

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. J. RES. 114, AS REPORTED
OFFERED BY MR. SPRATT OF SOUTH CAROLINA

**(for himself and Mr. Allen of Maine, Mr. Snyder of Arkansas,
Mr. Price of North Carolina, Mr. Larson of Connecticut, and
Mr. Levin of Michigan)**

Strike the preamble and insert in lieu thereof the matter preceding the resolved clause, below, and strike the text and insert in lieu thereof the matter following the resolved clause, below:

Whereas the Government of Iraq, without cause or provocation, invaded and occupied the country of Kuwait on August 2, 1990;

Whereas, in reaction to Iraq's aggression against Kuwait, President George H. W. Bush assembled a coalition of nations to liberate Kuwait and to enforce a series of United Nations Security Council resolutions adopted in opposition to Iraq's invasion of Kuwait;

Whereas the United Nations Security Council passed Resolution 660, condemning the invasion of Kuwait and demanding Iraq's immediate withdrawal, and thereafter passed Resolutions 661, 662, 664, 665, 666, 667, 670, 674, and 677, further demanding that Iraq withdraw from Kuwait;

Whereas the Government of Iraq defied the United Nations, flouting and violating each of these resolutions;

Whereas Iraq's defiance resulted in the adoption of United Nations Security Council Resolution 678 which author-



ized the use of all means necessary to repel Iraq from Kuwait and to compel its compliance with the above-referenced resolutions;

Whereas allied forces, led by the United States, attacked Iraqi forces on January 16, 1991, and drove them out of Kuwait;

Whereas, after the liberation of Kuwait in 1991, Iraq entered into a cease-fire agreement sponsored by the United Nations, pursuant to which Iraq agreed—

(1) to destroy, remove, or render harmless all chemical and biological weapons and stocks of agents and all related subsystems and components and all research, development, support, and manufacturing facilities related thereto;

(2) to destroy, remove, or render harmless all ballistic missiles with a range greater than 150 kilometers, and related major parts and production facilities;

(3) not to acquire or develop any nuclear weapons, nuclear-weapons-usable material, nuclear-related subsystems or components, or nuclear-related research, development, support, or manufacturing facilities; and

(4) to permit immediate on-site inspection of Iraq's biological, chemical, and missile capabilities, and assist the International Atomic Energy Agency in carrying out the destruction, removal, or rendering harmless of all nuclear-related items and in developing a plan for ongoing monitoring and verification of Iraq's compliance;

Whereas, in flagrant violation of the cease-fire agreement, Iraq sought to thwart the efforts of arms inspectors to uncover and destroy Iraq's stockpiles of weapons of mass destruction and long-range ballistic missiles, and the means of producing such weapons and missiles;



Whereas, because of Iraq's demonstrated will to attack neighboring countries and arm itself with weapons of mass destruction, the United Nations Security Council passed Resolutions 687, 707, 715, 1051, 1060, 1115, 1134, 1137, 1154, 1194, and 1205, demanding that Iraq destroy all weapons of mass destruction, cease further development of chemical, biological, and nuclear weapons, stop the acquisition of ballistic missiles with a range exceeding 150 kilometers, and end its support of terrorism;

Whereas Iraq has continued to defy resolutions of the United Nations Security Council and to develop weapons of mass destruction, has not stopped its support of terrorism, has refused to cooperate with arms inspectors of the United Nations, and since December 1998 has barred and denied all such inspectors any access to Iraq;

Whereas Iraq has materially breached its international obligations by retaining and continuing to develop chemical and biological weapons, by actively seeking a nuclear weapons capability and ballistic missiles with ranges exceeding 150 kilometers, and by supporting international terrorism;

Whereas the attacks of September 11, 2001, underscores the extent of the threat posed by international terrorist organizations, and makes clear the gravity of the threat if they obtain access to weapons of mass destruction;

Whereas the House of Representatives (in H. J. Res. 658 of the 101st Congress and H. Res. 322 in the 105th Congress) and the Senate (in S. Con. Res. 147 of the 101st Congress and S. J. Res. 54 in the 105th Congress) have declared support for international action to halt Iraq's defiance of the United Nations;



Whereas in the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190), Congress called upon “the President [to] consult closely with the partners of the United States in the Desert Storm coalition and with the members of the United Nations Security Council in order to present a united front of opposition to Iraq’s continuing noncompliance with Security Council Resolution 687”;

Whereas in H. Res. 322 of the 105th Congress, the House of Representatives affirmed that the “current crisis regarding Iraq should be resolved peacefully through diplomatic means, but in a manner which assures full compliance by Iraq with United Nations Security Council resolutions regarding the destruction of Iraq’s capability to produce and deliver weapons of mass destruction”;

Whereas on September 12, 2002, President Bush committed the United States to “work with the United Nations Security Council to meet our common challenge” posed by Iraq and to “work for the necessary resolutions”, while making clear that “the Security Council resolutions will be enforced, and the just demands of peace and security will be met, or action will be unavoidable”; and

Whereas Congress supports the efforts by the President to enforce through the Security Council the United Nations Security Council resolutions referenced above: Now, therefore, be it

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*



1 **SECTION 1. SHORT TITLE.**

2 This joint resolution may be cited as the “Elimi-
3 nation of Weapons of Mass Destruction from Iraq Resolu-
4 tion”.

5 **SEC. 2. SENSE OF THE CONGRESS.**

6 It is the sense of Congress that—

7 (1) the President should be commended for call-
8 ing upon the United Nations to address the threat
9 to international peace and security posed by Iraq’s
10 refusal to meet its disarmament obligations under
11 United Nations Security Council resolutions;

12 (2) the President should persist in his efforts to
13 obtain approval of the Security Council for any ac-
14 tions taken against Iraq; and

15 (3) the President should continue to seek, and
16 the Security Council should approve, a resolution
17 that—

18 (A) demands full and unconditional compli-
19 ance by the Government of Iraq with all disar-
20 mament requirements imposed by United Na-
21 tions Security Council Resolutions 687, 707,
22 715, 1051, 1060, 1115, 1134, 1154, 1194, and
23 1205;

24 (B) mandates the immediate return to Iraq
25 of United Nations arms inspection teams, em-
26 powered with increased staff and resources and



1 unconditional access to all sites they deem nec-
2 essary to uncover and destroy weapons of mass
3 destruction and ballistic missiles with ranges
4 exceeding 150 kilometers, and the means of
5 producing such weapons and missiles, without
6 regard to any objections or conditions that Iraq
7 may seek to impose; and

8 (C) authorizes, if the President deems ad-
9 visable, a military force, formed under the aus-
10 pices of the United Nations Security Council
11 but commanded by the United States, to pro-
12 tect and support arms inspectors and make
13 force available in the event that Iraq impedes,
14 resists, or in any way interferes with such in-
15 spection teams;

16 (4) if the United Nations Security Council fails
17 to pass a resolution that satisfies the conditions of
18 paragraph (3), and if the President determines that
19 use of the United States Armed Forces is necessary
20 to compel Iraq to comply with all such disarmament
21 requirements, the President should seek authoriza-
22 tion from Congress to use military force to compel
23 such compliance by invoking the expedited proce-
24 dures set forth in section 5;

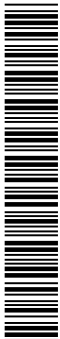


1 (5) if the United States must resort to force,
2 the President should endeavor to form a coalition of
3 allies as broadly based as practicable to support and
4 participate with United States Armed Forces, and
5 should also seek multilateral cooperation and assist-
6 ance, specifically including Arab and Islamic coun-
7 tries, in the post-conflict reconstruction of Iraq; and

8 (6) if the United States resorts to force, Con-
9 gress will provide all possible support to the mem-
10 bers of the United States Armed Forces and their
11 families.

12 **SEC. 3. AUTHORIZATION TO USE FORCE IN ACCORDANCE**
13 **WITH NEW UNITED NATIONS SECURITY**
14 **COUNCIL RESOLUTIONS.**

15 The President is authorized to use United States
16 Armed Forces pursuant to any resolution of the United
17 Nations Security Council adopted after September 12,
18 2002, that provides for the elimination of Iraq's weapons
19 of mass destruction and ballistic missiles with ranges ex-
20 ceeding 150 kilometers, and the means of producing such
21 weapons and missiles. Nothing in the preceding sentence
22 shall be construed to prevent or otherwise limit the author-
23 ity of the Armed Forces to use all appropriate force for
24 self defense and enforcement purposes.



1 **SEC. 4. PRESIDENTIAL CERTIFICATIONS.**

2 In the event that the United Nations Security Council
3 does not adopt a resolution as described in section 3, or
4 in the event that such a resolution is adopted but does
5 not sanction the use of force sufficient to compel Iraq's
6 compliance, and if the President determines that use of
7 the United States Armed Forces is necessary for such
8 compliance, the President should seek authorization from
9 Congress to use military force to compel such compliance
10 by invoking the expedited procedures set forth in section
11 5 after the President submits to the Speaker of the House
12 of Representatives and the President pro tempore of the
13 Senate a certification that—

14 (1)(A) the United States has sought passage by
15 the United Nations Security Council of a resolution
16 described in section 3, and the Security Council has
17 failed to pass such a resolution, and no other action
18 taken by the United Nations Security Council has
19 been sufficient to compel Iraq to comply with the Se-
20 curity Council resolutions referred to in section 2; or

21 (B) the United Nations Security Council has
22 passed a resolution that does not sanction the use of
23 force sufficient to compel compliance, and—

24 (i) the United Nations Security Council is
25 unlikely to take further action that will result
26 in Iraq's compliance with such resolution; and



1 (ii) the use of military force against Iraq
2 is necessary to compel compliance;

3 (2) the use of military force against Iraq will
4 not impair international cooperation in the fight
5 against terrorism or participation in United States
6 military actions undertaken pursuant to Public Law
7 107–40; and

8 (3) the United States is in the process of estab-
9 lishing, or has established, a coalition of other coun-
10 tries as broadly based as practicable to support and
11 participate with the United States in whatever ac-
12 tion is taken against Iraq.

13 **SEC. 5. EXPEDITED CONGRESSIONAL CONSIDERATION OF**
14 **JOINT RESOLUTION AUTHORIZING USE OF**
15 **FORCE.**

16 (a) QUALIFYING RESOLUTION.—(1) This section ap-
17 plies with respect to a joint resolution of the Senate or
18 House of Representatives—

19 (A) that is a qualifying resolution as described
20 in paragraph (2); and

21 (B) that is introduced (by request) by a quali-
22 fying Member not later than the next legislative day
23 after the date of receipt by the Speaker of the
24 House of Representatives and the President pro



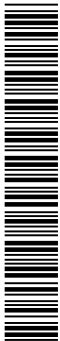
1 tempore of the Senate of a certification by the Presi-
2 dent under section 4.

3 (2) For purposes of this section, a qualifying resolu-
4 tion is a joint resolution—

5 (A) that does not have a preamble;

6 (B) the title of which is the following: “Joint
7 resolution authorizing the President to use all nec-
8 essary means, including the Armed Forces of the
9 United States, to compel the Government of Iraq to
10 comply with certain United Nations Security Council
11 resolutions.” and

12 (C) the text of which is as follows: “The Presi-
13 dent is authorized to use all necessary and appro-
14 priate means, including the Armed Forces of the
15 United States, to compel the Government of Iraq to
16 comply with the disarmament provisions in the
17 United Nations Security Council Resolutions 687,
18 707, 715, 1051, 1060, 1115, 1134, 1154, 1194, and
19 1205 and with any other resolution of the United
20 Nations Security Council adopted after September
21 12, 2002, that requires the elimination of Iraq’s
22 weapons of mass destruction and ballistic missiles
23 with ranges exceeding 150 kilometers, and the
24 means of producing such weapons and missiles.”.



1 (3) For purposes of this subsection, a qualifying
2 Member is—

3 (A) in the case of the House of Representatives,
4 the majority leader or minority leader of the House
5 of Representatives; and

6 (B) in the case of the Senate, the majority lead-
7 er or minority leader of the Senate.

8 (b) **PLACEMENT ON CALENDAR.**—Upon introduction
9 in either House of a resolution described in subsection (a),
10 the resolution shall be placed on the appropriate calendar
11 of the House involved.

12 (c) **CONSIDERATION IN THE HOUSE OF REPRESENT-**
13 **ATIVES.**—(1) A resolution described in subsection (a) shall
14 be considered in the House of Representatives in accord-
15 ance with the provisions of this subsection.

16 (2) On or after the first legislative day after the day
17 on which such a resolution is introduced, it is in order
18 (even though a previous motion to the same effect has
19 been disagreed to) for any Member of the House of Rep-
20 resentatives to move to proceed to the consideration of the
21 resolution. All points of order against the resolution (and
22 against consideration of the resolution) are waived. Such
23 a motion is privileged and is not debatable. An amendment
24 to the motion is not in order. It shall not be in order to
25 move to postpone the motion or to proceed to the consider-



1 ation of other business. A motion to reconsider the vote
2 by which the motion is agreed to or disagreed to shall not
3 be in order. If a motion to proceed to the consideration
4 of the resolution is agreed to, the House of Representa-
5 tives shall immediately proceed to consideration of the res-
6 olution without intervening motion, and the resolution
7 shall remain the unfinished business of the House of Rep-
8 resentatives until disposed of.

9 (3) Debate on the resolution shall be limited to not
10 more than a total of 20 hours, which shall be divided
11 equally between the majority leader and the minority lead-
12 er or their designees. A motion to further limit debate is
13 not debatable. An amendment to, or motion to recommit,
14 the resolution is not in order.

15 (6) Immediately following the conclusion of the de-
16 bate on the resolution, the vote on final passage of the
17 resolution shall occur.

18 (7) A motion to reconsider the vote by which the reso-
19 lution is agreed to or disagreed to is not in order.

20 (d) CONSIDERATION IN SENATE.—(1) A resolution
21 described in subsection (a) shall be considered in the Sen-
22 ate in accordance with the provisions of this subsection.

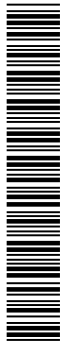
23 (2) On or after the first legislative day after the day
24 on which such a resolution is introduced, such a resolu-
25 tion, it is in order (even though a previous motion to the



1 same effect has been disagreed to) for any Member of the
2 Senate to move to proceed to the consideration of the reso-
3 lution. All points of order against the resolution (and
4 against consideration of the resolution) are waived. The
5 motion is privileged and is not debatable. The motion is
6 not subject to amendment, or to a motion to postpone,
7 or to a motion to proceed to the consideration of other
8 business. A motion to reconsider the vote by which the
9 motion is agreed to or disagreed to shall not be in order.
10 If a motion to proceed to the consideration of the resolu-
11 tion is agreed to, the Senate shall immediately proceed to
12 consideration of the resolution without intervening motion,
13 order, or other business, and the resolution shall remain
14 the unfinished business of the Senate until disposed of.

15 (3) Debate on the resolution, and on all debatable
16 motions and appeals in connection therewith, shall be lim-
17 ited to not more than a total of 20 hours, which shall be
18 divided equally between the majority leader and the minor-
19 ity leader or their designees. A motion to further limit de-
20 bate is not debatable. An amendment to, or motion to re-
21 commit, the resolution is not in order.

22 (6) Immediately following the conclusion of the de-
23 bate on a resolution and a single quorum call at the con-
24 clusion of the debate if requested in accordance with the



1 rules of the Senate, the vote on final passage of the resolu-
2 tion shall occur.

3 (7) A motion to reconsider the vote by which the reso-
4 lution is agreed to or disagreed to is not in order.

5 (8) Appeals from the decisions of the Chair relating
6 to the application of the rules of the Senate to the proce-
7 dure relating to a resolution described in subsection (a)
8 shall be decided without debate.

9 (e) ACTION ON MEASURE FROM OTHER HOUSE.—

10 (1) If, before the passage by one House of a resolution
11 of that House described in subsection (a), that House re-
12 ceives from the other House a resolution described in sub-
13 section (a), then the following procedures shall apply:

14 (A) The resolution of the other House shall not
15 be referred to a committee and may not be consid-
16 ered in the House receiving it except as provided in
17 subparagraph (B)(ii).

18 (B) With respect to a resolution described in
19 subsection (a) of the House receiving the
20 resolution—

21 (i) the procedure in that House shall be
22 the same as if no resolution had been received
23 from the other House; but

24 (ii) the vote on final passage shall be on
25 the resolution of the other House.



1 (2) Upon disposition pursuant to paragraph
2 (1)(B)(ii) of a resolution described in subsection (a) that
3 is received by one House from the other House, it shall
4 no longer be in order to consider such a resolution that
5 was introduced in the receiving House.

6 (f) LEGISLATIVE DAY DEFINED.—For the purposes
7 of this section, with respect to either House of Congress,
8 a legislative day is a calendar day on which that House
9 is in session.

10 (g) SECTION ENACTED AS EXERCISE OF RULE-
11 MAKING POWER OF THE TWO HOUSES.—The provisions
12 of this section (other than subsection (h)) are enacted by
13 the Congress—

14 (1) as an exercise of the rulemaking power of
15 the House of Representatives and the Senate, re-
16 spectively, and, as such, shall be considered as part
17 of the rules of either House and shall supersede
18 other rules only to the extent they are inconsistent
19 therewith; and

20 (2) with full recognition of the constitutional
21 right of either House to change the rules (so far as
22 they relate to the procedures of that House) at any
23 time, in the same manner, and to the same extent
24 as in the case of any other rule of that House.



1 (h) PRESIDENTIAL RECALL OF CONGRESS.—In the
2 event that Congress is not in session upon submission of
3 a Presidential certification under section 4, the President
4 is authorized to convene a special session of the Congress
5 to allow consideration of a joint resolution under this sec-
6 tion.

7 **SEC. 6. WAR POWERS RESOLUTION REQUIREMENTS.**

8 (a) SPECIFIC STATUTORY AUTHORIZATION.—Con-
9 sistent with section 8(a)(1) of the War Powers Resolution,
10 the Congress declares that—

11 (1) section 3 of this joint resolution is intended
12 to constitute specific authorization within the mean-
13 ing of section 5(b) of the War Powers Resolution;
14 and

15 (2) if a joint resolution described in section
16 5(a)(2) is enacted into law, such resolution is in-
17 tended to constitute specific authorization within the
18 meaning of section 5(b) of the War Powers Resolu-
19 tion.

20 (b) APPLICABILITY OF OTHER REQUIREMENTS.—
21 Nothing in this resolution supersedes any requirement of
22 the War Powers Resolution.

23 **SEC. 7. REPORTS TO CONGRESS.**

24 At least once every 60 days, the President shall trans-
25 mit to Congress a report on matters relevant to this joint



1 resolution. The President shall include in such report an
2 estimate of expenditures by the United States and allied
3 nations to compel Iraq's compliance with the above ref-
4 erenced United Nations Security Council resolutions and
5 any reconstruction efforts in Iraq, including those actions
6 described in section 7 of the Iraq Liberation Act of 1998
7 (Public Law 105-338; 22 U.S.C. 2151 note).

8 **SEC. 8. INHERENT RIGHT TO SELF-DEFENSE.**

9 Nothing in this joint resolution is intended to dero-
10 gate or otherwise limit the authority of the President to
11 use military force in self-defense pursuant to the Constitu-
12 tion of the United States and the War Powers Resolution.

