

110TH CONGRESS
1ST SESSION

H. CON. RES. 231

Expressing the sense of Congress that the Government of the United States should submit to the Government of Iraq a draft bilateral status-of-forces agreement.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 2007

Mr. ISRAEL (for himself, Mr. DENT, and Mr. BISHOP of New York) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of Congress that the Government of the United States should submit to the Government of Iraq a draft bilateral status-of-forces agreement.

Whereas the United States is currently maintaining a significant military presence within the Republic of Iraq;

Whereas the people of Iraq have expressed repeated concern about the status of United States Armed Forces in their country;

Whereas Iraq is a sovereign nation, having regained its sovereignty on June 28, 2004, meaning that it is capable of being party to bilateral and multilateral treaties;

Whereas the Interim Constitution of Iraq, in recognizing Coalition Provisional Order Number 17 (relating to status

of forces), establishes a precedent that will not be incorporated into the permanent constitutional law of Iraq;

Whereas a status-of-forces agreement is a standard bilateral agreement entered into between two countries when the military forces of one country operate within the sovereign territory of the other country;

Whereas a status-of-forces agreement is an important measure taken both to underline the sovereignty of the host country and to protect the military justice system of the visiting country;

Whereas The New York Times reported on November 29, 2006, that Stephen Hadley, the National Security Advisor, wrote a memorandum to President George W. Bush stating that a status-of-forces agreement with the Government of Iraq should be negotiated over the next year;

Whereas section 1314(e)(2) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 125) mandated an assessment of the Iraqi security forces by an independent private sector entity, and that entity, headed by General James Jones (Ret.), recommended in September 2007 that “consideration be given to pursuing an agreement akin to a Status of Forces Agreement (SOFA) with the Government of Iraq. . . . Appropriately drawn, it would have the effect of codifying our relationship with the host nation, reinforcing its sovereignty and independence, and would be consistent with other such agreements we enjoy with many nations where we have a military presence.”; and

Whereas United States Armed Forces currently operate under status-of-forces agreements within the territory of

Japan, South Korea, and many other countries: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) the Government of the United States should
4 submit to the Government of Iraq a draft bilateral
5 status-of-forces agreement; and

6 (2) the draft status-of-forces agreement
7 should—

8 (A) address the sovereign rights of Iraq,
9 underlining that the United States is not an oc-
10 cupying power;

11 (B) subject to negotiation with the Govern-
12 ment of Iraq, address the legal status of United
13 States personnel in Iraq, including the rights of
14 United States personnel in civil and criminal
15 matters that are subject to the jurisdiction of
16 the Government of Iraq; and

17 (C) subject to negotiation with the Govern-
18 ment of Iraq, establish primacy and
19 coordinative mechanisms with respect to inves-
20 tigation and operations involving United States
21 and Iraqi forces, including civilian police forces.

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