”, as well as ISIL-associated forces, subject to requirements in Section 4 (see below)
Purpose	“to eliminate all such terrorist groups and prevent any future acts of international terrorism against the United States or its allies by such terrorist groups, countries, organization, or persons”	“to defend the national security of the United States against the continuing threat posed by the Islamic State of Iraq and the Levant (ISIL)”	none specified	“to ... defend the national security of the United States against the Islamic State of Iraq and the Levant (‘ISIL’); and enforce a United Nations Security Council resolution” that authorizes a multilateral coalition to take several types of action against ISIL	“to defend the national security of the United States against the Islamic State of Iraq and the Levant (‘ISIL’)”	“to prevent terrorist attacks on the people and interests of the United States and our allies”	“to defend the national security of the United States against the threat posed by the organization called the Islamic State (or ‘IS’), formally known as the Islamic State of Iraq and the Levant, as well as any successor organization”	“to protect the United States and other countries from terrorist attacks by the Islamic State in Iraq and the Levant (ISIL), and in order to protect individuals from acts of violence in clear contravention of international law and basic human rights”

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128 ^a with U.N. Security Council Resolution	H.J.Res. 128 ^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
Geographic limitation	none specified	none specified	“authority ... shall be confined to the territory of the Republic of Iraq and the Syrian Arab Republic” Limitation does not apply to foreign military training activities	none specified		none specified	none specified	Authorization applies to Iraq and Syria
Military unit limitation	none specified	none specified	“does not include the authority for the deployment of ground forces in a combat role” Limitation does not apply to “special operations forces or other forces that may be deployed in a training, advisory, or intelligence capacity”	none specified	use of U.S. Armed Forces authorized “other than the use of such Armed Forces in direct ground combat operations”	“does not include authorization for the use of rotational ground forces”	none specified	“does not include ... use of United States ground combat forces, except for [military assistance and training] or as necessary for the protection or rescue of members of the United States Armed Forces or United States citizens..., or for limited operations against high value targets”
Targeting associated forces limitation	none specified	none specified	none specified	none specified		none specified	none specified	“does not include ... authorization for the use of force against forces associated with ISIL, unless such forces are identified in a report submitted under section 4” of the resolution.

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128 ^a with U.N. Security Council Resolution	H.J.Res. 128 ^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
Government of Syria limitation	none	none	none	none		none	none	“Nothing in this resolution shall be construed as ... authorizing support for force in support of, or in cooperation with, the national government of Syria ... or its security services”
Sunset	none	120 days after date of enactment	18 months after date of enactment	2 years		3 years after date of enactment	none	1 year from date of enactment
AUMF Repeal	none	Resolution would repeal 2002 AUMF	Resolution would repeal 2002 AUMF immediately, and repeal the 2001 AUMF 18 months after date of enactment	Resolution would repeal 2002 AUMF immediately, and repeal the 2001 AUMF 2 years after date of enactment		none	none	Resolution would repeal 2002 AUMF

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128 ^a with U.N. Security Council Resolution	H.J.Res. 128 ^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
Reporting/ Certification	none	Not later than 60 days after enactment, President is required to report on “status of all actions taken”; “description of all proposed actions”; “status of engagement of allies of the United States and international coalitions in combating” ISIL; and “estimated budgetary effects of actions proposed”	“The President shall, at least once every 60 days” after enactment, report on relevant matters including actions taken and planned actions under the authorization	none specified	President must certify that the United States has sought, but the United Nations Security Council has not approved, a resolution authorizing the use of force, and is unlikely to; and that the President has sought to build a broad international coalition to counter ISIL President must present a strategy for use of military force against ISIL	none	Not later than 15 days after enactment, President is required to submit comprehensive strategy to defeat the Islamic State; not later than 90 days after the first report is required, President must report on implementation of the strategy; any substantive change to strategy requires an immediate additional report	Section 4 requires the President to identify ISIL-associated forces targetable under the resolution in a report every 90 days
				In both cases, every 60 days the President must report on uses of lethal force and their circumstances, civilian casualties resulting from such use of force, estimate of expenditures resulting from the use of force, and planning for redeployment of U.S. Armed Forces after military action against ISIL is completed				
Consultation	none specified	none specified	none specified	“The President shall consult on a regular basis with the congressional committees of jurisdiction to provide updated information on actions being taken pursuant to this joint resolution in either public or closed sessions”		none specified	none specified	none specified

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128^a with U.N. Security Council Resolution	H.J.Res. 128^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
War Powers Resolution	Bill states authorization section is “intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution”	Resolution states authorization section is “intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution”	Resolution states authorization section is “intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution”	(in both cases) Resolution states that authorization sections are “intended to constitute specific authorization within the meaning of section 5(b) of the War Powers Resolution”		Resolution states authorization section is “intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution”	Resolution states authorization section is “intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution”	Resolution states authorization section is “intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution”

Provision	H.R. 5415	H.J.Res. 123	H.J.Res. 125	H.J.Res. 128 ^a with U.N. Security Council Resolution	H.J.Res. 128 ^a without U.N. Security Council Resolution	S.J.Res. 42	S.J.Res. 43	S.J.Res. 44
Expedited Consideration	none	none	none	none	Provides expedited consideration for a second resolution, if such resolution is introduced by the majority or minority leader in the House or Senate within the next legislative day after a required Presidential certification is submitted In both houses, second resolution is to be placed on the calendar, considered within one legislative day, debated for a maximum of 20 hours, and voted upon immediately following debate; passage of resolution in one chamber requires immediate action by the second chamber on the resolution received	none	none	none

Source: Congress.gov.

- a. H.J.Res. 128 contains two separate authorization provisions. Section 3 of the resolution operates when the U.N. Security Council has adopted a resolution authorizing the use of military force against the Islamic State; Section 4 operates when no such resolution has been adopted. Section 4 does not in fact authorize the use of military force, but instead creates a process of presidential reporting and certification and expedited consideration procedures for a separate resolution to be introduced after such reporting and certification has been made to Congress. The table therefore sets out the operative provisions and language in H.J.Res. 128 in two columns to separate the operative language of the two authorization sections. For provisions that apply no matter which authorization section is operative, or where the resolution does not contain the type of provision being explained, the two columns are combined.

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The “Islamic State” Crisis and U.S. Policy

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Summary

The Islamic State (IS, aka the Islamic State of Iraq and the Levant, ISIL/ISIS) is a transnational Sunni Islamist insurgent and terrorist group that has expanded its control over areas of parts of Iraq and Syria since 2013, threatening the wider region. There is debate over the degree to which the Islamic State organization might represent a direct terrorist threat to the U.S. homeland or to U.S. facilities and personnel in the region.

The forerunners of the Islamic State were part of the insurgency against coalition forces in Iraq, and the organization has in the years since the 2011 U.S. withdrawal from Iraq expanded its control over significant areas of both Iraq and Syria. The Islamic State has thrived in the disaffected Sunni tribal areas of Iraq and taken control of some eastern provinces of Syria torn by the civil war. In 2014, Islamic State-led forces, supported by groups linked to ousted Iraqi President Saddam Hussein and some Sunni Arabs, advanced along the Tigris and Euphrates rivers in Iraq, seizing population centers including Mosul, one of Iraq's largest cities. Since then, IS forces have massacred Syrian and Iraqi adversaries, including some civilians, often from ethnic or religious minorities, and murdered hostages, including U.S. citizens. Islamic State offensives in Iraq's Anbar province and against Kurdish enclaves continue. The group's tactics have drawn international ire, and raised U.S. attention to Iraq's political problems and to the war in Syria.

On September 10, 2014, President Obama announced a series of actions intended to "degrade, and ultimately destroy" the Islamic State organization. The United States is leading and seeking to expand a multilateral coalition that is undertaking direct military action; providing advice, training, and equipment for partner ground forces in Iraq and Syria; gathering and sharing intelligence; and using financial measures against the Islamic State. The objective of these measures is to progressively shrink the geographic and political space, manpower, and financial resources available to the Islamic State organization. U.S. officials refer to their strategy as "Iraq-first" and "ISIL-first," amid criticism by some in Congress that more attention should be paid to the civil war in Syria and more effort should be made to oust Syrian President Bashar al Asad.

The U.S. desire to show progress against the Islamic State and in the recruitment of regional partners raises questions of whether the U.S. mission and commitment might expand. President Obama has ruled out deploying ground combat forces to Iraq or Syria, but has not ruled out providing forward aircraft controllers, additional military advisors, or other related ground-based military assets. Some experts assert that coalition partners inside Iraq and Syria—Iraqi government forces and select Syrian groups—are too weak to defeat the Islamic State and will eventually require help from U.S. combat troops. Several regional coalition members apparently seek an expansion of the U.S.-led mission to include an effort to oust President Asad of Syria.

In December 2014, the 113th Congress provided new authorities and funds for efforts to combat the Islamic State organization in Syria and Iraq in the FY2015 national defense authorization (P.L. 113-291) and consolidated appropriations acts (P.L. 113-235). The 114th Congress is now considering the Administration's budget requests for FY2016 funding to continue current efforts.

For details on Islamic State operations in Iraq and U.S. policy toward Iraq since the 2003 U.S. invasion, see CRS Report RS21968, *Iraq: Politics, Governance, and Human Rights*, by Kenneth Katzman. For information on the Islamic State's operations in Syria, see CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by Christopher M. Blanchard.

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The Islamic State

The Islamic State (IS, aka the Islamic State of Iraq and the Levant, ISIL/ISIS) is a transnational Sunni Islamist insurgent and terrorist group that has expanded its control over areas of northwestern Iraq and northeastern Syria since 2013, threatening the security of both countries and drawing increased attention from the international community. The Islamic State has thrived in the disaffected Sunni Muslim-inhabited areas of Iraq and taken control of some provinces in eastern Syria. The Islamic State's tactics have drawn the ire of the international community, and raised new U.S. attention to Iraq's political problems and to the civil war in Syria.

Although the Islamic State organization is considered a direct threat to U.S. interests in the Middle East, it is unclear whether it currently poses direct threats to U.S. homeland security. In November 2014, National Counterterrorism Center (NCTC) Director Nicholas Rasmussen said in congressional testimony that "the [ISIL] threat beyond the Middle East is real, although thus far limited in sophistication. However, if left unchecked, over time we can expect ISIL's capabilities to mature, and the threat to the United States homeland ultimately to increase."¹ In this regard, U.S. officials continue to highlight potential threats posed by foreign fighters with Western passports and report that as many as 18,000 foreign fighters from 90 countries have travelled to Syria or Iraq, including at least 3,000 Westerners.² According to U.S. officials, approximately 150 U.S. citizens have traveled or attempted to travel to Syria to support armed groups there since the start of the Syrian conflict in 2011, and approximately 12 Americans were believed by U.S. officials to have been fighting there as of September 2014.

A U.S. Central Intelligence Agency (CIA) spokesperson estimated in September 2014 that the Islamic State could muster 20,000 to 31,500 individuals. Chairman of the Joint Chiefs of Staff General Martin Dempsey told the Senate Armed Services Committee on September 16 that two-thirds of the Islamic State organization's personnel then remained in Syria. As of early 2015, U.S. officials estimate that coalition air strikes and ground operations have killed thousands of IS personnel since August 2014. However thousands of recruits also reportedly have joined the organization over that period.

Statements and media materials released by the Islamic State reflect an uncompromising, exclusionary worldview and a relentless ambition. Statements by IS leader Abu Bakr al Baghdadi and IS spokesman Abu Mohammed al Adnani feature sectarian calls for violence and identify Shiites, non-Muslims, and unsupportive Sunnis as enemies in the group's struggle to revive their vision of "the caliphate." The group describes Iraqi Shiites derogatorily as "rejectionists" and "polytheists" and paints the Iraqi government as a puppet of Iran. Similar ire is aimed at Syrian Alawites and the Asad government, although some sources allege that operatives for the Islamic

¹ Mr. Nicholas J. Rasmussen Acting Director, National Counterterrorism Center, Statement for the Record, Senate Select Intelligence Committee, November 20, 2014. In September 2014, his predecessor Matthew Olsen had said that "we have no credible information that ISIL is planning to attack the U.S.". Olsen also said U.S. counterterrorism officials "remain mindful of the possibility that an ISIL-sympathizer—perhaps motivated by online propaganda—could conduct a limited, self-directed attack here at home with no warning." However, Olsen noted that, "In our view, any threat to the U.S. homeland from these types of extremists is likely to be limited in scope and scale."

² "More Westerners fighting in Syria and Iraq, says DOJ official," CBS News, January 8, 2015; and, Ambassador Robert Bradtke, State Department Bureau of Counterterrorism Senior Advisor for Partner Engagement on Syria Foreign Fighters, Testimony before House Foreign Affairs Subcommittees on Terrorism, Nonproliferation and Trade, and the Middle East and North Africa, December 2, 2014.

State and its antecedents have benefitted from evolving financial and security arrangements with Damascus that began during the 2003-2011 U.S. military presence in Iraq.

In July 2012, Al Baghdadi warned U.S. leaders that “the mujahidin have set out to chase the affiliates of your armies that have fled.... You will see them in your own country, God willing. The war with you has just begun.”³ In January 2014, Al Baghdadi threatened the United States directly, saying, “Know, O defender of the Cross, that a proxy war will not help you in the Levant, just as it will not help you in Iraq. Soon, you will be in direct conflict—God permitting—against your will.”⁴ English language propaganda and recruiting material released by the group in connection with its 2014 executions of U.S. citizens James Foley and Stephen Sotloff suggest the group is attempting to portray itself as responding to U.S. aggression, a posture adopted by its predecessors and now rivals in Al Qaeda. In November 2014, Al Baghdadi argued the Islamic State would continue to expand and welcomed the potential introduction of Western ground forces, saying: “soon, the Jews and Crusaders will be forced to come down to the ground and send their ground forces to their deaths and destruction, by Allah’s permission.”⁵ In January 2015, Adnani urged the group’s supporters “in Europe and the disbelieving West and everywhere else, to target the crusaders in their own lands and wherever they are found.”⁶

Background: The Roots of the Islamic State

The Islamic State’s ideological and organizational roots lie in the forces built and led by the late Abu Musab al Zarqawi in Iraq from 2002 through 2006—*Tawhid wal Jihad* (Monotheism and Jihad) and Al Qaeda in the Land of the Two Rivers (aka Al Qaeda in Iraq, or AQ-I). Following Zarqawi’s death at the hands of U.S. forces in June 2006, AQ-I leaders repackaged the group as a coalition known as the Islamic State of Iraq (ISI). ISI lost its two top leaders in 2010 and was weakened, but not eliminated, by the time of the U.S. withdrawal in 2011. Under the leadership of Ibrahim Awad Ibrahim al Badri al Samarra’i (aka Abu Bakr al Baghdadi),⁷ ISI rebuilt its capabilities. By early 2013, the group was conducting dozens of deadly attacks a month inside Iraq. The precise nature of ISI’s relationship to Al Qaeda leaders from 2006 onward is unclear. In 2014, Islamic State leaders stated their view that their group “is not and has never been an offshoot of Al Qaeda,”⁸ and that, given that they view themselves as a state and a sovereign political entity, they have given leaders of the Al Qaeda organization deference rather than pledges of obedience. In April 2013, Abu Bakr al Baghdadi announced his intent to merge his forces in Iraq and Syria with those of the Syria-based Jabhat al Nusra, under the name the Islamic State of Iraq and the Levant (ISIL/ISIS). Jabhat al Nusra and Al Qaeda leaders rejected the merger, underscoring growing tensions among Sunni extremists in the region.

For an overview timeline, see **Figure 3** below.

Additional analysis can be found in CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by Christopher M. Blanchard; and CRS Report RS21968, *Iraq: Politics, Governance, and Human Rights*, by Kenneth Katzman.

³ U.S. Government Open Source Center (OSC) Report GMP20120721586002, “Islamic State of Iraq Amir Calls on Sunni Tribes to ‘Repent,’” July 21, 2012.

⁴ OSC Report TRR2014011980831299, “Al-Furqan Establishment Releases Audio Statement by ISIL Emir Condemning ‘War’ Against Group,” translated from *Al Minbar al I’lami Jihadist Forum*, January 19, 2014.

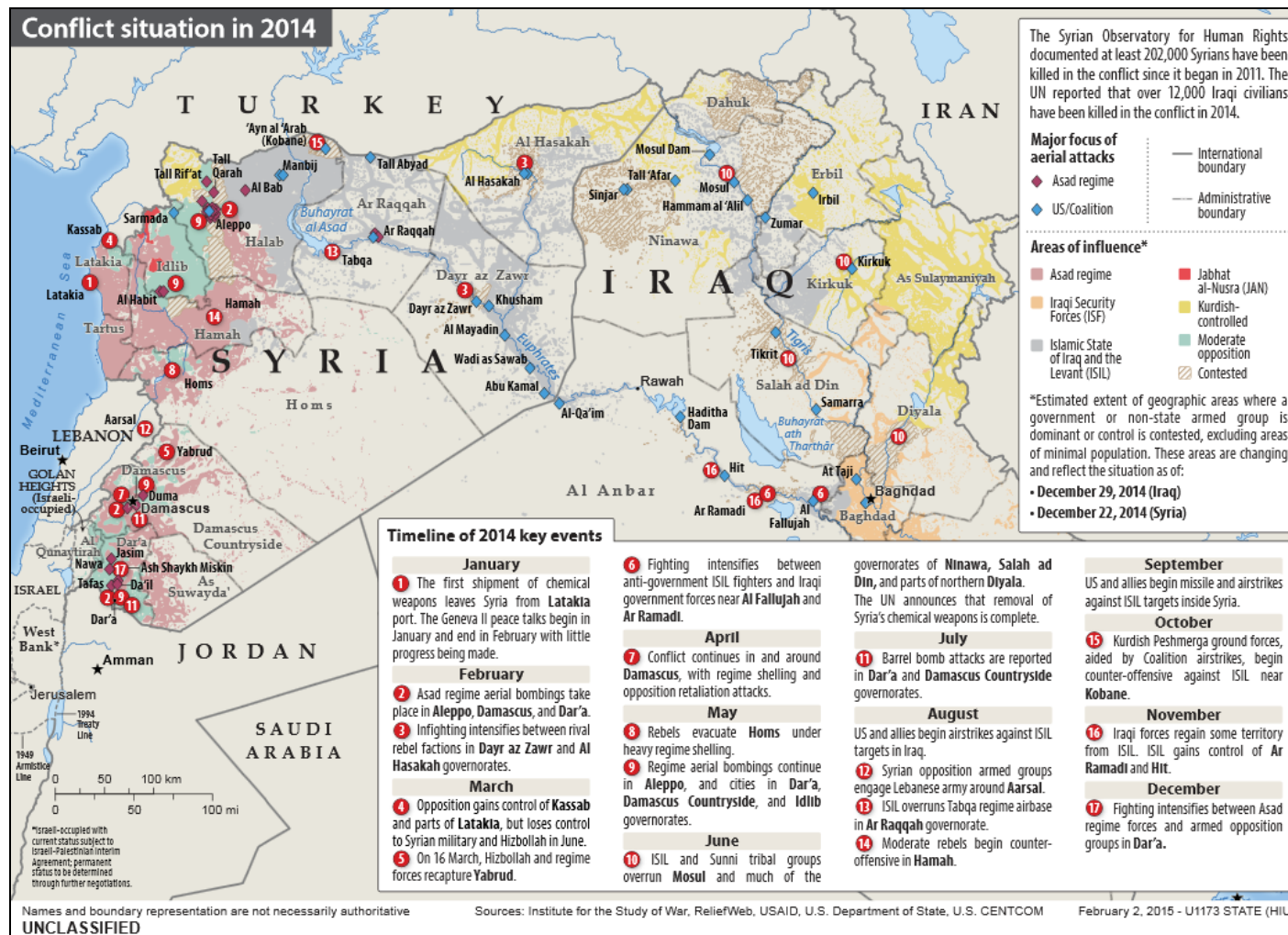
⁵ OSC Report TRR2014111361251279, “ISIL Amir Al-Baghdadi Accepts Pledges of Allegiance, Announces ‘Expansion’ to Saudi Arabia, Yemen,” Twitter, November 13, 2014.

⁶ OSC Report TRR2015012657315008, “ISIL Spokesman Al-Adnani Announces ‘Wilayah Khurasan,’ Calls For More Lone Wolf Attacks in West,” Twitter, January 26, 2015.

⁷ Al Baghdadi reportedly was arrested and detained by U.S. forces in Iraq.

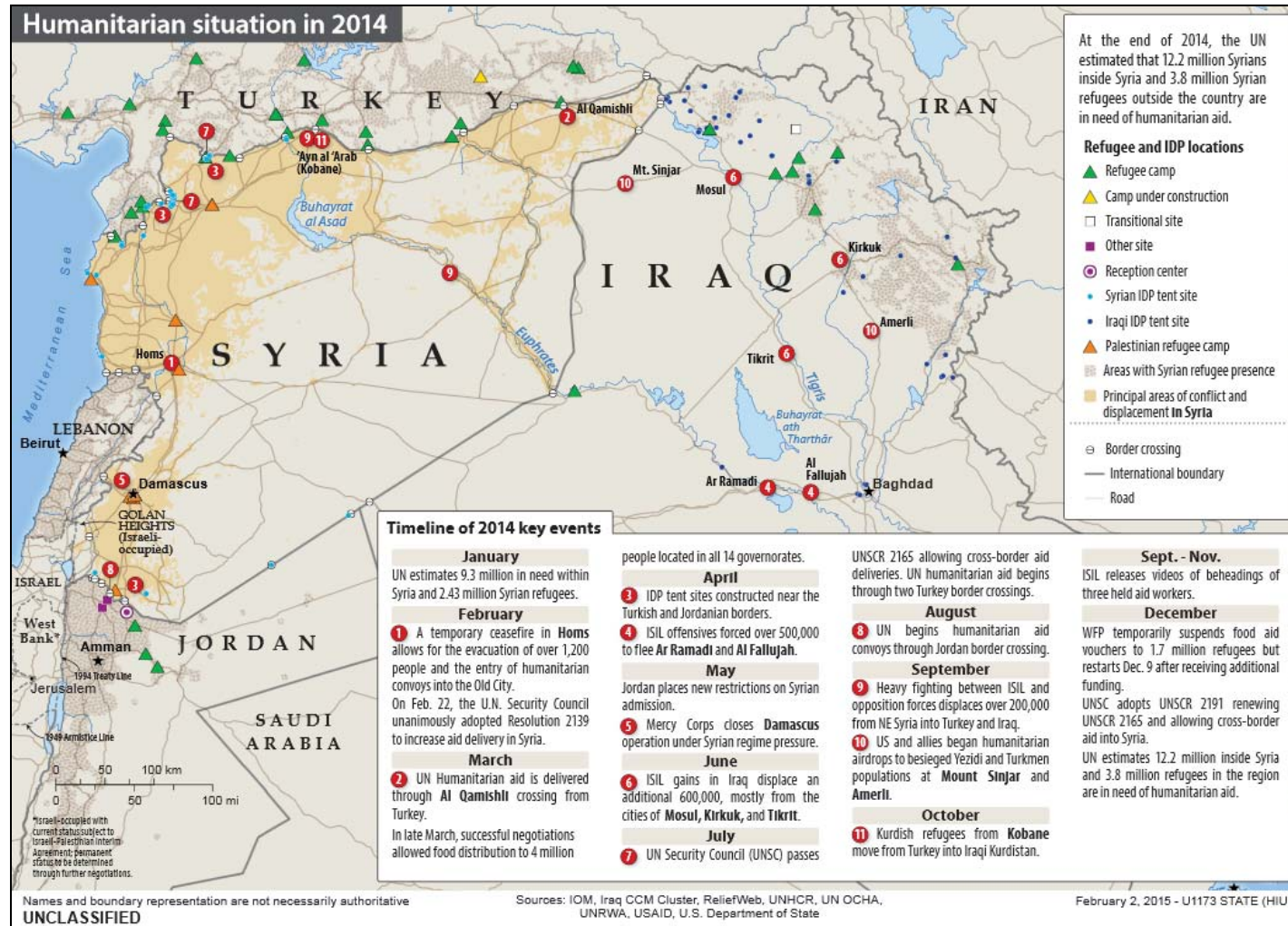
⁸ OSC Report TRN2014051234500562, “Al-Furqan Releases ISIL Al-Adnani’s Message Criticizing Al-Zawahiri, Refusing to Leave Syria,” Twitter, May 11-12, 2014.

Figure I. Syria and Iraq: Conflict and Crisis Map



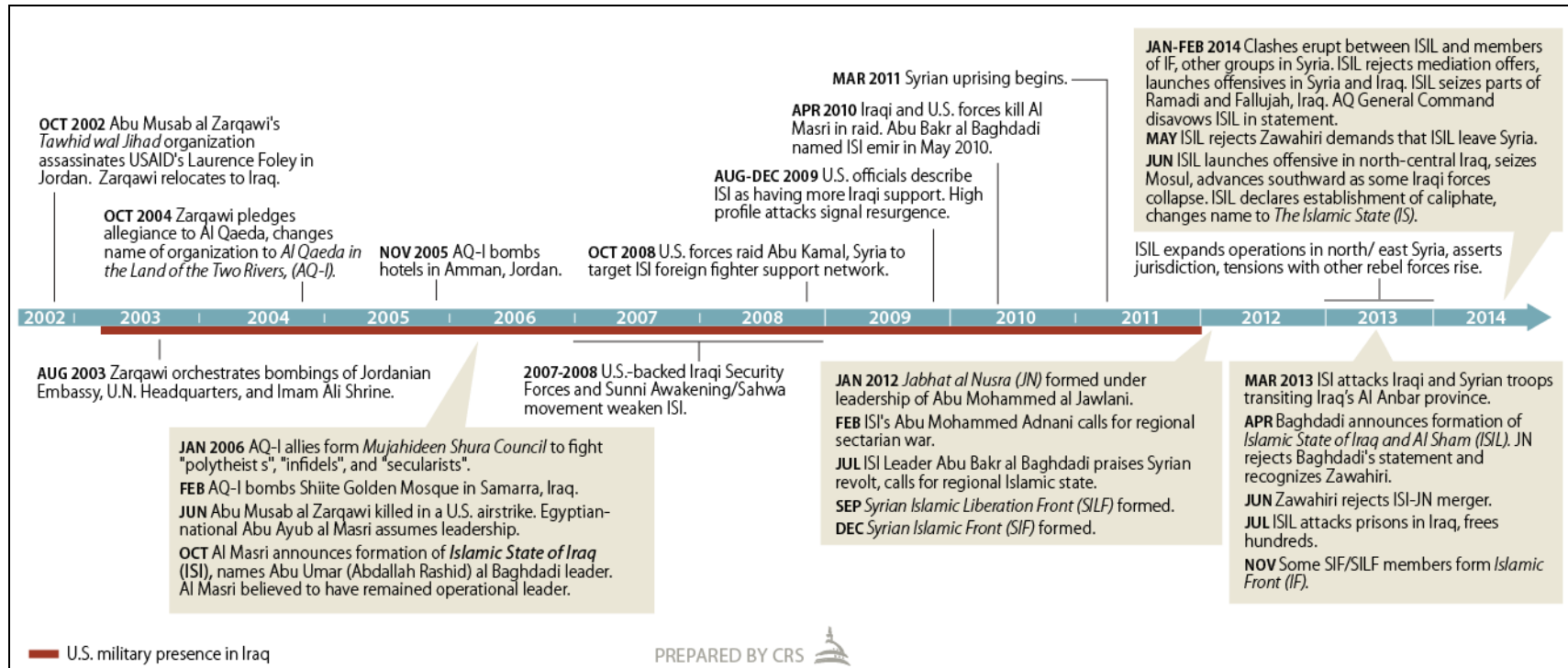
Source: U.S. State Department, Humanitarian Information Unit, Syria Conflict Without Borders: 2014 in Review, February 2, 2015.

Figure 2. Syria and Iraq: Humanitarian Situation Map



Source: U.S. State Department, Humanitarian Information Unit, Syria Conflict Without Borders: 2014 in Review, February 2, 2015.

Figure 3. Timeline: The Roots of the Islamic State



Source: Prepared by CRS using U.S. Government Open Source Center reporting and other open sources.

The Situation in Iraq

Many observers assessed that the Iraqi government was able to contain an IS-led insurrection in Iraq's Anbar Province that captured the city of Fallujah and parts of the provincial capital of Ramadi in January 2014. Such forecasts were upended on June 10, 2014, when the Islamic State captured the northern city of Mosul amid mass desertions by ISF officers and personnel. According to one expert, about 60 out of 243 Iraqi army combat battalions could not be accounted for.⁹ The Islamic State offensive was reportedly joined by Sunni tribal fighters, former members of the late Saddam Hussein's Baath Party and military, and other Sunni residents.¹⁰ The Sunni support for the offensive, despite reservations among many Sunnis about the Islamic State's brutal tactics against opponents and its intention to impose its version of Islamic law, appeared to reflect broad Sunni dissatisfaction with the government of Prime Minister Nuri al Maliki that was then in power.¹¹

After taking Mosul, the IS-led fighters advanced to Saddam's hometown of Tikrit and other cities, and into Diyala Province, which has roughly equal numbers of Sunnis and Shiites. In the course of the offensive, IS and allied fighters looted banks, freed prisoners, and reportedly captured a substantial amount of U.S.-supplied military equipment, such as HMMWVs ("Humvees") and artillery equipped with Global Positioning System (GPS) targeting systems.¹² Islamic State-led fighters captured the city of Tal Afar west of Mosul on June 16 and reached the outskirts of Baqubah, capital of Diyala, about 38 miles northeast of Baghdad, by June 17. In mid-July, IS members in Mosul expelled remaining Christians there from the city.¹³

Shiite militias mobilized to try to help the government prevent IS forces from reaching Baghdad. The Iraqi capital is reportedly about 80% Shiite-inhabited, and many Shiites there and from elsewhere volunteered for militia service—in part answering a call by Iraq's leading Shiite cleric, Grand Ayatollah Ali al-Sistani—to help the ISF. With support from these militias, the government forces regrouped to some extent and stalled the Islamic State advance on the capital.

The ISF collapse in the north enabled the *peshmerga* (Kurdish militia) to capture Kirkuk and large nearby oil fields abandoned by the ISF. The Kurds have long sought to control that oil-rich region, which they claim is historic Kurdish territory, and to affiliate the province with their autonomous region run by a Kurdistan Regional Government (KRG). On July 11, *peshmerga* reportedly seized control of two key oil fields near Kirkuk from a state-controlled company. Many experts assert that the Kurds are unlikely to willingly return control of Kirkuk and related areas to the central government.¹⁴ The *peshmerga* gains prompted renewed discussion among KRG leaders about seeking outright independence from Iraq. In early July, KRG President Masoud Barzani asked the KRG parliament to plan a referendum on independence.¹⁵ However,

⁹ Michael Knights in "Iraq's Dire Situation," Washington Institute for Near East Policy, June 17, 2014.

¹⁰ Tim Arango, "Uneasy Alliance Gives Insurgents an Edge in Iraq," *New York Times*, June 19, 2014.

¹¹ "Unlikely Allies Aid Militants in Iraq," *Wall Street Journal*, June 16, 2014.

¹² Mitchell Prothero, "Iraqi Army Remains on Defensive as Extent of June Debacle Becomes Clearer," McLatchey Wire Service, July 14, 2014.

¹³ Alissa Rubin, "ISIS Expels Last Iraqi Christians from Mosul," *New York Times*, July 19, 2014.

¹⁴ Author conversations with expert on the Iraqi Kurds, June-August 2014.

¹⁵ For more information on the Kurds and the potential for the Iraqi Kurds to declare independence, see CRS Insight (continued...)

Kurdish leaders subsequently stated that the crisis the KRG faces from the Islamic State organization has caused KRG leaders to shelve the independence effort, at least temporarily. KRG leaders probably view the independence issue primarily as leverage in disputes with Baghdad, such as those over KRG oil exports and revenue-sharing.

The indirect benefits to the Kurds of the Islamic State offensive proved illusory when Islamic State–led forces advanced into territory controlled by the Kurdistan Regional Government (KRG) and its *peshmerga* militia fighters in early August. In the face of superior Islamic State firepower, the relatively lightly armed Kurdish forces retreated from several towns inhabited mostly by Christians and other Iraqi minorities, particularly the Yazidis. The Yazidis are mostly Kurdish speaking and practice a mix of ancient religions, including Zoroastrianism, which held sway in Iran before the advent of Islam.¹⁶ Fearing Islamic State threats to execute them if they did not convert to Islam, an estimated 35,000–50,000 Yazidis fled to Sinjar Mountain.¹⁷ By August 8, Islamic State–led fighters had also advanced to within about 40 miles of the KRG capital of Irbil, causing some flight from the city, and heightening U.S. concern about the security of U.S. diplomatic and military personnel there. Reports of human rights violations by the Islamic State emerged, including murder, kidnappings, forced conversions, and physical and sexual assault.¹⁸ Islamic State–led forces captured Iraq’s largest dam, the Mosul Dam, as well, which Kurdish leaders assert could have been damaged or used by the Islamic State to flood wide areas of northern and central Iraq.

Subsequently, U.S. and allied efforts have helped the *peshmerga* reverse some Islamic State gains, and have helped the ISF limit any major IS advances. Recent U.S. assessments of the 60-country coalition’s campaign against the Islamic State organization suggest that U.S. officials believe that air strikes and Iraqi and Kurdish ground operations have halted the IS fighters’ momentum and have placed them in a largely defensive posture. According to the Department of Defense, hundreds if not thousands of IS personnel have been killed, and “hundreds and hundreds” of vehicles, artillery positions, and checkpoints have been destroyed.¹⁹

Most recently, intense U.S. and coalition airstrikes have facilitated Kurdish *peshmerga* efforts to retake areas in the northwestern Sinjar region in December and January, and enabled some *peshmerga* units to advance to within ten miles of Mosul. Lt. Gen. Terry, overall commander of Operation Inherent Resolve, stated in mid-December that the ISF had retaken some key towns in Anbar Province including Karma and Haditha.²⁰ Backed by Shiite militias, the ISF claimed on January 26 to have also recaptured all major cities in towns of Diyala Province, north of Baghdad.²¹

(...continued)

IN10105, *The Kurds and Possible Iraqi Kurdish Independence*, by Jim Zanotti and Kenneth Katzman.

¹⁶ Ishaan Tharoor, “Who Are the Yazidis?” *Washington Post*, August 7, 2014.

¹⁷ UNOCHA, “Iraq: OCHA Flash Update: Iraq Crisis—Significant Displacement from Sinjar,” No. 2, August 4, 2014; Assessment Capacities Project, “Humanitarian Implications of Violence in Northern and Central Iraq,” August 7, 2014.

¹⁸ UNAMI, Public Information Office, “UN Gravely Concerned About Situation in Northern Iraq; Calls for Urgent Response,” August 7, 2014.

¹⁹ Department of Defense Press Briefing by Rear Admiral John Kirby, January 6, 2014.

²⁰ Paul McLeary, “1,000 82nd Airborne Troops Iraq-Bound in January,” *Defense News*, December 19, 2014.

²¹ <http://english.alarabiya.net/en/News/middle-east/2015/01/26/Iraq-forces-liberate-Diyala-province-from-ISIS-officer-.html>

U.S. military personnel have warned that the potential for new IS offensives remains, and fighting involving IS forces is ongoing in northern and western Iraq. The ISF recaptured the town of Baiji in late 2014, but reportedly subsequently lost it to the Islamic State, suggesting that ISF gains are not necessarily permanent. Recent IS attacks against border security personnel on the Saudi-Iraqi border and mortar attacks on Iraqi facilities hosting U.S. advisors may reflect IS leaders' goals for targeting foreign supporters of the Iraqi government and broadening their campaign to neighboring countries. Iran has launched airstrikes on Islamic State positions in eastern Iraq and reached a new defense cooperation agreement with the Baghdad government in late December. Iranian military personnel, including senior Revolutionary Guard Corps officers, continue to directly advise and assist Iraqi Shiite militia groups engaged in fighting with the Islamic State.

Related Changes in Iraq's Government

The Islamic State advance also led to changes in Iraq's leadership. Elections for the Iraqi Council of Representatives (COR) were held on April 30, 2014, beginning the process of forming a new government. By informal agreement, the COR speakership is held by a Sunni Arab; the largely ceremonial presidency is held by a Kurd; and the powerful executive post of Prime Minister is held by a Shiite Arab. Even before the Islamic State's capture of Mosul, several Iraqi factions and some within Prime Minister Maliki's core coalition opposed a third Maliki term as Prime Minister, despite the strong electoral performance of his "State of Law" bloc. After the Islamic State capture of Mosul, senior Obama Administration officials publicly blamed Maliki for pursuing sectarian politics that generated Sunni support for the Islamic State, and indicated he needed to be replaced.²²

In July, the COR selected as COR Speaker Salim al Jabburi (a Sunni), and two deputies, and veteran Kurdish figure Fouad Masoum as Iraq's President. On August 11, in line with the constitutional responsibilities of the president, Masoum formally asked Haydar al Abbadi, a 62-year old member of Maliki's Da'wa Party, to become Prime Minister-designate. Al Abbadi's selection attracted public support from U.S. officials as well as from senior figures in Iran, causing support for Maliki's initial challenge of the Abbadi designation to collapse. The designation gave him 30 days (until September 10) to form and achieve parliamentary confirmation for a new cabinet. His work program and all but two of his ministerial nominations were approved by the COR on September 8, enabling Abbadi to assume the prime ministership. The two powerful security posts of Interior and Defense Minister were not immediately filled, but Abbadi achieved COR confirmation on October 18 of Mohammad Ghabban, who is linked to a Shiite militia organization (Badr Organization), as Interior Minister. That selection could potentially give many Iraqi Sunnis pause as to whether the Abbadi government will prove less sectarian than that of Maliki. The same day, the COR confirmed Khalid al Ubaydi, a Sunni ex-military officer during Saddam's rule, as Defense Minister, perhaps partly mitigating the Ghabban nomination.

²² "Kerry Says U.S. Wants Iraqis to Find Inclusive Leadership," Reuters, June 22, 2014.

The Situation in Syria

Since 2013, Islamic State fighters have used Syria both as a staging ground for attacks in Iraq and as a parallel theater of operations.²³ In early 2014, IS fighters reestablished control in most areas of the northern Syrian province of Raqqah and reasserted themselves to the east in Dayr az Zawr, a province rich in oil and gas resources bordering the Anbar region of Iraq. Since late 2013, the Islamic State has controlled several oilfields in Dayr az Zawr and reportedly has drawn revenue from oil sales to the Syrian government. With the proceeds, the group was able to maintain operational independence from Al Qaeda's leadership and pay competitive salaries to its fighters. The Islamic State derived additional revenue in Syria by imposing taxes on local populations and demanding a percentage of the funds involved in humanitarian and commercial operations in areas under its control.²⁴ Anecdotal reporting suggests that the group relies on brutality and intimidation to manage communities under its control, and in some areas partnerships with local armed groups appear to facilitate IS control.

The Islamic State also has operated north of Dayr az Zawr in Al Hasakah province, establishing a connection to Iraq's Nineveh province that it was apparently able to exploit in its eventual advance towards Mosul. At some point, the Islamic State's wide theater of conflict could subject it to overextension. IS gains may also motivate the Iraqi and Syrian governments to cooperate more closely in seeking to counter the group, potentially altering the dynamics in both conflicts. Strikes on IS forces in the vicinity of the Syria-Turkey border town of Kobane continue, as do coalition strikes against IS personnel, vehicles, and facilities in other areas of northern and eastern Syria. However, as in Iraq, the IS forces largely retain their key strongholds.

With regard to Syria's broader civil conflict, neither pro-Asad forces nor their opponents appear capable of defeating their adversaries in the short term. However, international intervention to degrade the capabilities of the Islamic State appears to be driving speculation among many parties to the conflict that dramatic changes could soon be possible in the dynamics of what has remained a grinding war of attrition. Some opposition forces seek to cast themselves as potential allies to outsiders who are opposed to both the Islamic State and the Syrian government, while others reject the idea of foreign intervention outright or demand that foreigners focus solely on toppling President Asad. Syrian officials have stated their conditional willingness to serve as partners with the international community in counterterrorism operations in Syria, a position that reflects their presumed desire to create an image and role for the Asad government as a bulwark against Sunni Islamist extremism.

Current relations among opposition groups in Syria and their varying views on cooperation with the United States create a challenging context for pursuing U.S. objectives. Syrian opposition forces are drawn from a broad ideological spectrum. They migrate in and out of cooperative and antagonistic relationships and pursue a range of goals—short and long term, local, personal, and national. By taking limited military action in Syria for narrowly defined purposes, the Obama Administration appears to be seeking to avoid amplifying internal disputes and rivalries among Syrian groups or creating perceptions that the United States seeks to bolster one group or trend over another. A number of variables shape whether U.S.-led military operations can meet U.S.

²³ "Syria War Fueling Attacks by al Qaeda in Iraq, Officials Say," *New York Times*, August 15, 2013.

²⁴ "Sunni Fighters Gain as They Battle 2 Governments, and Other Rebels," *New York Times*, June 11, 2014.

objectives, and some observers voice strong views for or against the potential expansion of these operations.

One potential practical effect of U.S. operations (particularly strikes on terrorist targets associated with popular, capable Islamist forces) may be that some Syrians grow more polarized in their views about Syria's future and the role of outside forces in building it. Perceived U.S. allies in Syria may be drawn further into conflict with anti-U.S. groups or feel more pressure to collaborate with them. This may amplify violence in some areas and could weaken the opposition's overall ability to place coordinated pressure on the Asad government.

Key developments since December 2014 include:

- **Islamic State Seeks Ransom, Prisoner Swap for Hostages, Executes Them.** Islamic State personnel released videos reportedly showing the execution of two Japanese nationals after the group sought a ransom payment and offered to trade one of the Japanese nationals and a captured Jordanian pilot [Lt. Muath al Kasasbeh] for an Iraqi woman [Sajida al Rishawi] imprisoned in Jordan in relation to Al Qaeda in Iraq's 2005 suicide bombings in Amman. Jordanian officials signaled their willingness to consider a prisoner swap, but demanded proof that Lt. Al Kasasbeh was alive. After a video showing the execution of the second Japanese national, Jordan renewed its offer to release Al Rishawi. After the Islamic State released a video showing Al Kasasbeh being burned alive, Jordan pledged a forceful response and executed two convicted Al Qaeda terrorists.
- **Kurdish fighters retake Kobane.** In late January, Kurdish fighters backed by coalition airstrikes reportedly pushed IS militants out of the remaining areas of the Kurdish town of Kobane in northern Syria. Fighting for control of the town, which borders Turkey, had been ongoing since September 2014.²⁵ IS forces remain in control of surrounding regions.
- **U.S. targets IS leaders.** As of late January, U.S. and coalition airstrikes in Iraq and Syria had killed 50 percent of the Islamic State's top leadership, according to Secretary of State John Kerry.²⁶ U.S. Ambassador to Iraq Stuart Jones in a January interview with *Al Arabiya* estimated that airstrikes had killed more than 6,000 IS fighters in Syria and Iraq.²⁷
- **Syrian government strikes Islamic State.** The Asad government has continued operations against IS forces in northeastern Syria. On January 22, Syrian aircraft conducted strikes against an ISIL position north of the city of Ar Raqqa, killing four ISIL militants.²⁸ Kurdish and Syrian government forces continue to clash with IS militants in the eastern border province of Al Hasakah.²⁹

²⁵ OSC Report IML2015012330825913, January 23, 2015.

²⁶ Secretary Kerry said "50 percent of the top command has been eliminated." Remarks by Secretary of State John Kerry at a joint press conference with UK Foreign Secretary Hammond and Iraqi Prime Minister Abadi, January 22, 2015.

²⁷ U.S. Ambassador to Iraq Stuart Jones in an interview with *Al Arabiya*, January 22, 2015.

²⁸ OSC Report IML2015012330825913, January 23, 2015.

²⁹ OSC Report IMN2015012234427747, January 22, 2015.

- **IS seeks new ground.** Some observers suggest that the Islamic State is increasing its activities in central Syria and the Damascus suburbs, as a result of the increased battlefield pressure it faces from coalition strikes in Syria's northeast.³⁰ While IS expansion depends in part on securing defections from other rebel groups, the group has not succeeded in winning support from mainstream rebel coalitions and faces challenges from the Nusra Front, an Al Qaeda affiliate active in southern Syria. Some reports suggest IS has sent emissaries to the southern province of Suwayda but has not yet been successful in establishing a presence there.

U.S. Strategy to Combat the Islamic State Organization

At President Obama's direction, elements of the U.S. government are leading a multilateral coalition that seeks to "degrade and ultimately destroy" the Islamic State organization by progressively reducing the geographic and political space, manpower, and financial resources available to it.³¹ The United States and other members of the coalition are undertaking various measures, including direct military action, support for Iraqi and Syrian partner ground forces, intelligence gathering and sharing, and efforts to restrict flows of foreign fighters and disrupt the Islamic State's finances.³² Administration officials have described U.S. policy in Syria and Iraq as being driven by "ISIL-first" and "Iraq-first" approaches. Administration officials have identified areas where they believe progress has been made in implementing U.S. strategy to date,³³ but have stated clearly that it may take months, and in some cases years to achieve the full range of U.S. objectives. In October, President Obama said, "We're still at the early stages. As with any military effort, there will be days of progress and there are going to be periods of setback."³⁴

President Obama said on November 5, 2014, that the United States seeks to isolate and reduce the areas where ISIL can operate in Syria in support of the top U.S. priority of rolling back IS gains in Iraq. To date, the Syrian government and Syrian military appear to be aggrieved observers rather than active partners in U.S. efforts to combat the Islamic State inside Syria. In September 2014, U.S. officials reportedly warned the Syrian government of impending strikes on its territory, but President Obama has said that the United States will not coordinate its actions in Syria with the Asad regime, which he has said "terrorizes its own people" and "will never regain

³⁰ "The Islamic State Eyes Expansion in Damascus," Institute for the Study of War, January 21, 2015.

³¹ White House Office of the Press Secretary, "Statement by the President on ISIL," September 10, 2014.

³² The website of the Special Presidential Envoy for the Global Coalition to Counter ISIL identifies five "lines of effort" guiding the coalition's efforts: (1) Providing military support to our partners; (2) Impeding the flow of foreign fighters; (3) Stopping ISIL's financing and funding; (4) Addressing humanitarian crises in the region; and (5) Exposing ISIL's true nature.

³³ In Iraq, U.S.-led airstrikes halted the Islamic State advance on Irbil and enabled the Kurdish *peshmerga* and Iraqi Security Forces (ISF) to safely evacuate most of the Yazidi internally displaced persons (IDPs) from Sinjar Mountain. Additional strikes helped *peshmerga* and ISF forces drive Islamic State fighters from Mosul Dam, which the Islamic State purportedly could have used to flood large parts of Iraq. In September, U.S. airstrikes facilitated efforts by the ISF and Shiite militias to break an Islamic State siege of the Shiite Turkmen-inhabited town of Amerli. DOD News release, "Obama Praises Success of Humanitarian Operations in Iraq," August 14, 2014.

³⁴ Remarks by President Obama After Meeting with Chiefs of Defense, Joint Base Andrews, October 14, 2014.

the legitimacy it has lost.”³⁵ In January 2015, President Asad said in an interview that he was open to cooperation with coalition forces but suggested that Syria had not granted “permission” for the ongoing coalition military strikes in Syria.³⁶ U.S. strategy seeks a negotiated settlement to the conflict in Syria and argues that President Asad and some of his supporters must leave office as part of such a settlement. Congress and the Administration have provided nonlethal aid and reportedly provided lethal support in the form of weaponry and funding to some opposition groups in Syria. By all accounts, Syrian opposition forces remain divided in their goals, varied in their cohesiveness, and limited in their capabilities.

Retired General John Allen serves as Special Presidential Envoy for the Global Coalition to Counter ISIL, and Brett McGurk, Deputy Assistant Secretary of State for Near Eastern Affairs (Iraq and Iran), serves as General Allen’s deputy senior envoy with the rank of Ambassador. U.S. military operations as part of the anti-IS strategy have been termed “Operation Inherent Resolve.” U.S. Central Command (CENTCOM) Commander General Lloyd Austin is the lead U.S. officer with respect to military operations against the Islamic State and other extremists in Iraq and Syria. Ambassador Robert Bradtke serves as the State Department Bureau of Counterterrorism Senior Advisor for Partner Engagement on Syria Foreign Fighters. Under Secretary of the Treasury for Terrorism and Financial Intelligence David Cohen leads efforts to disrupt IS finances. Major General Michael Nagata, Commander, Special Operations Command—Central, is leading the new congressionally-authorized program to train and equip vetted members of Syria’s opposition and other vetted Syrians.

Experts and officials are debating the effectiveness of the strategy. The Administration has argued that the strategy will need time—measured in many months if not years, instead of weeks—to reach its objectives. It asserts that there are distinct achievements, to date. Administration critics argue that the strategy lacks effective partners who can advance against Islamic State-held territory on the ground and suffers from a basic contradiction in not confronting the regime of President Asad of Syria. These critics assert that achieving stated Administration objectives requires U.S. or other ground combat troops and expansion of the mission to include pressuring Asad to accept a political solution.

Military Strikes Against IS Targets

U.S. forces have used combat aircraft, armed unmanned aerial vehicles, and sea-launched cruise missiles to conduct more than two thousand strikes in Iraq since August 8, 2014, and in Syria since September 22, 2014, with the support of coalition partners. The stated objectives of U.S. strikes have evolved as circumstances have changed and some goals have been achieved: The initial focus was on stopping the advance of Islamic State forces and reducing threats to American personnel and religious minorities in northern Iraq; now it is supporting defensive and offensive military operations by Iraqi military and Kurdish forces and weakening the Islamic State organization’s ability to support its operations in Iraq from its bases inside Syria. Other U.S. strikes have targeted individuals and locations associated with what U.S. officials describe as “the Khorasan Group,” that has reportedly engaged in preparations for transnational terrorist attacks.³⁷

³⁵ White House Office of the Press Secretary, “Statement by the President on ISIL,” September 10, 2014.

³⁶ *Reuters*, “Assad seeks agreement over U.S. air strikes in Syria,” January 26, 2015.

³⁷ According to the Defense Intelligence Agency, “The Khorasan Group is a cadre of experienced al-Qa’ida operatives that works closely with and relies upon al-Nusrah Front to provide personnel and space for training facilities in (continued...) ”

President Obama has stated that he does not believe the introduction of large-scale U.S. ground forces for combat operations is necessary in order to achieve U.S. objectives. Rather, he has stated that U.S. efforts to reverse Islamic State gains on the ground will pair continued airstrikes with expanded efforts to advise and strengthen local Iraqi and Syrian partner forces. Some U.S. military officials have indicated that they are prepared to recommend the introduction of some ground forces if they believe such forces are required to achieve U.S. objectives.³⁸ Some Members of Congress have suggested U.S. military ground forces may be required to achieve short-term objectives and protect long-term national security interests.

"Train and Equip" Assistance

Iraqi Security Forces

President Obama has authorized the deployment of approximately 3,100 U.S. military personnel to Iraq for the purpose of advising Iraqi forces, gathering intelligence on the Islamic State, and securing U.S. personnel and facilities.³⁹ Of the total, about two thirds are advisers and trainers for the Iraqi Security Forces (ISF) and the peshmerga, and the rest support these forces and provide protection for U.S. civilian and military personnel in country.⁴⁰ On December 18, Lt. General James Terry, commander, Combined Joint Task Force-Operation Inherent Resolve said, "We anticipate coalition contributions that should produce at least an additional 1,500 personnel" in support of U.S. efforts.⁴¹

The U.S. and partner deployments are intended to address severe weaknesses in Iraq's ground forces. After undertaking an assessment of Iraqi military forces, U.S. advisers have concluded that only about half of all Iraqi Security Forces (ISF) units are sufficiently capable for U.S. advisers to help them regain captured territory through the provision of further targeted advisory assistance.⁴² The definition of "capable," according to U.S. officials, includes whether an ISF unit

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northwestern Syria. The group is primarily focused on transnational terrorist attack plotting. Coalition airstrikes in Syria probably killed a number of senior al-Nusra Front and Khorasan Group operatives, but the group almost certainly has maintained some capability to continue plotting against Western interests." Joint Statement, House Armed Services Committee, February 3, 2015.

³⁸ For example, see testimony of Chairman of the Joint Chiefs of Staff General Martin Dempsey, Senate Armed Services Committee. "Hearing on the U.S. Policy Towards Iraq, Syria, and ISIL," September 14, 2014.

³⁹ Of the roughly 1,600 U.S. military personnel in Iraq as of November, more than 700 were advisers tasked with assessing the ISF and gathering intelligence on the Islamic State, working out of "Joint Operations Centers" in Baghdad (U.S.-ISF) and Irbil (U.S.-Peshmerga). Approximately 800 military personnel have been sent to help secure the U.S. Embassy and other U.S. facilities in Baghdad and Irbil; to protect evacuation routes such as the international airport in Baghdad; and to operate surveillance aircraft.

⁴⁰ In December 2014, the Department of Defense authorized the deployment of 1,000 members of the Third Brigade Combat Team, 82nd Airborne Division from Fort Bragg, NC, along with 300 enabling personnel drawn from various Army, Air Force, and Marine Corps units.⁴⁰ As of early January, these forces were expected to arrive in Iraq over "the next 4 to 6 weeks" and will join approximately 500 U.S. military personnel currently in Iraq who are providing advisory support to Iraqi forces and preparing logistically for the arrival of the larger training and advisory force. DOD Press Briefing by Rear Admiral John Kirby, January 6, 2014; and, Paul McLeary, "U.S. troops under mortar fire in Iraq," January 5, 2015.

⁴¹ DOD Press Briefing by Lieutenant General James Terry, commander, CJTF-Operation Inherent Resolve, December 18, 2014.

⁴² Eric Schmitt and Michael Gordon, "U.S. Sees Risks in Assisting a Compromised Iraqi Force," *New York Times*, July 14, 2014.

integrates both Sunni and Shiite personnel. Some private assessments by nongovernment observers argue that even fewer ISF units are capable of reversing the Islamic State gains, and underscore the continuing role of Shiite militia groups in defending Iraqi-government held-territory and conducting offensive operations against IS forces.

Over the coming months, U.S. and coalition personnel are expected to implement joint Iraqi-coalition plans for the training of 12 Iraqi brigades [nine Iraqi Security Force (ISF) brigades and three Kurdish *peshmerga* brigades]—a total of about 25,000 personnel. Congress authorized and provided \$1.6 billion in funding for U.S. efforts in this regard in the FY2015 National Defense Authorization Act (NDAA, H.R. 3979, P.L. 113-291) and FY2015 appropriations act (H.R. 83, P.L. 113-235). The funding provision (Iraq Train and Equip Fund in Division C of P.L. 113-235) stipulates that 40% of the requested U.S. train and equip funds are not be eligible to be expended unless foreign contributions equal to 40% of the \$1.618 billion are contributed (of which half that contributed amount would come from the Iraqi government). The FY2015 National Defense Authorization Act (NDAA, Section 1236 of P.L. 113-291) includes this cost-sharing provision, and also limits the availability of funds for newly authorized Iraq training program to 25% until the Administration submits required program and strategy reports to Congress. It also requires 90-day progress reporting.

Under the FY2015 NDAA, the Secretary of Defense, in coordination with the Secretary of State, is authorized:

to provide assistance, including training, equipment, logistics support, supplies, and services, stipends, facility and infrastructure repair and renovation, and sustainment, to military and other security forces of or associated with the Government of Iraq, including Kurdish and tribal security forces or other local security forces, with a national security mission, through December 31, 2016, for the following purposes:

- (1) Defending Iraq, its people, allies, and partner nations from the threat posed by the Islamic State of Iraq and the Levant (ISIL) and groups supporting ISIL.
- (2) Securing the territory of Iraq.

U.S. advisors are expected to continue to support Iraqi commanders at regional brigade and division headquarters engaged in the fight against the Islamic State organization. In parallel, new U.S. military trainers plan to provide training to smaller Iraqi military and Kurdish *peshmerga* units. Training is expected to begin in February 2015 and continue over a period of about 8 to 10 months. The training is to take place at military facilities in Baghdad, Irbil, Taji (north of Baghdad) and Al Asad in Anbar Province; additional training sites in and south of Baghdad reportedly will begin operations soon.

U.S. military personnel in Iraq are currently not tasked with providing advisory or training support to Iraqi personnel in combat settings or with engaging directly in combat against hostile entities other than for force protection purposes. Chairman of the Joint Chiefs of Staff Martin Dempsey acknowledged in November 2014 that as the campaign against the Islamic State progresses and more complex operations are required by Iraqi Security Forces, he could recommend that U.S. personnel accompany Iraqi forces.⁴³

⁴³ Gen. Dempsey told the House Armed Services Committee on November 13, "I'm not predicting, at this point, that I would recommend that those [Iraqi] forces in Mosul and along the border would need to be accompanied by U.S. (continued...)"

U.S. officials and military officers have stated their willingness to further assist Iraqi security forces in training and equipping Iraqi tribesmen in predominantly Sunni Arab areas of western and northwestern Iraq for the campaign against the Islamic State. However, U.S. officials have emphasized that any such efforts would be Iraqi-designed and led, and that the provision of such assistance awaits the conclusion of further discussion with Iraqi leaders. Iraq's cabinet has approved draft legislation to authorize the creation of provincially-aligned National Guard forces and the Council of Representatives is expected to consider the draft in the coming weeks. The Administration's FY2015 OCO authority and funding request noted that requested funds would be used "to provide material support to tribal elements allied with Iraqi forces." The FY2015 NDAA (Section 1236 of P.L. 113-291) authorizes the provision of assistance to security forces "of or associated with the Government of Iraq," as well as "tribal security forces or other local security forces, with a national security mission."⁴⁴ Thus far, only a small unit of about 250 Sunni tribal fighters has been trained by U.S. forces and is operating in Anbar Province.⁴⁵

The United States also has undertaken new efforts to equip existing Iraqi forces. Since the Islamic State-led capture of Mosul in June, the United States has announced sales of over 5,000 additional HELLFIRE air-to-surface missiles to Baghdad. Deliveries of U.S.-made F-16s and Apaches, purchased in 2011 and 2012, are in their early stages. Deliveries of 250 U.S.-donated Mine Resistant Armor Protected Vehicles (MRAPs) are ongoing. In December 2014, U.S. officials also proposed sales to Iraq that may be worth nearly \$3 billion for 1,000 M1151AI Up-Armored High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs) and 175 M1A1 tanks with spare parts, communications, and ammunition. Iraqi Shiite militia groups continue to post images on social media purporting to show their fighters using U.S.-origin combat systems.

Iraqi and Syrian Kurds

In addition to support for the ISF, the Administration also reportedly has begun supplying mostly lighter weaponry and ammunition directly to the security forces (*peshmerga*) of the Kurdistan Regional Government (KRG), through the Central Intelligence Agency.⁴⁶ A number of European countries, such as Britain, Germany, and France, also have been supplying weaponry to the *peshmerga*. The central government in Baghdad and the KRG have had deep differences over territory, the exportation of oil, Kurdish ambitions for independence, and other issues. However, the threat posed by the Islamic State has led the two to make common cause, and since the crisis began, the ISF has permitted the United States to transfer some of the ISF's weapons to the *peshmerga*.⁴⁷

(...continued)

forces, but we're certainly considering it."

⁴⁴ According to the defense authorizing committee leaders who drafted the bill, their version of the authorization was amended to specifically: add local security forces with a national security mission to the list of forces authorized to receive assistance under this section. We believe that, for purposes of this section, local security forces should include local forces that are committed to protecting highly vulnerable ethnic and religious minority communities in the Nineveh Plain and elsewhere from the ISIL threat.

⁴⁵ Tim Arango. "U.S. Troops, Back in Iraq, Train a Force to Fight ISIS." New York Times, December 31, 2014.

⁴⁶ That channel is a means of adapting to U.S. law and policy that requires all U.S. Foreign Military Sales (FMS, run by the Defense Department) to be provided to a country's central government, and not to sub-national forces. Craig Whitlock and Greg Jaffe, "U.S. Directly Arms Kurdish Forces," *Washington Post*, August 12, 2014.

⁴⁷ The *peshmerga*, with U.S. assistance, have retransferred some weapons and ammunition to Syrian Kurdish forces battling Islamic State fighters in Syria. U.S. Central Command news release. "U.S. Resupplies Kurdish Forces Fighting (continued...)"

On December 2, the KRG and Baghdad signed a partial reconciliation agreement under which the KRG would provide up to 550,000 barrels⁴⁸ per day of oil to Iraqi state authorities in exchange for a restoration of the KRG's 17% share of national revenues (which would amount to about \$600 million per month at December 2014 oil prices).⁴⁹ In addition, Baghdad agreed to provide the KRG with approximately \$100 million per month to pay for *peshmerga* salaries and weapons purchases. Baghdad reportedly also agreed to facilitate the transfer of some U.S. weapons to the *peshmerga*.⁵⁰ The KRG revenue share of 17% is reflected in the 2015 budget approved by the national parliament in January 2015.

Kurdish and U.S. officials have said that, as part of a long-term strategy to drive IS forces back, the *peshmerga* will require heavy and long range weapons—in part to counter the Islamic State's use of captured U.S. weapons.⁵¹ Providing these weapons, however, could incur opposition from Baghdad on the grounds that a more potent arsenal might enable the KRG and *peshmerga* to retain control of the disputed territory of Kirkuk, which the *peshmerga* seized as the ISF collapsed in June. The Turkish government also may protest the provision of such weaponry.

As noted above, the Administration sought authorization and funding to support an expanded train and equip mission for Iraqi security forces, including the *peshmerga*. The FY2015 NDAA and appropriations act authorize such assistance (Section 1236 of P.L. 113-291), and the NDAA joint explanatory statement prepared by House and Senate defense committee leaders states:

We note the significant contribution that Kurdish security forces have made to countering ISIL's advance. We understand that the administration's plan includes assistance to train and equip 3 brigades of Kurdish *peshmerga*. Accordingly, we expect that a significant portion of the assistance under this authority will be provided to meet the requirements of the Kurdish security forces and urge the Secretary of Defense to ensure that such assistance is delivered in a timely manner to such forces. We further expect the Secretary of Defense to keep the congressional defense committees fully informed as this plan is developed and implemented, including any arrangements to ensure that such assistance for Kurdish security forces is promptly delivered to those forces.

State Department appropriations for FY2015 assistance to Iraq also are eligible for assistance to the Kurdistan Regional Government (Section 7041(c) of Division J, P.L. 113-235).

Support for Vetted Syrians

In January 2015, Pentagon spokesman Rear Admiral John Kirby announced the planned deployment of several hundred U.S. military training personnel and a similar number of support personnel as part of a new program to train and equip vetted Syrians beginning in the spring. Congress authorized such training and assistance in the FY2015 NDAA (H.R. 3979, P.L. 113-291) and FY2015 appropriations act (H.R. 83, P.L. 113-235). Initial funding for the program was

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ISIL Near Kobani." October 20, 2014.

⁴⁸ 300,000 from the Kirkuk fields now controlled by the KRG and 250,000 barrels from fields in the KRG itself. It appears that the KRG would be able to itself export any amounts over the 250,000 barrels per day that it is required, under the December deal, to transfer to Baghdad's control.

⁴⁹ Ibid.

⁵⁰ Tim Arango. "Iraq Government Reaches Accord with the Kurds." *New York Times*, December 3, 2014.

⁵¹ Press briefing by the Director of Operations of the Joint Chiefs of Staff Lt. Gen. William Mayville. August 11, 2014.

approved by congressional defense committees in December 2014 under authority originally provided by Congress in the FY2015 continuing appropriations resolution of September 2014 (H.J.Res. 124, P.L. 113-164).⁵² According to Kirby, U.S. officials are now engaging with different Syrian groups in order to identify potential recruits for the program. Turkey, Saudi Arabia, and Qatar have agreed to host related program activities, and U.S. officials expect to use intelligence provided by partner countries to assist in vetting participants. Bilateral consultations continue with leaders in each country.

Some Syrian opposition members and their U.S. supporters have criticized the Administration's announced plans to train and equip an initial force of 5,400 vetted Syrians in the first year of a planned 3-year program as insufficient in size. Others disagree strategically with the President and may believe that U.S.-backed forces should be trained for offensive operations against the Syrian government. For further discussion of these critiques and policy options under consideration, see "Defining the Way Forward in Syria" below.

Disrupting IS Financing

The United States is pursuing a policy to reduce the financial resources available to the Islamic State focuses on disrupting IS revenue streams, limiting the group's access to formal financial systems, and imposing sanctions on the group's senior leadership and financial facilitators.⁵³

Disrupting revenue streams. Under Secretary of the Treasury for Terrorism and Financial Intelligence David Cohen stated in late 2014 that the United States seeks to disrupt the group's revenue streams by targeting those who refine, transport, handle, or sell IS oil. The United States is also working with regional partners to identify cross-border smuggling routes and persons involved in smuggling networks. The United States has urged United Nations (U.N.) member states to help cut off resources to the Islamic State, and the U.N. Security Council in September passed resolution 2178 to combat the flow of money and foreign fighters to the Islamic State and the Al Qaeda-affiliated *Jabhat al Nusra* (Support Front). However, observers have stated that while some countries in the region have passed legislation aimed at curbing the flow of funds to terrorist groups, these laws are often not implemented or enforced. Moreover, foreign donations comprise only a small portion of the Islamic State's income.⁵⁴

In addition to financial and political measures, the United States is also employing military means to target IS funding streams. Beginning in August 2014, U.S. military strikes against the Islamic

⁵² The FY2015 continuing resolution (H.J.Res. 124, P.L. 113-164) authorizes the Department of Defense through December 11, 2014, or until the passage of a FY2015 defense authorization act to provide overt assistance, including training, equipment, supplies, and sustainment, to vetted members of the Syrian opposition and other vetted Syrians for select purposes. Congress amended and extended this authority in the FY2015 NDAA (Section 1209 of P.L. 113-291) and FY2015 appropriations act (Section 9016 of P.L. 113-235). The NDAA and its accompanying explanatory statement further specify the types of assistance to be provided, and expand reporting requirements, include human rights and rule of law commitment vetting requirements, authorize the provision of assistance to third countries for the purposes of the program, and create a broad waiver authority for the President relative to the assistance program, subject to a 30-day congressional notification period. For more on this program and related legislation, see CRS Report R43727, *Train and Equip Authorities for Syria: In Brief*, by Christopher M. Blanchard and Amy Belasco.

⁵³ Under Secretary of the Treasury for Terrorism and Financial Intelligence David Cohen, Remarks at the Carnegie Endowment for International Peace, October 23, 2014.

⁵⁴ "Terrorist Financing and the Islamic State," testimony submitted by Matthew Levitt to the House Committee on Financial Services, November 13, 2014.

State have targeted oil facilities, including collection points and mobile refineries. In a November hearing, Cohen reported that the Islamic State's revenue from oil sales had dropped from one million dollars a day to several million dollars a week.⁵⁵ In January, U.S. Secretary of State John Kerry stated that coalition strikes had destroyed nearly 200 oil and gas facilities used by the Islamic State.⁵⁶ The resulting loss of revenue, Kerry stated, was restricting the group's operations and in some cases limiting its ability to pay salaries.

Restricting access to the financial system. Cohen noted that the United States aims to restrict the Islamic State's access to the international financial system and to limit its ability to move, store, and use funds it acquires locally. In particular, the United States works with Iraqi authorities, banks' headquarters, and the international financial community to prevent the Islamic State from using local bank branches in areas under its control. However, Iraqi sources in January stated that the Islamic State had established its own bank in Mosul, which granted loans and accepted deposits.⁵⁷

Financial sanctions. The United States also has imposed sanctions against IS officials and their external financial backers. On September 24, the Department of the Treasury designated 12 individuals for their role in soliciting funds, procuring military equipment, and recruiting foreign fighters, 2 of whom are based in Syria and are associated with the Islamic State.⁵⁸ To date, few members of the Islamic State have been designated by the Department of the Treasury; U.S. officials have said this is in part due to the challenges in identifying individuals with a foothold in the formal financial system.⁵⁹

Restricting Flows of Foreign Fighters

U.S. officials from the intelligence community, State Department, and other agencies concerned with domestic security continue to assess, monitor, and respond to threats posed by foreign fighters in Iraq and Syria. Diplomatic and intelligence efforts focus on coordinating with source, transit, and returnee destination countries to strengthen shared responses and preventive measures.⁶⁰ In March 2014, the State Department named Ambassador Robert Bradtke as "senior adviser for partner engagement on Syria foreign fighters." According to a Department spokesperson, "Since then, Ambassador Bradtke has led a comprehensive effort, including marshalling representatives from a number of U.S. departments and agencies, to encourage key European, North African, and Middle Eastern partners to prioritize the threat, address vulnerabilities, and adapt to—and prevent—foreign fighters."⁶¹

U.S. government estimates discussed in February 2015 press reports suggest that casualty-to-replacement ratios for the Islamic State may be close to equal given continuing flows of foreign

⁵⁵ House Financial Services Committee hearing on Terrorist Financing and the Islamic State, November 13, 2014.

⁵⁶ Remarks by Secretary of State John Kerry at a joint press conference with UK Foreign Secretary Hammond and Iraqi Prime Minister Abadi, January 22, 2015.

⁵⁷ "Islamic State group sets out first budget, worth \$2bn," *Al Araby al Jadeed*, January 4, 2015.

⁵⁸ U.S. Treasury Department, Treasury Designates Twelve Foreign Terrorist Fighter Facilitators, September 24, 2014.

⁵⁹ House Financial Services Committee hearing on Terrorist Financing and the Islamic State, November 13, 2014.

⁶⁰ See White House, Fact Sheet: Comprehensive U.S. Government Approach to Foreign Terrorist Fighters in Syria and the Broader Region, September 24, 2014.

⁶¹ State Department Spokesperson Jen Psaki, Daily Press Briefing, Washington, D.C., August 27, 2014.

fighters to the conflict zone. House Permanent Select Committee on Intelligence Ranking Member Congressman Adam Schiff said in a related interview that:

“the key indicator is how many people continue to join ISIS’s ranks. Because if we can’t stop that, this conflict is going to be never-ending. The bottom line is notwithstanding the demonstrated brutality of ISIS, and maybe because of it, foreign fighters continue to flow to the region. We have not been nearly successful enough in stemming that flow.”⁶²

In August 2014, the U.S. government supported the adoption of U.N. Security Council Resolution 2170, which strengthened international sanctions measures designed to combat the Islamic State, Jabhat al Nusra, and Al Qaeda-affiliated entities. The resolution called upon all Member States “to take national measures to suppress the flow of foreign terrorist fighters to, and bring to justice, in accordance with applicable international law, foreign terrorist fighters of, ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al Qaida,” and reiterates Member States’ obligation to prevent terrorist travel, limit supplies of weapons and financing, and exchange information on the groups.

President Obama led a session of the United Nations Security Council on September 24 focused on strengthening international responses to the threat posed by foreign fighters travelling to conflict zones, especially in Syria and Iraq. The session concluded with the adoption of Security Council Resolution 2178, which requires Member States, consistent with international law, to prevent the “recruiting, organizing, transporting or equipping of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning of, or participation in terrorist acts.” In December 2014, Ambassador Bradkete said, “Several countries have already enacted or proposed legislation to permit [prosecution for foreign fighter facilitation]; other countries have stepped up their enforcement of existing laws. We continue to urge partners to meet their obligations under UNSCR 2178, and are offering assistance to partners who may need help in doing so.”⁶³

International Coalition

The outcomes of U.S. strategy might depend on the participation of other actors, both state and non-state. U.S. officials have recruited a coalition of countries to help defeat the Islamic State, in large part to build international legitimacy for a military campaign and enlist Sunni help with co-religionists in Iraq and Syria. The Administration has sought—and received—a range of support from international partners, including participation in airstrikes, assisting and training Iraqi government and Iraqi Kurdish forces, arming and training moderate Syrian rebels, increasing intelligence sharing, committing to curb the flow of fighters and resources to the Islamic State, and providing financial support.⁶⁴

⁶² Tim Mak and Nancy Youssef, “ISIS Ranks Grow as Fast as U.S. Bombs Can Wipe Them Out,” *Daily Beast*, February 3, 2015.

⁶³ Ibid.

⁶⁴ For a summary of significant foreign contributions to the effort against the Islamic State, see Justine Drennan, “Who Has Contributed the Most in the Coalition Against the Islamic State,” *Foreign Policy*, October 14, 2014, http://complex.foreignpolicy.com/posts/2014/10/14/whos_contributed_the_most_in_the_coalition_against_the_islamic_state?wp_login_redirect=0

The State Department lists 60 countries as members of the “Coalition to Degrade and Defeat ISIL.” Many of the countries participating have been involved since 2012 in response to the evolving conflict in Syria. The participation of the various coalition members and summaries of some of their contributions are cited below.⁶⁵

Those in the coalition that are participating in military operations in Iraq and Syria face significant challenges. Past attempts at coordination have exposed rifts among regional countries, prompting situations in which the common goal of supporting the Syrian opposition was not enough to overcome other, competing priorities among ostensibly partner states.⁶⁶ Relations between Iraq’s government and the Sunni Arab Gulf states have been consistently strained in the post-Saddam Hussein period, in part because Iraq’s government has been dominated by Shiite factions politically close to Iran. Sunni Arab militaries have to date limited their airstrikes to Syria in part because strikes in Iraq might be seen by their populations as empowering Shiite elements in Iraq. The partner countries participating in airstrikes in Syria, according to CENTCOM, are Bahrain, Jordan, Saudi Arabia, and the UAE. Qatar reportedly participated in some of the first coalition strikes in Syria in September. To date, Western and other non-Middle Eastern allies of the United States, such as Australia, Britain, and France, are undertaking airstrikes in Iraq, and not in Syria—perhaps reflecting a hesitancy among Western allies to be drawn into involvement in Syria’s civil war in any way.

In Syria, Sunni coalition partners might assess that the U.S. focus on the Islamic State might not be contributing to the Sunni partner primary objectives of weakening the Asad regime and its supporters (Iran, Hezbollah, Russia). U.S. partners will likely base their calculations of the costs and benefits of their military operations in Syria and/or Iraq on their perceptions of various factors such as the urgency of acting directly, the soundness of U.S. strategy, the level of U.S. commitment, and potential progress toward political solutions (particularly in Iraq) that are more inclusive of Sunni Arabs or less conducive to Iranian strategic goals. The capture by Islamic State forces of a downed Jordanian pilot in December 2014 also has the potential to shape the calculations of coalition members.

The following sections will discuss the role that selected partner countries are playing in the coalition, and examine factors that could potentially constrain their participation.

As of December 3, the State Department listed more than 60 countries and organizations as members of the “Coalition to Degrade and Defeat ISIL.”⁶⁷ To date, the Administration has

⁶⁵ In February 2012, the Administration helped organize the Friends of Syria Group, a coalition of Western and regional countries that met periodically to discuss ways to support the Syrian opposition, increase pressure on the Asad government, and encourage a negotiated settlement between the two sides. The group last met in Saudi Arabia in late August. The Friends of Syria “Core Group,” also known as the London 11, includes the United States, Egypt, France, Germany, Italy, Jordan, Qatar, Saudi Arabia, Turkey, the UAE, and the United Kingdom.

⁶⁶ Sunni Arab Gulf states have faced internal divisions—Saudi Arabia, Bahrain, and UAE in March 2014 withdrew their ambassadors from Qatar, accusing Doha of pursuing policies at odds with other Gulf Cooperation Council (GCC) states. At a meeting of the GCC Foreign Ministers Council in late August 2014, some officials claimed to have made progress in resolving outstanding issues among member states. See “Saudi, UAE and Bahrain Envoys’ Return ‘At Any Time,’” *Gulf Times*, August 31, 2014.

⁶⁷ As of December 3, coalition members attending a joint strategy meeting included: Republic of Albania, Hungary, Sultanate of Oman, Australia, Republic of Iceland, Republic of Poland, Republic of Austria, Republic of Iraq, Portuguese Republic, Kingdom of Bahrain, Ireland, State of Qatar, Belgium, Italian Republic, Republic of Korea, Bosnia and Herzegovina, Japan, Romania, Republic of Bulgaria, Hashemite Kingdom of Jordan, Kingdom of Saudi Arabia, Canada, Republic of Kosovo, Republic of Serbia, Republic of Croatia, State of Kuwait, Republic of Singapore, (continued...)

sought—and received—a range of support from international partners, including participation in the air campaign against IS forces, financial support, assistance for Iraqi government and Iraqi Kurdish forces, offers of support for efforts to arm and train vetted Syrians, increased intelligence sharing, and actions to curb foreign fighter and financial flows.⁶⁸

NATO and Arab Partners. The NATO alliance as a whole has not committed to a substantive response beyond stating in the September 2014 Wales summit communique that it would consider any future request from the Iraqi government to launch a training and capacity-building mission for Iraqi security forces.⁶⁹ NATO previously conducted a military training mission in Iraq from 2008 to 2011. European countries continue to rule out using ground forces in combat operations in Iraq or Syria, but several have committed troops to advise and train Iraqi forces.

To date, Western and other non-Middle Eastern allies of the United States, such as Australia, Britain, and France, are undertaking airstrikes in Iraq, but not in Syria. Some Gulf Cooperation Council countries and Jordan are conducting airstrikes against Islamic State targets in Syria, in conjunction with U.S. forces. U.S. forces alone continue to conduct strikes against targets associated with the Khorasan Group, an element of Jabhat al Nusra engaged in transnational terrorist activity, according to U.S. officials. These strikes have targeted facilities shared with Jabhat al Nusra and other Islamist opposition groups, creating tension among opposition forces.

Turkey. Turkish leaders have indicated willingness to consider deeper participation in the anti-IS coalition in the wake of the September 20, 2014, release by the Islamic State of 49 hostages⁷⁰ associated with the Turkish consulate in Mosul, Iraq. Turkey already is reportedly allowing the use of its territory and airspace for humanitarian and logistical purposes, and adopting additional measures to curb the flow of foreign fighters to Syria.⁷¹ Turkey's parliament voted on October 2, 2014, to approve potential military operations in Syria and Iraq launched from Turkey by Turkish or foreign forces. However, a complicated array of considerations arguably affect Turkish calculations regarding direct military involvement or the furnishing of its territory or airspace for coalition use. This includes Turkey's role to this point in Syria's protracted conflict, as well as Turkish parliamentary elections scheduled for June 2015.⁷²

Russia, China, Iran, and Asad. U.N. Security Council permanent members Russia and China are not members of the coalition, but Russia has pledged its support for counterterrorism efforts

(...continued)

Republic of Cyprus, Republic of Latvia, Slovak Republic, Czech Republic, Republic of Lebanon, Republic of Slovenia, Denmark, Republic of Lithuania, Federal Government of Somalia, Arab Republic of Egypt, Luxembourg, Spain, Republic of Estonia, Macedonia, Sweden, European Union, Moldova, Taiwan, Republic of Finland, Montenegro, Republic of Turkey, French Republic, Morocco, United Arab Emirates, Georgia, Kingdom of the Netherlands, Ukraine, Federal Republic of Germany, New Zealand, United Kingdom of Great Britain and Northern Ireland, Hellenic Republic (Greece), Norway, and the United States of America.

⁶⁸ For a summary of significant foreign contributions to the effort against the Islamic State, see Justine Drennan, "Who Has Contributed the Most in the Coalition Against the Islamic State," *Foreign Policy*, October 14, 2014.

⁶⁹ Summit Declaration Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Wales, NATO Press Release (2014) 120, September 5, 2014.

⁷⁰ The release reportedly occurred in exchange for Turkey's release of 180 Islamic State detainees.

⁷¹ Murat Yetkin, "Turkey joins anti-ISIL coalition, opens Incirlik for logistics ops," *Hurriyet Daily News Online*, September 10, 2014.

⁷² For a detailed analysis of Turkey's policy and actions on the Islamic State issues, see CRS Report IN10164, *Turkey-U.S. Cooperation Against the "Islamic State": A Unique Dynamic?*, by Jim Zanotti.

in Syria, while arguing that coalition members should include the Asad government in their efforts. The coalition includes several countries that have cooperated with the United States in joint efforts to support the Syrian people and Syrian opposition movements during the evolving civil conflict, underscoring the challenges of forging a common set of objectives between coalition members and backers of Asad.⁷³ Common cause with Asad and his supporters might also entail risks and drive Sunni opponents of Asad and Iran to undermine coalition efforts.

Europe and Other Allies⁷⁴

On the sidelines of NATO's Wales Summit, held on September 4-5, the United States and United Kingdom (UK) co-chaired a discussion on the Islamic State. NATO member countries France, Germany, Canada, Turkey, Italy, Poland, and Denmark, and observer state Australia, reportedly joined the United States and UK in agreeing to coordinate efforts to fight the group.⁷⁵ The alliance as a whole did not commit to a substantive response beyond stating in the summit communique that it would consider any future request from the Iraqi government to launch a training and capacity-building mission for Iraqi security forces.⁷⁶ NATO previously conducted a military training mission in Iraq from 2008 to 2011.

France hosted a meeting of foreign ministers from 26 countries (including European and Middle Eastern countries as well as Russia and China), the Arab League, European Union, and U.N. on September 15 that produced further pledges to defeat the Islamic State and provide military assistance to the Iraqi government. Subsequently, various European countries announced specific military commitments and involvement in operations. The partner countries participating in airstrikes in Iraq are Australia, Belgium, Canada, Denmark, France, the Netherlands, and the United Kingdom. As noted above, Western partner countries—including Denmark, Germany, Australia, and the United Kingdom—have pledged an estimated 700 total trainers plus additional advisers to assist Iraqi forces. France, Germany, and the UK have been providing weapons to Kurdish forces in Iraq, as well as non-lethal equipment and humanitarian aid.⁷⁷ As in the United States, other Western countries encounter more difficult legal and political questions in relation to military action inside Syria.

The Humanitarian Crisis in Iraq and Syria⁷⁸

The humanitarian situations in both Iraq and Syria have been described as a "mega crisis" in part because displacements and movement of populations are intertwined between the two countries.⁷⁹

⁷³ In February 2012, the Administration helped organize the Friends of Syria Group, a coalition of Western and regional countries that met periodically to discuss ways to support the Syrian opposition, increase pressure on the Asad government, and encourage a negotiated settlement between the two sides. The Friends of Syria "Core Group," also known as "the London 11," includes the United States, Egypt, France, Germany, Italy, Jordan, Qatar, Saudi Arabia, Turkey, the UAE, and the United Kingdom. Arab members of the group met in Saudi Arabia in August 2014.

⁷⁴ Prepared by Derek Mix, Analyst in European Affairs.

⁷⁵ Sam Jones, "NATO States to Form Military Coalition to Fight ISIS," *Financial Times*, September 5, 2014.

⁷⁶ Julian Hale, "NATO Weighs Training Mission to Iraq," *Defense News*, September 12, 2014.

⁷⁷ "Hollande Visits Iraq Ahead of Paris Conference on Fighting Islamic State," *RFI*, September 12, 2014; Noah Barkin, "Defending Arming of Kurds, Merkel Calls Islamic State a Threat to Europe," *Reuters*, September 1, 2014; and UK Foreign and Commonwealth Office, "Iraq: UK Government Response," September 13, 2014.

⁷⁸ Prepared by Rhoda Margesson, Specialist in International Humanitarian Policy, January 2015.

Taken together, it is estimated that 17.4 million people living in either Iraq or Syria are affected by conflict and in need of humanitarian assistance. In addition, more than 3.3 million Syrians and nearly 0.2 million Iraqis are displaced as refugees. However, the funding streams and operational framework for the international humanitarian response in each country remain distinct, in part a reflection of the unique conditions unfolding in each country.

Iraq

Since January 2014, an urgent humanitarian crisis has unfolded in Iraq, with an estimated 5.2 million people in need of humanitarian and protection assistance. Of these, over 2.1 million people are Internally Displaced Persons (IDPs), more than 1.7 million are in communities that are taking in the displaced (host communities), 1.5 million are in areas under the control of armed groups or impacted by the conflict, and 0.2 million are Syrian refugees.⁸⁰ Close to half the newly displaced are thought to be children. Particularly in conflict areas in northern and central Iraq, it is difficult to monitor and track the mass and sometimes multiple displacements. Consequently, the actual number of affected individuals remains fluid and difficult to fully ascertain.

As of late October 2014, of the 2.1 million IDPs, an estimated 850,000 were seeking shelter in Iraq's Kurdistan region, mainly in Dohuk governorate, while increased movements to central and southern Iraq were straining the response capacities of host communities in these areas.⁸¹ All 18 governorates are hosting families fleeing violence. There are estimated to be over 700,000 displaced in the central region (with almost 400,000 in Anbar Governorate) and 200,000 in the south. The needs of all IDPs in Iraq remain significant, while basic government social services are limited and weak. In addition to winter preparedness, which includes the provision of shelter and winterization kits, there continue to be urgent needs for food, water and sanitation, and health services.⁸² With the large number of displaced children, emergency education support is also a priority for the humanitarian community.

There are also concerns about the rise in sectarian tensions across the country made worse by the conflict situation and large numbers of IDPs. An estimated 3.6 million Iraqis reside in areas under the control of the IS and other armed groups. Of these, 2.2 million are thought to be trapped in conflict-affected areas. These IDPs lack access to basic services and are considered to be in urgent need of humanitarian assistance.⁸³

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⁷⁹ U.N. High Commissioner for Refugees Antonio Guterres, "Faced with 'mega-crisis', U.N. warns of refugee suffering and security threats," PBS News Hour, November 20, 2014.

⁸⁰ UNOCHA, Iraq Crisis, Situation Report No. 22 (November 22 – 28, 2014.) In addition, there are reportedly more than 1.1 million Iraqis who were earlier displaced. Many had sought refuge in Syria between 2003 and 2011 and are thought to remain displaced. According to the U.N. High Commissioner for Refugees, there are also over 400,000 Iraqi refugees living in other countries (October 29, 2014.)

⁸¹ In KR-I 18 camps have been established or are in the process of being completed out of a planned 26 camps. As of late October, 2014, Iraq is hosting more than 230,000 refugees from Syria, of which 209,000 are in the Kurdistan region and much smaller numbers are dispersed elsewhere in Iraq, including approximately 4,500 in Anbar province.

⁸² Assessment Capacities Project, "Humanitarian Implications of Violence in Northern and Central Iraq," September 4, 2014.

⁸³ UNOCHA, "Iraq Crisis: Situation Report No. 18," October 25-31, 2014.

Syria

The ongoing conflict in Syria has created one of the most pressing humanitarian crises in the world. Three and a half years into the conflict, as of November 2014, an estimated 12.2 million people inside Syria, more than half the population, were in need of humanitarian assistance, of which more than 7.6 million were displaced inside the country.⁸⁴ In addition, more than 3.3 million Syrians are displaced as refugees, with 97% fleeing to countries in the immediate surrounding region, including Turkey, Lebanon, Jordan, Iraq, Egypt, and other parts of North Africa. According to the United Nations, in 2014, an average of more than 90,000 Syrians per month registered as refugees in countries in the region. The situation is fluid and continues to worsen, while humanitarian needs are immense and increase daily.

Access within Syria is severely constrained by violence and restrictions imposed by the Syrian government on the operations of humanitarian organizations. Several million people are estimated to be living in hard-to-reach areas and some have been besieged by either the Government of Syria or opposition forces at different points in the conflict. Reports of intentional policies of starvation in areas under siege by the government, attacks against civilians and indiscriminate use of heavy weapons, and a weak health infrastructure that is often under deliberate attack illustrate the dire conditions under which civilians are trying to survive. On November 14, 2014, the Independent International Commission of Inquiry on the Syrian Arab Republic, which was established on August 22, 2011, by the U.N. Human Rights Council, issued a report, *Rule of Terror: Living under ISIS in Syria*. The commission's mandate is to investigate all alleged violations of international human rights law since March 2011 in Syria. The report describes the systematic atrocities and violations perpetrated by IS, particularly against the civilian populations in Aleppo, Ar Raqqa, Al Hassakah, and Dayr az Zawr governorates.⁸⁵

The number of registered refugees (or those awaiting registration) in neighboring countries continues to increase. Experts recognize that some Syrians have not registered as refugees, presumably from fear or other reasons, and have chosen instead to blend in with the local population, living in rented accommodations and makeshift shelters, particularly in towns and cities. The U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA) estimates that more than 80% of Syrian refugees are living outside camps in mostly urban settings. The types of assistance and shelter options available to refugees vary in the countries that are hosting them. Winterization assistance, which includes the provision of shelter and winterization kits, is a key priority.

The added economic, energy, and natural resource pressures of large Syrian refugee populations weigh heavily, particularly in Lebanon, Jordan, and Turkey. The governments of countries hosting refugees have concerns about the potential political implications of allowing displaced populations to remain, especially for a protracted period of time. The impact on many host communities has become overwhelming. Overcrowded schools, inadequate hospital services, and impacts on resources such as water all contribute to the burden for neighboring countries. Urgent priorities include protecting vulnerable refugees from violence and meeting their basic needs. Urban refugees are often invisible and difficult to identify and assist. The United States and the

⁸⁴ UNOCHA, Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, Security Council Briefing on Syria, November 25, 2014.

⁸⁵ Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, "Rule of Terror: Living Under ISIS in Syria," November 14, 2014

international community have recognized the contribution of those countries hosting refugees and supported their efforts, while encouraging them to keep their borders open to those fleeing conflict in Syria. A conference in Berlin held on October 28, 2014, focused on the further development of a broad regional partnership strategy to address the Syrian refugee situation and impact on host countries.

The International and U.S. Humanitarian Response⁸⁶

Iraq

National and international humanitarian efforts have been severely constrained in providing assistance and protection to IDPs and others affected by the conflict due to ongoing fighting. In August 2014, the United Nations declared a "Level 3 Emergency" for Iraq to help facilitate mobilization of resources for the humanitarian response.⁸⁷ With the Level 3 declaration, U.N. and humanitarian partners continue to increase staffing and resources, and they are calling for guarantees of safe and unhindered access of humanitarian staff and in the distribution of relief supplies. As of October 10, 2014, 36 international actors, including the U.N. system, Red Cross and Red Crescent Movement, and international non-governmental organizations (NGOs) are involved in the humanitarian operation. There are also approximately 70 national NGOs registered with the NGO Coordination Committee in Iraq (NCCI) that are engaged in the relief effort.

The U.N. Assistance Mission in Iraq (UNAMI) is facilitating the humanitarian response by the U.N. Humanitarian Country Team (HCT) and some partner organizations, as well as supporting the coordination efforts of the U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA).⁸⁸ UNOCHA launched a revised Strategic Response Plan (SRP) for Iraq in June, requesting \$312.1 million in international funding to include humanitarian support for the significantly increased caseload of IDPs and a wider geographical focus.⁸⁹ The SRP was revised in October 2014 and expanded to cover 2014 and 2015. It identifies total requirements of \$2.2 billion for this period, of which \$653.6 million in funding had been received as of early December. Additional bilateral and other contributions and pledges made outside the SRP total \$231 million.

⁸⁶ Prepared by Rhoda Margesson, Specialist in International Humanitarian Policy, January 2015.

⁸⁷ U.N. Assistance Mission for Iraq, Press Release, "U.N. Declares a 'Level 3 Emergency' for Iraq to Ensure More Effective Humanitarian Response," August 13, 2014.

⁸⁸ On December 2, 2014, the U.N. Secretary-General appointed Lisa Grande of the United States as Deputy Special Representative of UNAMI. She will also serve as the U.N. Resident Coordinator and Humanitarian Coordinator for Iraq.

⁸⁹ A subset of the SRP for Iraq, "Iraq: Immediate Response Plan (IRP) for the IDP Crisis in the KR-I: 15 September – 15 November 2014) represented a joint effort by the Kurdistan Regional Government and U.N. humanitarian agencies to address urgent humanitarian response priorities ahead of the winter season in the Kurdistan Region of Iraq. According to UNOCHA, as of November 21, the Kurdistan Regional Government has proposed that a similar operational plan with information about needs and shortfalls through to March 2015, IRP2, be developed.

In August 2014, USAID deployed a Disaster Assistance Response Team (DART) to help coordinate U.S. humanitarian efforts in responding to the needs of newly displaced populations. Total U.S. government humanitarian funding to Iraq in FY2014 and FY2015 (as of December 19, 2014) is more than \$213.8 million, which includes U.S. airdrops in support of Iraqi humanitarian efforts.⁹⁰

Systematic violations of human rights and international humanitarian law (IHL) have reportedly been widespread by all parties to the conflict, including IS. UNOCHA estimates that 20,000 civilians have been killed or injured across Iraq in 2014.⁹¹ The U.N. Secretary-General issued a statement on August 7, 2014, condemning the attacks in Iraq and the impact on vulnerable minority communities.⁹² The members of the U.N. Security Council also issued a statement about attacks directed against a civilian population and urged the parties to enable humanitarian access and the delivery of assistance.⁹³ Amid increasing reports of killings and kidnappings and gross abuses of human rights, on October 31, the members of the Security Council again expressed outrage and stressed accountability, noting that some of these acts may constitute war crimes and crimes against humanity.⁹⁴

Syria

The international humanitarian response is massive and complex and struggles to keep pace with urgent developments that have escalated well beyond anticipated needs and continue to do so. In mid-December 2013, the United Nations launched two appeals—taken together its largest appeal in history—requesting \$6.5 billion in contributions to meet the ongoing humanitarian needs in Syria and the region. In July 2014, the Syria Regional Response Plan reduced its budget requirements slightly downward to reflect changed refugee population planning figures. Subsequent developments, including fighting in areas such as Kobane along the Turkish border, have led to additional displacements into Turkey of more than 190,000 people and could impact again the planning figures. As of early January, together the appeals are 55% funded. Limited funding for the Syria crisis has had immediate impacts; on December 1, 2014, the World Food Program announced that it was suspending food assistance to more than 1.7 million Syrian refugees in Lebanon for budget reasons.

The U.N. Security Council adopted two resolutions in 2014 aimed at increasing humanitarian access and aid delivery in Syria. Resolution 2139 (February 2014) demanded that parties “promptly allow rapid, safe and unhindered humanitarian access,” and Resolution 2165 (July 2014) authorized United Nations humanitarian agencies and their implementing partners to provide cross-border assistance with notification to (rather than consent of) the Syrian government. U.N. officials reporting under mechanisms established by the resolutions have identified some improvements in humanitarian access and aid delivery in Syria. However, U.N. officials also report that sufficient aid cannot be delivered in hard-to-reach areas, including areas besieged by government forces, some areas under opposition control, and eastern provinces under

⁹⁰ USAID, “Iraq—Complex Emergency,” Fact Sheet #3, Fiscal Year (FY) 2015, December 19, 2014.

⁹¹ UNOCHA, 2014/2015 Iraq Strategic Response Plan, October 2014.

⁹² United Nations, New York, “Statement Attributable to the Spokesman for the Secretary-General on Attacks on Yazidis and Other Minority Groups in Iraq,” August 7, 2014.

⁹³ U.N. Security Council, Press Statement on Iraq, SC/11515, IK/683, August 7, 2014.

⁹⁴ U.N. Security Council, Press Statement on Iraq, SC/11625, IK/694, October 31, 2014.

Islamic State control.⁹⁵ In general, violence, insecurity, government and opposition interference, and resource shortfalls continue to hinder aid delivery.

The United States is the largest donor of humanitarian assistance and is part of the massive, international humanitarian operation in parts of Syria and in neighboring countries. Beginning in FY2012, through December 12, 2014, the United States has allocated more than \$3 billion to meet humanitarian needs using existing funding from global humanitarian accounts and some reprogrammed funding. U.S. humanitarian policy is guided by concerns about humanitarian access and protection within Syria; the large refugee flows out of the country that strain the resources of neighboring countries (and could negatively impact the overall stability of the region); and a protracted and escalating humanitarian emergency.

The Administration's original FY2015 budget request sought \$1.1 billion in humanitarian assistance for Syria and the region. The President's June 2014 request for FY2015 Overseas Contingency Operations for Defense also included a request for a \$1.5 billion Syria Regional Stabilization Initiative (RSI), \$1 billion of which it planned to use in part "to meet identified regional needs for areas contending with refugees." However, it is not clear what portion of the RSI funding, if any, might have been used specifically for humanitarian responses rather than for broader stabilization purposes in host countries. Congress appropriated an additional \$1.01 billion in Migration and Refugee Assistance and an additional \$505 million in International Disaster Assistance above the President's budget request, and said in the explanatory statement accompanying the FY2015 appropriations act that "a significant portion" of the funds "should address growing humanitarian needs in the Middle East."

Policy Debates and Related Legislative Issues

Authority for Use of Military Force and the War Powers Resolution⁹⁶

The Obama Administration has asserted that the President has authority under existing constitutional and statutory authority to conduct the current military campaign against the Islamic State and other groups in Iraq and Syria. The Obama Administration has stated that two enacted authorizations for use of military force authorize ongoing U.S. military strikes against the Islamic State and other groups in Iraq and Syria.⁹⁷

- **The 2001 Authorization for Use of Military Force (P.L. 107-40)** targets those who perpetrated and supported the 9/11 terrorist attacks, identified as Al Qaeda and the Taliban. The executive branch has interpreted this authorization to include targeting forces that are co-belligerent with these two groups, so-called "associated forces." The Islamic State organization, whose antecedents had links to Al Qaeda, might fall within the definition of an associated force, but a public split between the Islamic State and Al Qaeda in early 2014 calls

⁹⁵ Ibid.

⁹⁶ Prepared by Matthew Weed, Analyst in Foreign Policy Legislation.

⁹⁷ In his previous notifications to Congress of deployments and airstrikes against the Islamic State, however, the President stated that he was taking military action based upon his powers as commander in chief and chief executive under Article II of the Constitution.

this association into question. The Obama Administration has stated that the Islamic State's long ties to Al Qaeda, its continuing connection to and support from elements within Al Qaeda, and the similarity of its brutal tactics and its desire to establish an Islamic caliphate to those of Al Qaeda make the Islamic State a lawful target under the 2001 AUMF.⁹⁸ The President's notifications to Congress of military operations against IS forces and the Khorasan Group of Al Qaeda both state that the 2001 AUMF authorizes such actions.⁹⁹ Alternatively, it has been argued recently that the Islamic State might be considered not as an associated force of Al Qaeda but instead as a former part of Al Qaeda that has now splintered from the original group.¹⁰⁰ Under this interpretation, the Islamic State would fall among the original targets of the 2001 AUMF, and its associated forces could also be targeted, potentially expanding the number of lawfully targeted co-belligerent groups operating in Iraq, Syria, or elsewhere.

- **The 2002 Authorization for Use of Military Force against Iraq (P.L. 107-243)** authorizes force in part to "defend the national security of the United States against the continuing threat posed by Iraq." The original authorization focused on the former Iraqi regime of Saddam Hussein and the destruction of suspected weapons of mass destruction in Iraq. The successes of Islamic State-led forces in Iraq, however, and their ties to former supporters of the Hussein regime, might be seen as falling within the broad 2002 AUMF authority to counter the "threat posed by Iraq." The Obama Administration, however, might consider 2002 AUMF authority to extend to countering threats *to Iraq* as well, whether those threats exist within Iraq or are located elsewhere. In the President's September 23, 2014, notification to Congress concerning airstrikes against IS forces in Iraq and Syria, the President cited the 2002 AUMF alongside the 2001 AUMF as authorizing strikes against IS forces. Such strikes are described largely in the context of assisting Iraqi forces and "at the request of the Government of Iraq."¹⁰¹

Some in Congress have questioned these assertions, and several Members of Congress introduced legislation in the 113th Congress that would have specifically addressed the President's continued use of military force in this situation. On November 5, President Obama said he intended to engage Congress on a new authorization for the use of military force (AUMF) and said his goal is "to right-size and update whatever authorization Congress provides to suit the current fight, rather than previous fights."¹⁰² On January 20, President Obama said in his State of the Union address, "I call on this Congress to show the world that we are united in this mission by passing a resolution to authorize the use of force against ISIL." Several Members of Congress have called for a new AUMF specifically targeting the Islamic State and other groups in Iraq, Syria, and elsewhere, and a number of legislative proposals were introduced in September 2014.¹⁰³ Both the

⁹⁸ See White House, Press Briefing by Press Secretary Josh Earnest, September 11, 2014.

⁹⁹ Letter from President Barack Obama to Speaker of the House of Representatives and President Pro Tempore of the Senate (War Powers Resolution Regarding Iraq), September 23, 2014, <http://www.whitehouse.gov/the-press-office/2014/09/23/letter-president-war-powers-resolution-regarding-iraq>; Letter from President Barack Obama to Speaker of the House of Representatives and President Pro Tempore of the Senate (War Powers Resolution Regarding Syria), September 23, 2014, <http://www.whitehouse.gov/the-press-office/2014/09/23/letter-president-war-powers-resolution-regarding-syria>.

¹⁰⁰ See Marty Lederman, "Tentative First Reactions to the 2001 AUMF Theory [updated]," Just Security, September 11, 2014, at <http://justsecurity.org/14804/first-reactions-2001-aumf-theory/>.

¹⁰¹ See Letter from President Barack Obama to Speaker of the House of Representatives and President Pro Tempore of the Senate (War Powers Resolution Regarding Iraq).

¹⁰² President Barack Obama, Press Conference, November 5, 2014.

¹⁰³ For a comparison of these proposals, see CRS Report R43760, *A New Authorization for Use of Military Force* (continued...)

Senate and House of Representatives are expected to consider new AUMF proposals in the 114th Congress, and on February 5, Speaker of the House John Boehner said that he expects that President Obama will submit an AUMF proposal in the coming days.¹⁰⁴

Although the President has stated that he possesses 2001 and 2002 AUMF authority for his decision to conduct recent and future military actions against the Islamic State and other groups in Iraq and Syria, Congress could determine that these authorizations do not apply. Many observers and Members have argued that the 2001 and 2002 AUMFs are outdated and that their authorities no longer apply to the current challenges posed both by the Islamic State and by the global threat to the United States from terrorism in general.

If Congress determines that the existing AUMFs do not apply, it might assert that the President, pursuant to the War Powers Resolution, must (1) withdraw U.S. Armed Forces from and (2) terminate hostilities in Iraq and Syria within 60 days from the date when congressional notification of such actions was required unless Congress enacts a new AUMF.

December 2014 Senate Foreign Relations Activities Related to AUMF

In December 2014, the Senate Foreign Relations Committee conducted a hearing and considered legislation concerning a new authorization for use of military force against the Islamic State. After Senator Rand Paul reportedly intended to propose an amendment to S. 2946 prior to the committee's vote on that bill that would have declared a state of war between the United States and the Islamic State, the committee decided to consider an IS AUMF proposed by Committee Chairman Robert Menendez. Prior to the Committee's markup of the proposal on December 11, the committee held a hearing on December 9 with Secretary of State John Kerry to discuss the Obama Administration's views on enactment of a new IS AUMF.

Senator Menendez's IS AUMF proposal, as amended and reported favorably out of committee on December 13 (S.J.Res. 47 (113th Cong.)), would have authorized the use of U.S. Armed Forces against the Islamic State and "associated persons or forces," defined as "individuals and organizations fighting for or on behalf of the Islamic State ... or a closely-related successor entity...." The authorization would have prohibited "ground combat operations" except for the rescue or protection of U.S. Armed Forces or U.S. citizens, intelligence gathering, enabling kinetic strikes, operational planning, and providing assistance to forces fighting the Islamic State in Iraq and Syria. The AUMF would have repealed the 2002 AUMF and terminated the authorization in the 2001 AUMF three years after enactment of S.J.Res. 47. It stated that the authority contained in the AUMF supersedes any previous authority that could apply to the use of force against the Islamic State. The AUMF's authority would have terminated three years after enactment, "unless reauthorized."

At the hearing, Secretary Kerry reiterated President Obama's earlier-stated position that the Administration supports enactment of a new AUMF targeting the Islamic State, agreeing with the goal of providing specific and limited authority to conduct operations against this organization and its associated forces. The Secretary informed the committee that the Administration supports

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Against the Islamic State: Comparison of Proposals in Brief, by Matthew C. Weed.

¹⁰⁴ See John T. Bennett, "Corker In Talks With White House, DoD on Islamic State AUMF," *DefenseNews*, January 7, 2015; John T. Bennett, "Boehner: Islamic State AUMF Vote by Spring," *DefenseNews*, January 21, 2015.

the three-year sunset of the authorization contained in Senator Menendez's proposal, "subject to provisions for extension" of that authorization. He stated the Administration's view, however, that such authority "should give the President the clear mandate and flexibility he needs to successfully prosecute the armed conflict against [the Islamic State]...." The Administration, according to Secretary Kerry, therefore opposes inclusion of a limitation on the use of ground combat forces, and any geographic restriction limiting operations to Iraq and Syria. With regard to the definition of "associated persons or forces" in Senator Menendez's proposed IS AUMF, Secretary Kerry stated that the Administration would prefer the definition be based on those "fighting alongside" the Islamic State, rather than the current language, which he stated might require a determination of "ideological association or other kind of affiliation."¹⁰⁵

In an interview dated January 23, 2015, General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff, stated that a new IS AUMF should not include a geographic limitation and that it should be crafted to keep all military options "on the table, and then we can debate whether we want to use them." In contrast to Secretary Kerry's statement of support for a sunset provision, General Dempsey said such a provision is not "necessary," stating, "I think the nation should speak of its intent to confront this radical ideological barbaric group and leave that open until we can deal with it."¹⁰⁶

New Authorization Proposals in the 114th Congress

Representative Adam Schiff announced on January 28, 2015 that he will introduce a new IS AUMF resolution, the provisions of which are similar in most respects to his proposal introduced late in the 113th Congress (H.J.Res. 125 (113th Cong.)). Pursuant to this proposal, the President would be authorized to use U.S. Armed Forces against the Islamic State, but limited solely to operations in Iraq and Syria, except for U.S. Armed Forces "engaged in training of indigenous Syrian or regional military forces for the purpose of combating" the Islamic State. The resolution states that the authorization does not include "deployment of ground forces in a combat role," except "special operations forces or other forces that may be deployed in a training, advisory, or intelligence capacity." The resolution would terminate the new authority provided by the resolution, as well as repeal the 2001 AUMF, three years after the resolution's enactment. The proposed resolution would repeal the 2002 immediately upon enactment.

Also on January 28, 2015, Representative Barbara Lee announced that she would introduce a bill that would repeal the 2001 and 2002 AUMFs and require the President to report to Congress on a "comprehensive strategy to degrade and dismantle ISIL," and provide "information on human rights vetting" of U.S.-supported actors in Iraq and Syria.

Issues Related to a New Authorization for the Use of Military Force

A number of concerns have arisen around provisions in proposals for a new IS AUMF from the 113th and the current Congresses. With regard to sunset provisions automatically terminating both an IS-specific authorization and the authorization in the 2001 AUMF after three years, some

¹⁰⁵ Testimony of Secretary of State John Kerry, U.S. Congress, Senate Committee on Foreign Relations, *Authorization For The Use of Military Force Against ISIL*, 113th Cong., 2nd sess., December 11, 2014.

¹⁰⁶ Lisa Ferdinando, *Dempsey: Keep All Options on Table for Use of Force Against ISIL*, Department of Defense, DoD News, Defense Media Activity, January 23, 2015, <http://www.defense.gov/news/newsarticle.aspx?id=128023>.

observers and Members have expressed concern that congressionally imposed time limitations send an undesirable signal about U.S. resolve and political will to the Islamic State, Al Qaeda and other terrorist groups targeted under the 2001 AUMF. Supporters of time limits argue that a sunset on authority to use military force could be utilized to ensure that the IS and 2001 AUMF authorizations are not interpreted to authorize the use of military force in perpetuity, and in a manner that some perceive as outside the scope and intent of the original authorizations. Given the Obama Administration's continuing reliance on that authorization to conduct the current campaign against the Islamic State, for example, leaving the 2001 AUMF in place without amendment might be a continuing source of confusion and contention concerning presidential authority to use military force against the Islamic State, and in Iraq, Syria, and the Middle East/North Africa region in general. In any case, some argue, automatic terminations of authority might force Congress to reconsider previous AUMFs and their provisions in light of changed circumstances, amending and reauthorizing as Congress sees necessary.

In considering any proposals to limit the authority of an IS AUMF by prohibiting the use of ground forces or constraining operations to a certain geographic area, Congress is weighing competing interests. The limitation on the use of ground forces or prohibiting ground combat operations might, as some argue, significantly restrict the ability of the President and U.S. military leadership to prosecute conflict against the Islamic State in the manner they feel is most effective. Congress might consider such restriction acceptable, however, if it is determined to avoid the involvement of the U.S. Armed Forces in another large-scale ground conflict following so closely upon the end of two such conflicts in Iraq and Afghanistan.

A geographic limitation might hinder the President's ability to strike IS and associated forces in countries other than Iraq and Syria, despite these forces' proven ability to cross state borders when it suits their purposes. In addition, as more groups pledge to fight alongside the Islamic State in countries such as Egypt, Libya, Algeria, Saudi Arabia, and Yemen, it could be reasonably expected that the President would determine that U.S. military operations should expand outside Iraq and Syria in the future. Congress, however, might wish to include such a limitation to prevent a similar geographic expansion of military operations to the President's expansion under the 2001 AUMF's authority to several countries other than Afghanistan.

It can be argued that even if such limitations appear later to have a deleterious effect on the U.S. campaign against the Islamic State, either limitation could be removed or modified through subsequent legislative action if the need arises. Such limitations and an overall lack of flexibility in any IS AUMF, however, might be difficult to change legislatively if Members of Congress cannot agree to changes; neither the 2001 nor 2002 AUMF has been amended, for example, despite the stated need for amendments by observers and Members over the lifespan of those two measures.

Maintaining and Deepening Coalition Support

Past U.S. efforts in Iraq, Afghanistan, and Syria suggest that U.S. policy makers may face challenges maintaining unity of purpose among coalition members, sustaining coalition material and financial contributions over time, and managing the risks and costs to the United States associated with limited or conditional commitments by coalition members or sudden shifts in coalition membership. Potential partners' calculations about the costs and benefits of participating in coalition efforts might be affected by their views on the urgency of acting directly, the soundness of U.S. strategy, the level of U.S. commitment, and potential progress toward political solutions that are more inclusive of Sunni Arabs or less conducive to their strategic goals.

The subset of the coalition that is attempting to coordinate military operations in Iraq and Syria (the United States, some GCC states, Jordan, the United Kingdom, France, and Australia) appears to face significant challenges. Past attempts at coordination regarding Syria's civil war have exposed rifts among regional countries, prompting situations in which the common goal of supporting the Syrian opposition was not enough to overcome other, competing priorities among ostensibly partner states. Relations between Iraq's government and the Sunni Arab Gulf states have been strained in the post-Saddam Hussein period, in part because Iraq's government has been dominated by Shiite factions politically close to Iran and seen as excluding Sunnis. The shift from the leadership of former Prime Minister Maliki to current Prime Minister Abbadi may not be sufficient to resolve related concerns.

As coalition militaries carry out strikes in Iraq and Syria, such strikes may be seen by the populations of Gulf and other Arab countries as serving the interests of Iran, further empowering Shiite elements in Iraq, or putting military personnel at unnecessary risk. Iraqi government leaders, like their Syrian counterparts, may question the motives of Sunni Arab coalition members, some of whom reportedly have provided support to armed Sunni opposition groups in Syria. In Syria, Sunni Arab coalition partners might disagree on priorities for bolstering various Syrian forces against the Islamic State and the effect such efforts may have on the relative strength of the Asad regime and its supporters (Iran, Hezbollah, Russia).

The capture and murder of Jordanian pilot Lt. Moath al Kasasbeh by the Islamic State in Syria has had tangible effects on coalition operations, with the United Arab Emirates reportedly suspending participation in air strike operations until changes are made in coalition combat search and rescue capabilities. The brutality of IS tactics may deepen the resolve of some regional governments and citizens to support the coalition but may also attract new recruits seeking to support the Islamic State. As of February 3, 2015, coalition partners had carried out approximately 19% of air strikes (427 of 2247 total strikes) against Islamic State targets since August 2014.¹⁰⁷

Next Steps in Iraq

Even though the ISF and *peshmerga* have made some progress in recent months, those gains are in jeopardy and further successes are fraught with obstacles and difficulties. The reported intent of the U.S. training program is to prepare the ISF to go on the offensive against Islamic State strongholds in Iraq as early as the spring of 2015. However, U.S. officials stress that the counter-offensive is being planned by Iraqi forces and will be carried out on the Iraqis' timetable.¹⁰⁸ A key objective of any such offensive is the city of Mosul, and U.S. commanders assert that recapturing a city that large, where IS forces are entrenched, will require a major effort. Chief of the Joint Chiefs of Staff Dempsey has said that an offensive on Mosul is one possible operation for which he might recommend to President Obama that U.S. advisers accompany ISF commanders near the front lines. President Obama has not commented on whether he would approve such a recommendation.

¹⁰⁷ Micah Zenko, "UAE Shows the Air War against ISIS Is Almost Entirely on America's Shoulders," *Defense One*, Feb. 4, 2015.

¹⁰⁸ Michael Gordon and Eric Schmitt, "Iraqis Prepare ISIS Offensive, With U.S. Help," *New York Times*, November 3, 2014.

The political situation in Iraq also remains unsettled. Despite some of the compromises made by Prime Minister Haydar al Abbadi with the Sunni community, Iraq's Sunnis still appear unwilling to counter the Islamic State in the way many took U.S.-aided action against IS precursor Al Qaeda in Iraq in 2007 (the so-called *sahwa*, or awakening). Winning Sunni trust may depend largely on whether Prime Minister Abbadi and other top Shiite leaders in the central government demonstrate a willingness to share power with or devolve local authority to Sunnis, Kurds, and other minorities. Islamic State forces continue to intimidate Sunni Arab communities and deter potential adversaries through mass killings of tribally organized fighters.

Sunni communities remain suspicious of Shiite militia groups and the ISF, which is dominated by Shiite Muslims, seeing them to some extent as an occupation force. U.S. strategy presumes that having Sunni forces secure Sunni communities would ease this sectarian-based suspicion. As such, Iraq's Sunnis may place increased scrutiny on whether Abbadi is willing to rein in the Shiite militia groups that have played a significant role in assisting recent ISF gains. Specifically, Sunnis may be looking for indications that Abbadi will forcefully respond to reports that Shiite militia are carrying out extrajudicial killings, such as the killings of more than 70 people in the village of Barwanah in late January 2015. Abbadi condemned the Barwanah killings and reportedly said, "Those who commit killings and aggressions on sanctities, set fire to people's homes and assault their souls and properties in areas liberated from Daesh [ISIL]—those (acts) are no less dangerous than terrorism."

As part of his outreach to Sunnis, on September 10, 2014, in conjunction with a visit by Secretary of State John Kerry, Abbadi proposed to recruit Sunnis to a new "national guard" force that would protect Sunni-inhabited areas that might be taken back from Islamic State control. In early November, Abbadi visited tribal leaders and other notables in overwhelmingly Sunni-inhabited Anbar Province, much of which has been captured by Islamic State forces. As noted above, Abbadi's cabinet has approved draft legislation providing for the recruitment of national guard forces. Legislative consideration of that proposal and the terms of its potential implementation remain to be determined.

Defining the Way Forward in Syria

President Obama has stated that U.S. engagement in Syria will remain focused "narrowly" on assisting Syrians in combatting the Islamic State, while continuing "to look for opportunities" to support a political resolution to Syria's conflict.¹⁰⁹ Some Syrian political and military opposition forces appear to resent such a narrow focus and some have indicated that they may insist on broader support for their anti-Asad goals as a condition of working with the U.S.-backed coalition against the Islamic State. These parties also question why the United States and coalition partners are willing to act militarily to halt Islamic State atrocities but not protect Syrian civilians from attacks by government forces or opposition groups.

In this context, U.S. strikes against Islamic State targets and other terrorist groups in Syria are illuminating several dilemmas faced by the Administration. On one hand, Syrian opposition forces who have been fighting the Islamic State welcome U.S. and coalition assistance in their

¹⁰⁹ The President said, "our attitude towards Asad continues to be that you know, through his actions, through using chemical weapons on his own people, dropping barrel bombs that killed innocent children that he—he has foregone legitimacy. But when it comes to our policy and the coalition that we're putting together, our focus specifically is on ISIL. It's narrowly on ISIL." President Obama interview with NBC News Meet the Press, September 6, 2014.

campaign, but question why the United States does not take military action against the Asad government or take more robust action to degrade IS capabilities in Syria. The Administration hopes to continue to pressure the Asad government into negotiating with opposition groups and fulfilling its pledges with regard to chemical weapons. At the same time, U.S. officials appear to be managing concerns that a full scale degradation of Islamic State forces in Syria could have unintended consequences. Specifically, U.S. officials may be concerned that a more aggressive campaign against the Islamic State may take military pressure off the Asad regime or create opportunities for other extremist groups such as the Al Qaeda-affiliated Jabhat al Nusra to advance.

Some U.S. critics of the Obama Administration's approach to the conflict and terrorism threats in Syria argue that current U.S. strategy lacks effective Syrian partners willing or able to advance against Islamic State and/or Al Qaeda-affiliate-held territory on the ground. These critics suggest the United States should either abandon its efforts to support a vetted partner force in Syria or drastically expand the size and scope of those efforts to create a more formidable partner force. Others argue that U.S. strategy is built on faulty assumptions or priorities because it is not based on an inherently confrontational posture toward the regime of President Asad. These critics argue that Asad's departure or demise is the key to resolving the underlying conflict that has created opportunity for extremists to thrive. How Asad's departure would immediately change the fortunes of the Islamic State in Syria is less certain. Still other critics assert that achieving stated Administration objectives will likely require U.S. or other ground combat troops or an expansion of the planned "train and equip" program for vetted Syrians to focus more aggressively on pressuring Asad to accept a negotiated solution.

For the moment, the Administration does not appear to be prioritizing the underlying conflict in Syria. Rather, it is taking steps in Syria designed to mitigate terrorism threats and advance U.S. goals for stabilizing Iraq. It remains to be seen whether or not this approach will succeed. It could weaken the Islamic State to the extent that it forces the group to abandon strategic, lucrative territory that it controls in Iraq. Coalition strikes and U.S.-backed partner forces may also deprive the group of some important Iraq-based leaders and fighters and some of the powerful military equipment it has captured there. However, the "Iraq first" approach may also could so alienate potential Syrian partners that when the United States decides to give priority to the stabilization of Syria it will find itself facing a more skeptical populace. Anti-IS actions in Syria also may create opportunities for other Syria-based Islamist groups and/or empower the Syrian government at the expense of other elements of the Syrian opposition.

Iranian Involvement in the Iraq and Syria Crises

Apparently pursuing its own interests, Iran has been generally cooperating with U.S. policy in Iraq, but the United States has ruled out formally bringing Iran into any U.S.-led anti-Islamic State coalition. However, on Syria, the United States and Iran have generally been on opposite sides: the United States supports Asad's ouster in favor of a transition regime, whereas Iran is materially supporting Asad's efforts to remain in power. Iran apparently views expanded U.S. efforts to provide support and training to Syrian opposition groups as a threat to its interests.

On Iraq, U.S. diplomats acknowledge that they have discussed the Islamic State crisis at margins of recent talks on Iran's nuclear program. Iran abandoned its longtime ally Maliki¹¹⁰ and helped

¹¹⁰ Babak Dehghanpisheh, "Iran Dramatically Shifts Iraq Policy to Confront Islamic State," Reuters, September 2, (continued...)

compel him to yield power in favor of Haydar al Abbadi. The U.S. State Department has consistently refuted assertions that the bilateral discussion on Iraq could provide Iran additional leverage in the ongoing nuclear talks with the United States and its partner countries.¹¹¹ However, President Obama has acknowledged sending a letter in November 2014 to Iran's Supreme Leader Ali Khamene'i, the contents of which have not been released but which was said to focus on the potential for further cooperation against the Islamic State if the issue of Iran's nuclear program were resolved.¹¹²

In actions that appear to further U.S. objectives in Iraq, Iran reportedly has been delivering arms and ammunition to the ISF and the *peshmerga*. In early July, Iran returned to Iraq about a dozen of the 100+ Iraqi combat aircraft that were flown to Iran at the start of the 1991 war between Iraq and the U.S.-led coalition. Iranian pilots apparently also are flying the aircraft: in July 2014 Iran announced that one of its pilots had died in operations in Iraq.¹¹³ Iran reportedly has provided weapons to Syrian Kurds fighting Islamic State forces in northern Syria, and by all accounts continues to provide material support to Syrian government forces.

Many observers remain skeptical that the United States could or should cooperate with Iran in either Iraq or Syria. Iran helped establish many of the Shiite militias that fought the United States during 2003-2011, and Iran reportedly has sent Islamic Revolutionary Guard-Quds Force (IRGC-QF) personnel into Iraq to advise the Shiite militias fighting alongside the ISF. The participation of the militias has increased tensions with Iraq's Sunnis, including those who live in mostly Shiite-inhabited Baghdad and in mixed provinces such as Diyala. Anecdotal reports indicate that some Shiite militia fighters have carried out reprisals against Sunnis who the militias accuse of supporting the Islamic State. Some of the Shiite militiamen who are fighting in Iraq had returned from Syria, where they were helping President Asad against Sunni-led armed rebels. On Syria, Iran continues to support Asad militarily, thereby countering U.S. efforts to compel Asad to yield power to a transition regime.

FY2016 Budget Requests for Foreign Operations and Defense

On February 2, 2015, the Obama Administration released its preliminary FY2016 budget requests for foreign operations and defense. The Administration is seeking funding to continue the current lines of effort in response to the Islamic State threat, as well as to respond to the challenges posed by the broader conflicts and regional displacements related to Syria and Iraq. Select specific requests include:

- **Iraq and Syria Train and Equip Programs**—The Department of Defense is requesting \$715 million and \$600 million for train and equip programs for Iraqis and Syrians respectively. These requests would fund continuation of programs initiated under authorities and funds first provided in FY2015 Defense authorization and appropriations bills. The monies would be drawn from FY2016 Department of the Army Operations and Maintenance

(...continued)

2014.

¹¹¹ Ibid.

¹¹² Michael Singh, "What Obama's Letter to Khamenei Says About U.S. Policy Toward Iran," *Wall Street Journal*, November 10, 2014.

¹¹³ "Iran News Agency Reports Death of Iranian Pilot in Iraq," Radio Free Europe/Radio Liberty, July 5, 2014.

Overseas Contingency Operations (O&M-OCO) funding. The Administration also seeks \$250 million in Foreign Military Financing for Iraq.

- Continued Support to Syrian Opposition Groups**—The State Department is requesting \$65 million in Peacekeeping Operations-OCO (PKO-OCO) funding to provide nonlethal support to vetted, moderate armed opposition groups “to bolster their capacity, cohesion, and credibility” and “to strengthen linkages between armed and civilian actors.” The Administration also is requesting \$160 million in Economic Support Fund-OCO (ESF-OCO) funding to provide nonlethal assistance to other opposition groups and \$10 million in International Narcotics Control and Law Enforcement (INCLE-OCO) funding for justice sector support in opposition-held areas.
- Iraq and Syria-Related Humanitarian Funding**—The Administration is requesting \$1.629 billion in Migration and Refugee Assistance-OCO (MRA-OCO) and International Disaster Assistance-OCO (IDA-OCO) funding to support continuing U.S. contributions to humanitarian relief and host-country support programs related to Syrian and Iraqi refugees and internally displaced persons.
- Counterterrorism Partnerships Fund (CTPF)**—The Administration requests FY2016 CTPF funds to address terrorist safe havens, including in Iraq and Syria; to mitigate foreign fighter flows; and to counter Iranian support for terrorism, including its support for militia forces in Lebanon and Iraq.

Table I. Select Iraq/Syria Related FY2016 Budget Requests for Foreign Operations and Defense

(\$ in millions)

Program/Account	Iraq	Syria	Jordan	Regional	Totals
Train and Equip Programs (DoD)	715	600			1315
INCLE-OCO	11	10			21
PKO-OCO		65			65
FMF-OCO	250		50		300
ESF-OCO	50	160	277.4		487.4
MRA-OCO				819	819
IDA-OCO				810	810
Totals	1026	835	327.4	1629	3817.4
Counterterrorism Partnerships Fund (CTPF)					
CTPF-State				390	
CTPF-DoD				2100	2490

Sources: FY2016 Congressional Budget Justifications for Defense Operations and Maintenance Funds and State Department Foreign Operations, February 2015.

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