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Al Qaeda and U.S. Policy: Middle East and Africa

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Summary

After a more than a decade and a half of combating Al Qaeda (AQ) in Afghanistan and Pakistan, the United States faces a diverse array of threats from Al Qaeda affiliates in the Middle East and Africa. While senior Al Qaeda figures reportedly remain based in Pakistan, the network includes a number of affiliates across the Middle East and Africa including Al Qaeda in the Arabian Peninsula (AQAP), Al Qaeda in the Islamic Maghreb (AQIM), and Al Shabaab. Al Qaeda also retains a small but possibly growing presence in Afghanistan. U.S. officials have stated that Al Qaeda still maintains a foothold in Syria through its ties to *Hay'at Tahrir al Sham* (formerly known as the Nusra Front), though the exact nature of that relationship may be evolving. This report examines the threat posed by Al Qaeda affiliates in the Middle East and Africa as described by U.S. officials and outside observers, as well as the U.S. approach to date in responding to these threats.

The rise of the Islamic State and its rapid territorial expansion across Syria and Iraq has at times eclipsed the attention directed towards Al Qaeda, at least in the public debate. However, U.S. officials have warned that Al Qaeda remains focused on attacking the United States, and that some of its affiliates in the Middle East have the capability to do so. It is also possible that Al Qaeda could leverage the Islamic State's setbacks in Iraq and Syria to bolster its recruits, resources, and prestige.

AQ affiliates that have primarily targeted local governments have also turned their efforts to Western interests in the region, aiming at soft targets—such as hotels—frequented by Americans or Europeans. U.S. officials have cautioned that some Al Qaeda affiliates may increasingly turn to this type of attack as a way of remaining "competitive" for funds and recruits, in light of the wide publicity garnered by such attacks carried out by the Islamic State.

Congressional concerns regarding these issues might shape ongoing reevaluations of the laws that underpin U.S. counterterrorism policy, including the 2001 Authorization for Use of Military Force (AUMF, P.L. 107-40) as well as successive National Defense Authorization Acts that have progressively broadened the scope of the U.S. military's involvement in training and equipping foreign forces for counterterrorism purposes. Overall, Congress has addressed the enduring presence of Al Qaeda affiliates through a number of channels, including oversight of executive branch counterterrorism policies and practices; authorization and appropriations of U.S. funds for counterterrorism activities; and oversight of assistance for partner nations engaged in such activities.

Note: This report does not cover Al Qaeda affiliates outside of the Middle East, Afghanistan, and Africa. See also CRS Report R44563, *Terrorism and Violent Extremism in Africa*, by (name redacted) and (name redacted)   , and CRS Report R44501, *Terrorism in Southeast Asia*, by (name redacted) et al.

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Introduction

Since the attacks of September 11, 2001, groups claiming allegiance to Al Qaeda have proliferated in the Middle East and Africa. Some of these groups have pledged allegiance to Al Qaeda (AQ) leader Ayman al Zawahiri, and others have not. Even among the groups that have formal alliances with Al Qaeda, there is significant variation in the extent to which they are operationally integrated with Al Qaeda's senior leadership in practice. Some of these groups, despite the formal alliances, emerged in the context of local conflicts and are self-sustaining. In other cases, Al Qaeda and its affiliates have focused on "exploiting local and regional conflicts."[1] While many of the groups discussed in this report focus the majority of their attacks on local targets, U.S. officials have identified them as posing a credible threat to the United States or its allies, or to U.S. interests in the Middle East and Africa.

The rise and rapid expansion of the Islamic State (IS, aka ISIL/ISIS or the Arabic acronym *Da'esh*) in Iraq and Syria beginning in 2013 unsettled Al Qaeda's leadership and followers, who seemed to view IS tactics and ideology as a challenge to Al Qaeda and its putative status as the world's preeminent Islamist terror organization. The State Department's 2015 Country Reports on Terrorism stated that, "tensions between AQ and ISIL escalated in a number of regions during 2015 and likely resulted in increased violence in several parts of the world as AQ tried to reassert its dominance." Tensions appear to have dissipated at least somewhat in 2017 as the Islamic State has been weakened by the U.S.-led military coalition campaign and other multilateral efforts. Some have speculated that Al Qaeda may be one beneficiary of the Islamic State's decline in terms of recruits, prestige, and/or resources. However, as the campaign against the Islamic State winds down, AQ may also become, again, a more significant focus of U.S. counterterrorism efforts.

The campaign against the Islamic State has reignited a debate over the type and scope of policies and legislation needed to provide the tools to fully address the threats posed by transnational terrorist groups. In addition, ongoing debates within Al Qaeda itself—over leadership and tactics—may prompt a reexamination of U.S. understanding of the group, and the ways in which it may have evolved since the September 11, 2001 attacks. For additional information on the Islamic State, see CRS Report R43612, *The Islamic State and U.S. Policy*, by (name redacted) and (name redacted).

Al Qaeda's Emergence and Organizational Development

Roots in Afghanistan

In 1988, Osama bin Laden formally established Al Qaeda from a network of veterans of the Afghan insurgency against the Soviet Union.[2] The group conducted a series of terrorist attacks against U.S. and allied targets, including the 1998 bombings of U.S. embassies in Kenya and Tanzania and the 2000 attack on the USS *Cole* docked in Aden, Yemen. After the attacks of September 11, 2001, the United States redoubled its counterterrorism (CT) efforts, forcing the

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[1] Testimony of Dan R. Coats, Director of National Intelligence, before the Senate Select Committee on Intelligence hearing on "Worldwide Threat Assessment of the US Intelligence Community," May 11, 2017.

[2] The Arabic *al qaeda* (also transliterated as *al qaida* or *al qa'ida*) is generally translated as "the base" or "the foundation."

group's leadership to flee Afghanistan—where they had been hosted by the Taliban—and seek refuge in Pakistan. U.S. forces located and killed Bin Laden in Pakistan in 2011, and Bin Laden's deputy Ayman al Zawahiri assumed leadership of the group. U.S. officials and others have argued that persistent CT operations against Al Qaeda since 2001 have "decimated" the group's leadership in Afghanistan and Pakistan, but that Al Qaeda's affiliates have proven resilient, with one expert describing them as "resurgent" in 2017.[3]

Profile: Al Qaeda Leader Ayman al Zawahiri

Ayman al Zawahiri was born in 1951 to a prominent Egyptian family. He studied medicine at Cairo University alongside his twin sister, obtaining a degree in general surgery in 1974. He then served three years as a surgeon in the Egyptian army, before marrying the daughter of a wealthy family in 1978. In 1980 he traveled to Peshawar, near Pakistan's border with Afghanistan, where he volunteered as a medic treating Afghan refugees of the Soviet-Afghan conflict. Six years later he would return to Peshawar and join forces with Bin Laden. However, Zawahiri's Salafist views developed in Egypt, shaped by the political context of the time. Muslim Brotherhood theorist Sayyid Qutb, who called for an Islamic revival to replace secular government with divine law, was executed by the Egyptian government in 1966. Zawahiri, whose maternal uncle had served as Qutb's lawyer, became active in one of many underground Islamist organizations. Zawahiri's activism continued during his university years. Banned from participating in politics, the Muslim Brotherhood and other Egyptian Islamist organizations were highly active in student and professional unions. Inspired by Qutb's ideology and galvanized by the 1967 defeat of Egypt by Israel, they aimed to replace Egypt's secular government with a system of Islamic rule. The Iranian revolution of 1979 showed that it was possible for a popular movement to replace secular rulers with an Islamic government.

By the late 1970s, several underground Islamist groups, including Zawahiri's, merged to form what would be known as Egyptian Islamic Jihad (EIJ). In 1979, Egyptian President Anwar Sadat made peace with Israel, a decision approved by a popular referendum widely seen as fixed. In 1981, a small group of military officers loyal to EIJ assassinated Sadat during a military parade. Zawahiri was among the hundreds of Egyptians imprisoned under suspicion of involvement in the assassination. Although he was released after three years, some analysts argue that Zawahiri's time in prison—where he and others were reportedly subject to torture—further radicalized him.

Zawahiri and his wife permanently left Egypt in 1985 and arrived in Pakistan in 1986 after an intervening period in Saudi Arabia. In Pakistan, he continued his medical work while also reconstituting EIJ with Egyptian foreign fighters who had traveled to fight Soviet forces in Afghanistan. In his book *Bitter Harvest*, Zawahiri denounced the Egyptian Muslim Brotherhood for pursuing electoral politics at the expense of armed struggle.

Following years of informal cooperation between Al Qaeda and EIJ, the two groups formally merged in June 2001 to form Qaeda al Jihad (though the groups are still generally considered distinct entities). While the merger may have been driven in part by EIJ's strained financial situation, it was also controversial within the group, whose members reportedly mostly wished to focus on Egypt. Nevertheless, EIJ fighters retained a prominent role in Al Qaeda's leadership. Zawahiri served as Bin Laden's deputy, providing experienced fighters and strategists from EIJ to craft the group's operations. While Zawahiri's primary target remained the Egyptian government, he apparently came to believe that the only way to bring Islamic regimes to power was to oust from the region the perceived backer of secular regional regimes, the United States—the so-called "Far Enemy." When Bin Laden was killed in a 2011 U.S. raid in Pakistan, Zawahiri assumed leadership of the group. He has spent recent years restating his views on strategy and tactics for the global jihadist movement and has clashed publicly with Islamic State leaders.

Sources: Lawrence Wright, "The man behind Bin Laden," *New Yorker*, September 16, 2002; Lawrence Wright, *The Looming Tower: Al Qaeda and the Road to 9/11*; Daniel Byman, *Al Qaeda, the Islamic State, and the Global Jihadist*

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[3] CQ Congressional Transcripts, Senate Foreign Relations Committee Holds Hearing on the ISIS Global Reach, June 8, 2017, available at http://www.cq.com/doc/congressionaltranscripts-5120600?17&search=Q8wjKQ9F; White House Office of the Press Secretary, Remarks by the President on the Administration's Approach to Counterterrorism, December 6, 2016.

Movement, New York: 2015.

Rise of Affiliate Groups

Starting in the mid-2000s, groups operating in the Middle East and Africa began to formally pledge allegiance to Al Qaeda leaders. With the exception of Al Qaeda in the Arabian Peninsula and the Nusra Front, AQ affiliate groups had developed around local conflicts before forging ties with Al Qaeda. Prior to the 2013 creation of the Islamic State, Al Qaeda affiliates in the Middle East and Africa included the following groups.

- **Al Qaeda in Iraq (AQI)** pledged allegiance to Al Qaeda in 2004. Previously known as *Tawhid wal Jihad*, the group emerged in 2002. Following the U.S. invasion of Iraq in 2003, it expanded under the leadership of the late Abu Musab al Zarqawi, and was rebranded following Zarqawi's death in 2006 as the Islamic State of Iraq (ISI). Zarqawi's successors now lead the Islamic State organization and have been disavowed by AQ leadership.

- **Al Qaeda in the Islamic Maghreb (AQIM)** pledged allegiance to Al Qaeda in 2006. Previously known as the Group for Preaching and Combat (GSPC), the group originated from an Islamist insurgent faction in Algeria's 1990s civil conflict.

- **Al Qaeda in the Arabian Peninsula (AQAP)** formed in 2009 following a merger between Al Qaeda branches in Saudi Arabia—established in 2003 and known by the acronym QAP—and Yemen, established in the early 1990s by fighters returning from Afghanistan.

- **Al Shabaab** formally joined Al Qaeda in 2012 after several unreciprocated pledges of support. The group emerged in the mid-2000s as an offshoot of a militant wing of Somalia's Council of Islamic Courts.

- The **Nusra Front** emerged in Syria in late 2011 as an offshoot of the Islamic State of Iraq (ISI). The Nusra Front was designated by the State Department as an alias of AQI in December 2012, although it did not publicly declare its allegiance to Al Qaeda until 2013. In July 2016, the Nusra Front renamed itself *Jabhat Fatah al Sham* (Levant Conquest Front) and stated that the group would no longer be affiliated with external entities, leading to criticism from some Al Qaeda supporters. In January 2017, it merged with several other militant groups to form *Hay'at Tahrir al Sham* (HTS, Levant Liberation Organization).

At times in recent years, intelligence officials have assessed that "the core leadership of al-Qaida continues to wield substantial influence over affiliated and allied groups such as the Yemen-based al-Qaida in the Arabian Peninsula."[4] A more common analytical view in 2018 seems to be that Al Qaeda is no longer the "rigidly hierarchical organization" it was on 9/11, but instead is "flat, decentralized, and geographically dispersed."[5] This leads to questions about whether the hub-and-spoke model (wherein the core directs the activities of multiple local affiliates) is still applicable. Still others see the relationship in reverse, with core leadership providing legitimacy

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[4] Testimony of former NCTC Director Matthew Olsen before the House Homeland Security Committee and House Foreign Affairs Committee, Joint Hearing on Terrorism Outlook, November 18, 2015.

[5] Julia McQuaid, et al., "Independent Assessment of U.S. Government Efforts against Al-Qaeda," CNA, October 2017, pp. 12-16.

to local affiliates but relying on them for financial support and operational action.[6] As opposed to the Islamic State, which he characterized as a "mass movement," former National Counterterrorism Center (NCTC) Director Nicholas Rasmussen described AQ has operating "as a clandestine, covert organization, with barriers to entry that made it difficult for individuals, in many cases, to become members."[7] It remains to be seen how this organizational ethos might change going forward in light of the Islamic State's losses.

Al Qaeda – Islamic State Split[8]

In 2013, divisions emerged between Al Qaeda's central leadership and leaders of the AQI successor group—known as the Islamic State of Iraq (ISI). This would lead, a year later, to the emergence of ISI as Al Qaeda's primary rival. What began as a disagreement over operations in Syria would grow into a public rift as ISI leader Abu Bakr al Baghdadi ultimately rejected the authority of Al Qaeda leader Ayman al Zawahiri.

According to both U.S. officials[9] and ISI leaders,[10] Baghdadi (also known as Abu Du'a), tasked ISI member Muhammad al Jawlani in 2011 to begin operations in Syria under the banner of a new group known as the Nusra Front. In accordance with directives from AQ leadership, Jawlani and other Nusra members operated as a local Syrian opposition group, without initially acknowledging their ties to ISI or Al Qaeda.[11]

The Nusra Front soon became one of the most effective opposition groups in Syria—claiming nearly 600 attacks in major city centers between November 2011 and December 2012.[12] In April 2013, Baghdadi publicly revealed the link between ISI and the Nusra Front. In an audio statement, he declared,

> ...the Al-Nusrah Front is nothing but an extension and a part of the Islamic State of Iraq...We announce the abolition of both names, the Islamic State of Iraq and the Al-Nusrah Front, and we merge them under one name, the Islamic State of Iraq and the Levant [ISIL].[13]

While acknowledging Nusra's affiliation with Al Qaeda, Jawlani rejected the merger with ISI, stating that he had not been consulted and that his fighters would continue to operate under the

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[6] Daniel Byman, "Judging Al Qaeda's Record, Part I: Is the Organization in Decline?" *Lawfare*, June 27, 2017.

[7] Testimony of NCTC Director Nicholas Rasmussen, before the House Homeland Security hearing on "Worldwide Threats: Keeping America Secure in the New Age of Terror," November 30, 2017.

[8] Prepared by Carla Humud and Christopher Blanchard, Specialist in Middle Eastern Affairs.

[9] "Terrorist Designations of the al-Nusrah Front as an Alias for al-Qa'ida in Iraq," Press Statement by State Department Spokesperson Victoria Nuland, December 11, 2012.

[10] Baghdadi states, "[w]e deputized Al-Jawlani, who is one of our soldiers, along with a group of our people. We sent them from Iraq to the Levant so that they could meet up with our cells there. We put plans in place for them, we drew up an operational policy for them, and we funded them with half of the monthly amount of money that we collected." Open Source Enterprise (OSE) Report GMP20130409405003, "ISI Emir Declares ISI, Al-Nusrah Front: 'Islamic State of Iraq and the Levant,'" April 9, 2013.

[11] Zawahiri later stated, "The declaration of the ISIL was in clear violation of the orders by Al-Qa'ida's command to its soldiers in Iraq and the Levant, not to declare any official presence of Al-Qa'ida in the Levant." OSE Report TRN2014050238064112, "Al-Fajr Releases Al-Zawahiri Statement Urging ISIL to Return to Iraq, Al-Nusrah to Stop Infighting," May 2, 2014.

[12] "Terrorist Designations of the al-Nusrah Front as an Alias for al-Qa'ida in Iraq," Press Statement by State Department Spokesperson Victoria Nuland, December 11, 2012.

[13] OSE Report GMP20130409405003, "ISI Emir Declares ISI, Al-Nusrah Front: 'Islamic State of Iraq and the Levant,'" April 9, 2013.

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banner of the Nusra Front. Al Qaeda leader Zawahiri also denounced the merger, and decreed that ISI should confine its operations to Iraq.[14] Despite Zawahiri's position, Baghdadi's forces—then known as ISIL or ISIS—ramped up activities in Syria. Fighters from the two groups clashed frequently, leading Zawahiri to issue appeals for unity and a halt to intra-jihadist violence.

On February 3, 2014, Zawahiri formally severed Al Qaeda's ties with ISIL, stating,

> The Al-Qa'ida of Jihad group announces that it has no connection with the group called the ISIL, as it was not informed or consulted about its establishment. It was not pleased with it and thus ordered its suspension. Therefore, it is not an affiliate with the Al-Qa'ida group and has no organizational relationship with it. Al-Qa'ida is not responsible for the ISIL's actions.[15]

In May 2014, ISIL spokesperson Abu Muhammad al Adnani stated that their group "is not and has never been an offshoot of Al Qaeda," and said that, given that ISIL was a sovereign political entity, its leaders had given leaders of Al Qaeda deference rather than pledges of obedience. In June 2014, Adnani announced the establishment of a caliphate, declaring that ISIL would now be known simply as the Islamic State.[16] In summer 2014, Islamic State forces began a wide territorial expansion, capturing large areas of northern and eastern Syria, and northern and western Iraq.

In Syria, many foreign jihadists defected from the Nusra Front to the Islamic State, leaving Nusra to regroup as a primarily Syrian organization. While the Islamic State focused on gaining territory—frequently at the expense of other opposition groups—the Nusra Front continued to form alliances with other Syrian armed groups and focused its attacks on the Asad government. This approach accorded with Zawahiri's call for AQ-affiliated groups to blend into the local population and build support by adopting local struggles. Given its largely Syrian membership—up to 70% by some estimates[17]—and its integration into the struggle against the Syrian government, some observers suggested that Nusra's roots in Syria run deeper than those established by the Islamic State, which relied heavily on foreign fighters and was sustained largely through force.[18] As of early 2018, the Islamic State had lost most of the territory it held in Syria, while the Nusra Front's successor group, Hay'at Tahrir al Sham, remains active in some opposition-held areas and has struggled to manage its own differences with AQ leadership.

Beyond Syria, this pattern of AQ-IS competition has repeated itself throughout the Middle East and Africa. From Afghanistan to Yemen to Mali, each of the AQ affiliates below finds itself operating in the same areas as local actors who have pledged allegiance to the Islamic State. These AQ-aligned groups may compete for resources (including fighters) with their Islamic State rivals, and in some cases, clashes between the two groups have broken out.[19]

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[14] OSE Report PLN2013061030660134 Doha *Al-Jazirah.net* in Arabic, June 9, 2013.

[15] OSE Report TRR2014020311346316, "Al-Qa'ida General Command Text Statement Claims Group Has 'No Connection' to ISIL," February 3, 2014.

[16] OSE Report TRR2014062966139093, "ISIL Spokesman's Statement Declares 'Islamic Caliphate,' Abu-Bakr Al-Baghdadi Appointed 'Caliph,'" June 29, 2014.

[17] Charles Lister, "Profiling Jabhat al-Nusra," Brookings Center for Middle East Policy, July 2016.

[18] "Exploiting Disorder: al Qaeda and the Islamic State," International Crisis Group, March 14, 2016.

[19] Jason Burke, "Al-Qaida moves in to recruit from Islamic State and its affiliates," *Guardian*, January 19, 2018.

Posture and U.S. Threat Assessments

Even at the height of IS territorial control in Syria and Iraq, U.S. officials warned that the emphasis on the Islamic State does not indicate a reduced focus on the threat posed to the United States by Al Qaeda and its affiliates. In September 2016, then-NCTC Director Nicholas Rasmussen stated to Congress,

> The tremendous efforts we are undertaking to counter the ISIL threat are absolutely warranted, but I want to stress that we still view al-Qa'ida and the various al-Qa'ida affiliates and nodes as a principal counterterrorism priority [...] We would not tier our priorities in such a way that downgrades al-Qa'ida in favor of a greater focus on ISIL. When we are looking at the terrorism threats that we face as a nation, including to the Homeland, al-Qa'ida still figures prominently in that analysis.[20]

In testimony one year later, Rasmussen reiterated that, "...as focused as we are on addressing ISIS, Al Qaida has never stopped being a primary counterterrorism priority for the CT community ... the various Al-Qaida groups have also managed to sustain recruitment, maintain relationships and derive sufficient resources to enable their operations. This is a strikingly resilient organization."[21] Rasmussen pointed to a number of new trends since 2016, including the "resurgence of aviation threats, reaching a level of concern that we in the intelligence community have not faced since Al Qaida in the Arabian peninsula's printer package plot in 2010 ... both ISIS and Al Qaida-aligned groups have demonstrated a continued capability to conduct aviation attacks."[22]

Director of National Intelligence (DNI) Daniel Coats stated to Congress in early 2017 that while U.S. and global counterterrorism operations have significantly reduced Al Qaeda's ability to carry out large-scale attacks inside the United States, Al Qaeda and its affiliates "remain a significant CT [counterterrorism] threat overseas as they remain focused on exploiting local and regional conflicts."[23] In December 2017, Rasmussen's successor Lora Shiao described the evolution in AQ methods and organization as "evidence of its resiliency" and stated that the group "retains the intent to carry out attacks" against the U.S. and American interests.[24]

Some observers have challenged these and similar assessments, arguing that successive Administrations have "followed the same script, one based on false, costly assumptions" and criticizing the Trump Administration for adhering to "what has become the standard operating procedure in Washington."[25] Many of these analyses contend that certain elements of U.S. counterterrorism strategy have the potential to exacerbate the very problem they aim to confront.[26] Specifically, they criticize what they view as a disproportionate emphasis on

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[20] NCTC Director Rasmussen, Statement for the Record, "Fifteen Years After 9/11: Threats to the Homeland," Senate Homeland Security Governmental Affairs Committee, September 27, 2016.

[21] NCTC Director Rasmussen before the Senate Committee on Homeland Security and Government Affairs, September 27, 2017.

[22] Ibid. The other new trends referenced were the Coalition success in shrinking ISIS territory in Iraq and Syria, and the "significant uptick" in attacks inspired by ISIS against Western interests around the world.

[23] Daniel Coats, Director of National Intelligence, Statement for the Record, "Worldwide Threat Assessment of the U.S. Intelligence Community," Senate Select Committee on Intelligence, May 11, 2017.

[24] Statement of Lora Shiao, Acting Director of Intelligence, National Counterterrorism Center, Senate Committee on Homeland Security and Governmental Affairs, December 6, 2017.

[25] Micah Zenko, "Bush and Obama Fought a Failed 'War on Terror.' It's Trump's Turn," *New York Times*, August 25, 2017.

[26] See, for example, "Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid," (continued...)

counterterrorism, to the detriment of more fundamental deradicalization efforts. Former CIA deputy director Michael Morell was quoted as saying that "For every 100 hours I spent in the Situation Room talking about how to deal with terrorists that already exist, maybe we spent 10 minutes talking about winning hearts and minds and deradicalization."[27]

Others see U.S. counterterrorism efforts in 2017 as having substantially degraded Al Qaeda and its affiliates (described below), using these setbacks to question the "overall relevance [of AQ] under Ayman al-Zawahiri's leadership."[28] The 2018 National Defense Strategy suggests a less central role for groups like AQ in shaping U.S. policy going forward, stating that "inter-state strategic competition, not terrorism, is now the primary concern in U.S. national security."[29] It is not clear whether this stated change in strategic focus presages a reduction in counterterrorism resources relative to those intended to address inter-state threats.

Al Qaeda in Afghanistan

From "core" Al Qaeda's expulsion from its Afghanistan base in 2001 until 2015, U.S. officials asserted that the group had only a minimal presence (defined as fewer than 100) in Afghanistan itself, operating there mostly as a facilitator for insurgent groups and confined mainly to northeastern Afghanistan. Nevertheless, in late 2015, U.S. Special Operations forces and their Afghanistan National Defense and Security Forces (ANDSF) partners discovered and destroyed a large AQ training camp in Qandahar Province—a discovery that indicated that Al Qaeda had expanded its presence in Afghanistan. In October 2015, the then-top U.S. and NATO commander in Afghanistan, General John Campbell, stated that, "Al Qaeda has attempted to rebuild its support networks and planning capabilities with the intention of reconstituting its strike capabilities against the U.S. homeland and Western interests."[30] In April 2016, U.S. commanders publicly raised their estimates of AQ fighters in Afghanistan to between 100 and 300, and reported an increasingly close relationship between Al Qaeda and the Afghan Taliban.[31]

In December 2016, U.S. officials announced that 250 AQ operatives (50 leaders and 200 other fighters) were killed or captured in 2016, including the AQ commander for northeast Afghanistan, Faruq Qahtani. It is unclear how many of these fighters belonged to separate affiliates. In 2014, Zawahiri announced the formation of Al Qaeda in the Indian Subcontinent (AQIS), an affiliate likely born at least partially in response to the ascendance of the Islamic State, which also has made inroads in Afghanistan.[32] U.S. and Afghan officials reported killing over 80 members of Al Qaeda in December 2017, including the deputy leader of AQIS, though estimates for all of 2017 have not been made public.[33]

(...continued)

International Crisis Group, March 22, 2017.

[27] Zenko, op. cit.

[28] Daniel Byman, "The Year in Review: Counterterrorism," Lawfare, December 29, 2017.

[29] "Summary of the 2018 National Defense Strategy of the United States of America," Department of Defense, January 18, 2018.

[30] Statement of General Campbell before the Senate Armed Services Committee, "The Situation in Afghanistan," October 6, 2015.

[31] Department of Defense Press Briefing by General Cleveland via teleconference from Afghanistan, April 14, 2016.

[32] For more, see CRS In Focus IF10604, *Al Qaeda and Islamic State Affiliates in Afghanistan*, by (name redacted) .

[33] Sayed Salahuddin and Dan Lamothe, "Top al-Qaeda leader reported killed in Afghanistan in U.S.-Afghan operation," *Washington Post*, December 5, 2017.

Al Qaeda in the Arabian Peninsula[34]

Acting Director of the National Counterterrorism Center Lora Shiao described AQAP in December 2017 as "the only known al-Qa'ida affiliate to have attempted a direct attack against the U.S." adding that it "continues to threaten and call for attacks against the U.S."[35] The group has operated in Yemen since 2009, and has been the most active in the southern provinces that were formerly part of the People's Democratic Republic of Yemen, which reunited with northern Yemen in 1990. Despite unification, political and economic power remains in the hands of northern leaders and tribes, and AQAP has benefitted from southern resentment directed against the government. According to the State Department's 2016 Country Reports on Terrorism, AQAP has continued to take advantage of the political and security vacuum created by the ongoing fighting between the Saudi-led coalition in support of the Yemeni government and the rebel Houthi-led opposition. The conflict between these forces contributed to AQAP's ability to take and hold territory along Yemen's southern coast, which it has done with varying degrees of success since 2015.

Perhaps more than any other AQ affiliate, AQAP has attempted to carry out attacks in the United States and Europe. In early 2015, AQAP claimed to have directed and funded the attack against the *Charlie Hebdo* satirical magazine in Paris.[36] Additionally, between 2009 and 2012, AQAP was behind three attempts to down U.S.-bound commercial airliners, and officials noted that year that the group likely "still harbors this intent and substantial capability to carry out such a plot."[37]

Al Qaeda in the Islamic Maghreb[38]

An Algerian-led regional network, AQIM has long exhibited internal tensions and has spawned a number of offshoots and splinter movements in recent years. AQIM also reportedly has provided financial support and training to other extremist groups active in North and West Africa. AQIM and local allies exploited the popular uprisings in Tunisia and Libya in 2011 and the subsequent civil war in Mali to expand their safe-havens and areas of influence. The collapse of the Qadhafi regime in Libya provided a new source of arms and recruits, while in Mali, AQIM and allied groups asserted control over the country's northern territory amid a separatist rebellion and political crisis in 2012. AQIM and linked groups have conducted bombings against local state targets and security forces; kidnappings for ransom, often of Westerners; and, since 2013, a string of mass-casualty attacks targeting foreigners in Algeria, Mali, Burkina Faso, and Côte d'Ivoire. AQIM and several of its Sahel-based offshoots have pledged greater unity since 2015, possibly in a bid to outpace French counterterrorism operations, undermine Mali's peace agreement with northern rebels, and/or respond to competition from local groups aligned with the Islamic State.

U.S. government assessments report that AQIM "remains largely a regionally-focused terrorist group" primarily focused on local and Western targets within North and West Africa, including

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[34] For background on the Houthi conflict in Yemen, see CRS Report R43960, *Yemen: Civil War and Regional Intervention*, by (name redacted) .

[35] Statement of Lora Shiao, Acting Director of Intelligence, National Counterterrorism Center, Senate Committee on Homeland Security and Governmental Affairs, December 6, 2017.

[36] "Al Qaeda in Yemen Claims Responsibility for Charlie Hebdo Attack," *Wall Street Journal*, January 14, 2015.

[37] Testimony of former NCTC Director Matthew Olsen before the House Homeland Security Committee and House Foreign Affairs Committee, Joint Hearing on Terrorism Outlook, November 18, 2015.

[38] Prepared by (name redacted), Specialist in African Affairs. For more detailed information, including a list of splinter groups and offshoots, please see CRS In Focus IF10172, *Al Qaeda in the Islamic Maghreb (AQIM) and Related Groups*, by (name redacted)

U.S. interests and personnel.[39] (At least six U.S. citizens have been killed in AQIM-linked attacks.) In March 2017, AFRICOM Commander Gen. Thomas Waldhauser stated that AQIM "remains a significant threat to U.S. interests and the security of our African partners."[40] French military counterterrorism operations in the Sahel, initiated in 2013, have killed or captured several key AQIM commanders. Nevertheless, militants continue to commit asymmetric attacks against local and international targets in northern Mali, and they have expanded their areas of operation into previously stable areas of central/southern Mali (including several terrorist attacks in the capital, Bamako) and neighboring countries.[41] AQIM and linked groups also reportedly are active in Tunisia and Libya.

The Nusra Front / Levant Conquest Front / Levant Liberation Organization

The Nusra Front (aka *Jabhat al Nusra*) emerged early in the Syrian conflict as one of the most effective armed opposition groups, and initially concealed its ties to Al Qaeda. In early 2016, U.S. military officials estimated that the group numbered approximately 6,000 to 9,000 fighters, spread across Syria.[42] The group has established a stronghold in the Syrian province of Idlib, and Brett McGurk, Special Presidential Envoy for the Global Coalition to Counter ISIL stated,

> Nusra is establishing schools and training camps, recruiting from abroad, launching major military operations, and enjoying a sophisticated on-line presence, all the while providing safe haven for some of al Qaida's most experienced terrorists. With direct ties to Ayman al Zawahiri, Osama Bin Laden's successor, Nusra is now al Qaida's largest formal affiliate in history.[43]

Nusra also has targeted groups receiving U.S. assistance. After a Nusra attack in July 2015 targeted U.S.-backed fighters, U.S. military officials in September 2015 reported that only "four or five" trainees remained "in the fight" against the Islamic State.[44] In response to these and other pressures, the Administration subsequently reconfigured its Syria train-and-equip program.[45]

In July 2016, the Nusra Front announced that it was reconstituting itself as an independent group. Nusra Front leader Abu Muhammad al Jawlani stated that his group would hereinafter be known as *Jabhat Fatah al Sham* ("Levant Conquest Front," JFS), and would have "no affiliation to any external entity."[46] U.S. officials downplayed the announcement as a rebranding effort, noting the continuing role and presence of Al Qaeda operatives within JFS. The announcement was seen by

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[39] State Department, *Country Reports on Terrorism 2016*, July 2017, "Foreign Terrorist Organizations."

[40] Statement before the Senate Armed Services Committee on the Posture of U.S. Africa Command, March 9, 2017.

[41] See, for example, "Ten Years of Al Qaeda in the Maghreb," Jamestown Foundation, May 5, 2017.

[42] Dr. Michael G. Vickers, former Under Secretary of Defense for Intelligence, before the House Armed Services Committee, January 12, 2016.

[43] Special Presidential Envoy for the Global Coalition to Counter ISIL, Brett McGurk, Testimony before the Senate Foreign Relations Committee, June 28, 2016.

[44] General Lloyd James Austin, Commander U.S. CENTCOM, before the Senate Armed Services Committee, September 16, 2015.

[45] For additional information on the Syria train-and-equip program, see CRS Report R43612, *The Islamic State and U.S. Policy*, by (name redacted) and (name redacted)   , and CRS Report R43727, *Train and Equip Program for Syria: Authorities, Funding, and Issues for Congress*, by (name redacted) and (name redacted)   .

[46] The Nusra Front's decision to rebrand itself as an independent group does not appear intended as a slight to Al Qaeda. Rather, the language of Jawlani's statement was deferential to AQ leadership. Jawlani described the step as a consensus decision between the two groups, undertaken for the purpose of unifying Syrian opposition fighters.

some as part of a broader effort to win the support of key armed groups. Nusra's leadership may have calculated that by renouncing its ties to Al Qaeda and continuing to focus its attacks on the Syrian government, it could eventually win the support of most Syrian opposition groups—particularly if these groups concluded that their primary goal of removing Syrian President Asad would be best served through an alliance with the Nusra Front than with the United States.

Speculation that the Nusra Front's public severance of external affiliations could result in greater cooperation and integration with other elements of the Syrian opposition seemed to be borne out in January 2017 with the creation of *Hay'at Tahrir al Sham* (Levant Liberation Organization, HTS), a coalition including JFS (whose fighters represent most of HTS's forces) and other Islamist militant groups. As in the Nusra Front's ostensible split from Al Qaeda and rebirth as JFS in 2016, there are disagreements about the extent to which HTS represents a new, independent actor in Syria or another vehicle for Al Qaeda-linked militants to hide their affiliation for political reasons.[47] Secretary of Defense James Mattis seemed to acknowledge this issue at an October 2017 Senate Foreign Relations Committee hearing, when he said "what we've seen is, these groups come apart, go back together, they change their names as often as a rock-and-roll band."[48] While JFS was designated an official alias of Nusra in November 2016, no such action has been taken with regard to HTS.[49]

The presence in Syria of high-ranking Al Qaeda operatives (like Al Qaeda's deputy leader Abu al Khayr al Masri, killed by a U.S. drone strike in Idlib in February 2017) could be seen as an indicator that substantive links still exist between Nusra and Al Qaeda's senior leaders outside Syria.[50] In late 2017, assassinations and arrests targeting non-Syrian HTS members seen as more closely aligned with AQ may indicate that differences between AQ and HTS are real and growing as some in HTS seek to position the coalition as an organically Syrian movement.[51] Some have characterized this situation as AQ "having effectively lost control of its former Syrian affiliate."[52] Others have speculated about the role of foreign-backed forces in the killings.[53] AQ leader Zawahiri condemned Nusra's rebranding in November 2017 and argued that "nobody should be told to leave the Levant...What is this heretical innovation that we should not have foreign links?"[54]

The Nusra Front presents a unique challenge to the United States, given that the group has both threatened and coordinated with other Syrian opposition groups—some of which may receive U.S. support. U.S. officials have acknowledged that the Nusra Front in some places is "geographically close or intermixed" with civilian or other opposition groups.[55] Obama

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[47] Sam Heller, "Syria's Former al-Qaeda Affiliate Is Leading Rebels on a Suicide Mission," Century Foundation, March 1, 2017; Colin P. Clarke, "The Moderate Face of Al Qaeda," RAND, October 24, 2017.

[48] CQ Congressional Transcripts, Senate Foreign Relations Committee Holds Hearing on the Authorization for the Use of Military Force, October 30, 2017. Available at http://www.cq.com/doc/congressionaltranscripts-5206113?1.

[49] "State Department Amendments to the Terrorist Designation of al-Nusrah Front," November 10, 2016.

[50] Michael R. Gordon and Eric Schmitt, "Senior Qaeda Leader Is Killed in Drone Strike," *New York Times*, March 1, 2017.

[51] Haid Haid, "Who Is Assassinating Hay'at Tahrir Al-Sham's Leaders?" Chatham House, November 2017; Kyle Orton, "Former Al-Qaeda in Syria Branch Arrests Members of Al-Qaeda in Syria," Henry Jackson Society, November 28, 2017.

[52] Charles Lister, "New opportunities for ISIS and al-Qaeda," Middle East Institute, January 8, 2018.

[53] Jamie Dettmer, "Turkey Deploys More Forces in Northern Syria," Voice of America, November 3, 2017.

[54] OSE Report TRW2017112944994651, November 29, 2017.

[55] Department of State Daily Press Briefing by Spokesperson John Kirby, May 6, 2016.

Administration officials noted, "we have seen even to some degree some troubling cooperation between certain opposition groups and al-Nusrah."[56]

The Khorasan Group

In 2015, former CIA Deputy Director Michael Morell described the Khorasan Group as a group of operatives dispatched by Al Qaeda leader Zawahiri from Pakistan to Syria in order to assist the Nusra Front in its battle against Syrian President Bashar al Asad. Khorasan also reportedly intended to use Syria as a base of operations for attacks against the West.[57] The official asserted that, like Al Qaeda senior leadership and AQAP, the Khorasan Group has the capability to conduct successful attacks in the United States. In 2016, military officials stated that Al Qaeda and Khorasan operatives "have one main goal, and this is to plan attacks in the west. That is what they do."[58] In 2015, then-National Counterterrorism Center Director Nicholas Rasmussen stated, "In many cases we believe these individuals that we are identifying as the Khorasan group play a role alongside or as part of Jabhat al Nusra in carrying out action inside Syria to advance the goals of the opposition." Rasmussen also noted that, "membership in these particular organizations is not always a clean, distinct, or definable proposition."[59] However, some outside observers argue that by early 2015 Khorasan had largely ceased external operations planning in response to directives from AQ leadership to prioritize opposition activities inside Syria.[60] In early 2017, military officials reported U.S. strikes against what they described as Al Qaeda members in Syria but did not make reference to the Khorasan Group specifically, and some observers have characterized the previous description (that Khorasan Group represented a separate organization from other AQ elements in Syria) as a "false distinction."[61]

Al Shabaab[62]

The Somalia-based Al Shabaab group remains a key terrorist threat in East Africa. In addition to assassinations and suicide bombings inside Somalia (including an October 2017 bombing in Mogadishu that left over 500 dead), it has also conducted attacks in countries contributing to the African Union Mission in Somalia (AMISOM), which is mandated with countering the group and helping to stabilize the country. Al Shabaab's 2013 attack against the Westgate mall in Nairobi killed at least 67, and the group has continued to attack Kenyan towns along the border— including a 2015 attack on Kenya's Garissa University that killed 148. Al Shabaab has also conducted suicide attacks in Djibouti.

While AMISOM-led forces have succeeded in pushing the group out of Somalia's capital, Mogadishu, and other major southern cities, Al Shabaab has proven resilient and adaptable. In March 2017, AFRICOM Commander General Waldhauser cautioned that if AMISOM begins its scheduled withdrawal in 2018, in the absence of fully developed Somalian security forces, "large portions of Somalia are at risk of returning to al-Shabaab control or potentially allowing ISIS to gain a stronger foothold in the country."[63] Al Shabaab has resisted efforts by the Islamic State to

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[56] Department of State Daily Press Briefing by Spokesperson John Kirby, May 13, 2016.

[57] Michael Morell, "Fourteen Years and Counting: The Evolving Terrorist Threat," *CTC Sentinel*, September 2015.

[58] Department of Defense Press Briefing by Col. Warren via Teleconference from Baghdad, Iraq, April 7, 2016.

[59] Paul Cruickshank, "A View from the CT Foxhole: An Interview with Nick Rasmussen, Director, NCTC," *CTC Sentinel*, September 2015.

[60] Charles Lister, "Profiling Jabhat al-Nusra," Brookings Center for Middle East Policy, July 2016.

[61] Bill Roggio, "US kills al Qaeda facilitator and external ops planner in Syrian airstrikes," *Long War Journal*, January 19, 2017.

[62] Prepared by Lauren Blanchard, Specialist in African Affairs. For more information, see CRS In Focus IF10170, *Al Shabaab*, by (name redacted) and (name redacted)   .

[63] AFRICOM 2017 Posture Statement. Available at https://www.africom.mil/media-room/document/28720/africom-2017-posture-satement.

make inroads in Somalia and responded violently in recent years to the emergence of pro-IS cells in the country.[64]

Al Shabaab leaders have threatened attacks in the United States and against U.S. citizens and targets in the region. Several U.S. citizens have been killed in Al Shabaab attacks in East Africa since 2010. In February 2016, Al Shabaab demonstrated its ability to conceal a bomb in a laptop computer that was detonated by a suicide bomber onboard a Somali airliner. (It detonated before the plane reached cruising altitude and thus did not destroy the aircraft.) Al Shabaab's ability to recruit abroad and the presence of foreign fighters, among them U.S. citizens, in Somalia have been of significant concern to U.S. policymakers.

Al Qaeda Messaging on the Islamic State

Al Qaeda Responds to the Emergence of the Islamic State

After the rise of the Islamic State, Al Qaeda's public messaging refocused on clarifying the rules for jihad and on discrediting the Islamic State's leadership and tactics. In September 2013, Zawahiri issued *General Guidelines for Jihad*. In this document he laid out the group's priorities, beginning with the United States:

> The purpose of targeting America is to exhaust her and bleed her to death, so that it meets the fate of the former Soviet Union and collapses under its own weight as a result of its military, human, and financial losses. Consequently, its grip on our lands will weaken and its allies will begin to fall one after another.[65]

Nevertheless, the majority of the document outlined a code of conduct for jihadist fighters operating locally. Zawahiri stated that fighters should avoid clashing with local governments. Emphasizing that jihad is a long-term struggle, Zawahiri urged groups to, when possible, "pacify" any conflict with local rulers so as to create "safe bases" and a permissive operating environment.

Zawahiri also ordered fighters to "avoid fighting the deviant sects" (Shi'a, Ismailis, Ahmadis, and Sufis) unless attacked, and even then, "we must make it clear that we are only defending ourselves. Those from amongst them who do not participate in the fight against us and their families, should not be targeted." Zawahiri also instructed followers to "avoid meddling" with Christian, Sikh, and Hindu communities in Muslim lands. He states that followers should make clear to these communities that, "we do not seek to initiate a fight against them, since we are engaged in fighting the head of disbelief (America); and that we are keen to live with them in a peaceful manner after an Islamic state is established."

Finally, Zawahiri stated that fighters must not harm other Muslims, and should refrain from killing noncombatants—even if they are families of those who fight Al Qaeda. He instructed fighters to avoid targeting their enemies in public spaces such as mosques and markets, where an attack could harm other Muslims or noncombatants.

In September 2015, Zawahiri issued the first of a series of audio statements entitled "The Islamic Spring." In these audio statements, Zawahiri drew on historical and Koranic sources to attack the legitimacy of the Islamic State. Zawahiri's objections to the Islamic State include the following:

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[64] Jason Warner and Caleb Weiss, "A Legitimate Challenger? Assessing the Rivalry between al-Shabaab and Islamic State in Somalia," *CTC Sentinel*, November 2017.

[65] Ayman al Zawahiri, "General Guidelines for Jihad," *Al Sahab Media*, September 2013.

- **Declaring a caliphate by force without consultation with other jihadist authorities.** Zawahiri argued that a caliphate can only be established through consultation and consensus, not through the unilateral actions of a small group. In Episode 4, he declared that "taking power by force without consultation violates sharia."[66] He added that while Al Qaeda fully intends to establish an Islamic caliphate, "it will be a caliphate that follows the prophet's path and not some wrongful kingdom taken by force through car bombs and blasts."

- **Declaring a caliphate prematurely.** Zawahiri stated that conditions are not yet right for the declaration of a caliphate. He argued that a true caliphate does not come into existence merely by declaring it as such. In Episode 3, he stated that before establishing a caliphate, there are "truths that must exist in reality and on the ground," not just "hopes and desires."[67]

- **Killing other Muslims.** Throughout the series, Zawahiri repeatedly condemned the shedding of blood among different jihadist factions. In Episode 2, he called on fighters to avoid infighting, "for the sin of killing a Muslim is great."[68] He added that it is not permissible to seize money or equipment from rival jihadist groups.

- **Sowing discord within jihadist ranks, benefiting the enemy.** Zawahiri's repeated calls for an end to infighting stem from his concern that such conduct ultimately benefits the United States.[69]

Al Qaeda in the Twilight of the Islamic State

In 2017, campaigns by local forces—backed by U.S. and coalition military operations—resulted in partner forces reclaiming much of the territory formerly held by the Islamic State. The demise of the group's caliphate in its former heartland may provide an opening for Al Qaeda to recruit fighters formerly affiliated with the Islamic State, while also increasing likelihood that AQ may once again find itself at the center of U.S. counterterrorism efforts.

In the sixth installment of his "Brief Messages To a Victorious Nation" series, Zawahiri criticized the Islamic State's approach of pursuing territorial control and establishing local governance. Addressing the Syrian people, he urged them to "focus on a guerilla war" and ordered, "Do not occupy yourselves with holding on to territory."[70] In 2018, AQ supporters may find this view vindicated, and seek to press their advantage by directly combating the Islamic State, as Al Qaeda's "General Command" ordered in a January 2018 message that listed the Islamic State alongside other enemies like Shi'ites and "Crusaders."[71] Previously, the differences between Al Qaeda and the Islamic State appeared to be more tactical than strategic, and it remains to be seen

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[66] OSE Report TRR2015100561575345, October 5, 2015.

[67] OSE Report TRL2015092183805913, September 21, 2015.

[68] OSE Report TRR2015091311667655, September 12, 2015.

[69] "As we face this campaign now, is this dispute pleasing or displeasing to the Americans? Does it please or displease the enemies when Al-Baghdadi and those with him rebel against Al-Qa'ida, break their confirmed pledge of allegiance, openly rebel against their amir, attack the governance of Mullah Omar, whose name they used to shout, declare a caliphate based on a pledge from unknown individuals, and call on the mujahideen to dissent and break their pledges, resulting in all kinds of disputes and tumult?" OSE Report TRN2015091004392901, September 9, 2015.

[70] OSE Report TRR2017042370968161, April 23, 2017.

[71] OSE Report TRW2018010863137326, January 8, 2018.

whether that January 2018 order heralds a more fundamental break between the two groups or whether AQ might return to previous calls for cooperation with IS based on shared values.[72]

That ideological affinity raises the possibility, and the expectation among terrorism analysts, that extremist operations in the region will continue regardless of the fate of the Islamic State organization. Al Qaeda's willingness to cooperate with Islamic State fighters may leave the group in a position to absorb some of these fighters if the Islamic State's leadership is ultimately defeated in Syria and Iraq (see "Outlook," below).

Selected Policy Responses

U.S. strategy to combat Al Qaeda in the Middle East and Africa combines limited military deployments, training and equipping of local forces, financial sanctions, and programs on countering violent extremism (CVE). The U.S. approach to particular affiliates has varied depending on factors such as the operating environment, the capabilities of local forces, and legal considerations, as discussed below.

U.S. Government Terminology: Affiliated v. Associated Forces

The Authorization for Use of Military Force (AUMF, P.L. 107-40) enacted by Congress in September 2001 is the primary law authorizing U.S. operations against Al Qaeda and the Taliban.[73] U.S. Administrations later established categories of Al Qaeda-linked groups, each of which carries potentially distinct legal and policy implications. The terms below do not appear in the original AUMF text; rather, they have been delineated in a series of subsequent legal rulings and executive branch strategy papers.

Associated Forces: organized, armed groups that have entered the fight alongside Al Qaeda or the Taliban, and are co-belligerents with Al Qaeda or the Taliban in hostilities against the United States or its coalition partners.[74] Once established as co-belligerents, associated forces are considered legal targets of U.S. military force per the laws of armed conflict—which are commonly interpreted to permit a country at war to use force against those fighting alongside its enemy.

Affiliates: groups that have aligned with Al Qaeda. This includes associated forces as well as groups and individuals against whom the Obama Administration considers the United States is not authorized to use force based on the authorities granted by the AUMF.[75] The United States may use force against affiliates that have been further classified as associated forces.

Adherents: individuals who form collaborative relationships with Al Qaeda or act on its behalf or in furtherance of its goals—including by engaging in violence—regardless of whether such violence is directed at the United States.[76]

Al Qaeda "Inspired": Groups or individuals not affiliated with identified terror organizations but inspired by the Al Qaeda narrative.[77]

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[72] "Despite these grievous errors, I call upon all of the mujahideen in the Levant and Iraq to cooperate and coordinate their efforts to stand as one in confronting the Crusaders, secularists, Nusayris [derogatory reference to Alawites], and Safavids, even if they do not recognize the legitimacy of Al-Baghdadi's state and his group, not to mention his caliphate. The matter is bigger than not recognizing the legitimacy of their state or their claim to establishing a caliphate, for the ummah is being subjected to a savage Crusader campaign and we must set out to push back its assailants." OSE Report TRR2015091311667655, September 12, 2015.

[73] For additional background on the AUMF, see CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by (name redacted)   .

[74] Testimony of Stephen W. Preston, General Counsel of the Department of Defense, before the Senate Committee on Foreign Relations, May 21, 2014.

[75] 2011 National Strategy for Counterterrorism. Note: previous versions of the National Strategy for Counterterrorism were issued in 2003 and 2006. http://www.whitehouse.gov/sites/default/files/counterterrorism_strategy.pdf.

[76] Ibid.

[77] See for example, "Strategy for Homeland Defense and Defense Support of Civil Authorities," Department of Defense, February 2013. http://www.defense.gov/news/Homelanddefensestrategy.pdf.

The 2011 National Strategy for Counterterrorism includes the following footnote: "Affiliates is not a legal term of art. Although it includes Associated Forces, it additionally includes groups and individuals against whom the United States is not authorized to use force based on the authorities granted by the Authorization for the Use of Military Force, P.L. 107-40, 115 Stat. 224 (2001). The use of Affiliates in this strategy is intended to reflect a broader category of entities against whom the United States must bring various elements of national power, as appropriate and consistent with the law, to counter the threat they pose. Associated Forces is a legal term of art that refers to cobelligerents of al-Qa'ida or the Taliban against whom the President is authorized to use force (including the authority to detain) based on the Authorization for the Use of Military Force, P.L. 107-40, 115 Stat. 224 (2001)."

U.S. Military Operations

The United States, often in cooperation with local or other international partners, is engaged in military operations against a number of Al Qaeda groups.

- **Afghanistan.** Approximately 2,000 of the 15,000 U.S. troops are performing counterterrorism combat missions, including against Al Qaeda and its associated forces in Afghanistan. U.S. forces continue to try to find and to target—primarily using manned and unmanned aircraft—senior Al Qaeda operatives in Afghanistan, as well as select Taliban targets.

- **Yemen.** According to one account, there were 114 U.S. strikes against AQAP in 2017, compared to 44 in 2016.[78] Additionally, a U.S. commando was killed in a January 2017 counterterrorism raid on AQAP militants, the first such U.S. military casualty in the country.[79]

- **Libya.** A U.S. strike in Libya in June 2015 sought (reportedly unsuccessfully) to kill AQIM splinter-faction Al Murabitoun leader Mokhtar Bel Mokhtar.[80] A French air strike reportedly again targeted Belmokhtar in late 2016, but his death has not been publicly confirmed. Observers note that in early 2017, in a video announcing the merger of four jihadist networks active in Mali, Al Murabitoun was represented by one of Belmokhtar's deputies.[81]

- **Somalia.** U.S. military action in Somalia began under the George W. Bush Administration, broadened under the Obama Administration and again under the Trump Administration. The Trump Administration has authorized DOD to conduct lethal action against Al Shabaab within a geographically-defined "area of active hostilities" in support of partner forces in Somalia.[82] The tempo of U.S. air strikes in Somalia has been increasing since 2015, spiking in 2017 with more than 30 publicly acknowledged strikes. In May 2017, the Pentagon announced the first U.S. combat death in the country since the early 1990s. The death occurred during a joint operation with Somali forces against Al Shabaab.

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[78] Bill Roggio and Alexandra Gutowski, "2017: A record year for US counterterrorism strikes," *Long War Journal*, January 3, 2018; "Update on recent counterterrorism strikes in Yemen," U.S. Central Command, December 20, 2017.

[79] Missy Ryan, Sudarsan Raghavan, and Thomas Gibbons-Neff, "U.S. service member killed in Yemen raid marks first combat death of Trump administration," *Washington Post*, January 29, 2017.

[80] Eric Schmitt, "U.S. Airstrike in Libya Targets Planner of 2013 Algeria Attack," June 14, 2015.

[81] Interview with Yvan Guichaoua in Libération, "Cette vidéo est censée situer le Sahel sur la carte du jihad global," March 5, 2017.

[82] Statements by DOD on recent strikes include this phrasing. See DOD, "Pentagon Statement on Somalia Strike," June 11, 2017.

- **Syria.** Coalition strikes killed Khorasan Group member and French national David Drugeon, described by U.S. military officials as an Al Qaeda operative and explosives expert in July 2015[83] and Sanafi al Nasr, a Saudi national whom military officials described as a leading financial figure in the Khorasan Group, in October 2015. In February 2017, a U.S. drone strike reportedly killed deputy Al Qaeda leader Abu al Khayr al Masri.[84]

- **North Africa and the Sahel.** The U.S. military, which has conducted intelligence, surveillance, and reconnaissance (ISR) activities out of a facility in Niger since 2013, received public approval from the Nigerien government in November 2017 to arm U.S. drones stationed there. The scope of any future operations by armed U.S. drones in the Sahel (which could conceivably include the protection of U.S. and/or partner forces on the ground, close air support to U.S.- or partner-led operations, and/or targeted strikes against terrorist organizations) remains to be seen.[85]

Efforts to Build Regional Partners' Military Capability[86]

Successive Administrations have described their efforts to train local partners as core component of U.S.-led counterterrorism strategy. In 2017, CENTCOM Commander Gen. Joseph Votel stated that building partner capacity

> is a lower-cost alternative to U.S. boots on the ground, has longer-term sustainability, and is necessary for interoperable, combined coalition operations...By building capacity and enabling partners to assume a larger role in providing for the stability and security of their sovereign spaces, we will enhance regional stability while still maintaining our critical access and influence in [the Middle East and North Africa][87]

The 2018 National Defense Strategy names building "the capability required to counter violent extremism," among other threats, as a priority of U.S. policy in Africa. The 2017 National Security Strategy similarly states that, in the Middle East, the United States "will assist regional partners in strengthening their institutions and capabilities, including in law enforcement, to conduct counterterrorism and counterinsurgency efforts."[88]

To counter Al Qaeda and its affiliates, the United States works with local military and security forces in countries such as Afghanistan, Yemen, and Somalia. Building capable partner forces in these countries may be seen to further a range of objectives that, taken together, help partners to better manage their regional security challenges. These include sustaining gains made by U.S. forces, minimizing the need for a large U.S. presence, and preventing the establishment of AQ

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[83] Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, September 22, 2015.

[84] A former EIJ member, al Masri was held in Iran until 2015, when he was released in return for an Iranian diplomat and moved to Syria to help direct Nusra efforts. "Senior al Qaeda leader killed by CIA drone strike: U.S. official," *Reuters*, March 1, 2017.

[85] Helene Cooper and Eric Schmitt, "Niger Approves Armed U.S. Drone Flights, Expanding Pentagon's Role in Africa," *New York Times*, November 30, 2017.

[86] For additional information, see CRS Report R44313, *What Is "Building Partner Capacity?" Issues for Congress*, coordinated by (name redacted)   .

[87] Statement of General Joseph L. Votel, Commander, U.S. Central Command, Before the Senate Armed Services Committee on the Posture of U.S. Central Command, March 9, 2017.

[88] "National Security Stategy of the United States of America," December 2017.

safe havens that could be used as a launch pad for attacks against the United States. Some charge that such efforts focus disproportionately on military efforts to combat external threats to the detriment of "ensuring that internal security services address such threats effectively, or protect and do not marginalize or alienate vulnerable populations."[89]

Capacity-building efforts have at times involved direct military strikes in what U.S. officials have termed the "self-defense" of U.S. personnel accompanying partner forces. In some cases, the executive branch has expanded its threshold for the use of direct force beyond the specific targeting of Al Qaeda. For example, the Obama Administration broadened its justification for direct U.S. military action in Somalia in 2015, indicating in a notification to Congress consistent with the War Powers Resolution that its operations in Somalia were carried out not only "to counter Al Qaeda and associated elements of Al Shabaab" (as previously reported), but also "in support of Somali forces, AMISOM forces, and U.S. forces in Somalia."[90] The number of U.S. military personnel on the ground in Somalia has also increased significantly in 2017—from roughly 200 to more than 500, according to an AFRICOM spokesman—as the U.S. approach has evolved toward deploying more special operations "adviser teams" across the country to "advise, assist, and accompany" Somali and AU forces during counterterrorism operations.[91]

- **Afghanistan.** In December 2014, the United States and its international partners transferred the lead domestic security role in Afghanistan from NATO forces to the ANDSF. In August 2017, President Trump announced a new strategy for Afghanistan that involves sending additional U.S. troops (bringing the total to 15,000) to Afghanistan to assist in NATO's Resolute Support Mission to train, advise, and assist the ANDSF.

- **Yemen.** In April 2016, "small numbers" of U.S. military personnel were authorized to deploy to Yemen to support operations against AQAP.[92] In December 2017, the Trump Administration reported that a "small number of United States military personnel" operated in the country,[93] and CENTCOM later confirmed "multiple ground operations" in 2017.[94]

- **North Africa and the Sahel.** The U.S. approach to AQIM and affiliated groups relies largely on bolstering the domestic counterterrorism capabilities of the North African and Sahel countries where these groups operate. The State Department-led Trans-Sahara Counter-Terrorism Partnership (TSCTP) in North-West Africa includes military and police train-and-equip programs, counter-radicalization programs, and public diplomacy efforts. Additional assistance is provided bilaterally to countries in the region, through other overlapping regional

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[89] Ilan Goldberg, et al., "Remodeling Partner Capacity," Center for a New American Security, November 14, 2016.

[90] The White House, *Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate Regarding the War Powers Resolution*, December 11, 2015. That authority was expanded by President Trump in March 2017 to "provide additional precision fires in support of African Union Mission in Somalia (AMISOM) and Somali security forces operations to defeat al-Shabaab." Statement by Pentagon Spokesman Capt. Jeff Davis on U.S. Counterterrorism Operations in Somalia, March 30, 2017.

[91] Wesley Morgan, "U.S. military builds up," op. cit. "Advise, assist, and accompany" is the phrase used in presidential reports to Congress, "consistent with the War Powers Resolution," since December 2016.

[92] The White House, *Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate Regarding the War Powers Resolution*, June 13, 2016.

[93] White House Office of the Press Secretary, Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, December 11, 2017.

[94] "Update on recent counterterrorism strikes in Yemen," U.S. Central Command, December 20, 2017.

progress, and by DOD. The growing scope of DOD "advise and assist" operations, in which U.S. military personnel may accompany counterterrorism operations led by partner forces, was thrust into the national spotlight in October 2017, when four U.S. servicemembers were killed in western Niger (a country that hosts one of the largest numbers of U.S. troops in Africa, around 800 by some accounts)[95] by an Islamic State-affiliated group whose leader once belonged to an AQIM splinter faction. Continuing conflict and political uncertainty in Libya has precluded the development of robust partnership capacity building programs with forces in that country.

- **Somalia.** U.S. efforts against Al Shabaab include a limited U.S. military "train, advise, and accompany" mission inside Somalia, and help to train, equip, and supply AMISOM and select Somali forces. U.S. officials in March 2016 stated that a "small number" of U.S. forces were involved in a separate ground raid against Al Shabaab militants in Somalia, reiterating that U.S forces operated in a "train, advise, and accompany mode, as they have been in the past in Somalia."[96] A U.S. servicemember was killed in May 2017 while accompanying Somali forces in an operation against Al Shabaab, the first confirmed American military death in the country since 1993.[97]

Targeted Sanctions

Another aspect of the U.S. counterterrorism strategy against Al Qaeda involves limiting the group's ability to finance its operations. There are a number of ways in which terror groups generate income; according to a House of Representatives Task Force to Investigate Terrorism Financing report issued in 2016, "the most common sources of financing include state sponsors, private donors, charitable entities, self-funding mechanisms, and various criminal activities."[98] The Islamic State, through its ability to raise unprecedented funds via novel techniques such as taxation, "is uniquely different from the financing typical of Al-Qaeda."[99] Some AQ groups, however, have adopted elements of the IS model. The House of Representatives Task Force report highlighted Al Shabaab as one of the most financially capable and well-resourced terrorist groups, alongside the Islamic State and others.

One component of the U.S. approach to Al Qaeda is ensuring that the group and its supporters are unable to access the U.S. financial system. According to the 9/11 Commission, some $300,000 of the overall $400,000-$500,000 cost of the September 11, 2011, attacks passed through U.S. bank accounts.[100] A 2015 assessment by the Department of the Treasury stated,

> The central role of the U.S. financial system within the international financial system and the sheer volume and diversity of international financial transactions that in some way

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[95] Paul McLeary, "Niger Ambush Highlights Growing U.S. Military Involvement in Africa," *Foreign Policy*, October 5, 2017.

[96] Department of Defense Press Briefing by Pentagon Press Secretary Peter Cook in the Pentagon Briefing Room, March 10, 2016.

[97] "U.S. service member killed in Somalia," United States Africa Command, May 5, 2017.

[98] "Stopping Terror Finance: Securing the U.S. Financial Sector," Task Force to Investigate Terrorism Financing, Committee on Financial Services, U.S. House of Representatives, December 20, 2016.

[99] Ibid.

[100] National Commission on Terrorist Attacks upon the United States, Thomas H. Kean, and Lee Hamilton. 2004. *The 9/11 Commission report: final report of the National Commission on Terrorist Attacks upon the United States*.

pass through U.S. financial institutions expose the U.S. financial system to TF [terrorist financing] risks that other financial systems may not face.[101]

Targeted financial sanctions administered and enforced by Treasury's Office of Foreign Assets Control (OFAC), are used to identify, disrupt, and prevent terrorists—including those linked to Al Qaeda—from accessing the U.S. financial system.

In 1998, the Treasury designated Al Qaeda as a Foreign Terrorist Organization (FTO) following Al Qaeda's bombing of U.S. embassies in Kenya and Tanzania. The designation banned U.S. financial transactions with the group and allowed U.S. law enforcement to freeze any U.S.-held assets. Osama bin Laden was also added to the Department of the Treasury's list of Specially Designated Nationals (SDN). After the 9/11 attacks, Al Qaeda was listed as a Specially Designated Global Terrorist (SDGT) entity under Executive Order (E.O.) 13224, which authorizes the U.S. government to block the assets (within U.S. jurisdiction) of individuals and entities that commit or pose a significant risk of committing acts of terrorism, as well as the assets of individuals or entities that provide support, services, or assistance to designated terrorist groups. In its 2016 Terrorist Assets Report, the Department of the Treasury stated that $6 million in Al Qaeda-linked funds in the United States had been blocked as of 2016 under SDGT, SDT, and FTO programs.[102]

Given that many Al Qaeda financiers are based outside of the United States, U.S. agencies have also sought to build ties with partner countries to broaden the reach of financial sanctions and bolster enforcement. In 1999, the United Nations Security Council established the Al Qaeda Sanctions Committee pursuant to resolution 1267 (UNSCR 1267). The resolution requires all U.N. member states to freeze the assets of, prevent the entry into or transit through their territories by, and prevent the direct or indirect supply, sale, and transfer of arms and military equipment to any individual or entity associated with Al Qaeda or Osama bin Laden. The committee maintains a list of individuals and entities associated with Al Qaeda, toward which member states must apply an asset freeze, travel ban, and arms embargo. In December 2015, UNSCR 2253 expanded the list to include the Islamic State, and the list is now known as the ISIL (Da'esh) & Al Qaida Sanctions List. As of December 2017, the sanctions list included 255 individuals and 80 entities.

In addition to imposing financial sanctions, the above designations also include restrictions on travel designed to limit terrorist mobility. Through the Terrorist Interdiction Program (TIP) the State Department provides funding and technical training for countries to screen passengers at ports of entry. As part of TIP, the State Department has provided high-counterterrorism-priority countries with the PISCES screening system (Personal Identification Secure Comparison and Evaluation System) to facilitate immigration processing and to exchange information with State Department officials on suspected terrorist transit.[103]

Countering Violent Extremism

The Obama Administration emphasized countering violent extremism (CVE) programs to attempt to counter the reach of groups like the Islamic State and Al Qaeda. Early reporting suggested that

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[101] U.S. Department of the Treasury, National Terrorist Financing Risk Assessment, June 12, 2015.

[102] U.S. Department of the Treasury, Terrorist Assets Report 2016, Office of Foreign Assets Control, https://www.treasury.gov/resource-center/sanctions/Programs/Documents/tar2016.pdf.

[103] Written testimony of Acting Coordinator for Counterterrorism Justin Siberell before the House Foreign Affairs Subcommittee on Terrorism, Nonproliferation & Trade, May 17, 2016.

the Trump Administration planned to shift these programs to focus solely on what it describes as "radical Islamic terror," or to eschew the term CVE in favor of "terrorism prevention." It is not apparent, however, that fundamentally different approaches have been taken to date, though the FY2018 Budget requested $126 million for the State Department's Bureau of Counterterrorism and Countering Violent Extremism, down from $269 million in FY2016. It remains to be seen how these efforts may be reprioritized or otherwise altered under President Trump; CVE-related material on the State Department website appears, as of January 2018, to date from the Obama Administration.[104]

In a July 2015 speech, President Obama stated, "ultimately, in order for us to defeat terrorist groups like ISIL and al Qaeda it's going to also require us to discredit their ideology [...] Ideologies are not defeated with guns; they're defeated by better ideas—a more attractive and more compelling vision."[105] Obama added that the United States would work with international partners and Muslim communities to counter terrorist propaganda. Statements made under the Trump Administration have had similar messages, such as a State Department fact sheet on the counter-IS effort that reads, in part, "building resistance to extremist propaganda and countering terrorist use of the internet is vital to our effort."[106]

In May 2016, the State Department and USAID released a joint strategy on countering violent extremism, which defined CVE as

> proactive actions to counter efforts by violent extremists to radicalize, recruit, and mobilize followers to violence and to address specific factors that facilitate violent extremist recruitment and radicalization to violence. This includes both disrupting the tactics used by violent extremists to attract new recruits to violence and building specific alternatives, narratives, capabilities, and resiliencies in targeted communities and populations to reduce the risk of radicalization and recruitment to violence.[107]

USAID oversees CVE programs in the Middle East and Africa alongside the State Department's Bureau of Counterterrorism and Countering Violent Extremism, while the Department of Homeland Security focuses on outreach to domestic, particularly Muslim, communities. Some CVE components fall within broader regional programs, and some are designed to counter a range of violent extremists—including, but not limited to, Al Qaeda. Examples of CVE programs in the Middle East and Africa for which funding was obligated in 2017 include the following:

- $1 million in NADR/CTPF-OCO to support the expansion of the International Counterterrorism and Countering Violent Extremism Capacity Building Clearinghouse Mechanism (ICCM) for potential use in Lebanon, Mali, Somalia, and Jordan (among others);[108]

- $6 million in FY16 for CVE programs in Burkina Faso, Cameroon, Chad, Mali, Mauritania, Niger, and Nigeria under the TSCTP;[109]

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[104] William Braniff, et al., "From CVE to 'Terrorism Prevention': Assessing New U.S. Policies," Washington Institute for Near East Policy, November 14, 2017.

[105] White House Office of the Press Secretary, "Remarks by the President on Progress in the Fight Against ISIL," July 6, 2015.

[106] U.S. Department of State, Office of the Spokesperson, "The Global Coalition – Working to Defeat ISIS," March 22, 2017.

[107] Department of State & USAID Joint Strategy on Countering Violence Extremism, May 2016.

[108] CN- 17-183, August 23, 2017.

[109] CN 17-176, August 23, 2017.

- $4 million in ESF and ESF-OCO for Africa Security Challenges Pilot Programs, including a program to provide CVE messaging in the Lake Chad Basin;[110] and
- $12.5 million in NADR and CTPF-OCO for a Counterterrorism Partnership with Kenya, including programs to "strengthen the response of Kenya's criminal justice system to terrorism and violent extremism."[111]

Legislation and Issues for Congress

Authorization for the Use of Military Force[112]

U.S. military action against Al Qaeda and its affiliates has continued for years in multiple countries located in several regions of the world. The authority for such continuing and expanding action against Al Qaeda, the proper interpretation of such authority, and the role of Congress in overseeing and updating such authority, however, have been points of contention between Congress and the executive branch for most of that period. Such debate continues regarding the use of force against Al Qaeda, associated groups, and its affiliates, although much of the attention on issues related to presidential use of military force has in recent years shifted to the military campaign against the Islamic State.

Many observers, including some Members of Congress, have identified several concerns about continued use of force under existing authorities and what some see as expansive concepts of inherent presidential authority to use military force:

- **No termination date for existing authorizations.** Neither the 2001 AUMF nor the Authorization for Use of Military Force Against Iraq Resolution of 2002 (2002 AUMF; P.L. 107-243), both of which have been relied upon as authority to combat Al Qaeda, certain associated groups, and its "successor" the Islamic State, include language sunsetting their respective authorities on a certain date or laying out conditions under which the authorities would terminate. Some argue that this could lead to these authorities being relied upon permanently by successive Administrations to use force against Al Qaeda and many other related terrorist groups.
- **Geographic scope of military action.** Although the original theater of military action against Al Qaeda was Afghanistan, Al Qaeda members cross national borders or recruit new members in other countries. In addition, the network of Al Qaeda affiliates operates in multiple countries in the Middle East, South Asia, and North, West, Central, and East Africa. Because of terror networks' ability to operate transnationally, the use of force against Al Qaeda and certain linked groups has led to a massive increase in the geographic scope of military operations without additional authorization from Congress.

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[110] CN 17-205, September 17, 2017. Many of these programs are coordinated through USAID's Office of Transition Initiatives (USAID/OTI), and more information on these and related efforts can be found in the Transition Initiatives Account Annual Report to Congress for FY 2017, December 20, 2017.

[111] CN 17-072, April 28, 2017.

[112] Prepared by (name redacted), Specialist in Foreign Policy Legislation. For additional information, se e CRS Report R43983, *2001 Authorization for Use of Military Force: Issues Concerning Its Continued Application*, by (name redac ted) .

- **Timeliness of language in existing authorizations.** The 2001 AUMF authorizes the use of military force against those who perpetrated the September 11, 2001, terror attacks and those who cooperated or aided them, while the 2002 AUMF authorizes force to defend against the "continuing threat posed by Iraq," originally a reference to the Saddam Hussein regime. While the language of both authorizations can be and has been interpreted to provide authority for the continuing use of military force, some argue that these existing authorizations must be amended or replaced to reflect current realities and future developments concerning U.S. military counterterrorism efforts.[113]

- **Presidential authority under Article II of the Constitution.** Some argue that the 2001 AUMF has been stretched to include military action that was not originally contemplated by Congress. Both the Bush and Obama Administrations, however, argued that the President's authority as Chief Executive and Commander-in-Chief under Article II of the Constitution authorizes action against Al Qaeda and other related terror groups in many cases even if an existing legislative authorization does not extend to such action.[114] If there is an imminent threat to the United States, its citizens, military or civilian personnel, or interests, the President has argued he has stand-alone constitutional authority to use military force as Commander-in-Chief. As Chief Executive, successive Administrations have argued the President can also use military force as part of conducting the foreign policy of the United States. In some instances of U.S. strikes against Al Qaeda-linked groups, it is unclear from Administration statements which legal justification the Administration relied upon to conduct the strike. Some in Congress have disagreed with this interpretation of inherent presidential power, and have called on Congress to define and place limits on the President's authority to use military force against terror groups such as Al Qaeda and its affiliates.

- **Constitutional role of Congress.** Many Members of Congress have proposed legislation to amend, replace, and/or repeal the 2001 AUMF and 2002 AUMF, and have called on Congress to fulfill its constitutional role afforded it through the power to declare war and other related war powers. These Members have argued that perceived problems with presidential overreach concerning the use of military force against Al Qaeda and its affiliates, as well as other uses of military force, in part stem from Congress's unwillingness to conduct effective oversight and revisit existing legislation to ensure the President is using military force in accordance with the Constitution and the will of Congress, insofar as Congress has authority in those areas.

Trump Administration officials have supported reliance on the 2001 AUMF as the primary authority for continued use of military force against Al Qaeda, the Islamic State, and associated forces. At an October 2017 hearing, Defense Secretary Mattis and Secretary of State Rex Tillerson argued that the 2001 AUMF provides all legal authority necessary to conduct ongoing campaigns against these groups. In response to calls by some Members of Congress to amend or

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[113] See, e.g., Letter from Rosa Brooks et al. to President Barack Obama, February 10, 2015, https://www.justsecurity.org/wp-content/uploads/2015/02/AUMF-Sunset-Letter.pdf.

[114] See U.S. Congress, Senate Committee on Foreign Relations, hearing on authorization for use of military force, 113th Cong., 2nd sess., May 21, 2014 (testimony of Mary McLeod, Principal Deputy Legal Adviser, Department of State, and Stephen Preston, General Counsel, Department of Defense).

repeal the 2001 AUMF and replace it with a new AUMF, Secretary Tillerson said that "any new authorization should not be time-constrained" and that "a new AUMF must not be geographically restricted."[115]

FY2017-2018Appropriations for Foreign Operations and Defense

In May 2017, Congress appropriated FY2017 funds for foreign operations and defense in the Consolidated Appropriations Act, 2017 (P.L. 115-31, HR 244); the act's provisions have been carried over into FY2018 via continuing resolutions. There were no specific appropriations limited to Al Qaeda, although the act funded a number of programs and activities related to U.S. efforts against the group, including in the FY2018 budget request released by the Trump Administration in February 2017. Select specific requests related to Al Qaeda include the following:

- $3.5 million in Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR)-OCO funds for Yemen to counter terrorist threats including those from AQAP.
- $34.1 million in State Department- and USAID-administered funds for TSCTP activities to build the capacity of participant countries in North-West Africa to counter the threat posed by terrorist groups in the region, including AQIM and its splinter and offshoot factions.
- $10 million in State Department- and USAID-administered funds for the Partnership for East Africa Counter-Terrorism (PREACT).
- $110 million in State Department-administered funds for AMISOM and Somali security forces fighting Al Shabaab.[116]
- $150 million in ESDF funding to stabilize liberated parts of Syria with the aim of acting "as a bulwark against extremism."
- $45.9 billion in Overseas Contingency Operations (OCO) funding for Operation Freedom's Sentinel in Afghanistan (formerly known as Operation Enduring Freedom) to train, advise, and assist Afghan forces and to conduct counterterrorism operations against the remnants of Al Qaeda.

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[115] CQ Congressional Transcripts, Senate Foreign Relations Committee Holds Hearing on the Authorization for the Use of Military Force, October 30, 2017. Available at http://www.cq.com/doc/congressionaltranscripts-5206113?1.

[116] The budget requests funding for UNSOS, but the overall CIPA request is 52% below the FY2017 estimate, and the breakouts for UNSOS and other missions are not included, "pending negotiations on reducing overall UN peacekeeping budget levels or U.S. assessed contributions."

Outlook

Al Qaeda and its affiliate groups continue to evolve, reflecting internal debates as well as reactions to competitors such as the Islamic State. Possible future trends include:

- **Increase in small-scale attacks.** Then-Acting Secretary of Homeland Security Elaine Duke warned in October 2017 that while AQ and other groups still aim to carry out spectacular, 9/11-style operations, they are increasingly pursuing small scale attacks to "keep their members engaged."[119] Other U.S. officials have warned that Al Qaeda affiliates, seeking to compete with the attention garnered by the Islamic State, are countering with high-publicity attacks on soft targets such as hotels.[120] AQIM in 2015-2017 claimed attacks against hotels in Ivory Coast, Burkina Faso, and Mali. The group and its offshoots also continue to conduct attacks against members of the U.N. peacekeeping mission in Mali, MINUSMA.

- **Potential for AQ leadership resurgence in Afghanistan.** Despite the reportedly reduced capabilities of Al Qaeda leadership, there is concern that AQ leaders could once again find sanctuary with the Taliban, which controls or contests more territory in Afghanistan as of early 2018 than at any point since 2001 by some measures.[121] Once safely established, AQ leadership could reconstitute its capabilities and eventually regain the capacity to conduct large-scale attacks. Zawahiri had previously pledged allegiance to Afghan Taliban leader Akhtar Muhammad Mansur, and in June 2016 pledged allegiance to Mansur's successor, Haibatullah Akhunzada.[122] In his *Islamic Spring* series, Zawahiri offered a general plan for establishing a caliphate, stating that the first step is strengthening the Islamic Emirate in Afghanistan [the Taliban].[123]

> ### Hamza bin Laden: Next in Line?
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> Born in 1989, Hamza bin Laden is the most prominent of AQ founder Osama bin Laden's sons and is seen by some as a potential successor to current leader Ayman al Zawahiri. Hamza bin Laden released his first audio message in August 2015, urging attacks in Western capitals, and has since reiterated that call in several other messages, often calling on followers to avenge his father's 2011 death at the hands of U.S. forces. Some have detected in Hamza's less confrontational rhetorical treatment of IS evidence that he may be positioning himself as a kind of "unifying figure" for the "global jihadi movement" in the wake of the IS caliphate's collapse.[117] In his November 2017 message,[118] Hamza made no reference to the Islamic State, which Zawahiri has criticized for years.

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[117] Ali Soufan, "Hamza bin Ladin: From Steadfast Son to Al-Qa'ida's Leader in Waiting," *CTC Sentinel*, Vol. 10, Issue 8 (September 2017).

[118] OSE Report TRW2017110770125847, November 7, 2017.

[119] "Terrorist Groups planning another 9/11-style attack, top US official warns," *Telegraph*, October 17, 2017.

[120] Brian Dodwell, "A view from the CT foxhole: Brigadier General Donald C. Bolduc, Commander, Special Operations Command Africa," *CTC Sentinel*, May 25, 2016.

[121] Special Inspector General for Afghanistan Reconstruction quarterly reports.

[122] OSE TRR2016061112755024, "Ayman Al Zawahiri Pledges Allegiance to New Taliban Leader, Vows to 'Establish a Caliphate,'" June 11, 2016.

[123] OSE TRO2015100644888543, "Al-Qa'ida Leader Declares Conditions 'Not Ready' for Caliphate, ISIL Leaders 'Fanatics,'" October 6, 2015.

- **Stretching of U.S. resources.** Observers such as former CIA Deputy Director Michael Morell have argued that the Arab Spring has bolstered Al Qaeda by challenging governance at the local level.[124] In some cases, this has created safe havens from which the group can operate, and which supply recruits, money, and weapons. The geographic dispersal of Al Qaeda-linked groups, Morrell has argued, has stretched the diplomatic, intelligence, and military resources of the United States. To a greater extent than the Islamic State, which was at least partially geographically tethered to specific territory it sought to defend, some Al Qaeda groups are fluid and move across a wide expanse of terrain—arguably increasing their resilience under attack. To counter them effectively may require the development of U.S. relationships with a range of regional partners, which in turn may implicate other interests or pursuits.

- **Competition and adaptation.** Al Qaeda's attempt to reassert leadership within the jihadist community could place pressure on the group to accelerate the implementation of what it had previously described as long-term goals. Others argue that, despite competition and conflict between the Islamic State and Al Qaeda, their shared objectives overshadow their differences, suggesting that in the next five years the two groups could establish some degree of tactical cooperation.[125]

Despite the heightened focus on the Islamic State since its territorial expansion in 2014, U.S. military and intelligence officials have remained concerned about the threat posed by Al Qaeda and its affiliated groups, some of which have already attempted attacks inside the United States— notably the multiple foiled airliner attacks attempted by AQAP. Those concerns are likely to deepen in the aftermath of the Islamic State's collapse in Iraq and Syria and in light of AQ affiliates' growth in Africa and elsewhere. As policymakers examine the broad landscape of terrorist threats, they may consider whether and how the risks posed to the United States and U.S. interests from the Islamic State and Al Qaeda differ, and how U.S. counterterrorism policy can be best positioned to address and balance both threats.

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Acknowledgments

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[124] See, for example, Michael Morell, *The Great War of Our Time: The CIA's Fight Against Terrorism—From al Qa'ida to ISIS* (2015).

[125] "Islamic State seeking alliance with al Qaeda, Iraqi vice president says," Reuters, April 17, 2017.