

107TH CONGRESS
2D SESSION

H. R. 4573

To provide for the adjudication of certain claims against the Government of Iraq and to ensure priority for United States veterans filing such claims.

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 2002

Mr. DOGGETT (for himself, Mr. EVANS, Mr. LANTOS, Ms. BROWN of Florida, Mr. CRAMER, Mr. DINGELL, Mr. EDWARDS, Mr. FILNER, Mr. FROST, Mr. GONZALEZ, Mr. GREEN of Texas, Ms. HART, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. KELLY, Mr. LAMPSON, Ms. LEE, Mr. LUTHER, Mr. MCGOVERN, Ms. MCKINNEY, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. ORTIZ, Mr. REYES, Ms. RIVERS, Mr. RODRIGUEZ, Mr. SANDERS, Ms. SANCHEZ, Mr. SANDLIN, Mr. SKELTON, Mr. STARK, Mr. TIERNEY, Mr. TOWNS, Mr. TURNER, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To provide for the adjudication of certain claims against the Government of Iraq and to ensure priority for United States veterans filing such claims.

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 “Gulf War Veterans’
5 and Other Iraqi Claims Protection Act of 2002”.

1 **SEC. 2. ADJUDICATION OF CLAIMS.**

2 (a) CLAIMS AGAINST IRAQ.—The United States
3 Commission is authorized to receive and determine the va-
4 lidity and amounts of any claims by nationals of the
5 United States against the Government of Iraq that are
6 outside the jurisdiction of the United Nations Commis-
7 sion. Such claims must be submitted to the United States
8 Commission within the period specified by such Commis-
9 sion by notice published in the Federal Register. The
10 United States Commission shall certify to each claimant
11 the amount determined by the Commission to be payable
12 on the claim under this Act.

13 (b) DECISION RULES.—In deciding claims under sub-
14 section (a), the United States Commission shall apply, in
15 the following order—

- 16 (1) applicable substantive law, including inter-
17 national law; and
- 18 (2) applicable principles of justice and equity.

19 (c) PRIORITY CLAIMS.—Before deciding any other
20 claim against the Government of Iraq, the United States
21 Commission shall, to the extent practical, decide all pend-
22 ing non-commercial claims of active, retired, or reserve
23 members of the United States Armed Forces, retired
24 former members of the United States Armed Forces, and
25 other individuals arising out of Iraq's invasion and occupa-

1 tion of Kuwait or out of the 1987 attack on the U.S.S.
2 Stark.

3 (d) APPLICABILITY OF INTERNATIONAL CLAIMS SET-
4 TLEMENT ACT.—To the extent they are not inconsistent
5 with the provisions of this Act, the provisions of title I
6 (other than section 2(c)) and title VII of the International
7 Claims Settlement Act of 1949 (22 U.S.C. 1621–1627 and
8 1645–1645o) shall apply with respect to claims under this
9 Act.

10 **SEC. 3. CLAIMS FUND.**

11 (a) IRAQ CLAIMS FUND.—The Secretary of the
12 Treasury is authorized to establish in the Treasury of the
13 United States a fund (hereafter in this Act referred to
14 as the “Iraq Claims Fund” for payment of claims certified
15 under section 2(a). The Secretary of the Treasury shall
16 cover into the Iraq Claims Fund such amounts as are allo-
17 cated to such fund pursuant to subsection (b).

18 (b) ALLOCATION OF PROCEEDS FROM IRAQI ASSET
19 LIQUIDATION.—

20 (1) IN GENERAL.—The President shall allocate
21 funds resulting from the liquidation of assets pursu-
22 ant to section 4 in the manner the President deter-
23 mines appropriate between the Iraq Claims Fund
24 and such other accounts as are appropriate for the
25 payment of claims of the United States Government

1 against Iraq, subject to the limitation in paragraph
2 (2).

3 (2) LIMITATION.—The amount allocated pursu-
4 ant to this subsection for payment of claims of the
5 United States Government against Iraq may not ex-
6 ceed the amount which bears the same relation to
7 the amount allocated to the Iraq Claims Fund pur-
8 suant to this subsection as the sum of all certified
9 claims of the United States Government against
10 Iraq bears to the sum of all claims certified under
11 section 2(a). As used in this paragraph, the term
12 “certified claim of the United States Government
13 against Iraq” means any claim of the United States
14 Government against Iraq which is outside the juris-
15 diction of the United Nations Commission and which
16 is determined to be valid, and the amount of which
17 has been certified, under such procedures as the
18 President may establish.

19 **SEC. 4. AUTHORITY TO VEST IRAQI ASSETS.**

20 The President is authorized to vest and liquidate as
21 much of the assets of the Government of Iraq in the
22 United States that have been blocked pursuant to the
23 International Emergency Economic Powers Act (50
24 U.S.C. 1701 et seq.) as may be necessary to satisfy claims
25 under section 2(a), claims of the United States Govern-

1 ment against Iraq which are outside the jurisdiction of the
2 United Nations Commission, and administrative expenses
3 under section 5.

4 **SEC. 5. REIMBURSEMENT FOR ADMINISTRATIVE EX-**
5 **PENSES.**

6 (a) DEDUCTION.—In order to reimburse the United
7 States Government for its expenses in administering this
8 Act, the Secretary of the Treasury shall deduct 1.5 per-
9 cent of any amount covered into the Iraq Claims Fund
10 to satisfy claims under this Act.

11 (b) DEDUCTIONS TREATED AS MISCELLANEOUS RE-
12 CEIPTS.—Amounts deducted pursuant to subsection (a)
13 shall be deposited in the Treasury of the United States
14 as miscellaneous receipts.

15 **SEC. 6. PAYMENTS.**

16 (a) IN GENERAL.—The United States Commission
17 shall certify to the Secretary of the Treasury each award
18 made pursuant to section 2. The Secretary of the Treas-
19 ury shall make payment, out of the Iraq Claims Fund,
20 in the following order of priority to the extent funds are
21 available in such fund:

22 (1) Payment of \$10,000 or the principal
23 amount of the award, whichever is less.

24 (2) For each claim that has priority under sec-
25 tion 2(c), payment of an additional \$90,000 toward

1 the unpaid balance of the principal amount of the
2 award.

3 (3) Payments from time to time in ratable pro-
4 portions on account of the unpaid balance of the
5 principal amounts of all awards according to the
6 proportions which the unpaid balance of such
7 awards bear to the total amount in the Iraq Claims
8 Fund that is available for distribution at the time
9 such payments are made.

10 (4) After payment has been made of the prin-
11 cipal amounts of all such awards, pro rata payments
12 on account of accrued interest on such awards as
13 bear interest.

14 (b) UNSATISFIED CLAIMS.—Payment of any award
15 made pursuant to this Act shall not extinguish any
16 unsatisfied claim, or be construed to have divested any
17 claimant, or the United States on his or her behalf, of
18 any rights against the Government of Iraq with respect
19 to any unsatisfied claim.

20 **SEC. 7. AUTHORITY TO TRANSFER RECORDS.**

21 The head of any Executive agency may transfer or
22 otherwise make available to the United States Commission
23 such records and documents relating to claims authorized
24 to be determined under this Act as may be required by

1 the United States Commission in carrying out its func-
2 tions under this Act.

3 **SEC. 8. STATUTE OF LIMITATIONS; DISPOSITION OF UN-**
4 **USED FUNDS.**

5 (a) STATUTE OF LIMITATIONS.—Any demand or
6 claim for payment on account of an award that is certified
7 under this Act shall be barred on and after the date that
8 is one year after the date of publication of the notice re-
9 quired by subsection (b).

10 (b) PUBLICATION OF NOTICE.—

11 (1) IN GENERAL.—At the end of the 9-year pe-
12 riod specified in paragraph (2), the Secretary of the
13 Treasury shall publish a notice in the Federal Reg-
14 ister detailing the statute of limitations provided for
15 in subsection (a) and identifying the claim numbers
16 of, and the names of the claimants holding, unpaid
17 certified claims.

18 (2) PUBLICATION DATE.—The notice required
19 by paragraph (1) shall be published 9 years after the
20 last date on which the Secretary of the Treasury
21 covers into the Iraq Claims Fund amounts allocated
22 to that fund pursuant to section 3(b).

23 (c) DISPOSITION OF UNUSED FUNDS.—

24 (1) DISPOSITION.—At the end of the 2-year pe-
25 riod beginning on the publication date of the notice

1 required by subsection (b), the Secretary of the
2 Treasury shall dispose of all unused funds described
3 in paragraph (2) by depositing in the Treasury of
4 the United States as miscellaneous receipts any such
5 funds that are not used for payments of certified
6 claims under this Act.

7 (2) UNUSED FUNDS.—The unused funds re-
8 ferred to in paragraph (1) are any remaining bal-
9 ance in the Iraq Claims Fund.

10 **SEC. 9. DEFINITIONS.**

11 As used in this Act:

12 (1) EXECUTIVE AGENCY.—The term “Executive
13 agency” has the meaning given that term by section
14 105 of title 5, United States Code.

15 (2) GOVERNMENT OF IRAQ.—The term “Gov-
16 ernment of Iraq” includes agencies, instrumental-
17 ities, and entities controlled by that government (in-
18 cluding public sector enterprises).

19 (3) UNITED NATIONS COMMISSION.—The term
20 “United Nations Commission” means the United
21 Nations Compensation Commission established pur-
22 suant to United Nations Security Council Resolution
23 687 (1991).

1 (4) UNITED STATES COMMISSION.—The term
2 “United States Commission” means the Foreign
3 Claims Settlement Commission of the United States.

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