

106TH CONGRESS
1ST SESSION

H. R. 618

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

FEBRUARY 8, 1999

Mr. DOGGETT (for himself, Mr. EVANS, and Mr. CRAMER) 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 Iraqi Claims Protection Act of 1999”.

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

7 (a) CLAIMS AGAINST IRAQ.—The United States
8 Commission is authorized to receive and determine the va-
9 lidity and amounts of any claims by nationals of the
10 United States against the Government of Iraq. Such

1 claims must be submitted to the United States Commis-
2 sion within the period specified by such Commission by
3 notice published in the Federal Register. The United
4 States Commission shall certify to each claimant the
5 amount determined by the Commission to be payable on
6 the claim under this Act.

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

10 (1) applicable substantive law, including inter-
11 national law; and

12 (2) applicable principles of justice and equity.

13 (c) PRIORITY CLAIMS.—Before deciding any other
14 claim against the Government of Iraq, the United States
15 Commission shall, to the extent practical, decide all pend-
16 ing non-commercial claims of active, retired, or reserve
17 members of the United States Armed Forces, retired
18 former members of the United States Armed Forces, and
19 other individuals arising out of Iraq’s invasion and occupa-
20 tion of Kuwait or out of the 1987 attack on the USS
21 Stark.

22 (d) APPLICABILITY OF INTERNATIONAL CLAIMS SET-
23 TLEMENT ACT.—To the extent they are not inconsistent
24 with the provisions of this Act, the provisions of title I
25 (other than section 2(c)) and title VII of the International

1 Claims Settlement Act of 1949 (22 U.S.C. 1621–1627 and
2 1645–1645o) shall apply with respect to claims under this
3 Act.

4 **SEC. 3. CLAIMS FUNDS.**

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

12 (b) ALLOCATION OF PROCEEDS FROM IRAQI ASSET
13 LIQUIDATION.—

14 (1) IN GENERAL.—The President shall allocate
15 funds resulting from the liquidation of assets pursu-
16 ant to section 4 in the manner the President deter-
17 mines appropriate between the Iraq Claims Fund
18 and such other accounts as are appropriate for the
19 payment of claims of the United States Government
20 against Iraq, subject to the limitation in paragraph
21 (2).

22 (2) LIMITATION.—The amount allocated pursu-
23 ant to this subsection for payment of claims of the
24 United States Government against Iraq may not ex-
25 ceed the amount which bears the same relation to

1 the amount allocated to the Iraq Claims Fund pur-
2 suant to this subsection as the sum of all certified
3 claims of the United States Government against
4 Iraq bears to the sum of all claims certified under
5 section 2(a). As used in this paragraph, the term
6 “certified claims of the United States Government
7 against Iraq” means those claims of the United
8 States Government against Iraq which are deter-
9 mined by the Secretary of State to be outside the ju-
10 risdiction of the United Nations Commission and
11 which are determined to be valid, and whose amount
12 has been certified, under such procedures as the
13 President may establish.

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

15 The President is authorized to vest and liquidate as
16 much of the assets of the Government of Iraq in the
17 United States that have been blocked pursuant to the
18 International Emergency Economic Powers Act (50
19 U.S.C. 1701 et seq.) as may be necessary to satisfy claims
20 under section 2(a), claims of the United States Govern-
21 ment against Iraq which are determined by the Secretary
22 of State to be outside the jurisdiction of the United Na-
23 tions Commission, and administrative expenses under sec-
24 tion 5.

1 **SEC. 5. REIMBURSEMENT FOR ADMINISTRATIVE EX-**
2 **PENSES.**

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

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

12 **SEC. 6. PAYMENTS.**

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

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

21 (2) For each claim that has priority under sec-
22 tion 2(c), payment of an additional \$90,000 toward
23 the unpaid balance of the principal amount of the
24 award.

25 (3) Payments from time to time in ratable pro-
26 portions on account of the unpaid balance of the

1 principal amounts of all awards according to the
2 proportions which the unpaid balance of such
3 awards bear to the total amount in the Iraq Claims
4 Fund that is available for distribution at the time
5 such payments are made.

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

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

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

17 The head of any Executive agency may transfer or
18 otherwise make available to the United States Commission
19 such records and documents relating to claims authorized
20 to be determined under this Act as may be required by
21 the United States Commission in carrying out its func-
22 tions under this Act.

1 **SEC. 8. STATUTE OF LIMITATIONS; DISPOSITION OF UN-**
2 **USED FUNDS.**

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

8 (b) **PUBLICATION OF NOTICE.**—

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

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

21 (c) **DISPOSITION OF UNUSED FUNDS.**—

22 (1) **DISPOSITION.**—At the end of the 2-year pe-
23 riod beginning on the publication date of the notice
24 required by subsection (b), the Secretary of the
25 Treasury shall dispose of all unused funds described
26 in paragraph (2) by depositing in the Treasury of

1 the United States as miscellaneous receipts any such
2 funds that are not used for payments of certified
3 claims under this Act.

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

7 **SEC. 9. DEFINITIONS.**

8 As used in this Act:

9 (1) EXECUTIVE AGENCY.—The term “Executive
10 agency” has the meaning given that term by section
11 105 of title 5, United States Code.

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

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

21 (4) UNITED STATES COMMISSION.—The term
22 “United States Commission” means the Foreign
23 Claims Settlement Commission of the United States.

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