

AMENDMENT TO H.R. 2415
OFFERED BY MR. DOGGETT OF TEXAS

Page 84, after line 16, insert the following new title:

1 **TITLE VII—GULF WAR VET-**
2 **ERANS' IRAQI CLAIMS PRO-**
3 **TECTION**

4 **SECTION 801. SHORT TITLE.**

5 This title may be cited as the “Gulf War Veterans’
6 Iraqi Claims Protection Act of 1999”.

7 **SEC. 802. ADJUDICATION OF CLAIMS.**

8 (a) **CLAIMS AGAINST IRAQ.**—The United States
9 Commission is authorized to receive and determine the va-
10 lidity and amounts of any claims by nationals of the
11 United States against the Government of Iraq. Such
12 claims must be submitted to the United States Commis-
13 sion within the period specified by such Commission by
14 notice published in the Federal Register. The United
15 States Commission shall certify to each claimant the
16 amount determined by the Commission to be payable on
17 the claim under this title.

18 (b) **DECISION RULES.**—In deciding claims under sub-
19 section (a), the United States Commission shall apply, in
20 the following order—

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

3 (2) applicable principles of justice and equity.

4 (c) PRIORITY CLAIMS.—Before deciding any other
5 claim against the Government of Iraq, the United States
6 Commission shall, to the extent practical, decide all pend-
7 ing non-commercial claims of active, retired, or reserve
8 members of the United States Armed Forces, retired
9 former members of the United States Armed Forces, and
10 other individuals arising out of Iraq’s invasion and occupa-
11 tion of Kuwait or out of the 1987 attack on the USS
12 Stark.

13 (d) APPLICABILITY OF INTERNATIONAL CLAIMS SET-
14 TLEMENT ACT.—To the extent they are not inconsistent
15 with the provisions of this title, the provisions of title I
16 (other than section 802(c)) and title VII of the Inter-
17 national Claims Settlement Act of 1949 (22 U.S.C. 1621–
18 1627 and 1645–1645o) shall apply with respect to claims
19 under this title.

20 **SEC. 803. CLAIMS FUNDS.**

21 (a) IRAQ CLAIMS FUND.—The Secretary of the
22 Treasury is authorized to establish in the Treasury of the
23 United States a fund (hereafter in this title referred to
24 as the “Iraq Claims Fund”) for payment of claims cer-
25 tified under section 802(a). The Secretary of the Treasury

1 shall cover into the Iraq Claims Fund such amounts as
2 are allocated to such fund pursuant to subsection (b).

3 (b) ALLOCATION OF PROCEEDS FROM IRAQI ASSET
4 LIQUIDATION.—

5 (1) IN GENERAL.—The President shall allocate
6 funds resulting from the liquidation of assets pursu-
7 ant to section 804 in the manner the President de-
8 termines appropriate between the Iraq Claims Fund
9 and such other accounts as are appropriate for the
10 payment of claims of the United States Government
11 against Iraq, subject to the limitation in paragraph
12 (2).

13 (2) LIMITATION.—The amount allocated pursu-
14 ant to this subsection for payment of claims of the
15 United States Government against Iraq may not ex-
16 ceed the amount which bears the same relation to
17 the amount allocated to the Iraq Claims Fund pur-
18 suant to this subsection as the sum of all certified
19 claims of the United States Government against
20 Iraq bears to the sum of all claims certified under
21 section 802(a). As used in this paragraph, the term
22 “certified claims of the United States Government
23 against Iraq” means those claims of the United
24 States Government against Iraq which are deter-
25 mined by the Secretary of State to be outside the ju-

1 jurisdiction of the United Nations Commission and
2 which are determined to be valid, and whose amount
3 has been certified, under such procedures as the
4 President may establish.

5 **SEC. 804. AUTHORITY TO VEST IRAQI ASSETS.**

6 The President is authorized to vest and liquidate as
7 much of the assets of the Government of Iraq in the
8 United States that have been blocked pursuant to the
9 International Emergency Economic Powers Act (50
10 U.S.C. 1701 et seq.) as may be necessary to satisfy claims
11 under section 802(a), claims of the United States Govern-
12 ment against Iraq which are determined by the Secretary
13 of State to be outside the jurisdiction of the United Na-
14 tions Commission, and administrative expenses under sec-
15 tion 805.

16 **SEC. 805. REIMBURSEMENT FOR ADMINISTRATIVE EX-**
17 **PENSES.**

18 (a) DEDUCTION.—In order to reimburse the United
19 States Government for its expenses in administering this
20 title, the Secretary of the Treasury shall deduct 1.5 per-
21 cent of any amount covered into the Iraq Claims Fund
22 to satisfy claims under this title.

23 (b) DEDUCTIONS TREATED AS MISCELLANEOUS RE-
24 CEIPTS.—Amounts deducted pursuant to subsection (a)

1 shall be deposited in the Treasury of the United States
2 as miscellaneous receipts.

3 **SEC. 806. PAYMENTS.**

4 (a) IN GENERAL.—The United States Commission
5 shall certify to the Secretary of the Treasury each award
6 made pursuant to section 802. The Secretary of the Treas-
7 ury shall make payment, out of the Iraq Claims Fund,
8 in the following order of priority to the extent funds are
9 available in such fund:

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

12 (2) For each claim that has priority under sec-
13 tion 802(c), payment of an additional \$90,000 to-
14 ward the unpaid balance of the principal amount of
15 the award.

16 (3) Payments from time to time in ratable pro-
17 portions on account of the unpaid balance of the
18 principal amounts of all awards according to the
19 proportions which the unpaid balance of such
20 awards bear to the total amount in the Iraq Claims
21 Fund that is available for distribution at the time
22 such payments are made.

23 (4) After payment has been made of the prin-
24 cipal amounts of all such awards, pro rata payments

1 on account of accrued interest on such awards as
2 bear interest.

3 (b) UNSATISFIED CLAIMS.—Payment of any award
4 made pursuant to this title shall not extinguish any
5 unsatisfied claim, or be construed to have divested any
6 claimant, or the United States on his or her behalf, of
7 any rights against the Government of Iraq with respect
8 to any unsatisfied claim.

9 **SEC. 807. AUTHORITY TO TRANSFER RECORDS.**

10 The head of any Executive agency may transfer or
11 otherwise make available to the United States Commission
12 such records and documents relating to claims authorized
13 to be determined under this title as may be required by
14 the United States Commission in carrying out its func-
15 tions under this title.

16 **SEC. 808. STATUTE OF LIMITATIONS; DISPOSITION OF UN-**
17 **USED FUNDS.**

18 (a) STATUTE OF LIMITATIONS.—Any demand or
19 claim for payment on account of an award that is certified
20 under this title shall be barred on and after the date that
21 is one year after the date of publication of the notice re-
22 quired by subsection (b).

23 (b) PUBLICATION OF NOTICE.—

24 (1) IN GENERAL.—At the end of the 9-year pe-
25 riod specified in paragraph (2), the Secretary of the

1 Treasury shall publish a notice in the Federal Reg-
2 ister detailing the statute of limitations provided for
3 in subsection (a) and identifying the claim numbers
4 of, and the names of the claimants holding, unpaid
5 certified claims.

6 (2) PUBLICATION DATE.—The notice required
7 by paragraph (1) shall be published 9 years after the
8 last date on which the Secretary of the Treasury
9 covers into the Iraq Claims Fund amounts allocated
10 to that fund pursuant to section 803(b).

11 (c) DISPOSITION OF UNUSED FUNDS.—

12 (1) DISPOSITION.—At the end of the 2-year pe-
13 riod beginning on the publication date of the notice
14 required by subsection (b), the Secretary of the
15 Treasury shall dispose of all unused funds described
16 in paragraph (2) by depositing in the Treasury of
17 the United States as miscellaneous receipts any such
18 funds that are not used for payments of certified
19 claims under this title.

20 (2) UNUSED FUNDS.—The unused funds re-
21 ferred to in paragraph (1) are any remaining
22 balance in the Iraq Claims Fund.

23 **SEC. 809. DEFINITIONS.**

24 As used in this title:

1 (1) EXECUTIVE AGENCY.—The term “Executive
2 agency” has the meaning given that term by section
3 105 of title 5, United States Code.

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

8 (3) UNITED NATIONS COMMISSION.—The term
9 “United Nations Commission” means the United
10 Nations Compensation Commission established pur-
11 suant to United Nations Security Council Resolution
12 687 (1991).

13 (4) UNITED STATES COMMISSION.—The term
14 “United States Commission” means the Foreign
15 Claims Settlement Commission of the United States.