**WHITE HOUSE**  
**CORRESPONDENCE TRACKING WORKSHEET**

- **O** - OUTGOING  
- **H** - INTERNAL  
- **I** - INCOMING  

Date Correspondence Received (YY/MM/DD): __________

Name of Correspondent: Ronald K. Peterson

- **MI Mail Report**  
- **User Codes:** (A) ________  (B) ________  (C) ________

Subject: Senate Proposed Language on SGR Functions for EAA Conference

**ROUTE TO:**

<table>
<thead>
<tr>
<th>Office/Agency</th>
<th>(Staff Name)</th>
<th>Action Code</th>
<th>Tracking Date YY/MM/DD</th>
<th>Type of Response</th>
<th>Completion Date YY/MM/DD</th>
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Referral Note: ORIGINATOR

Referral Note: SGR Memo to Peterson

Referral Note: __________

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Referral Note: __________

**ACTION CODES:**  
A - Appropriate Action  
C - Comment/Recomendation  
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:

Keep this worksheet attached to the original incoming letter.  
Send all routing updates to Central Reference (Room 75, OEOB).  
Always return completed correspondence record to Central Files.  
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.
RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: ______ Media: ______ Individual Codes: ______

Prime Subject Code: ______ Secondary Subject Codes: ______

PRESIDENTIAL REPLY

<table>
<thead>
<tr>
<th>Code</th>
<th>Date</th>
<th>Comment</th>
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SIGNATURE CODES:

CPn - Presidential Correspondence
  n - 0: Unknown
  n - 1: George Herbert Walker Bush
  n - 2: George Bush
  n - 3: George

CLn - First Lady's Correspondence
  n - 1: Barbara Bush
  n - 2: Barbara
  n - 3: Bar
  n - 4: Mrs. Barbara Bush

CBn - Presidential & First Lady's Correspondence
  n - 1: Barbara & George Bush
  n - 2: Barbara & George

MEDIA CODES:

B - Box/package
C - Copy
D - Official document
G - Message
H - Handcarried
L - Letter
M - Mailgram
O - Memo
P - Photo
R - Report
S - Sealed
T - Telegram
V - Telephone
X - Miscellaneous
Y - Study
## Withdrawal/Redaction Sheet

**George Bush Library**

<table>
<thead>
<tr>
<th>Document No. and Type</th>
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<th>Date</th>
<th>Restriction</th>
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<tr>
<td>01. Memorandum</td>
<td>Case Number 182214CU From Stephen G. Rademaker to Ronald K. Peterson re: Senate Proposed Language on Iraq Sanctions for EAA Conference (1 pp.)</td>
<td>10/10/90</td>
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### Collection:

- **Record Group:** Bush Presidential Records
- **Office:** Records Management, White House Office of (WHORM)
- **Series:** Subject File - General
- **Subseries:** Scanned
- **WHORM Cat.:** CO072
- **File Location:** 177794SS to 198990

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**Open on Expiration of PRA**

(Document Follows)

By [Signature] (NLGB) on 2/14/05

<table>
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<th>8/19/2004</th>
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**MR Case #:**

**MR Disposition:**

**MR Disposition Date:**

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**RESTR TION CODES**

- **Presidential Records Act - [44 U.S.C. 2204(a)]**
  - P-1 National Security Classified Information [(a)(1) of the PRA]
  - P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
  - P-3 Release would violate a Federal statute [(a)(3) of the PRA]
  - P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
  - P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
  - P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]
  - C. Closed in accordance with restrictions contained in donor's deed of gift.
  - PRM. Removed as a personal record misfile.

- **Freedom of Information Act - [5 U.S.C. 552(b)]**
  - (b)(1) National security classified information [(b)(1) of the FOIA]
  - (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
  - (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
  - (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
  - (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
  - (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
  - (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
  - (b)(9) Release would disclose geological or geophysical information
MEMORANDUM FOR RONALD K. PETERSON

FROM: STEPHEN G. RADEMAKER SR
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: Senate Proposed Language on Iraq Sanctions for EAA Conference

Pursuant to your request, Counsel’s Office has reviewed the above-referenced matter. We see little of use to the Administration in the proposed Senate language, and much that would constrain the President’s flexibility. Accordingly, we recommend that the Administration oppose the Senate language in its entirety.

We understand that it may be deemed important to attempt to improve the language rather than oppose it categorically. With this possibility in mind, we offer the following comments on especially troublesome provisions:

1. Section 322 -- Convert the "shall"s to "shoulds" in order to make clear that this provision is hortatory.

2. Section 323 -- Delete entirely and replace with language applauding the President’s imposition of economic sanctions on Iraq and Kuwait. As written, it is unclear whether section 323(a) is intended to override IEEPA, and this could create problems in implementing the sanctions. Section 323(b) is probably unnecessary, though we would defer to Treasury on the question. Section 323(c) is objectionable on grounds that it entails unwarranted and offensive congressional micromanagement of sanctions implementation.

3. Section 341(b) -- Delete as an unnecessary and possibly ineffective attempt by Congress to exercise statutory authority that has been conferred on the President. This section could be replaced with language expressing the sense of Congress that the President should continue exercising that authority.

4. Section 342 -- Delete as unnecessary. Further, because the relationship between these sanctions and the IEEPA sanctions imposed by the President on Iraq is unclear, this provision is likely to create problems in implementing the existing sanctions.

5. Section 343 -- This waiver provision contains objectionable report and wait provisions and therefore should be deleted. Further, it is unnecessary if section 342 is deleted.
October 9, 1990

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer -

National Security Council (Sittman x3723) 249
Department of Justice (Navarro 514-2141) 217
Department of Defense (Brick 697-1305) 325
Department of Commerce (Levitt 377-3151) 324
Department of State (Davis 647-4463) 225
Department of the Treasury (Carro 566-8523) 228
Department of Energy (Rabben 586-6718) 209
Nuclear Regulatory Commission (Rothschild 492-1607) 227
Arms Control and Disarmament Agency (Starr 647-8478) 234

SUBJECT: Senate proposed language on Iraq Sanctions for EAA conference.

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 12:00 NOON, WEDNESDAY, OCTOBER 10, 1990.

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

RONALD K. PETERSON FOR
Assistant Director for
Legislative Reference

cc: C.B. Gray  T. Palmieri
    L. Witt    J. Nix
    J. Eisenhour  M. Mills
THE WHITE HOUSE
WASHINGTON
ORM OPTICAL DISK NETWORK

ID# 182214 cu

Hardcopy pages are in poor condition (too light or too dark).
Remainder of case not scanned.
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Proposal not scanned.
Statement not scanned.
Duplicate letters attached - not scanned.
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No incoming letter attached.
Only tracking sheet scanned.
Photo(s) not scanned.
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Comments:

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TITLE III--SANCTIONS AGAINST IRAQ

SEC. 301. SHORT TITLE.

This title may be cited as the "Iraq International Law Compliance Act of 1990".

Subtitle A--Response to Iraq's Invasion of Kuwait

SEC. 321. DECLARATIONS REGARDING THE IRAQI INVASION OF KUWAIT.

The Congress--

(1) condemns Iraq's invasion of Kuwait on August 2, 1990;

(2) supports the actions that have been taken by the President in response to that invasion;

(3) calls for the immediate and unconditional withdrawal of Iraqi forces from Kuwait;

(4) supports the efforts of the United Nations Security Council to end this violation of international law and threat to international peace;

(5) supports the imposition and enforcement of multilateral sanctions against Iraq;

(6) calls on United States allies and other countries to support fully the efforts of the United Nations Security Council, and to take other appropriate actions,
to bring about an end to Iraq's occupation of Kuwait; and

(7) condemns the brutal occupation of Kuwait by Iraq
and ITS widespread arrests, torture, summary executions, and mass extrajudicial killings.

SEC. 322. CONSULTATIONS WITH CONGRESS.

The President shall keep the Congress fully informed, and shall consult with the Congress, with respect to current and anticipated events regarding the international crisis caused by Iraq's invasion of Kuwait, including with respect to United States actions.

SEC. 323. TRADE EMBARGO AGAINST IRAQ.

(a) CONTINUATION OF EMBARGO. -- The President shall continue to impose the trade embargo and other economic sanctions with respect to Iraq and Kuwait that the United States imposed pursuant to United Nations Security Council Resolution 661 (1990). Those sanctions may not be terminated so long as Iraq's military forces remain in Kuwait.

[NOTE: Darryl's proposed language on withdrawal had not been received when this was prepared. Citation to UN resolution 661 may be a problem if we would continue unilateral sanctions notwithstanding UN action lifting international sanctions. Also, under the National Emergencies Act, IEEPA sanctions must be renewed by the President annually--do we}
1 supersede that requirement?
2  (b) HUMANITARIAN ASSISTANCE.—To the extent that
3 transactions involving foodstuffs or payments for foodstuffs
4 are exempted "in humanitarian circumstances" from the
5 prohibitions established by the United States pursuant to
6 United Nations Security Council Resolution 661 (1990), those
7 exemptions shall be limited to foodstuffs that are to be
8 provided consistent with United Nations Security Council
9 Resolution 666 (1990) and other relevant Security Council
10 resolutions.
11  (c) NOTICE TO CONGRESS OF EXCEPTIONS TO AND LIFTING OF
12 EMBARGO.—
13  (1) CONGRESSIONAL REVIEW OF REGULATIONS.—Any
14 regulations issued after the date of enactment of this
15 Act with respect to the economic sanctions imposed with
16 respect to Iraq and Kuwait by the United States under
17 Executive Orders Number 12724 and 12725 (August 9, 1990)
18 [or otherwise pursuant to United Nations Security Council
19 Resolution 661 (1990)] shall be submitted to the Congress
20 before those regulations take effect.
21  (2) NOTICE BEFORE TERMINATION OF SANCTIONS.—The
22 President shall notify the Congress before terminating,
23 in whole or in part, any sanction with respect to Iraq
24 and Kuwait referred to in subsection (a).
25  (d) RELATION TO OTHER SANCTIONS LEGISLATION.—The
1 sanctions that are described in subsection (a) are in
2 addition to, and not in lieu of the sanctions provided for in
3 subtitle B of this title, [title IV of this Act [CW
4 sanctions]] or any other provision of law.
5 SEC. 324. ADDITIONAL IMPORT SANCTIONS.
6 If the President considers that the taking of such action
7 would promote the effectiveness of the sanctions described in
8 section 323(a) and is consistent with the national interest,
9 the President may prohibit, for such period of time as he
10 considers appropriate, the importation into the United States
11 of any or all products of any foreign country that—
12 (1) is not prohibiting the importation of products of
13 Iraq into its customs territory; or
14 (2) has not given assurances satisfactory to the
15 President that such an import sanction will be promptly
16 implemented.
17 SEC. 325. PENALTIES FOR VIOLATIONS OF EMBARGO.
18 Notwithstanding section 206 of the International
19 Emergency Economic Powers Act (50 U.S.C. 1705) and section
20 5(b) of the United Nations Participation Act of 1945 (22
21 U.S.C. 287c(b))—
22 (1) a civil penalty of not to exceed $250,000 may be
23 imposed on any person who, after the date of enactment of
24 this Act, violates Executive Order Number 12724 or 12725
25 or any license, order, or regulation issued under either
such Executive Order; and

(2) whoever, after the date of enactment of this Act,
willfully violates Executive Order Number 12724 or 12725
or any license, order, or regulation issued under either
such Executive Order--

(A) shall, upon conviction, be fined not more
than $1,000,000, if a person other than a natural
person; or

(B) if a natural person, shall, upon conviction,
be fined not more than $1,000,000, be imprisoned for
not more than 10 year, or both.

Any officer, director, or agent of any corporation who
knowingly participates in a violation described in paragraph
(2) may be punished by imposition of the fine or imprisonment
(or both) specified in subparagraph (B) of that paragraph.

[Need to consider "attempts", "evasions", and
"forfeiture" elements of 1945 UN Act penalties.]

Subtitle E--Response to Iraq's Long-Standing Violations of
International Law

SEC. 341. DECLARATIONS REGARDING IRAQ'S LONG-STANDING
VIOLATIONS OF INTERNATIONAL LAW.

(a) IRAQ'S VIOLATIONS OF INTERNATIONAL LAW.--The congress
finds and determines [document?] that--

(1) the Government of Iraq has demonstrated repeated
and blatant disregard for its obligations under
international law by violating the Charter of the United Nations (signed at San Francisco, June 26, 1945), the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (done at Geneva, June 17, 1925), as well as other international treaties;

(2) the Government of Iraq is a party to the International Covenant on Civil and Political Rights (adopted by the General Assembly of the United Nations and opened for signature, ratification, and accession in New York, December 16, 1966) and the International Covenant on Economic, Social, and Cultural Rights (adopted by the General Assembly of the United Nations and opened for signature, ratification, and accession in New York, December 16, 1966) and is obligated under the Covenants, as well as the Universal Declaration of Human Rights (adopted by the General Assembly of the United Nations, December 10, 1948), to respect internationally recognized human rights;

(3) the State Department's Country Reports on Human Rights Practices for 1989 again characterizes Iraq's human rights record as "abysmal";

(4) Amnesty International, Middle East Watch, and other independent human rights organizations have documented extensive, systematic, and continuing human
rights abuses by the Government of Iraq, including summary executions, mass political killings, disappearances, widespread use of torture, arbitrary arrests and prolonged detention without trial of thousands of political opponents, forced relocation and deportation, denial of nearly all civil and political rights such as freedom of association, assembly, speech, and the press, and the imprisonment, torture, and execution of children;

(5) since 1987, the Government of Iraq has intensified its severe repression of the Kurdish minority of Iraq, deliberately destroyed more than 3,000 villages and towns in the Kurdish regions—and forcibly expelled more than 500,000 people, thus effectively depopulating the rural areas of Iraqi Kurdistan;

(6) Iraq has blatantly violated international law by initiating use of chemical weapons in the Iran-Iraq war and by using chemical weapons against its own Kurdish citizens, resulting in tens of thousands of deaths and more than 65,000 refugees;

(7) Iraq continues to expand its chemical weapons capability, and President Saddam Hussein has threatened to use chemical weapons against other nations;

(8) persuasive evidence exists that Iraq is developing biological weapons in violation of
international law;

(9) there are strong indications that Iraq has taken steps to produce nuclear weapons and has attempted to smuggle from the United States, in violation of United States law, components for triggering devices used in nuclear warheads whose manufacture would contravene the Treaty on the Non-Proliferation of Nuclear Weapons (to which Iraq is a party);

(10) Iraq has developed ballistic missile systems with a range of greater than 400 kilometers, which could be used to deliver chemical, biological or nuclear weapons in violation of international law; and

(11) Iraqi President Saddam Hussein, in violation of international law, has threatened to use terrorism against other nations and has increased Iraq's support for Palestinian groups, including the Palestine Liberation Organization, that have conducted terrorist acts.

(b) HUMAN RIGHTS VIOLATIONS.--The Congress determines that the Government of Iraq is engaged in a consistent pattern of gross violations of internationally recognized human rights and that all provisions of law that impose sanctions against a country whose government is engaged in a consistent pattern of gross violations of internationally recognized human rights shall be fully enforced against Iraq.
(c) **MULTILATERAL COOPERATION.**—The Congress calls on the President to seek multilateral cooperation—

1. to deny dangerous technologies to Iraq;
2. to induce Iraq to respect internationally recognized human rights; and
3. to induce Iraq to allow appropriate international humanitarian and human rights organizations to have access to Iraq and Kuwait, including the areas in northern Iraq traditionally inhabited by Kurds.

**SEC. 342. SANCTIONS AGAINST IRAQ.**

(a) **IMPOSITION.**—Except as provided in section 343, the following sanctions shall apply with respect to Iraq:

1. **FMS SALES.**—The United States Government may not enter into any sale with Iraq under the Arms Export Control Act.
2. **COMMERCIAL ARMS SALES.**—Licenses may not be issued for the export to Iraq of any item on the United States Munitions List.
3. **EXPORTS OF CERTAIN GOODS AND TECHNOLOGY.**—The authorities of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) shall be used to prohibit the export to Iraq of any goods or technology on the control list established pursuant to subsection (4) of that section or on the control list established pursuant to section 5(c)(1) of that Act (50 U.S.C. App.)
(4) NUCLEAR EQUIPMENT, MATERIALS, AND TECHNOLOGY.--

(A) NRC LICENSES.--The Nuclear Regulatory Commission may not issue any license or other authorization under the Atomic Energy Act of 1954 (42 U.S.C. 2011 and following) for the export to Iraq of any source or special nuclear material, any production or utilization facility, any sensitive nuclear technology, any component, item, or substance determined to have significance for nuclear explosive purposes pursuant to section 109b. of the Atomic Energy Act of 1954 (42 U.S.C. 2139(b)), or any other material or technology requiring such a license or authorization.

B) DISTRIBUTION OF NUCLEAR MATERIALS.--The authority of the Atomic Energy Act of 1954 may not be used to distribute any special nuclear material, source material, or byproduct material to Iraq.

(C) DOE AUTHORIZATIONS.--The Secretary of Energy may not provide a specific authorization under section 57b. (2) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(b)(2)) for any activity that would constitute directly or indirectly engaging in Iraq in activities that require a specific authorization under that section.
(D) EXPORT LICENSES.--The Secretary of Commerce may not issue any license under the Export Administration Act of 1979 for the export directly or indirectly to Iraq of any goods or technology--

(i) that are intended for a nuclear related and use or end user;

(ii) that have been identified on the Commodity Control List pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a) as items that could, if used for purposes other than those for which the export is intended, be of significance for nuclear explosive purposes; or

(iii) that are otherwise subject to the procedures established pursuant to section 309(c) of Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a).

[Note: This subparagraph (D) is probably unnecessary if the sec. 6(1) control list is included in paragraph (3) above.]

(5) ASSISTANCE FROM INTERNATIONAL FINANCIAL INSTITUTIONS.--The United States shall 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 (22 U.S.C. 262d).
(6) **ASSISTANCE THROUGH THE EXPORT-IMPORT BANK.**—Credits and credit guarantees through the Export-Import Bank of the United States shall be denied to Iraq.

(7) **ASSISTANCE THROUGH THE COMMODITY CREDIT CORPORATION.**—Credit, credit guarantees, and other assistance through the Commodity Credit Corporation shall be denied to Iraq.

(8) **FOREIGN ASSISTANCE.**—All forms of assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following) other than emergency assistance for medical supplies and other forms of emergency humanitarian assistance, and under the Arms Export Control Act (22 U.S.C. 2751 and following) shall be denied to Iraq.

(b) **CONTRACT SANCTITY.**—For purposes of the export controls imposed pursuant to subsections (a)(3) and (a)(4)(D), the date described in section 6(m)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(m)(1)) shall be deemed to be August 1, 1990.

SEC. 343. WAIVER AUTHORITY.

(a) **IN GENERAL.**—The President may waive the requirements of any paragraph of section 342(a) if the President makes a certification under subsection (b) or subsection (c).

(b) **CERTIFICATION OF FUNDAMENTAL CHANGES IN IRAQI
POLICIES AND ACTIONS.--The authority of subsection (a) may be exercised 60 days after the President certifies to the Congress that--

(1) the Government of Iraq--

(A) has demonstrated, through a pattern of conduct, substantial improvement in its respect for internationally recognized human rights;

(B) is not acquiring, developing, or manufacturing chemical, biological, or nuclear weapons or delivery systems or components for such weapons, and has forsworn the first use of such weapons; and

(C) does not provide support for international terrorism;

(2) the Government of Iraq is in substantial compliance with its obligations under international law, including--

(A) the Charter of the United Nations (signed at San Francisco, June 26, 1945);

(B) the International Covenant on Civil and Political Rights (adopted by the General Assembly of the United Nations and opened for signature, ratification, and accession in New York, December 16, 1966) and the International Covenant on Economic, Social, and Cultural Rights (adopted by the General
Assembly of the United Nations and opened for
signature, ratification, and accession in New York,
December 16, 1966);
(C) the Convention on the Prevention and
Punishment of the Crime of Genocide (done at Paris,
December 9, 1948);
(D) the Protocol for the Prohibition of the Use
in War of Asphyxiating, Poisonous or Other Gases, and
of Bacteriological Methods of Warfare (done at
Geneva, June 17, 1925);
(E) the Treaty on the Non-Proliferation of
Nuclear Weapons (done at Washington, London, and
Moscow, July 1, 1968); and
(F) the Convention on the Prohibition of the
Development, Production and Stockpiling of
Bacteriological (Biological) and Toxin Weapons and on
Their Destruction (done at Washington, London, and
Moscow, April 10, 1972); and
(3) the President has determined that it is essential
to the national interests of the United States to
exercise the authority of subsection (a).
(c) CERTIFICATION OF FUNDAMENTAL CHANGES IN IRAQI
LEADERSHIP AND POLICIES.--The authority of subsection (a) may
be exercised 30 days after the President certifies to the
Congress that--
(1) there has been a fundamental change in the leadership of the Government of Iraq;
(2) the behavior of the new Government of Iraq has been consistent with the standards of conduct specified in paragraphs (1) and (2) of subsection (b); and
(3) the new Government of Iraq has provided reliable and credible assurances that its policies and actions will be consistent with the standards of conduct specified in those paragraphs.

(d) INFORMATION TO BE INCLUDED IN CERTIFICATIONS.—Any certification under subsection (b) or (c) shall include the justification for the President's determination with respect to each subparagraph of paragraph (1) and (2) of subsection (b) and, in the case of a certification under subsection (b), the justification for the President's determination under paragraph (3) of that subsection. The certification shall also specify which paragraphs of section 342(a) the President will waive pursuant to that certification.