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WHORM Category Code: CO072
WHORM Category Name: Iraq, Republic of

Document Number: 042905 to 164275
Alpha File Name: Entire Category Processed
Name of Correspondent: Ronald K. Petterson

Subject: Transportation draft report on HR 4918, "to restrict United States assistance for the Republic of Iraq."

ACTION

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<tr>
<th>Office/Agency (Staff Name)</th>
<th>Action Code</th>
<th>Tracking Date YY/MM/DD</th>
<th>Type of Response Code</th>
<th>Completion Date YY/MM/DD</th>
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ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: 0BE (NCO) - JEB 900726
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**SIGNATURE CODES:**

- CPn: Presidential Correspondence
- Chn: First Lady's Correspondence
- CBn: Presidential & First Lady's Correspondence

**MEDIA CODES:**

- A: Box/package
- B: Other document
- C: Handcarried
- D: Telephone
- E: Other
- F: Confidential
- G: Other
- H: Electronically transmitted

**PRINCIPAL REPLY:**

- C

**DATE:**

- Cannot be read

**TIME:**

- Cannot be read

**MEDIA:**

- Cannot be read

**PRESIDENTIAL REPLY:**

- Cannot be read
July 23, 1990

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

Department of State (Rappaport 647-4463) 225
National Security Council (Sittman x3723) 249
Department of Justice (Navarro 514-2141) 217
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Department of Commerce (Levitt 377-3151) 324
United States Trade Representative (Weiss x3475) 223
Department of Defense (Brick 697-1305) 325
Department of the Treasury (Carro 566-8523) 228
Central Intelligence Agency (Garrett 482-6126) 258

SUBJECT: Transportation draft report on H.R. 4918, "To restrict United States assistance for the Republic of Iraq."

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than THURSDAY, JULY 26, 1990.

Questions should be referred to ANNETTE ROONEY (395-7300), the legislative analyst in this office.

Ronald K. Peterson
RONALD K. PETERSON FOR Assistant Director for Legislative Reference

Enclosures

cc: R. Adkins
  T. Dorsey
  C.B. Gray
  H. Williamson
The Honorable Glenn M. Anderson  
Chairman  
Committee on Public Works and Transportation  
House of Representatives  
Washington, D.C. 20515  

Dear Mr. Chairman:

This is in response to your request for the views of the Department of Transportation concerning H.R. 4918, a bill "To restrict United States assistance for the Republic of Iraq."

This legislation would, for a number of reasons including evidence that the Government of Iraq had used chemical weapons against its citizens and sought nuclear weapons capability, take actions to (1) restrict U.S. and multilateral assistance to Iraq; (2) suspend air travel to the United States by Iraqi airlines; and (3) deny trade preferences and impose additional duties.

Our comments are limited to "Sec. 4. Suspension of Air Travel:"

Under that section the President would, unless specified conditions were met, direct the Secretary of State to terminate the U.S.-Iraq bilateral aviation agreement, direct the Secretary of Transportation to revoke designated Iraqi airlines' authority to conduct services under that agreement, and prohibit any aircraft of a foreign airline owned by the Government or nationals of Iraq from engaging in air transportation to or from the United States. The draft would allow Iraqi-owned airlines to serve the United States only if the Secretary of Transportation determined such operations to be necessary for emergency purposes.

The Department of Transportation opposes this section of the draft, as it would have no practical effect on the U.S.-Iraq bilateral aviation relationship or on the U.S. operations of Iraqi-owned airlines. There is no bilateral aviation agreement between the Governments of the United States and Iraq, thus, a requirement to terminate such an agreement would be without meaning. Further, while Iraqi Airways formerly held authority from the Department of Transportation to conduct a limited number of U.S. operations, the airline currently holds no operating
authority from the Department to conduct any U.S. operations, nor does any other foreign airline owned, directly or indirectly, by the Iraqi Government or its nationals hold Department authority to conduct such operations.

In light of the lack of any aviation agreement or Iraqi airline serving the United States, we do not believe that enactment of this section of the draft legislation is necessary or should be pursued.

We would add, for the Committee's information, that Iraqi Airways did file applications in 1988 for operating authority to conduct long-term U.S. operations. Because of foreign policy concerns, the Department has not acted on these requests, and has no intention of doing so in the present foreign policy climate.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report for the consideration of the Congress.

Sincerely,

Phillip D. Brady