

105TH CONGRESS
2^D SESSION

H. R. 4655

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, OCTOBER 2), 1998

Received

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Iraq Liberation Act
3 of 1998”.

4 **SEC. 2. FINDINGS.**

5 The Congress makes the following findings:

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

10 (2) In February 1988, Iraq forcibly relocated
11 Kurdish civilians from their home villages in the
12 Anfal campaign, killing an estimated 50,000 to
13 180,000 Kurds.

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

19 (4) On August 2, 1990, Iraq invaded and began
20 a seven month occupation of Kuwait, killing and
21 committing numerous abuses against Kuwaiti civil-
22 ians, and setting Kuwait’s oil wells ablaze upon re-
23 treat.

24 (5) Hostilities in Operation Desert Storm ended
25 on February 28, 1991, and Iraq subsequently ac-
26 cepted the ceasefire conditions specified in United

1 Nations Security Council Resolution 687 (April 3,
2 1991) requiring Iraq, among other things, to dis-
3 close fully and permit the dismantlement of its
4 weapons of mass destruction programs and submit
5 to long-term monitoring and verification of such dis-
6 mantlement.

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

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

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

18 (9) Since March 1996, Iraq has systematically
19 sought to deny weapons inspectors from the United
20 Nations Special Commission on Iraq (UNSCOM) ac-
21 cess to key facilities and documents, has on several
22 occasions endangered the safe operation of
23 UNSCOM helicopters transporting UNSCOM per-
24 sonnel in Iraq, and has persisted in a pattern of de-

1 ception and concealment regarding the history of its
2 weapons of mass destruction programs.

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

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

15 (12) On May 1, 1998, President Clinton signed
16 Public Law 105-174, which made \$5,000,000 avail-
17 able for assistance to the Iraqi democratic opposition
18 for such activities as organization, training, commu-
19 nication and dissemination of information, develop-
20 ing and implementing agreements among opposition
21 groups, compiling information to support the indict-
22 ment of Iraqi officials for war crimes, and for relat-
23 ed purposes.

1 **SEC. 3. SENSE OF CONGRESS REGARDING UNITED STATES**
2 **POLICY TOWARD IRAQ.**

3 It should be the policy of the United States to sup-
4 port efforts to remove the regime headed by Saddam Hus-
5 sein from power in Iraq and to promote the emergence
6 of a democratic government to replace that regime.

7 **SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DE-**
8 **MOCRACY IN IRAQ.**

9 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—The
10 President may provide to the Iraqi democratic opposition
11 organizations designated in accordance with section 5 the
12 following assistance:

13 (1) **BROADCASTING ASSISTANCE.**—(A) Grant
14 assistance to such organizations for radio and tele-
15 vision broadcasting by such organizations to Iraq.

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

19 (2) **MILITARY ASSISTANCE.**—(A) The President
20 is authorized to direct the drawdown of defense arti-
21 cles from the stocks of the Department of Defense,
22 defense services of the Department of Defense, and
23 military education and training for such organiza-
24 tions.

25 (B) The aggregate value (as defined in section
26 644(m) of the Foreign Assistance Act of 1961) of

1 assistance provided under this paragraph may not
2 exceed \$97,000,000.

3 (b) HUMANITARIAN ASSISTANCE.—The Congress
4 urges the President to use existing authorities under the
5 Foreign Assistance Act of 1961 to provide humanitarian
6 assistance to individuals living in areas of Iraq controlled
7 by organizations designated in accordance with section 5,
8 with emphasis on addressing the needs of individuals who
9 have fled to such areas from areas under the control of
10 the Saddam Hussein regime.

11 (c) RESTRICTION ON ASSISTANCE.—No assistance
12 under this section shall be provided to any group within
13 an organization designated in accordance with section 5
14 which group is, at the time the assistance is to be pro-
15 vided, engaged in military cooperation with the Saddam
16 Hussein regime.

17 (d) NOTIFICATION REQUIREMENT.—The President
18 shall notify the congressional committees specified in sec-
19 tion 634A of the Foreign Assistance Act of 1961 at least
20 15 days in advance of each obligation of assistance under
21 this section in accordance with the procedures applicable
22 to reprogramming notifications under such section 634A.

23 (e) REIMBURSEMENT RELATING TO MILITARY AS-
24 SISTANCE.—

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

7 (2) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated to the
9 President for each of the fiscal years 1998 and 1999
10 such sums as may be necessary to reimburse the ap-
11 plicable appropriation, fund, or account for the value
12 (as defined in section 644(m) of the Foreign Assist-
13 ance Act of 1961) of defense articles, defense serv-
14 ices, or military education and training provided
15 under subsection (a)(2).

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

19 (2) Amounts authorized to be appropriated under this
20 section are in addition to amounts otherwise available for
21 the purposes described in this section.

22 (g) AUTHORITY TO PROVIDE ASSISTANCE.—Activi-
23 ties under this section (including activities of the nature
24 described in subsection (b)) may be undertaken notwith-
25 standing any other provision of law.

1 **SEC. 5. DESIGNATION OF IRAQI DEMOCRATIC OPPOSITION**
2 **ORGANIZATION.**

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

9 (b) DESIGNATION OF ADDITIONAL ORGANIZA-
10 TIONS.—At any time subsequent to the initial designation
11 pursuant to subsection (a), the President may designate
12 one or more additional Iraqi democratic opposition organi-
13 zations that the President determines satisfy the criteria
14 set forth in subsection (c) as eligible to receive assistance
15 under section 4.

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

19 (1) include a broad spectrum of Iraqi individ-
20 uals, groups, or both, opposed to the Saddam Hus-
21 sein regime; and

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

1 (d) NOTIFICATION REQUIREMENT.—At least 15 days
2 in advance of designating an Iraqi democratic opposition
3 organization pursuant to this section, the President shall
4 notify the congressional committees specified in section
5 634A of the Foreign Assistance Act of 1961 of his pro-
6 posed designation in accordance with the procedures appli-
7 cable to reprogramming notifications under such section
8 634A.

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

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

22 **SEC. 7. ASSISTANCE FOR IRAQ UPON REPLACEMENT OF**
23 **SADDAM HUSSEIN REGIME.**

24 It is the sense of Congress that once the Saddam
25 Hussein regime is removed from power in Iraq, the United

1 States should support Iraq's transition to democracy by
2 providing immediate and substantial humanitarian assist-
3 ance to the Iraqi people, by providing democracy transition
4 assistance to Iraqi parties and movements with democratic
5 goals, and by convening Iraq's foreign creditors to develop
6 a multilateral response to Iraq's foreign debt incurred by
7 Saddam Hussein's regime.

8 **SEC. 8. RULE OF CONSTRUCTION.**

9 Nothing in this Act shall be construed to authorize
10 or otherwise speak to the use of United States Armed
11 Forces (except as provided in section 4(a)(2)) in carrying
12 out this Act.

Passed the House of Representatives October 5,
1998.

Attest:

ROBIN H. CARLE,
Clerk.