

103D CONGRESS
1ST SESSION

H. R. 3221

To provide for the adjudication of certain claims against the Government of Iraq.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 6, 1993

Mr. HAMILTON introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To provide for the adjudication of certain claims against the Government of 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 Claims Act of
5 1993”.

6 **SEC. 2. ADJUDICATION OF CLAIMS.**

7 (a) CERTAIN CLAIMS WITHIN THE JURISDICTION OF
8 UN COMMISSION.—The United States Commission is au-
9 thorized to receive and determine the validity and amounts
10 of any claims referred to it by the Secretary of State with

1 respect to which the United States has received lump-sum
2 payments from the United Nations Commission.

3 (b) OTHER CLAIMS AGAINST IRAQ.—The United
4 States Commission is authorized to receive and determine
5 the validity and amounts of any claims by nationals of the
6 United States against the Government of Iraq that are
7 determined by the Secretary of State to be outside the
8 jurisdiction of the United Nations Commission.

9 (c) DECISION RULES.—In deciding claims under sub-
10 section (a) or (b), the United States Commission shall
11 apply, in the following order—

12 (1) in the case of claims under subsection (a),
13 relevant decisions of the United Nations Security
14 Council and the United Nations Commission;

15 (2) applicable substantive law, including inter-
16 national law; and

17 (3) applicable principles of justice and equity.

18 (d) PRIORITY CLAIMS.—Before deciding any other
19 claim against the Government of Iraq, the United States
20 Commission shall, to the extent practical, decide all pend-
21 ing noncommercial claims of members of the United
22 States Armed Forces and other individuals arising out of
23 Iraq's invasion and occupation of Kuwait.

24 (e) APPLICABILITY OF INTERNATIONAL CLAIMS SET-
25 TLEMENT ACT.—To the extent they are not inconsistent

1 with the provisions of this Act, the provisions of title I
2 (other than section 2(c)) and title VII of the International
3 Claims Settlement Act of 1949 (22 U.S.C. 1621–1627 and
4 1645–1645o) shall apply with respect to claims under this
5 Act and the funds established pursuant to sections 3(a)
6 and 3(c).

7 **SEC. 3. CLAIMS FUNDS.**

8 (a) UN COMMISSION CLAIMS FUNDS.—The Sec-
9 retary of the Treasury is authorized to establish in the
10 Treasury of the United States one or more funds (herein-
11 after in this Act referred to as the “UN Commission
12 Claims Funds”) for payment of claims under section 2(a).
13 The Secretary of the Treasury shall cover into the UN
14 Commission Claims Funds such amounts as are allocated
15 to such funds pursuant to subsection (b)(1).

16 (b) ALLOCATION OF FUNDS RECEIVED FROM UN
17 COMMISSION.—The Secretary of State shall allocate funds
18 received by the United States from the United Nations
19 Commission, in the manner the Secretary determines ap-
20 propriate, between—

- 21 (1) the UN Commission Claims Funds; and
- 22 (2) funds established under the authority of the
23 paragraphs under the heading “TRUST FUNDS”
24 in the Act entitled “An Act making appropriations
25 for the diplomatic and consular service for the fiscal

1 year ending June thirtieth, eighteen hundred and
2 ninety-seven”, approved February 26, 1896 (22
3 U.S.C. 2668a).

4 (c) IRAQ CLAIMS FUND.—The Secretary of the
5 Treasury is authorized to establish in the Treasury of the
6 United States a fund (hereinafter in this Act referred to
7 as the “Iraq Claims Fund”) for payment of claims under
8 section 2(b). The Secretary of the Treasury shall cover
9 into the Iraq Claims Fund such amounts as are allocated
10 to such fund pursuant to subsection (d).

11 (d) ALLOCATION OF PROCEEDS FROM IRAQI ASSET
12 LIQUIDATION.—The President shall allocate funds re-
13 sulting from the liquidation of assets pursuant to section
14 4 in the manner the President determines appropriate be-
15 tween the Iraq Claims Fund and such other accounts as
16 are appropriate for the payment of claims of the United
17 States Government.

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

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

1 Secretary of State to be outside the jurisdiction of the
2 United Nations Commission.

3 **SEC. 5. PROGRAM ADMINISTRATION SELF-SUFFICIENCY.**

4 (a) DEDUCTIONS FOR ADMINISTRATIVE EX-
5 PENSES.—In order to reimburse Executive agencies for
6 their expenses in administering the Iraq claims program
7 and this Act, the Secretary of the Treasury shall deduct
8 an amount equal to 1½ percent—

9 (1) from any amount covered into the claims
10 funds established under section 3(a) or 3(c); and

11 (2) from any amounts the Secretary of State
12 receives from the United Nations Commission which
13 are not covered into a claims fund established under
14 section 3(a) and which are not in payment of a
15 claim of the United States Government.

16 (b) DISTRIBUTION.—The Secretary of the Treas-
17 ury—

18 (1) shall determine, in consultation with the
19 Chairman of the United States Commission and the
20 Secretary of State, the proportional distribution of
21 the reimbursement set-aside provided for in sub-
22 section (a); and

23 (2) shall make an advance for credit, or reim-
24 burse, an Executive agency for its expenses in ad-
25 ministering the Iraq claims program and this Act.

1 Amounts received by an Executive agency pursuant to
2 paragraph (2) shall be credited or reimbursed to the ap-
3 propriation account then current and shall remain avail-
4 able for expenditure without fiscal year limitation.

5 **SEC. 6. PAYMENTS.**

6 (a) IN GENERAL.—The United States Commission
7 shall certify to the Secretary of the Treasury each award
8 made pursuant to section 2. The Secretary of the Treas-
9 ury shall make payment, out of the appropriate fund es-
10 tablished pursuant to section 3(a) or 3(c), in the following
11 order of priority to the extent funds are available in such
12 fund:

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

15 (2) For each claim that has priority under sec-
16 tion 2(d), payment of a further \$90,000 toward the
17 unpaid balance of the principal amount of the
18 award.

19 (3) Payments from time to time in ratable pro-
20 portions on account of the unpaid balance of the
21 principal amounts of all awards according to the
22 proportions which the unpaid balance of such
23 awards bear to the total amount in the appropriate
24 claims fund that is available for distribution at the
25 time such payments are made.

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

5 (5) After payment has been made in full of all
6 the awards payable out of a fund established pursu-
7 ant to section 3(a) or 3(c), any funds remaining in
8 that fund shall be transferred to the other claims
9 fund created pursuant to section 3(a) or 3(c), except
10 that any funds received by the United States from
11 the United Nations Commission shall be so trans-
12 ferred only to the extent not inconsistent with re-
13 quirements of the United Nations Commission.

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. RECORDS.**

21 (a) TRANSFER TO COMMISSION.—The head of any
22 Executive agency may transfer or otherwise make avail-
23 able to the United States Commission such records and
24 documents relating to claims authorized to be adjudicated

1 by this Act as may be required by the United States Com-
2 mission in carrying out its functions under this Act.

3 (b) PUBLIC DISCLOSURE.—Section 552 of title 5 of
4 the United States Code (commonly referred to as the
5 “Freedom of Information Act”) shall not apply with re-
6 spect to records that, as determined by the Secretary of
7 State, are required under the rules and decisions of the
8 United Nations Commission to be withheld from public
9 disclosure.

10 **SEC. 8. STATUTE OF LIMITATIONS; DISPOSITION OF UN-**
11 **PAID CERTIFIED CLAIMS.**

12 (a) STATUTE OF LIMITATIONS.—Any demand or
13 claim for payment on account of an award that is certified
14 under the Iraq claims program shall be barred one year
15 after the publication date of the notice required by sub-
16 section (b).

17 (b) PUBLICATION OF NOTICE.—Nine years after the
18 latter of—

19 (1) the last date on which the Secretary of the
20 Treasury covers into any of the UN Commission
21 Claims Funds, or into any fund described in section
22 3(b)(2), amounts allocated to that fund pursuant to
23 section 3(b), or

1 (2) the last date on which the Secretary of the
2 Treasury covers into the Iraq Claims Fund amounts
3 allocated to that fund pursuant to section 3(d),
4 the Secretary shall publish a notice in the Federal Reg-
5 ister detailing the statute of limitations provided for in
6 subsection (a) and identifying the claim numbers and
7 awardee names of unpaid certified claims.

8 (c) DISPOSITION OF UNPAID CERTIFIED CLAIMS.—
9 Two years after the publication date of the notice required
10 by subsection (b), any unpaid certified claim amount
11 under the Iraq claims program, and any remaining bal-
12 ance in any of the UN Commission Claims Funds, in the
13 Iraq Claims Fund, or in any fund referred to in section
14 3(b)(2) to the extent such balance reflects amounts depos-
15 ited pursuant to that section, shall be deposited to the mis-
16 cellaneous receipts of the Treasury.

17 **SEC. 9. DEFINITIONS.**

18 As used in this Act—

19 (1) the term “Government of Iraq” includes
20 agencies, instrumentalities, and controlled entities
21 (including public sector enterprises) of that govern-
22 ment;

23 (2) the term “Executive agency” has the mean-
24 ing given that term by section 105 of title 5, United
25 States Code;

1 (3) the term “Iraq claims program” means the
2 claims whose adjudication is provided for in this Act
3 and any other claims that are within the jurisdiction
4 of the United Nations Commission;

5 (4) the term “United Nations Commission”
6 means the United Nations Compensation Commis-
7 sion established pursuant to United Nations Secu-
8 rity Council Resolution 687 (1991); and

9 (5) the term “United States Commission”
10 means the Foreign Claims Settlement Commission
11 of the United States.

○