

OCA FILE LEG

29 September 1988  
OCA 3258-88

MEMORANDUM FOR:  ACIS/DI  
 Chief, Executive Staff, OSWR/DI  
 Chief, TTAC/OSWR/DI

FROM:  Legislation Division  
 Office of Congressional Affairs

SUBJECT: Sanctions Against Iraq

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1. On 27 September 1988, the House passed the Sanctions Against Iraqi Chemical Weapons Use Act, H.R. 5337. It prohibits the United States Government from exporting to Iraq any chemical the President determines may be used primarily in the production of chemical weapons or from exporting goods or technology on the control list, as well as imposing other sanctions. The Senate passed a companion bill, the Prevention of Genocide Act of 1988, S. 2763, on 9 September. Copies of these measures are attached.

2. If you have any questions regarding the above, please telephone me on

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Attachments  
as stated

OCA  29 Sep 88

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100TH CONGRESS  
2D SESSION

# S. 2763

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1988

Referred jointly to the Committees on Banking, Finance and Urban Affairs,  
Foreign Affairs, and Ways and Means

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# AN ACT

Entitled the "Prevention of Genocide Act of 1988".

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.—This Act may be cited as  
4       the "Prevention of Genocide Act of 1988".

5       SEC. 2. FINDINGS.—The Congress finds—

6               (i) the Kurdish people constitute a distinct ethnic  
7       group of some twenty million, with an ancient history  
8       and a rich cultural heritage;

9               (ii) three to four million Kurds are citizens of  
10       Iraq, residing in the northern part of that country;

11               (iii) the Iraqi Army has undertaken a campaign to  
12       depopulate the Kurdish regions of Iraq by destroying,

September 26, 1988

## CONGRESSIONAL RECORD — HOUSE

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the first order. I look forward to my continued association with these fine men and women and am most appreciative of the job they do for their country aboard.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FASCELL] that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 369).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

### SANCTIONS AGAINST IRAQI CHEMICAL WEAPONS USE ACT

Mr. FASCELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5337) to provide for the imposition of sanctions on Iraq, as amended.

The Clerk read as follows:

H.R. 5337

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sanctions Against Iraqi Chemical Weapons Use Act".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) the Kurdish people constitute a distinct ethnic group of some twenty million, with an ancient history and a rich cultural heritage;

(2) three to four million Kurds are citizens of Iraq, residing in the northern part of that country;

(3) the Iraqi Army has undertaken a military campaign against Kurdish region of Iraq and has destroyed Kurdish villages in northern Iraq;

(4) substantial evidence exists that the Iraqi Army has been using chemical weapons against Kurdish insurgents and unarmed Kurdish civilians;

(5) by these and other actions against the Kurds, Iraq has violated their internationally recognized human rights;

(6) tens of thousands of Kurdish survivors of the Iraqi Army assaults have taken refuge in Turkey;

(7) several United Nations teams have confirmed that Iraq has used chemical weapons in its war with Iran; and

(8) Iraq's use of chemical weapons is a gross violation of international law.

#### SEC. 3. IMPOSITION OF SANCTIONS AGAINST IRAQ.

(a) INITIAL SANCTIONS.—(1) The United States Government may not sell to Iraq any item on the United States Munitions List.

(2) Licenses may not be issued for the export to Iraq of any item on the United States Munitions List.

(3) The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export to Iraq of any goods or technology on the control list established pursuant to section 5(c)(1) of that Act.

(4) Licenses may not be issued for the exports to Iraq of any chemical that the President determines may be used primarily in the production of chemical weapons or may

be otherwise devoted to chemical warfare purposes.

(5) This subsection takes effect on the date of enactment of this Act.

(b) REQUIREMENT FOR ADDITIONAL SANCTIONS.—The President, after consultation with the Congress, shall impose appropriate additional sanctions against Iraq unless the President certifies in writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

(1) that the Government of Iraq is not using chemical weapons in violation of international law, including the 1925 Geneva Protocol (relating to the use of chemical weapons in war) and Common Article 3 of the 1949 Geneva Conventions (relating to the protection of victims of war); and

(2) that the Government of Iraq has provided reliable assurances that it will not use chemical weapons in the future in violation of international law; and

(3) that—

(A) the Government of Iraq is willing to allow on-site inspections by United Nations observers or other internationally-recognized, impartial observers; or

(B) other reliable means exist to ensure that the Government of Iraq is not using chemical weapons.

(c) ADDITIONAL SANCTIONS.—Among the additional sanctions to be considered by the President in implementing subsection (b) shall be the following sanctions, which are hereby authorized to be imposed to the extent such sanctions are not otherwise authorized:

(1) RESTRICTIONS ON IMPORTS.—Prohibiting or otherwise restricting the importation into the United States of petroleum, petroleum products, or any other article, which is the growth, product, or manufacture of Iraq.

(2) ADDITIONAL RESTRICTIONS ON EXPORTS.—Prohibiting or otherwise restricting, using the authorities of section 6 of the Export Administration Act of 1979, the export to Iraq of agricultural commodities and products and other goods and technology.

(3) DENIAL OF CREDITS, GUARANTEES, AND OTHER ASSISTANCE.—Denying United States Government credits, guarantees of credits, and other assistance with respect to Iraq.

(4) OPPOSITION TO MULTILATERAL ECONOMIC ASSISTANCE.—Oppose any loan or financial or technical assistance to Iraq by international financial institutions in accordance with section 701 of the International Financial Institutions Act.

(5) DOWNGRADING DIPLOMATIC RELATIONS.—Downgrading or suspending diplomatic relations between the United States and Iraq.

(d) CONTRACT SANCTITY.—For purposes of export controls imposed in accordance with subsection (a)(3) of this section, the date described in section 6(m)(1) of the Export Administration Act of 1979 shall be deemed to be September 15, 1988. In imposing any additional sanction under subsection (c) of this section, the President may not prohibit or curtail the execution of any contract or agreement entered into before the earlier of the date on which notice of intent to impose the additional sanction is printed in the Federal Register or the date on which the President notifies the Congress of such an intent.

(e) REPORTS TO CONGRESS.—The President shall report to the Congress periodically on the actions taken pursuant to this section.

#### SEC. 4. CONDITIONS FOR LIFTING SANCTIONS.

The President may waive any sanctions imposed pursuant to section 3(a) or (b), including sanctions described in section 3(c), if the President determines and so certifies in

writing to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate—

(1) that the Government of Iraq is not using chemical weapons in violation of international law, including the 1925 Geneva Protocol (relating to the use of chemical weapons in war) and Common Article 3 of the 1949 Geneva Conventions (relating to the protection of victims of war); and

(2) that the Government of Iraq has provided reliable assurances that it will not use chemical weapons in the future in violation of international law; and

(3) that—

(A) the Government of Iraq is willing to allow on-site inspections by the United Nations observers or other internationally-recognized, impartial observers; or

(B) other reliable means exist to ensure that the Government of Iraq is not using chemical weapons.

#### SEC. 5. ACTIONS BY THE GOVERNMENT OF TURKEY.

The Congress—

(1) urges the Government of Turkey to cooperate with any United Nations or other appropriate investigation of Iraqi use of chemical weapons; and

(2) commends the Government of Turkey for its humanitarian decision to host thousands of Kurdish people fleeing Iraq.

#### SEC. 6. MULTILATERAL ACTIONS.

(a) UNITED NATIONS.—The Congress calls upon the President—

(1) to bring immediately to the attention of the Secretary General of the United Nations, and to pursue before the Security Council of the United Nations, the matter of Iraq's use of poison gas against its own nationals, most of whom are defenseless civilians; and

(2) to demand that, in accordance with United Nations Security Council Resolution 620, appropriate and effective measures be taken against Iraq for its repeated use of chemical weapons.

(b) OTHER MULTILATERAL EFFORTS.—(1) The Congress calls upon the President to seek multination cooperation in imposing sanctions and otherwise bringing pressure on Iraq in order to obtain a cessation of Iraq's use of chemical weapons.

(2) The Congress also call upon the President to seek multilateral cooperation in order to obtain Iraqi respect for the internationally recognized human rights of the Kurdish minority in Iraq.

(3) It is the sense of the Congress that the United States should cooperate with and, as appropriate, participate in multilateral efforts to assist Kurdish refugees who are in need of medical treatment and other humanitarian aid.

#### SEC. 7. CERTAIN UNITED STATES EXPORTS.

It is the policy of the United States to prohibit the export to Iraq of goods and technology that would significantly contribute to the military potential of Iraq. The President should review, under section 6 of the Export Administration Act of 1979, any proposed export to Iraq of goods or technology valued at over \$50,000,000.

#### SEC. 8. TERMINATION OF ACT.

No provision of this Act, and no sanction imposed by or under the authority of this Act, has force and effect after June 30, 1991.

The SPEAKER pro tempore. Is a second demanded?

Mr. GILMAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.