

103^D CONGRESS
1ST SESSION

S. 1119

To amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16 (legislative day, JUNE 15), 1993

Mr. ROBB (for himself, Mr. DOLE, Mrs. MURRAY, Mr. HELMS, Mr. CAMPBELL, Mr. WARNER, Mr. KERREY, Mr. HATCH, Mr. EXON, Mr. FAIRCLOTH, Mr. BROWN, Mr. SASSER, and Mr. BOND) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To amend the International Emergency Economic Powers Act to provide for the payment of certain secured debts, and for other purposes.

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 “Secured Payment Act
5 of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that—

1 (1) a number of United States corporations and
2 their foreign subsidiaries engaged in lawful trade
3 with Iraq and fulfilled their contractual or letter of
4 credit obligations before August 2, 1990, but have
5 not been paid;

6 (2) since August 2, 1990, pursuant to Execu-
7 tive Orders No. 12722 and No. 12724, the Depart-
8 ment of the Treasury has frozen Iraqi assets in the
9 United States, including funds sufficient to pay the
10 debts described in the preceding paragraph, even
11 though (A) payment is secured by irrevocable letters
12 of credit, and (B) the transactions covered by the
13 letters of credit are otherwise complete; and

14 (3) the Department of the Treasury has no ju-
15 risdiction over such funds.

16 (b) PURPOSE.—The purpose of this Act is to provide
17 for the immediate release to the lawful owners of the funds
18 described in subsection (a)(2).

19 **SEC. 3. AMENDMENT OF THE INTERNATIONAL EMERGENCY**
20 **ECONOMIC POWERS ACT.**

21 (a) GRANT OF AUTHORITY.—Section 203(b) of the
22 International Emergency Economic Powers Act (50
23 U.S.C. 1702(b)) is amended—

24 (1) by redesignating paragraphs (1), (2), and
25 (3) as subparagraphs (A), (B), and (C), respectively;

1 (2) by inserting “(1)” immediately after “(b)”;

2 (3) by amending paragraph (1) (as redesignated)—
3 nated)—

4 (A) by striking out “or” at the end of subparagraph (B);
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6 (B) by striking the period at the end of subparagraph (C) and inserting “; or”; and
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8 (C) by adding at the end the following new subparagraph:
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10 “(D) payments under irrevocable letters of
11 credit issued by a United States or foreign bank,
12 from any type of account, of amounts owed to or for
13 the benefit of a national of the United States, including any foreign subsidiary or branch thereof,
14 that is the beneficiary of an irrevocable letter of
15 credit and that shipped the goods, or otherwise performed its obligations under an underlying contract,
16 before the declaration of any national emergency under section 202.”; and
17
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19

20 (4) by adding at the end the following new paragraph:
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22 “(2) Paragraph (1)(D) shall not apply to any United
23 States national who is found to have violated the Export
24 Administration Act of 1979, the Arms Export Control Act,

1 or any license, order, or regulation issued under either
2 Act.”.

3 (b) APPLICATION OF AMENDMENTS.—The amend-
4 ments made by subsection (a) apply to actions taken by
5 the President under section 203 of the International Eco-
6 nomic Emergency Powers Act before the date of enact-
7 ment of this Act which are in effect on such date and to
8 actions taken under such section on or after such date.

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