

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H. RES. 81  
OFFERED BY MR. KEATING OF MASSACHUSETTS**

Strike the preamble and insert the following:

Whereas since February 2014 the Russian Federation has waged an illegal, unprovoked, and unjustified war of aggression against Ukraine, which it escalated on February 24, 2022, with a full-scale invasion of Ukraine;

Whereas Article 1(1) of the Charter of the United Nations states that it is the purpose of the United Nations to “maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace”;

Whereas Article 2(4) of the Charter of the United Nations states that “[a]ll Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations”;

Whereas United Nations General Assembly Resolution 3314 defines aggression as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner

inconsistent with the Charter of the United Nations, as set out in this Definition”;

Whereas General Assembly Resolution 3314 states that “Any of the following acts, regardless of a declaration of war, shall, subject to and in accordance with other provisions of the resolution, qualify as an act of aggression” and the list that follows consists of—

(1) “the invasion or attack by the Armed Forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof”;

(2) “bombardment by the Armed Forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State”;

(3) “the blockade of the ports or coasts of a State by the Armed Forces of another State”;

(4) “an attack by the Armed Forces of a State on the land, sea or air forces, or marine and air fleets of another State”;

(5) “the use of Armed Forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement”;

(6) “the action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State”;

and

(7) “the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein”.

Whereas the Russian Federation has illegally occupied and purported to annex Crimea and portions of the regions of Donetsk, Luhansk, Kherson, and Zaporizhzhia Oblasts, which are all internationally recognized as Ukraine;

Whereas at the start of the February 2022 escalation, the armed forces of the Russian Federation further restricted free movement in the Black Sea by blocking access to Ukraine’s Black Sea port cities, worsening global food insecurity for the world’s most vulnerable populations;

Whereas the armed forces of the Russian Federation have launched missile, artillery, and drone bombardments throughout the sovereign territory of Ukraine, deliberately targeting critical civilian infrastructure;

Whereas Russia’s Wagner Group mercenaries have led the assault on the Ukrainian city of Bakhmut on behalf of the Russian Federation;

Whereas the Russian Federation has ignored the International Court of Justice March 16, 2022, ruling ordering the Russian Federation to “immediately suspend the military operations that it commenced on 24 February”; and

Whereas the United Nations General Assembly passed a resolution in November 15, 2022, recognizing “the Russian Federation must be held to account for any violations of international law in or against Ukraine, including its ag-

gression in violation of the Charter of the United Nations”: Now, therefore, be it

Strike the resolving clause and insert the following:

1       *Resolved*, That the House of Representatives—

2               (1) condemns in the strongest terms the Rus-  
3       sian Federation’s illegal, unprovoked, and unjustified  
4       war of aggression against Ukraine;

5               (2) supports the people of Ukraine in their  
6       fight for freedom, independence, and democracy;

7               (3) underscores Ukraine’s sovereignty and terri-  
8       torial integrity within its internationally recognized  
9       borders;

10              (4) finds that the Russian Federation’s  
11       unprovoked full-scale invasion of Ukraine is a clear  
12       violation of the United Nations Charter and that  
13       there is significant evidence that the political and  
14       military leadership of the Russian Federation is re-  
15       sponsible for committing the crime of aggression  
16       against Ukraine;

17              (5) recognizes the importance of prosecuting  
18       Russian leadership for the crime of aggression to  
19       seek justice for Ukraine, deter other adversaries  
20       from launching illegal aggression, and facilitate the  
21       demand for the Russian Federation to compensate  
22       Ukraine with its sovereign assets;

1           (6) identifies the need for the creation of a Spe-  
2           cial Tribunal to prosecute the crime of aggression  
3           against Ukraine and recognizes an agreement be-  
4           tween Ukraine and the United Nations following a  
5           favorable United Nations General Assembly vote as  
6           one option towards the creation of such a tribunal;  
7           and  
8           (7) urges the President to engage in active di-  
9           plomacy to support the creation of a Special Tri-  
10          bunal to prosecute the crime of aggression against  
11          Ukraine.

