

107TH CONGRESS
2^D SESSION

H. J. RES. 110

Authorizing the use of United States Armed Forces against Iraq.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2002

Mr. HASTINGS of Florida introduced the following joint resolution; which was referred to the Committee on International Relations

JOINT RESOLUTION

Authorizing the use of United States Armed Forces against
Iraq.

Whereas on September 11, 2001, it was demonstrated that the United States is a known target of terrorism;

Whereas in 1988 Congress concluded that Iraq was then in material and unacceptable breach of its international obligations and thereby threatened the vital interests of the United States and international peace and security, stated the reasons for that conclusion, and urged the President to take appropriate action to bring Iraq into compliance with its international obligations (Public Law 105–235);

Whereas Iraq persists in violating resolutions of the United Nations Security Council by continuing to engage in brutal repression of its civilian population, including the

Kurdish people, thereby threatening peace and security in the region, by refusing to release, repatriate, or account for non-Iraqi citizens wrongfully detained by Iraq, and by failing to return property wrongfully seized by Iraq from Kuwait;

Whereas Iraq is in breach of United Nations Security Council Resolution 687, to cease repression of its civilian population pursuant to Security Council Resolution 688, and to cease threatening its neighbors or United Nations operations in Iraq pursuant to Security Council Resolution 949;

Whereas United Nations Security Council Resolution 678 authorizes use of all necessary means to compel Iraq to comply with these “subsequent relevant resolutions”;

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

Whereas Congress, in section 1095 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), has stated that it “supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the authorization for Use of Military Force Against Iraq (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 Resolution 688”;

Whereas Congress, in the Iraq Liberation Act of 1998 (Public Law 105–338), has expressed its sense that it should be the policy of the United States to support efforts to remove from power the current Iraqi political structure and promote the emergence of a democratic government to replace that political structure;

Whereas in 1998 Iraq rejected full cooperation with the United Nations Special Commission (UNSCOM) to ensure the destruction of all weapons of mass destruction;

Whereas since 1998 Iraq has remained in noncompliance with United Nations Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677, pursuant to Security Council Resolution 678, providing it with an open-ended ability to build its weapons of mass destruction programs;

Whereas a key threat from Iraq is its development of weapons of mass destruction and its potential to transfer weapons of mass destruction to the terrorists and terrorist groups it sponsors;

Whereas a key threat from Iraq is the potential of an Iraqi preemptive strike against the United States or its allies or interests in the region;

Whereas the President contends that Iraq remains an immediate threat to the national security of the United States;

Whereas the United States is fighting a war on terrorism and seeks the widest possible support of its allies and the support of United Nations Security Council;

Whereas the United Nations Security Council in approving Resolution 1377 affirmed that “the acts of international

terrorism constitute one of the most serious threats to international peace and security in the twenty-first century”;

Whereas in the absence of one or more thorough and robust resolutions by the United Nations Security Council to continue the weapons inspections program in Iraq, Iraq remains a threat to all nations engaged in the global war on terrorism;

Whereas the Constitution reserves to Congress the sole authority to declare war;

Whereas the Congress must approve any United States engagement in military action with Iraq through the War Powers Resolution; and

Whereas the United States has never engaged in a preemptive strike against another sovereign nation and must resort to this course of action when, and only when, all other avenues for disarming the threat to its vital interests have been explored and exhausted: 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 “Liberation
5 of the Iraqi People Resolution”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 Congress—

8 (1) condemns Saddam Hussein’s ongoing ef-
9 forts to repress the freedoms of the Iraqi people;

1 (2) calls on the President to exhaust all peace-
2 ful and diplomatic avenues for disarming the threat
3 to United States interests before using military force
4 against Iraq;

5 (3) calls on the President to obtain allied sup-
6 port for any preemptive strike against Iraq through
7 a thorough and robust United Nations Security
8 Council resolution;

9 (4) urges the President to consider that in the
10 absence of a post-invasion plan for ensuring the de-
11 mocracy, security and stability of the nation of Iraq,
12 a military invasion will not achieve the desired re-
13 sults for that nation; and

14 (5) expresses its heartfelt concern for the safe-
15 ty, health, and well being of the people of Iraq.

16 **SEC. 3. AUTHORIZATION FOR USE OF UNITED STATES**
17 **ARMED FORCES.**

18 (a) **AUTHORIZATION.**—The President is authorized,
19 subject to subsection (b), to use United States Armed
20 Forces to defend the national security interests of the
21 United States against the threat posed by Iraq.

22 (b) **CONDITIONS OF AUTHORITY.**—Before exercising
23 the authority granted in subsection (a), the President
24 shall—

25 (1) certify to Congress that—

1 (A) Iraq is continuing to attempt to obtain
2 conventional, chemical, biological, and nuclear
3 weapons and carry out ballistic missile pro-
4 grams, and provide appropriate documentation
5 thereof;

6 (B) Iraq poses an imminent threat to the
7 United States or United States interests in the
8 region, and provide appropriate documentation
9 thereof;

10 (C) the United States has used all appro-
11 priate diplomatic and other peaceful means to
12 obtain compliance by Iraq with the United Na-
13 tions Security Council Resolutions 660, 661,
14 662, 664, 665, 666, 667, 669, 670, 674, 677,
15 and 678; and

16 (D) the United States has sought from the
17 United Nations Security Council a thorough
18 and robust resolution expressing its dissatisfac-
19 tion regarding Iraq's noncompliance with
20 United Nations Security Council Resolutions
21 687 and 949 and those resolutions specified in
22 subparagraph (C); and

23 (2) transmit to Congress a comprehensive plan
24 of action that contains, at a minimum—

1 (A) a commitment that United States en-
2 gagement in the war against terrorism shall re-
3 main the highest priority of the United States
4 Government to the maximum extent possible;

5 (B) a comprehensive plan for long-term
6 cultural, economic, and political stabilization in
7 a free Iraq;

8 (C) a commitment that the United States
9 will take necessary efforts to protect the health,
10 safety, and security of the Iraqi people and ex-
11 isting infrastructure, and safety for all United
12 States allies and interests in the region; and

13 (D) a plan for the continued stabilization
14 of Afghanistan.

15 (c) WAR POWERS RESOLUTION REQUIREMENTS.—

16 (1) SPECIFIC STATUTORY AUTHORIZATION.—
17 Consistent with section 8(a)(1) of the War Powers
18 Resolution, the Congress declares that this section is
19 intended to constitute specific statutory authoriza-
20 tion within the meaning of section 5(b) of the War
21 Powers Resolution.

22 (2) APPLICABILITY OF OTHER REQUIRE-
23 MENTS.—Nothing in this joint resolution supersedes
24 any requirement of the War Powers Resolution.

1 **SEC. 4. REPORTS TO CONGRESS.**

2 At least once every 60 days, the President shall sub-
3 mit to the Congress a summary on the status of efforts
4 authorized in this joint resolution.

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