

PRESIDENTIAL POWERS – HOSTILITIES AND WAR POWERS

John F. Kerry et al., Senate Joint Resolution 20

June 21, 2011

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(Original Signature of Member)

112TH CONGRESS
1ST SESSION

S.J. RES. 20

Authorizing the limited use of the United States Armed Forces
in support of the NATO mission in Libya.

IN THE SENATE OF THE UNITED STATES

JUNE 21 (legislative day, JUNE 16), 2011

Mr. KERRY (for himself, Mr. MCCAIN, Mr. LEVIN, Mr. KYL, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. LIEBERMAN, Mr. BLUNT, Mr. CARDIN, and Mr. KIRK) introduced the following joint resolution; which was read twice and referred to the Committee on Foreign Relations

JOINT RESOLUTION

Authorizing the limited use of the United States Armed Forces
in support of the NATO mission in Libya.

Whereas peaceful demonstrations that began in Libya, inspired by similar movements in Tunisia, Egypt, and elsewhere in the Middle East, quickly spread to cities around the country, calling for greater political reform, opportunity, justice, and the rule of law.

Whereas Muammar Qaddafi, his sons, and forces loyal to them re-

sponded to the peaceful demonstrations by authorizing and initiating violence against civilian non-combatants in Libya, including the use of airpower and foreign mercenaries; [*2]

Whereas, on February 25, 2011, President Barack Obama imposed unilateral economic sanctions on, and froze the assets of, Muammar Qaddafi and his family, as well as the Government of Libya and its agencies to hold the Qaddafi regime accountable for its continued use of violence against unarmed civilians and its human rights abuses and to safeguard the assets of the people of Libya;

Whereas, on February 26, 2011, the United Nations Security Council passed Resolution 1970, which mandates international economic sanctions and an arms embargo;

Whereas, in response to Qaddafi's assault on civilians in Libya, a "no-fly zone" in Libya was called for by the Gulf Cooperation Council on March 7, 2011; by the head of the Organization of the Islamic Conference on March 8, 2011; and by the Arab League on March 12, 2011;

Whereas Qaddafi's advancing forces, after recapturing cities in eastern Libya that had been liberated by the Libyan opposition, were preparing to attack Benghazi, a city of 700,000 people and the seat of the opposition government in Libya, the Interim Transitional National Council;

Whereas Qaddafi stated that he would show "no mercy" to his opponents in Benghazi, and that his forces would go "door to door" to find and kill dissidents;

Whereas, on March 17, 2011, the United Nations Security Council passed Resolution 1973, which mandates "all necessary measures" to protect civilians in Libya, implement a "no-fly zone", and enforce an arms embargo against the Qaddafi regime; [*3]

Whereas President Obama notified key congressional leaders in a meeting at the White House on March 18, 2011, of his intent to begin targeted military operations in Libya and made clear that the United States "is not going to deploy ground troops into Libya";

- Whereas the United States Armed Forces, together with coalition partners, launched Operation Odyssey Dawn in Libya on March 19, 2011, to protect civilians in Libya from immediate danger and enforce an arms embargo and a “no-fly zone”;
- Whereas, on March 28, 2011, President Obama stated, “America has an important strategic interest in preventing Qaddafi from overrunning those who oppose him. A massacre would have driven thousands of additional refugees across Libya’s borders, putting enormous strains on the peaceful – yet fragile – transitions in Egypt and Tunisia. The democratic impulses that are dawning across the region would be eclipsed by the darkest form of dictatorship, as repressive leaders concluded that violence is the best strategy to cling to power . . . So while I will never minimize the costs involved in military action, I am convinced that a failure to act in Libya would have carried a far greater price for America.”;
- Whereas, on March 31, 2011, the United States transferred authority for Operation Odyssey Dawn in Libya to NATO command, with the mission continuing as Operation Unified Protector;
- Whereas, in a letter to joint bipartisan congressional leaders on May 20, 2011, President Obama expressed support for a Senate resolution on the use of force in Libya and stated that, “Since April 4, U.S. participation has consisted of: (1) non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance (2) aircraft that have assisted in the suppression and destruction of air defenses in support of the no-fly zone and (3) since April 23, precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets in support of the NATO-led coalition’s efforts.”; and
- Whereas, on June 9, 2011, Secretary of State Hillary Clinton recognized the Transitional National Council “as the legitimate interlocutor for the Libyan people during this interim period.”: Now, therefore, be it

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

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the men and women of the United States Armed Forces and coalition partners who are engaged in military operations to protect the people of Libya have demonstrated extraordinary bravery and should be commended;

(2) the United States Government should continue to support the aspirations of the people of Libya for political reform and self-government based on democratic and human rights;

(3) the goal of United States policy in Libya, as stated by the President, is to achieve the departure from power of Muammar Qaddafi and his family, including through the use of diplomatic and economic pressure, so that a peaceful transition can begin to an inclusive government that ensures freedom, opportunity, and justice for the people of Libya; and

(4) the funds of the Qaddafi regime that have been frozen by the United States should be returned to the people of Libya for their benefit, including humanitarian and reconstruction assistance, and the President should explore the possibility with the Transitional National Council of using some of such funds to reimburse NATO countries for expenses incurred in Operation Odyssey Dawn and Operation Unified Protector.

SEC. 2. AUTHORIZATION FOR THE LIMITED USE OF UNITED STATES ARMED FORCES IN LIBYA.

(a) **AUTHORITY.**—The President is authorized to continue the limited use of the United States Armed Forces in Libya, in support of United States national security policy interests, as part of the NATO mission to enforce United Nations Security Council Resolution 1973 (2011) as requested by the Transitional National Council, the Gulf Cooperation Council, and the Arab League.

(b) EXPIRATION OF AUTHORITY.—The authorization for such limited use of United States Armed Forces in [*6] Libya expires one year after the date of the enactment of this joint resolution.

SEC. 3. OPPOSITION TO THE USE OF UNITED STATES GROUND TROOPS.

Consistent with the policy and statements of the President, Congress does not support deploying, establishing, or maintaining the presence of units and members of the United States Armed Forces on the ground in Libya unless the purpose of the presence is limited to the immediate personal defense of United States Government officials (including diplomatic representatives) or to rescuing members of NATO forces from imminent danger.

SEC. 4. REPORTS TO CONGRESS.

The President shall consult frequently with Congress regarding United States efforts in Libya, including by providing regular briefings and reports as requested, and responding to inquiries promptly. Such briefings and reports shall include the following elements:

(1) An updated description of United States national security interests in Libya.

(2) An updated statement of United States policy objectives in Libya, both during and after Qaddafi's rule, and a detailed plan to achieve them. [*7]

(3) An updated and comprehensive list of the activities of the United States Armed Forces in Libya.

(4) An updated and detailed assessment of the groups in Libya that are opposed to the Qaddafi regime, including potential successor governments.

(5) A full and updated explanation of the President's legal and constitutional rationale for conducting military operations in Libya consistent with the War Powers Resolution (50 U.S.C. 1541 et seq.).