

105TH CONGRESS
2^D SESSION

H. R. 4655

To establish a program to support a transition to democracy in Iraq.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1998

Mr. GILMAN (for himself and Mr. COX of California) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To establish a program to support a transition to democracy
in Iraq.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Iraq Liberation Act
5 of 1998”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) On September 22, 1980, Iraq invaded Iran,
9 starting an eight year war in which Iraq employed
10 chemical weapons against Iranian troops and ballis-
11 tic missiles against Iranian cities.

1 (2) In February 1988, Iraq forcibly relocated
2 Kurdish civilians from their home villages in the
3 Anfal campaign, killing an estimated 50,000 to
4 180,000 Kurds.

5 (3) On March 16, 1988, Iraq used chemical
6 weapons against Iraqi Kurdish civilian opponents in
7 the town of Halabja, killing an estimated 5,000
8 Kurds and causing numerous birth defects that af-
9 fect the town today.

10 (4) On August 2, 1990, Iraq invaded and began
11 a seven month occupation of Kuwait, killing and
12 committing numerous abuses against Kuwaiti civil-
13 ians, and setting Kuwait's oil wells ablaze upon re-
14 treat.

15 (5) Hostilities in Operation Desert Storm ended
16 on February 28, 1991, and Iraq subsequently ac-
17 cepted the ceasefire conditions specified in United
18 Nations Security Council Resolution 687 (April 3,
19 1991) requiring Iraq, among other things, to dis-
20 close fully and permit the dismantlement of its
21 weapons of mass destruction programs and submit
22 to long-term monitoring and verification of such dis-
23 mantlement.

1 (6) In April 1993, Iraq orchestrated a failed
2 plot to assassinate former President George Bush
3 during his April 14–16, 1993, visit to Kuwait.

4 (7) In October 1994, Iraq moved 80,000 troops
5 to areas near the border with Kuwait, posing an im-
6 minent threat of a renewed invasion of or attack
7 against Kuwait.

8 (8) On August 31, 1996, Iraq suppressed many
9 of its opponents by helping one Kurdish faction cap-
10 ture Irbil, the seat of the Kurdish regional govern-
11 ment.

12 (9) Since March 1996, Iraq has systematically
13 sought to deny weapons inspectors from the United
14 Nations Special Commission on Iraq (UNSCOM) ac-
15 cess to key facilities and documents, has on several
16 occasions endangered the safe operation of
17 UNSCOM helicopters transporting UNSCOM per-
18 sonnel in Iraq, and has persisted in a pattern of de-
19 ception and concealment regarding the history of its
20 weapons of mass destruction programs.

21 (10) On August 5, 1998, Iraq ceased all co-
22 operation with UNSCOM, and subsequently threat-
23 ened to end long-term monitoring activities by the
24 International Atomic Energy Agency and UNSCOM.

1 (11) On August 14, 1998, President Clinton
2 signed Public Law 105-235, which declared that
3 “the Government of Iraq is in material and unac-
4 ceptable breach of its international obligations” and
5 urged the President “to take appropriate action, in
6 accordance with the Constitution and relevant laws
7 of the United States, to bring Iraq into compliance
8 with its international obligations.”.

9 **SEC. 3. POLICY OF THE UNITED STATES.**

10 It should be the policy of the United States to seek
11 to remove the regime headed by Saddam Hussein from
12 power in Iraq and to promote the emergence of a demo-
13 cratic government to replace that regime.

14 **SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DE-**
15 **MOCRACY IN IRAQ.**

16 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—The
17 President may provide to the Iraqi democratic opposition
18 organizations designated in accordance with section 5 the
19 following assistance:

20 (1) **BROADCASTING.**—(A) Grant assistance to
21 such organizations for radio and television broad-
22 casting by such organizations to Iraq.

23 (B) There is authorized to be appropriated to
24 the United States Information Agency \$2,000,000
25 for fiscal year 1999 to carry out this paragraph.

1 (2) MILITARY ASSISTANCE.—(A) The President
2 is authorized to direct the drawdown of defense arti-
3 cles from the stocks of the Department of Defense,
4 defense services of the Department of Defense, and
5 military education and training for such organiza-
6 tions.

7 (B) The aggregate value (as defined in section
8 644(m) of the Foreign Assistance Act of 1961) of
9 assistance provided under this paragraph may not to
10 exceed \$97,000,000.

11 (b) HUMANITARIAN ASSISTANCE.—The Congress
12 urges the President to use existing authorities under the
13 Foreign Assistance Act of 1961 to provide humanitarian
14 assistance to individuals living in areas of Iraq controlled
15 by organizations designated in accordance with section 5,
16 with emphasis on addressing the needs of individuals who
17 have fled to such areas from areas under the control of
18 the Saddam Hussein regime.

19 (c) RESTRICTION ON ASSISTANCE.—No assistance
20 under this section shall be provided to any group within
21 an organization designated in accordance with section 5
22 which group is, at the time the assistance is to be pro-
23 vided, engaged in military cooperation with the Saddam
24 Hussein regime.

1 (d) NOTIFICATION REQUIREMENT.—The President
2 shall notify the congressional committees specified in sec-
3 tion 634A of the Foreign Assistance Act of 1961 at least
4 15 days in advance of each obligation of assistance under
5 this section in accordance with the procedures applicable
6 to reprogramming notifications under such section 634A.

7 (e) REIMBURSEMENT RELATING TO MILITARY AS-
8 SISTANCE.—

9 (1) IN GENERAL.—Defense articles, defense
10 services, and military education and training pro-
11 vided under subsection (a)(2) shall be made available
12 without reimbursement to the Department of De-
13 fense except to the extent that funds are appro-
14 priated pursuant to paragraph (2).

15 (2) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to the
17 President for each of the fiscal years 1998 and 1999
18 such sums as may be necessary to reimburse the ap-
19 plicable appropriation, fund, or account for the value
20 (as defined in section 644(m) of the Foreign Assist-
21 ance Act of 1961) of defense articles, defense serv-
22 ices, or military education and training provided
23 under subsection (a)(2).

1 (f) AVAILABILITY OF FUNDS.—(1) Amounts author-
2 ized to be appropriated under this section are authorized
3 to remain available until expended.

4 (2) Amounts authorized to be appropriated under this
5 section are in addition to amounts otherwise available for
6 the purposes described in this section.

7 **SEC. 5. DESIGNATION OF IRAQI DEMOCRATIC OPPOSITION**
8 **ORGANIZATION.**

9 (a) INITIAL DESIGNATION.—Not later than 90 days
10 after the date of enactment of this Act, the President shall
11 designate one or more Iraqi democratic opposition organi-
12 zations that satisfy the criteria set forth in subsection (c)
13 as eligible to receive assistance under section 4.

14 (b) DESIGNATION OF ADDITIONAL GROUPS.—At any
15 time subsequent to the initial designation pursuant to sub-
16 section (a), the President may designate one or more addi-
17 tional Iraqi democratic opposition organizations that sat-
18 isfy the criteria set forth in subsection (c) as eligible to
19 receive assistance under section 4.

20 (c) CRITERIA FOR DESIGNATION.—In designating an
21 organization pursuant to this section, the President shall
22 consider only organizations that—

23 (1) include a broad spectrum of Iraqi individ-
24 uals and groups opposed to the Saddam Hussein re-
25 gime; and

1 (2) are committed to democratic values, to re-
2 spect for human rights, to peaceful relations with
3 Iraq's neighbors, to maintaining Iraq's territorial in-
4 tegrity, and to fostering cooperation among demo-
5 cratic opponents of the Saddam Hussein regime.

6 (d) NOTIFICATION REQUIREMENT.—At least 15 days
7 in advance of designating an Iraqi democratic opposition
8 organization pursuant to this section, the President shall
9 notify the congressional committees specified in section
10 634A of the Foreign Assistance Act of 1961 of his pro-
11 posed designation in accordance with the procedures appli-
12 cable to reprogramming notifications under such section
13 634A.

14 **SEC. 6. WAR CRIMES TRIBUNAL FOR IRAQ.**

15 Consistent with section 301 of the Foreign Relations
16 Authorization Act, Fiscal Years 1992 and 1993 (Public
17 Law 102–138), House Concurrent Resolution 137, 105th
18 Congress (approved by the House of Representatives on
19 November 13, 1997), and Senate Concurrent Resolution
20 78, 105th Congress (approved by the Senate on March
21 13, 1998), the Congress urges the President to call upon
22 the United Nations to establish an international criminal
23 tribunal for the purpose of indicting, prosecuting, and im-
24 prisoning Saddam Hussein and other Iraqi officials who

1 are responsible for crimes against humanity, genocide, and
2 other criminal violations of international law.

3 **SEC. 7. ASSISTANCE FOR IRAQ UPON REPLACEMENT OF**
4 **SADDAM HUSSEIN REGIME.**

5 It is the sense of Congress that once the Saddam
6 Hussein regime is removed from power in Iraq, the United
7 States should support Iraq's transition to democracy by
8 providing immediate and substantial humanitarian assist-
9 ance to the Iraqi people by providing democracy transition
10 assistance to Iraqi parties and movements with democratic
11 goals, and by covening Iraq's foreign creditors to develop
12 a multilateral response to Iraq's foreign debt incurred by
13 Saddam Hussein's regime.

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