

110TH CONGRESS
2^D SESSION

H. RES. 1535

Expressing disapproval of the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2008

Ms. LEE (for herself, Ms. WOOLSEY, Mr. STARK, Mr. KUCINICH, Mr. PAUL, Mr. GRIJALVA, and Mr. LEWIS of Georgia) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing disapproval of the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq, and for other purposes.

Whereas the Framers of the Constitution of the United States intended that all significant foreign commitments by the United States Government be made by treaty or statute;

Whereas the Constitution of the United States gives Congress the power to declare war, to raise and support armies, to provide and maintain a navy, to make rules governing such forces, to provide for organizing and calling forth

the militia, to make rules concerning captures on land and water, and to regulate commerce with foreign nations;

Whereas the Constitution of the United States also gives Congress the power to make all laws necessary for carrying out the powers vested in the Government, and the power to raise and spend money;

Whereas in addition, the Senate has the responsibility of confirming appointments to diplomatic posts and by two-thirds vote must give its advice and consent to treaties before such treaties become effective;

Whereas Congress, established in article I of the Constitution of the United States, is a co-equal branch of the Government, and each Member of Congress, regardless of political party, must resist encroachment by the executive branch on the constitutional prerogatives of Congress;

Whereas on November 26, 2007, and without congressional consultation or input, United States President George W. Bush and Iraqi Prime Minister Nouri al-Maliki signed the U.S.-Iraq Declaration of Principles for Friendship and Cooperation, a shared statement of intent that established common principles to frame the future relationship between the United States and Iraq;

Whereas President Bush publicly stated that the relationship envisioned in the U.S.-Iraq Declaration of Principles for Friendship and Cooperation includes cooperation between the United States and Iraq in the political, diplomatic, economic, and security arenas;

Whereas President Bush declared his intent, during 2008, to negotiate and conclude before he leaves office detailed arrangements that will codify the bilateral relationship be-

tween the United States and Iraq following the expiration of the mandate of the Multi-National Force—Iraq under chapter VII of the United Nations Charter and the concomitant resumption of Iraq’s normal status as a state with full legal and functional sovereignty and authorities and the restoration of Iraq’s legal international status;

Whereas on November 17, 2008, Iraqi Foreign Minister Hoshiyar Zebari and United States Ambassador to Iraq Ryan Crocker signed the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq (hereinafter referred to as the “Agreement”);

Whereas the Agreement contemplates a timetable that could leave United States troops in Iraq until December 31, 2011, which would cost American taxpayers more than \$360 billion based on current spending levels, money that could be better spent in the United States to revive the Nation’s sagging economy;

Whereas the Agreement undermines the constitutional powers of the next president by subjecting United States military operations to the approval of the Iraqi government, notwithstanding that throughout history, United States troops have been subjected to foreign control in peace-keeping operations only where authorized under treaties ratified by the Senate;

Whereas the Agreement subjects thousands of private military contractors to Iraqi courts in the event that they are charged with crimes but does not specify the law to be applied or the procedural safeguards that must be ob-

served by Iraqi courts to ensure due process and equal justice; and

Whereas President Bush’s claim that he is empowered by the Constitution to negotiate and conclude detailed arrangements that will codify the bilateral relationship between the United States and Iraq without any role for Congress reflects a profound misreading of the Constitution and conflicts with the position of President-elect Obama that any agreement governing the status of United States forces in Iraq “should be subject to Congressional review”: Now, therefore, be it

1 *Resolved*, That—

2 (1) the House of Representatives expresses its
3 disapproval of the Agreement Between the United
4 States of America and the Republic of Iraq on the
5 Withdrawal of United States Forces from Iraq and
6 the Organization of Their Activities During Their
7 Temporary Presence in Iraq, signed on November
8 17, 2008, and does not regard that Agreement as
9 binding on the United States or obligating the Con-
10 gress to appropriate the funds necessary to imple-
11 ment the Agreement;

12 (2) it is the sense of the House of Representa-
13 tives that any other agreement between the United
14 States and the Republic of Iraq on the withdrawal
15 of United States Forces from Iraq or the organiza-
16 tion of their activities during their presence in Iraq

1 should be disapproved to the extent that such an
2 agreement—

3 (A) contemplates the presence of United
4 States troops in Iraq as late as December 31,
5 2011;

6 (B) subjects United States military oper-
7 ations to the approval of the Iraqi government;

8 (C) subjects thousands of private military
9 contractors to Iraqi courts in the event that
10 they are charged with crimes but does not
11 specify the law to be applied or the procedural
12 safeguards that must be observed by Iraqi
13 courts to ensure due process and equal justice;

14 (D) is inconsistent with the requirements
15 of the United States Constitution; or

16 (E) is otherwise contrary to the best inter-
17 ests of the United States; and

18 (3) the House of Representatives should con-
19 duct vigorous oversight hearings in the 111th Con-
20 gress to determine whether to authorize and fund
21 any agreement between the United States and the
22 Republic of Iraq governing the presence and activi-
23 ties of United States Forces in Iraq.

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