Mr. President, the short

title of our amendment is ‘‘The Multilateral

Use of Force Authorization Act

of 2002.’’ The very title of this alternative

to the Lieberman-Warner

amendment establishes both its similarity

and its difference from the

Lieberman amendment.

It is similar because both of our approaches

authorize the use of U.S.

Armed Forces. It is different because

our resolution authorizes the use of

force multilaterally pursuant to a U.N.

resolution that the President has asked

the Security Council to adopt for the

purpose of destroying Saddam Hussein’s

weapons of mass destruction and

prohibited missile delivery systems.

Our resolution also supports the

President’s call and urges the United

Nations Security Council to promptly

adopt a resolution that demands Iraq

to provide unconditional access, unconditional

destruction of all weapons of

mass destruction and, in the same resolution,

authorize U.N. member states

to use military force to enforce that

resolution.

Our resolution also affirms that the

United States has at all times the inherent

right to use military force in

self-defense. There is no veto given the

United Nations in this resolution of

ours. Quite the opposite. We explicitly

make it clear we maintain, of course, a

right to use self-defense. And we provide

that the Congress will not adjourn

sine die this year, but will return to

session to consider promptly proposals

relative to Iraq if, in the judgment of

the President, the United Nations fails

to adopt or enforce the United Nations

resolution for which he and we call.

The Lieberman resolution, like ours,

authorizes the use of U.S. military

force to enforce the Security Council

resolution that is being sought by the

President, as well as in the case of the

Lieberman resolution, as well as earlier

U.N. resolutions. But the

Lieberman resolution also would authorize

the use of force on a unilateral

basis, not requiring that there be an

imminent threat, which is essential to

using force in self-defense preemptively

under international law, but a lower

threshold called a continuing threat.

That would be a departure from the

requirement in international law that

the use of force in self-defense be for

imminent threats. That can have significant

negative consequences for the

world. If other nations adopt that

precedent, if India and Pakistan adopt

that precedent, two nuclear-armed nations,

they can find continuing threats

against each other, not imminent, just

continuing threats and, using our

precedent, if we adopt the Lieberman

resolution, say: That is the new standard

in international law; it does not

have to be an imminent threat; we can

preemptively attack a neighbor and

anybody else if, in our judgment, it is

a continuing threat.

If China decided that Taiwan, which

it labels a renegade province, is a

threat to its security, then under this

precedent it can attack Taiwan under

the approach that ‘‘imminent’’ is no

longer a requirement.

Acting multilaterally—multilaterally—

as our alternative resolution

does—in other words, with the backing

of the United Nations—has a number of

advantages. It will garner the most

support from other nations and avoid

the negative consequences of being deprived

of airbases, supply bases, overflight

rights, and command-and-control

facilities that are needed for military

action.

Saudi Arabia has already said explicitly:

If you do not get a U.N. resolution,

you cannot use our military

bases. And other nations have said the

same. If they are going to be involved

with us in using force against Iraq,

they want the authority of a U.N. resolution

to do it.

Our resolution has a better chance of

success in persuading Saddam Hussein

to comply, to capitulate, to cooperate

finally with the U.N. weapons inspectors

and to disarm because it will have

the world community looking at the

other end of the barrel down at him.

Our multilateral resolution reduces

the chances of losing support from

other nations in the war on terrorism,

and we need law enforcement, intelligence,

and financial cooperation from

other nations.

Our multilateral approach reduces

the potential for instability in an already

volatile region, and that instability

can undermine Jordan, Pakistan,

and possibly even end up with a radical

regime in Pakistan, a nuclear weapon

nation.

Our multilateral approach reduces

the likelihood of Saddam Hussein or

his military commanders using biological

or chemical weapons against our

forces, as he will be looking, again,

down the barrel of a gun with the world

at the other end rather than only at

the United States.

Both General Shalikashvili and General

Clark testified in front of our committee

that there is a significant advantage

to our troops by going multilaterally

in terms of the likely response

of Saddam Hussein to a unilateral

attack by the United States and

the likelier use of weapons of mass destruction

by him in response to a unilateral

attack.

Our multilateral approach will increase

the number of nations that will

be willing to participate in the fighting.

It will increase the number of nations

that will be willing to participate

in the long and costly effort in a post-

Saddam Iraq, and we would be avoiding

setting that precedent of using force

preemptively without an imminent

threat.

Mr. President, if we are serious about

going to the U.N., as the President has

said he is, we must focus our efforts

there. We should not send an inconsistent

message. We should not take

the U.N. off the hook. We should not

say: We really are interested in the

U.N. acting, adopting a resolution, requiring

an unconditional opening by

Saddam, requiring the destruction of

his weapons of mass destruction.

We are saying we really mean that;

that is the kind of resolution we want.

We are saying that. We also want that

resolution to authorize member states

to use military force to enforce it.

That is what we are saying on the one

hand, but if the Lieberman resolution

passes, then we will be sending the

exact opposite message: If you do not,

we will anyway.

That takes the U.N. off the hook.

That blurs the focus that we should be

placing on the importance of multilateral

action authorized by the United

Nations.

I believe that Saddam Hussein must

be forced to disarm. I think it is going

to take force, or the threat of force, to

get him to comply.

It seems to me there is a huge advantage

if that force is multilateral, and

going it alone is a very different calculus

with very different risks.

If we fail at the U.N., then under our

resolution, the President can come

back at any time he determines that

the U.N. is not acting to either adopt

or enforce its resolution. He can then

come back here under our resolution,

call us back into session, and then urge

us to authorize a going-it-alone, unilateral

resolution.

I thank the Chair, and I yield 8 minutes

to Senator BINGAMAN.

Madam President, I will

yield myself 30 seconds to, first of all,

assure my good friend from Arizona

that my amendment means what it

says, that we reserve the right of self defense

at all times. There is no ceding

of our security policy to the United Nations.

We are very explicit on that.

If I could also point out to my friend

from Arizona, back in the gulf war

time—and I will yield myself 30 additional

seconds—the exact authorization

in the gulf war was: The President

is authorized, subject to such and such

section, to use the Armed Forces of the

United States pursuant to United Nations

Security Council resolutions.

And my friend from Arizona said at

that time: I think we should get approval

from the United Nations to use

force, if necessary. And we should then,

and if it could be done shortly, get approval

from Congress to use force, if

necessary.

I am not suggesting—I am not suggesting—

nor did I suggest then that

the Senator from Arizona was ceding

the policy of the United States to the

United Nations just because he wanted

to go to the United Nations first before

we voted to get authority from the

United Nations. I never suggested that

because it was not true. He would

never cede authority over our security

policy to the United Nations, nor

would I, nor would any Member of this

body, nor does the resolution on which

we are going to vote.

I yield 3 minutes to our friend from

Maryland.

The Senator is correct.

It specifically ‘‘affirms that . . . the

United States has at all times the inherent

right to use military force in

self-defense.’’ It explicitly preserves

that right.

If I could finish my answer,

when the Senator from Connecticut,

in 1991, introduced and supported

a resolution, which passed this

Congress in a close vote—and the Senator

from Connecticut was a leader in

that effort; and I commend him for it—

the resolution relative to the gulf war

said:

Did that mean because that grant of

authority pursuant to a U.N. resolution

was present, that the President could

not operate in self-defense? Did you,

somehow or other, by granting that

right intend to eliminate the right of

this Nation to act in self-defense? I

know the answer is no. I know the answer

is no.

Yet in our resolution, when we explicitly

preserve that right, somehow

or other the Senator from Connecticut

is finding it inconsistent with the pursuant

grant.

It is a very significant

section. What it says is, if the President

does not get the resolution and if

he cannot act in self-defense because

the threat is not imminent, then he

would come back to this Congress to

seek unilateral authority. What the

President has done is laid out a course

of action which says even though the

threat is not imminent, the President

wants the authority to use unilateral

action.

As a matter of fact, the amendment

which will be offered later on today by

Senator DURBIN will add the word ‘‘imminent.’’

I am quite sure the administration

and the sponsors of the underlying

amendment are going to fight

very hard against adding that word

‘‘imminent’’ which has always, under

international law, been required in

order to attack based on a theory of

self-defense.

So all our language does is protect

the opportunity for the President, in

the absence of a threat which rises to

self-defense, an imminent threat which

would justify self-defense, in the absence

of a U.N. resolution, it specifically

says, we are not going to adjourn

sine die. This is too important.

If there is no threat that is imminent,

if the U.N. does not act pursuant

to this resolution, we would say to the

President, we will come back to consider

a unilateral authority. You don’t

need it, if it is self-defense. You don’t

need it, if the U.N. acts. But if it is not

an imminent threat and the U.N. does

not act, then we will be here to consider

that request.

If I could complete that

thought, this is a grant of authority. It

is not a limitation of authority. That

is a critical difference which, as lawyers,

I think we understand. We are not

saying what the President cannot do.

We are saying nothing in here is in any

way affecting the inherent right of self defense.

We are reiterating the inherent

right of self-defense to avoid the

kind of argument the Senator from

Connecticut is now making, to preclude

the argument. It has not worked.

The Senator from Connecticut is still

making the argument. But to make it

clear that in no way are we affecting

the inherent right of self-defense, we

reiterated that right.

Secondly, there is a grant of authority

to act pursuant to a U.N. resolution.

If there is neither an imminent

threat, which has been the traditional

definition of self-defense, if

there is neither a threat which is imminent,

which would justify traditionally

acting in self-defense, or if there is

not a U.N. resolution authorizing member

states to use force to go with those

weapons of mass destruction, then we

are saying we will be in session to consider

a Presidential request.

Madam President, I yield

myself 15 seconds. There may not be an

inference in their rhetoric, but there is

more than an inference in the resolution

they support. It says resolutions

of the U.N. It identifies them all, including

the one on Kuwaiti prisoners. I

am afraid while they may want to ignore

the language in their own resolution,

that is more than an inference

that is there; that is authorized there.

It is amazing to me that language is

inserted into my resolution, which is

not there, by the opponents of my resolution,

while ignoring the language in

their own resolution which is there.

I yield 3 minutes to the Senator from

Vermont.

Madam President, that

Saddam Hussein is a threat, must

agree to inspections and be disarmed is

something on which I hope we all

agree. The only question here is: What

is the best way to do that? Do we do

that by going to the world community,

as the President has, and saying we

want the world community to enforce

its resolution relative to weapons of

mass destruction? And do we mean it?

Do we go there, and are we serious

when we say to them: We want you to

act because it makes a difference, when

force is used, as to whether or not it

has the credibility and strength of the

United Nations and the world community

behind it? It makes a difference.

It did not make a difference in

Kosovo. It makes a difference here. The

ramifications of going it alone here are

major. In the short term, our troops

are going to be more in danger if we go

it alone without the U.N. authorization.

We have been told by the Saudis and

other countries we are not going to

have access to their bases, their airspace,

their support, unless there is a

U.N. resolution. We have been informed

of that.

We know that the war against terrorism

can be weakened unless we act

as a world community. We cannot act

unilaterally and expect that other nations

are going to join us in a war on

terrorism the way they would if there

were a U.N. resolution supporting it.

If we go it alone, there are both

short-term risks as well as long-term

risks. The long-term risks in going it

alone are that without an imminent

threat—if there is one, we can move in

self-defense. No U.N. resolution is ever

needed to act in self-defense. But to act

without an imminent threat, to attack

another nation, raises some significant

precedent problems for other threatening

parts of the world. India and

Pakistan can easily say there is a continuing

threat and use this kind of a

precedent to justify attacking each

other. That is not the kind of precedent

we should set.

So there are real risks that we should

recognize in using force unilaterally.

We should see the advantage of doing

this multilaterally with the support of

the world community. We should go to

the world community, focus all of our

efforts there, and tell them we are serious.

We say we are. Let’s mean it, not just

say that we want them to be credible

but mean it, and to tell them in advance:

Oh, by the way, if you do not do

it, we will anyway.

It takes them right off the hook. Instead

of putting a focus on the need for

world community action to authorize

this action and the advantage of it, our

focus becomes blurred. It is an inconsistent

message to the world. Now it is

a message of unilateralism. We say: We

need you, but whether you do it or not,

we are going it alone.

This resolution—and here I must say

I agree with my friend from Arizona.

He agrees with me that it would be better

if we got authority from the U.N.,

and I am glad he does. And then when

he says we must not delegate our security

policy to the U.N., I agree with

him. We never will; we never would.

This resolution explicitly eliminates

any such implication by the reiteration

of the right to act in self-defense.

Mr. President, I would

like to explain why I am voting against

final passage of the Lieberman amendment.

I have already explained much of

my reasoning during the debate on my

earlier amendment, but I wanted to

state my opposition in one place.

Section 4 of the Lieberman amendment

authorizes the President to use

the Armed Forces of the United States,

one, ‘‘against the continuing threat

posed by Iraq;’’ and, two, to ‘‘enforce

all relevant United Nations Security

Council Resolutions regarding Iraq.’’

This grant of authority under (1)

above, with its threshold of ‘‘continuing

threat,’’ is virtually the

issuance of a blank check to the President

to use U.S. military force, since

the Findings section of the amendment

already contains the statement that

‘‘Iraq poses a continuing threat to the

national security of the United

States.’’

The only limitation on the President’s

authority is found in section 4 of

the amendment which requires that

the President submit his determination

to the Congress, within 48 hours after

he exercises such authority, that further

diplomatic or other peaceful

means alone will not protect our national

security or is not likely to lead

to enforcement of all relevant Security

Council Resolutions and that exercising

such authority is consistent

with the continuation of the United

States and other countries actions

against international terrorism.

This grant of authority is also unacceptable

since it empowers the President

to initiate the use of U.S. military

force although the threat against

which it is used is not imminent. International

law has required that there be

an imminent threat before one initiates

an attack under the rubric of self

defense. The resolution’s language regrettably,

therefore, serves to implement

the President’s desire, as expressed

in his September 2002 National

Security Strategy, to ‘‘adapt the concept

of imminent threat to the capabilities

and objectives of today’s adversaries.’’

This unfortunate precedent, if

followed by, for example, nation A as a

justification to use aggressive military

force in the name of self-defense

against nation B that nation A perceives

poses a continuing threat to it,

although the threat is not imminent,

could lead to an increase in violence

and aggression throughout the world.

And it could have extraordinary consequences

for the world if one or both

of such nations possess nuclear weapons,

such as India and Pakistan.

The grant of authority under (2)

above, to enforce all relevant U.N. Security

Council Resolutions regarding

Iraq is also unacceptable. For instance,

Iraq is presently in default on its obligations

under relevant Security Council

Resolutions that require it to return

Kuwaiti archives and property. It

is exceedingly unwise to provide such a

broad grant of authority when the real

threat that Iraq poses is because of its

refusal to destroy its weapons of mass

destruction and prohibited delivery

systems.

The Lieberman amendment also

sends the wrong message to the United

Nations. It contradicts the thrust of

the President’s speech to the U.N. General

Assembly on September 12 when

he said ‘‘We will work with the U.N.

Security Council for the necessary resolutions’’

and ‘‘We want the United Nations

to be effective, and respectful,

and successful.’’ That is so because, at

the same time that Secretary of State

Powell is trying to negotiate with the

U.N. Security Council for the very resolution

that the President said he

wants, the Congress would be vesting

extraordinary authority in the President

of the United States to ‘‘go it

alone,’’ to use U.S. military force

whether or not the Security Council

authorizes Members States to use military

force to enforce its resolutions. By

telling the Security Council, if you

don’t act, we will, we are letting them

off the hook. We should, instead, as we

did at the time of the Gulf War, be putting

all of our focus on having the Security

Council adopt the requisite resolution

and committing forces to implement

it. We should be working to unite

the world community, not divide it.

Finally, and perhaps most importantly,

the Lieberman amendment

compounds all of these problems by authorizing

the use of U.S. military force

at this time unilaterally, i.e., without

U.N. Security Council authorization.

The unilateral, go-it-alone use of U.S.

military force carries with it all of the

risks that could be avoided or, at least,

reduced by acting multilaterally, i.e.,

with the strength and world-wide political

acceptance that flows from U.N.

authorization. If we act unilaterally,

will we be able to secure the use of airbases,

supply bases, and overflight

rights that we need; will there be a reduction

in the international support we

are receiving for the war on terrorism;

will it destabilize an already volatile

region and undermine governments

such as Jordan and Pakistan; will Saddam

Hussein and his generals be more

likely to use weapons of mass destruction

against our forces and other nations

in the region; will we be undercutting

efforts to get other nations to

help us with the expensive, lengthy

task of stabilizing a post-Saddam Iraq?

These are serious short- and long-term

risks that will be exacerbated if we act

unilaterally rather than multilaterally.

Accordingly, and for all of these reasons,

I will cast my vote against final

passage of the Lieberman amendment.