

105TH CONGRESS  
2D SESSION

# S. 2525

To establish a program to support a transition to democracy in Iraq.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 1998

Mr. LOTT (for himself, Mr. KERREY, Mr. MCCAIN, Mr. LIEBERMAN, Mr. HELMS, Mr. SHELBY, Mr. BROWNBACK, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Iraq Liberation Act  
5 of 1998”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) On September 22, 1980, Iraq invaded Iran,  
9 starting an eight year war in which Iraq employed

1 chemical weapons against Iranian troops and ballis-  
2 tic missiles against Iranian cities.

3 (2) In February 1988, Iraq forcibly relocated  
4 Kurdish civilians from their home villages in the  
5 Anfal campaign, killing an estimated 50,000 to  
6 180,000 Kurds.

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

12 (4) On August 2, 1990, Iraq invaded and began  
13 a seven month occupation of Kuwait, killing and  
14 committing numerous abuses against Kuwaiti civil-  
15 ians, and setting Kuwait's oil wells ablaze upon re-  
16 treat.

17 (5) Hostilities in Operation Desert Storm ended  
18 on February 28, 1991, and Iraq subsequently ac-  
19 cepted the ceasefire conditions specified in United  
20 Nations Security Council Resolution 687 (April 3,  
21 1991) requiring Iraq, among other things, to dis-  
22 close fully and permit the dismantlement of its  
23 weapons of mass destruction programs and submit  
24 to long-term monitoring and verification of such dis-  
25 mantlement.

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

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

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

12           (9) Since March 1996, Iraq has systematically  
13 sought to deny weapons inspectors from the United  
14 Nations Special Commission on Iraq (UNSCOM) ac-  
15 cess to key facilities and documents, has on several  
16 occasions endangered the safe operation of  
17 UNSCOM helicopters transporting UNSCOM per-  
18 sonnel in Iraq, and has persisted in a pattern of de-  
19 ception and concealment regarding the history of its  
20 weapons of mass destruction programs.

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

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

9   **SEC. 3. POLICY OF THE UNITED STATES.**

10          It should be the policy of the United States to seek  
11          to remove the regime headed by Saddam Hussein from  
12          power in Iraq and to promote the emergence of a demo-  
13          cratic government to replace that regime.

14   **SEC. 4. ASSISTANCE TO SUPPORT A TRANSITION TO DE-**  
15                                   **MOCRACY IN IRAQ.**

16          (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—The  
17          President may provide to the Iraqi democratic opposition  
18          organizations designated in accordance with section 5 the  
19          following assistance:

20                (1) **BROADCASTING.**—(A) Grant assistance to  
21                such organizations for radio and television broad-  
22                casting by such organizations to Iraq.

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

1           (2) MILITARY ASSISTANCE.—(A) The President  
2           is authorized to direct the drawdown of defense arti-  
3           cles from the stocks of the Department of Defense,  
4           defense services of the Department of Defense, and  
5           military education and training for such organiza-  
6           tions.

7           (B) The aggregate value (as defined in section  
8           644(m) of the Foreign Assistance Act of 1961) of  
9           assistance provided under this paragraph may not  
10          exceed \$97,000,000.

11          (b) HUMANITARIAN ASSISTANCE.—The Congress  
12          urges the President to use existing authorities under the  
13          Foreign Assistance Act of 1961 to provide humanitarian  
14          assistance to individuals living in areas of Iraq controlled  
15          by organizations designated in accordance with section 5,  
16          with emphasis on addressing the needs of individuals who  
17          have fled to such areas from areas under the control of  
18          the Saddam Hussein regime.

19          (c) RESTRICTION ON ASSISTANCE.—No assistance  
20          under this section shall be provided to any group within  
21          an organization designated in accordance with section 5  
22          which group is, at the time the assistance is to be pro-  
23          vided, engaged in military cooperation with the Saddam  
24          Hussein regime.

1 (d) NOTIFICATION REQUIREMENT.—The President  
2 shall notify the congressional committees specified in sec-  
3 tion 634A of the Foreign Assistance Act of 1961 at least  
4 15 days in advance of each obligation of assistance under  
5 this section in accordance with the procedures applicable  
6 to reprogramming notifications under such section 634A.

7 (e) REIMBURSEMENT RELATING TO MILITARY AS-  
8 SISTANCE.—

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

15 (2) AUTHORIZATION OF APPROPRIATIONS.—  
16 There are authorized to be appropriated to the  
17 President for each of the fiscal years 1998 and 1999  
18 such sums as may be necessary to reimburse the ap-  
19 plicable appropriation, fund, or account for the value  
20 (as defined in section 644(m) of the Foreign Assist-  
21 ance Act of 1961) of defense articles, defense serv-  
22 ices, or military education and training provided  
23 under subsection (a)(2).

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

4 (2) Amounts authorized to be appropriated under this  
5 section are in addition to amounts otherwise available for  
6 the purposes described in this section.

7 **SEC. 5. DESIGNATION OF IRAQI DEMOCRATIC OPPOSITION**  
8 **ORGANIZATION.**

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

14 (b) DESIGNATION OF ADDITIONAL GROUPS.—At any  
15 time subsequent to the initial designation pursuant to sub-  
16 section (a), the President may designate one or more addi-  
17 tional Iraqi democratic opposition organizations that sat-  
18 isfy the criteria set forth in subsection (c) as eligible to  
19 receive assistance under section 4.

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

23 (1) include a broad spectrum of Iraqi individ-  
24 uals and groups opposed to the Saddam Hussein re-  
25 gime; and

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

6           (d) NOTIFICATION REQUIREMENT.—At least 15 days  
7           in advance of designating an Iraqi democratic opposition  
8           organization pursuant to this section, the President shall  
9           notify the congressional committees specified in section  
10          634A of the Foreign Assistance Act of 1961 of his pro-  
11          posed designation in accordance with the procedures appli-  
12          cable to reprogramming notifications under such section  
13          634A.

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

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

1 are responsible for crimes against humanity, genocide, and  
2 other criminal violations of international law.

3 **SEC. 7. ASSISTANCE FOR IRAQ UPON REPLACEMENT OF**  
4 **SADDAM HUSSEIN REGIME.**

5 It is the sense of Congress that, once Saddam Hus-  
6 sein is removed from power in Iraq, the United States  
7 should support Iraq's transition to democracy by providing  
8 immediate and substantial humanitarian assistance to the  
9 Iraqi people, by providing democracy transition assistance  
10 to Iraqi parties and movements with democratic goals, and  
11 by convening Iraq's foreign creditors to develop a multilat-  
12 eral response to Iraq's foreign debt incurred by Saddam  
13 Hussein's regime.

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