

112TH CONGRESS
1ST SESSION

S. RES. 148

Calling on the President to submit to Congress a detailed description of United States policy objectives in Libya, both during and after Muammar Qaddafi's rule, and a plan to achieve them, and to seek congressional authorization for the use of military force against Libya.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

Mr. CORNYN (for himself, Ms. COLLINS, Mr. BLUNT, Mr. LEE, Mr. ROBERTS, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations

RESOLUTION

Calling on the President to submit to Congress a detailed description of United States policy objectives in Libya, both during and after Muammar Qaddafi's rule, and a plan to achieve them, and to seek congressional authorization for the use of military force against Libya.

Whereas, on February 15, 2011, protests against longtime Libyan dictator Muammar Qaddafi began in Benghazi, Libya, following the arrest of human rights advocate Fathi Tarbel;

Whereas, on March 10, 2011, rebels in Libya, armed with outdated anti-aircraft guns and facing overwhelming fire-power from Qaddafi forces, were forced to retreat from strongholds in eastern Libya, while doctors in Libya re-

ported that civilian casualties had doubled, mostly as the result of airstrikes ordered by Qaddafi;

Whereas, on March 10, 2011, France became the first country to recognize the Libyan Transitional National Council, organized by the Libyan rebel leadership, as the legitimate Government of Libya;

Whereas, on March 12, 2011, Amr Moussa, secretary general of the Arab League, announced, “The Arab League has officially requested the United Nations Security Council to impose a no-fly zone against any military action against the Libyan people.”;

Whereas, on March 16, 2011, Muammar Qaddafi’s forces neared the rebel stronghold of Benghazi, and Saif al-Islam, Qaddafi’s son, vowed that “everything will be over in 48 hours”;

Whereas, on March 16, 2011, following United Nations Security Council negotiations, U.S. Permanent Representative to the United Nations Susan Rice announced United States support for a no-fly zone, stating, “But the U.S. view is that we need to be prepared to contemplate steps that include, but perhaps go beyond, a no-fly zone.”;

Whereas, on March 17, 2011, the United Nations Security Council voted to approve a no-fly zone over Libya, passing United Nations Security Council Resolution 1973, which authorized “all necessary measures” to protect civilians;

Whereas, on March 19, 2011, President Barack Obama authorized United States military operations against Libya, and Operation Odyssey Dawn commenced;

Whereas, on March 19, 2011, the United States Armed Forces began air and sea strikes against targets along the coast of Libya against Libyan air defenses;

Whereas, on March 21, 2011, President Obama sent a letter notifying Congress that he had ordered strikes on Libya and outlining United States military actions in Libya during the preceding 48 hours;

Whereas, on March 23, 2011, Muammar Qaddafi's forces shelled the town of Misrata, held by Libyan rebels, killing dozens of civilians;

Whereas, on March 24, 2011, coalition forces hit military targets deep inside Libya, but failed to prevent Qaddafi's tanks from re-entering Misrata and besieging its main hospital;

Whereas, on March 24, 2011, North Atlantic Treaty Organisation (NATO) Secretary-General Anders Fogh Rasmussen announced that NATO would take command of enforcing the no-fly zone over Libya and was considering taking control of the full United Nations-backed military mission;

Whereas, on March 30, 2011, forces loyal to Muammar Qaddafi pressed further east with an artillery offensive, pushing Libyan rebels back more than 95 miles towards Brega;

Whereas, on March 31, 2011, United States Africa Command, which had led the initial phases of military operations against Libya under Operation Odyssey Dawn, transferred command and control of international air operations over Libya to NATO;

Whereas, as of March 31, 2011, Operation Unified Protector, under sole command of NATO, is now responsible for the

arms embargo, no-fly zone, and actions to protect civilians in Libya;

Whereas, as of April 4, 2011, in support of Operation Odyssey Dawn and Operation Unified Protector, the United States had flown approximately 1,600 military sorties and, as of April 7, 2011, had launched 228 Tomahawk Land Attack Missiles and spent approximately \$632,000,000;

Whereas President Obama has repeatedly indicated that his policy on Libya is that Muammar Qaddafi should no longer serve as the leader of the Government of Libya;

Whereas, on February 26, 2011, 11 days after the protests began, President Obama discussed the situation in Libya with Chancellor of Germany Angela Merkel and, according to a White House statement, said, “When a leader’s only means of staying in power is to use mass violence against his own people, he has lost the legitimacy to rule and needs to do what is right for his country by leaving now.”;

Whereas, on March 3, 2011, President Obama, at a joint press conference with President of Mexico Felipe Calderon, said, “Muammar Qaddafi has lost the legitimacy to lead and he must leave. . . . [W]e will continue to send the clear message that it’s time for Qaddafi to go.”;

Whereas, on March 18, 2011, President Obama, at a joint press conference with President of Chile Sebastian Pinera, said, “I have also stated that it is U.S. policy that Qaddafi needs to go. And we got a wide range of tools in addition to our military efforts to support that policy.”;

Whereas, on March 28, 2011, President Obama, in an address to the Nation, began to draw a distinction between United States political and military objectives in Libya, saying, “There is no question that Libya—and the world—would be better off with Qaddafi out of power. I, along with many other world leaders, have embraced that goal, and will actively pursue it through non-military means.”;

Whereas, on March 29, 2011, President Obama, in an interview on NBC Nightly News, continued to draw this distinction, saying, “Our primary military goal is to protect civilian populations and to set up the no-fly zone. Our primary strategic goal is for Qaddafi to step down so that the Libyan people have an opportunity to live a decent life.”;

Whereas, despite President Obama’s policy that Muammar Qaddafi should no longer serve as the leader of the Government of Libya, President Obama has not presented Congress with a plan to achieve that policy objective;

Whereas President Obama has not sought from Congress any type of authorization for the use of military force against Libya;

Whereas passage of a non-binding, simple resolution by the Senate is not equivalent to an authorization for the use of military force, passed by both the Senate and the House of Representatives and signed by the President; and

Whereas senior officials in the Obama Administration, including Secretary of State Hillary Rodham Clinton, Secretary of Defense Robert Gates, and Harold Koh, the Department of State’s Legal Adviser, have incorrectly pointed to

the Senate passage of a non-binding resolution, Senate Resolution 85 (112th Congress), as an expression of congressional consent for the United States military intervention in Libya: Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that—

2 (1) the President should submit to Congress—

3 (A) a detailed description of United States
4 policy objectives in Libya, both during and after
5 Muammar Qaddafi's rule;

6 (B) a detailed plan to achieve those objec-
7 tives;

8 (C) a detailed estimate of the full cost of
9 the United States military operations in Libya
10 and any other actions required to implement
11 the plan; and

12 (D) a detailed description of the limita-
13 tions the President has placed on the nature,
14 duration, and scope of United States military
15 operations in Libya, as referenced in his March
16 21, 2011, letter to Congress; and

17 (2) the President should seek a congressional
18 authorization for the use of military force against
19 Libya.

○