

110TH CONGRESS  
2D SESSION

# H. R. 4959

To provide for congressional consultation with respect to any long-term security, economic, or political agreement with the Government of Iraq and to ensure that any such agreement is in the form of a treaty with respect to which the Senate has given its advice and consent to ratification under Article II of the Constitution of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2008

Ms. DELAURO (for herself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. LARSON of Connecticut, and Mr. GUTIERREZ) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for congressional consultation with respect to any long-term security, economic, or political agreement with the Government of Iraq and to ensure that any such agreement is in the form of a treaty with respect to which the Senate has given its advice and consent to ratification under Article II of the Constitution of the United States.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Iraq Strategic Agree-  
3 ment Review Act of 2008”.

4 **SEC. 2. DEFINITION.**

5 In this Act, the term “long-term security, economic,  
6 or political agreement with the Government of Iraq”  
7 means any agreement or commitment of more than one  
8 year, which is made by the President or any officer, em-  
9 ployee, or representative of the executive branch of the  
10 Government of the United States with the Government of  
11 Iraq that includes—

12 (1) the basing of the Armed Forces of the  
13 United States within the territory of Iraq;

14 (2) defending Iraq’s system of government from  
15 internal and external threats;

16 (3) providing security assurances and commit-  
17 ments to deter foreign aggression against Iraq;

18 (4) the military training or equipping of the  
19 Iraqi Security Forces;

20 (5) economic, monetary, material and technical  
21 commerce, and arrangements; or

22 (6) diplomatic and political understandings.

23 **SEC. 3. FINDINGS.**

24 Congress finds the following:

25 (1) Under Article I of the Constitution of the  
26 United States, the Congress has the power to pro-

1       vide for the common defense, to regulate commerce  
2       with foreign nations, to raise, support, provide, and  
3       maintain the military, and to make rules for the  
4       Government and regulation of the military.

5               (2) Under Article II of the Constitution of the  
6       United States, the President is the Commander in  
7       Chief of the military and has the power to receive  
8       Ambassadors and other public ministers.

9               (3) Under Article II of the Constitution of the  
10      United States, the President has the right to make  
11      treaties by and with the advice and consent of two-  
12      thirds of the Senate.

13              (4) The North Atlantic Treaty, which created  
14      the North Atlantic Treaty Organization (NATO),  
15      entered into force on August 24, 1949, after ap-  
16      proval by the Senate with each protocol providing  
17      for the accession of an additional country approved  
18      by the Senate.

19              (5) The Mutual Defense Treaty between the  
20      United States and South Korea, which established a  
21      long-term United States military presence on the  
22      Korean peninsula, entered into force on November  
23      17, 1954, after approval by the Senate.

24              (6) The Treaty of Mutual Cooperation and Se-  
25      curity between the United States and Japan, which

1 established a long-term United States military pres-  
2 ence in Japan, entered into force on June 23, 1960,  
3 after approval by the Senate.

4 (7) On June 1, 2007, Secretary of Defense  
5 Robert Gates discussed a “long and enduring pres-  
6 ence” in Iraq of which the “Korea model” and the  
7 “security relationship that we have with Japan” are  
8 examples.

9 (8) On November 26, 2007, President George  
10 W. Bush and Iraqi Prime Minister Nouri al-Maliki  
11 signed a “Declaration of Principles for a Long-Term  
12 Relationship of Cooperation and Friendship Between  
13 the Republic of Iraq and the United States of Amer-  
14 ica”, outlining the parameters for negotiation of a  
15 long-term relationship in the security, economic, po-  
16 litical, diplomatic, and cultural spheres.

17 (9) The Declaration of Principles include, “sup-  
18 porting the Republic of Iraq in defending its demo-  
19 cratic system against internal and external threats”,  
20 “providing security assurances and commitments to  
21 the Republic of Iraq to deter foreign aggression  
22 against Iraq”, and “supporting the Republic of Iraq  
23 in training, equipping, and arming the Iraqi Security  
24 Forces”.

1           (10) On November 26, 2007, Assistant to the  
2           President and Deputy National Security Advisor for  
3           Iraq and Afghanistan, Lieutenant General Douglas  
4           E. Lute, stated that he does not “anticipate now  
5           that these negotiations [under the Declaration of  
6           Principles] will lead to the status of a formal treaty  
7           which would then bring us to formal negotiations or  
8           formal inputs from the Congress”.

9           (11) On November 26, 2007, Assistant to the  
10          President and Deputy National Security Advisor for  
11          Iraq and Afghanistan, Lieutenant General Douglas  
12          E. Lute, further stated that the “target” to conclude  
13          negotiations is July 2008.

14 **SEC. 4. CONSULTATIONS WITH CONGRESS.**

15         (a) CONSULTATIONS.—

16           (1) IN GENERAL.—Immediately upon the date  
17           of the enactment of this Act, the Secretary of State,  
18           the Secretary of Defense, and any other necessary  
19           officer, employee, or representative of the executive  
20           branch of the Government of the United States shall  
21           commence consultations with the congressional com-  
22           mittees and leadership described in paragraph (2) on  
23           any potential long-term security, economic, or polit-  
24           ical agreement with the Government of Iraq.

1           (2) CONGRESSIONAL COMMITTEES AND LEAD-  
2           ERSHIP DESCRIBED.—The congressional committees  
3           and leadership referred to in paragraph (1) are—

4                   (A) the Committee on Foreign Relations  
5                   and the Committee on Armed Services of the  
6                   Senate and the Committee on Foreign Affairs  
7                   and the Committee on Armed Services of the  
8                   House of Representatives;

9                   (B) the Speaker, majority leader, and mi-  
10                  nority leader of the House of Representatives  
11                  and majority leader and minority leader of the  
12                  Senate; and

13                  (C) any other congressional committee,  
14                  Senator, or Member of the House of Represent-  
15                  atives that requests consultations under para-  
16                  graph (1).

17           (b) FRAMEWORK.—Consultations required under  
18           subsection (a) shall include full and complete transparency  
19           of all security, economic, political, and other arrangements  
20           under consideration for the agreement.

21           (c) TIMEFRAME.—Consultations required under sub-  
22           section (a) shall continue throughout the period of nego-  
23           tiations with the Government of Iraq to conclude the  
24           agreement.

1 **SEC. 5. SENSE OF CONGRESS.**

2 It is the sense of the Congress that—

3 (1) full Iraqi sovereignty over its territories, wa-  
4 ters, and airspace, and Iraqi control over its armed  
5 forces and administrative institutions is in the na-  
6 tional interest of the United States; and

7 (2) any long-term security, economic, or polit-  
8 ical agreement with the Government of Iraq that is  
9 not in the form of a treaty with respect to which the  
10 Senate has given its advice and consent to ratifica-  
11 tion under Article II of the Constitution of the  
12 United States does not have the force and effect of  
13 law.

14 **SEC. 6. LIMITATION ON THE USE OF FUNDS.**

15 No funds made available by any Act of Congress shall  
16 be obligated or expended for the implementation of any  
17 long-term security, economic, or political agreement with  
18 the Government of Iraq unless the agreement is in the  
19 form of a treaty with respect to which the Senate has  
20 given its advice and consent to ratification under Article  
21 II of the Constitution of the United States.

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