

§ 1549. Report on and notice of changes made to the legal and policy frameworks for the United States' use of military force and related national security operations

(a) Annual report

(1) In general

Not later than March 1 of each year, the President shall submit to the appropriate congressional committees a report on the legal and policy frameworks for the United States' use of military force and related national security operations.

(2) Matters to be included

The report required by paragraph (1) shall include the legal, factual, and policy justifications for any changes made to such legal and policy frameworks from the preceding year, including—

(A) a list of all foreign forces, irregular forces, groups, or individuals for which a determination has been made that force could legally be used under the Authorization for Use of Military Force (Public Law 107–40), including—

(i) the legal and factual basis for such determination; and

(ii) a description of whether force has been used against each such foreign force, irregular force, group, or individual; and

(B) the criteria and any changes to the criteria for designating a foreign force, irregular force, group, or individual as lawfully targetable, as a high value target, and as formally or functionally a member of a group covered under the Authorization for Use of Military Force.

(b) Notice required

Not later than 30 days after the date on which a change is made to the legal and policy frameworks described in subsection (a)(1), the President shall notify the appropriate congressional committees of such change, including the legal, factual, and policy justification for such change.

(c) Form

The report required by subsection (a) and each notice required by subsection (b) shall be submitted in unclassified form, but may contain a classified annex. The unclassified portion of each report shall, at a minimum, include each change made to the legal and policy frameworks during the preceding year and the legal, factual, and policy justifications for such changes, and shall be made available to the public at the same time it is submitted to the appropriate congressional committees.

(d) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 115–91, div. A, title XII, §1264, Dec. 12, 2017, 131 Stat. 1689; Pub. L. 116–92, div. A, title XII, §1261, Dec. 20, 2019, 133 Stat. 1689.)

REFERENCES IN TEXT

The Authorization for Use of Military Force, referred to in subsec. (a)(2)(A), is Pub. L. 107–40, Sept. 18, 2001, 115 Stat. 224, which is set out as a note under section 1541 of this title.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2018, and not as part of the War Powers Resolution which comprises this chapter.

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–92, §1261(1), substituted “Annual” for “Initial” in heading.

Subsec. (a)(1). Pub. L. 116–92, §1261(2), substituted “March 1 of each year” for “90 days after December 12, 2017”.

Subsec. (a)(2). Pub. L. 116–92, §1261(3), substituted “from the preceding year, including—” and subpars. (A) and (B) for “during the period beginning on January 20, 2017, and ending on the date the report is submitted.”

Subsec. (c). Pub. L. 116–92, §1261(4), inserted at end “The unclassified portion of each report shall, at a minimum, include each change made to the legal and policy frameworks during the preceding year and the legal, factual, and policy justifications for such changes, and shall be made available to the public at the same time it is submitted to the appropriate congressional committees.”

§ 1550. Reports and briefings on use of military force and support of partner forces

(a) In general

Not later than 180 days after December 20, 2019, and every 180 days thereafter, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on actions taken pursuant to the Authorization for Use of Military Force (Public Law 107–40) against those countries or organizations described in such law, as well as any actions taken to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such forces are engaged in hostilities or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, during the preceding 180-day period.

(b) Matters to be included

The report required by subsection (a) shall include, with respect to the time period for which the report was submitted, the following:

(1) A list of each country or organization with respect to which force has been used pursuant to the Authorization for Use of Military Force, including the legal and factual basis for the determination that authority under such law applies with respect to each such country or organization.

(2) An intelligence assessment of the risk to the United States posed by each such country or organization.

(3) A list of each country in which operations were conducted pursuant to such law

and a description of the circumstances necessitating the use of force pursuant to such law, including whether the country is designated as an area of active hostilities.

(4) A general description of the status of operations conducted pursuant to such law as well as a description of the expected scope and duration of such operations.

(5) A list of each partner force and country with respect to which United States Armed Forces have commanded, coordinated, participated in the movement of, or accompanied the regular or irregular forces of any foreign country or government that have engaged in hostilities or there existed an imminent threat that such forces would become engaged in hostilities, including—

(A) a delineation of any such instances in which such United States Armed Forces were or were not operating under the Authorization for Use of Military Force; and

(B) a determination of whether the foreign forces, irregular forces, groups, or individuals against which such hostilities occurred are covered by such law.

(6) A description of the actual and proposed contributions, including financing, equipment, training, troops, and logistical support, provided by each foreign country that participates in any international coalition with the United States to combat a country or organization described in the Authorization for Use of Military Force.

(c) Form

The information required under paragraphs (1) and (2) of subsection (b) shall be submitted in unclassified form.

(d) Other reports

If United States Armed Forces are introduced into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, against any country, organization, or person pursuant to statutory or constitutional authorities other than Authorization for Use of Military Force, the President shall comply with the reporting requirements under—

(1) this section to the same extent and in the same manner as if such actions had been taken under Authorization for Use of Military Force;

(2) the War Powers Resolution (50 U.S.C. 1541 et seq.); and

(3) any other applicable provision of law.

(e) Briefings

At least once during each 180-day period described in subsection (a), the President shall provide to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a briefing on the matters covered by the report required under this section for such period.

(Pub. L. 116-92, div. A, title XII, § 1285, Dec. 20, 2019, 133 Stat. 1709.)

REFERENCES IN TEXT

The Authorization for Use of Military Force, referred to in text, is Pub. L. 107-40, Sept. 18, 2001, 115 Stat. 224,

which is set out as a note under section 1541 of this title.

The War Powers Resolution, referred to in subsec. (d)(2), is Pub. L. 93-148, Nov. 7, 1973, 87 Stat. 555, which is classified generally to this chapter. For complete classification of this Resolution to the Code, see Short Title note set out under section 1541 of this title and Tables.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the War Powers Resolution which comprises this chapter.

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 116-92, 133 Stat. 1231. See note under section 101 of Title 10, Armed Forces.

CHAPTER 34—NATIONAL EMERGENCIES

SUBCHAPTER I—TERMINATING EXISTING DECLARED EMERGENCIES

Sec.

1601. Termination of existing declared emergencies.

SUBCHAPTER II—DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

1621. Declaration of national emergency by President; publication in Federal Register; effect on other laws; superseding legislation.

1622. National emergencies.

SUBCHAPTER III—EXERCISE OF EMERGENCY POWERS AND AUTHORITIES

1631. Declaration of national emergency by Executive order; authority; publication in Federal Register; transmittal to Congress.

SUBCHAPTER IV—ACCOUNTABILITY AND REPORTING REQUIREMENTS OF PRESIDENT

1641. Accountability and reporting requirements of President.

SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies.

SUBCHAPTER I—TERMINATING EXISTING DECLARED EMERGENCIES

§ 1601. Termination of existing declared emergencies

(a) All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency, as defined in section 105 of title 5, as a result of the existence of any declaration of national emergency in effect on September 14, 1976, are terminated two years from September 14, 1976. Such termination shall not affect—

(1) any action taken or proceeding pending not finally concluded or determined on such date;

(2) any action or proceeding based on any act committed prior to such date; or

(3) any rights or duties that matured or penalties that were incurred prior to such date.

(b) For the purpose of this section, the words “any national emergency in effect” means a