

107TH CONGRESS
2^D SESSION

S. J. RES. 46

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 2, 2002

Mr. LIEBERMAN (for himself, Mr. WARNER, Mr. BAYH, Mr. MCCAIN, Mr. McCONNELL, Mr. DOMENICI, Mr. HUTCHINSON, Ms. LANDRIEU, Mr. ALLARD, Mr. HELMS, and Mr. MILLER) introduced the following joint resolution; which was read the first time

JOINT RESOLUTION

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

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

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

develop them, and to end its support for international terrorism;

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

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

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

Whereas Iraq both poses a continuing threat to the national security of the United States and international peace and security in the Persian Gulf region and remains in material and unacceptable breach of its international obligations by, among other things, continuing to possess and develop a significant chemical and biological weapons ca-

pability, actively seeking a nuclear weapons capability, and supporting and harboring terrorist organizations;

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population thereby threatening international peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, including an American serviceman, and by failing to return property wrongfully seized by Iraq from Kuwait;

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

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

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

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

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

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

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

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

Whereas in December 1991, Congress expressed its sense that it "supports the use of all necessary means to achieve the goals of United Nations Security Council

Resolution 687 as being consistent with the Authorization of Use of Military Force Against Iraq Resolution (Public Law 102–1),” that Iraq’s repression of its civilian population violates United Nations Security Council Resolution 688 and “constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region,” and that Congress, “supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688”;

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

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

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

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

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

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

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

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This joint resolution may be cited as the “Authoriza-
5 tion for the Use of Military Force Against Iraq”.

1 **SEC. 2. SUPPORT FOR UNITED STATES DIPLOMATIC EF-**
2 **FORTS.**

3 The Congress of the United States supports the ef-
4 forts by the President to—

5 (1) strictly enforce through the United Nations
6 Security Council all relevant Security Council resolu-
7 tions applicable to Iraq and encourages him in those
8 efforts; and

9 (2) obtain prompt and decisive action by the
10 Security Council to ensure that Iraq abandons its
11 strategy of delay, evasion and noncompliance and
12 promptly and strictly complies with all relevant Se-
13 curity Council resolutions.

14 **SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES**
15 **ARMED FORCES.**

16 (a) AUTHORIZATION.—The President is authorized to
17 use the Armed Forces of the United States as he deter-
18 mines to be necessary and appropriate in order to—

19 (1) defend the national security of the United
20 States against the continuing threat posed by Iraq;
21 and

22 (2) enforce all relevant United Nations Security
23 Council Resolutions regarding Iraq.

24 (b) PRESIDENTIAL DETERMINATION.—In connection
25 with the exercise of the authority granted in subsection
26 (a) to use force the President shall, prior to such exercise

1 or as soon there after as may be feasible, but not later
2 than 48 hours after exercising such authority, make avail-
3 able to the Speaker of the House of Representatives and
4 the President pro tempore of the Senate his determination
5 that—

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

13 (2) acting pursuant to this resolution is con-
14 sistent with the United States and other countries
15 continuing to take the necessary actions against
16 international terrorists and terrorist organizations,
17 including those nations, organizations or persons
18 who planned, authorized, committed or aided the
19 terrorists attacks that occurred on September 11,
20 2001.

21 (c) WAR POWERS RESOLUTION REQUIREMENTS.—

22 (1) SPECIFIC STATUTORY AUTHORIZATION.—
23 Consistent with section 8(a)(1) of the War Powers
24 Resolution, the Congress declares that this section is
25 intended to constitute specific statutory authoriza-

1 tion within the meaning of section 5(b) of the War
2 Powers Resolution.

3 (2) APPLICABILITY OF OTHER REQUIRE-
4 MENTS.—Nothing in this resolution supersedes any
5 requirement of the War Powers Resolution.

6 **SEC. 4. REPORTS TO CONGRESS.**

7 (a) The President shall, at least once every 60 days,
8 submit to the Congress a report on matters relevant to
9 this joint resolution, including actions taken pursuant to
10 the exercise of authority granted in section 2 and the sta-
11 tus of planning for efforts that are expected to be required
12 after such actions are completed, including those actions
13 described in section 7 of Public Law 105–338 (the Iraq
14 Liberation Act of 1998).

15 (b) To the extent that the submission of any report
16 described in subsection (a) coincides with the submission
17 of any other report on matters relevant to this joint resolu-
18 tion otherwise required to be submitted to Congress pursu-
19 ant to the reporting requirements of Public Law 93–148
20 (the War Powers Resolution), all such reports may be sub-
21 mitted as a single consolidated report to the Congress.

22 (c) To the extent that this information required by
23 section 3 of Public Law 102–1 is included in the report
24 required by this section, such report shall be considered

1 as meeting the requirements of section 3 of Public Law
2 102-1.

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