

TERMINATION OF THE NATIONAL EMERGENCY
WITH RESPECT TO LIBYA

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION TO TERMINATE THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA DECLARED IN EXECUTIVE ORDER 12543 OF JANUARY 7, 1986, AND REVOKES THAT EXECUTIVE ORDER, EXECUTIVE ORDER 12544 OF JANUARY 8, 1986, EXECUTIVE ORDER 12801 OF APRIL 15, 1992, AND EXECUTIVE ORDER 12538 OF NOVEMBER 15, 1985, PURSUANT TO 50 U.S.C. 1622(a)



SEPTEMBER 21, 2004.—Referred to the Committee on International Relations and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), I hereby report that I have issued an Executive Order (the “order”) that terminates the national emergency declared in Executive Order 12543 of January 7, 1986, and revokes that Executive Order, Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and Executive Order 12538 of November 15, 1985. I have determined that the situation that gave rise to this national emergency has been significantly altered by Libya’s commitments and actions to eliminate its weapons of mass destruction programs and its Missile Technology Control Regime (MTCR)—class missiles, and by other developments.

Executive Order 12543 of January 7, 1986, imposed sanctions on Libya in response to policies and actions of the Government of Libya that constituted an unusual and extraordinary threat to the national security and foreign policy of the United States. Those sanctions were modified in Executive Order 12544 of January 8, 1986, Executive Order 12801 of April 15, 1992, and supplemented Executive Order 12538 of November 15, 1985.

Based on Libya’s recent commitments and actions to implement its December 19, 2003, commitment to eliminate its weapons of mass destruction programs and its MTCR-class missiles, and other developments, I have determined that the situation that gave rise to the national emergency declared in Executive Order 12543 has been significantly altered. My order, therefore, terminates that national emergency with respect to Libya and revokes Executive Orders 12543, 12544, and 12801, and lifts the trade, commercial, and travel sanctions imposed against Libya based on that national emergency. The order also revokes Executive Order 12538, which blocked the import of petroleum products refined in Libya into the United States.

While the order formally lifts sanctions under the national emergency with respect to Libya, it will not lift a wide variety of other sanctions imposed on Libya due to its designation as a state sponsor of terrorism under section 620A of the Foreign Assistance Act (restriction on foreign assistance), section 40 of the Arms Export Control Act (restriction on arms exports, and section 6(j) of the Export Administration Act of 1979 (restriction on exports of certain items on the Commodity Control List), as well as other statutory restrictions applicable to Libya.

I have enclosed a copy of the order, which is effective at 12:01 a.m. eastern daylight time on September 21, 2004.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2004.*

EXECUTIVE ORDER

TERMINATION OF EMERGENCY DECLARED IN EXECUTIVE ORDER 12543 WITH RESPECT TO THE POLICIES AND ACTIONS OF THE GOVERNMENT OF LIBYA AND REVOCATION OF RELATED EXECUTIVE ORDERS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), sections 504 and 505 of the International Security and Development Cooperation Act (22 U.S.C. 2349aa-8 and 2349aa-9), section 40106 of title 49, United States Code, and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that the situation that gave rise to the declaration of a national emergency in Executive Order 12543 of January 7, 1986, with respect to the policies and actions of the Government of Libya, and that led to the steps taken in that order and in Executive Order 12544 of January 8, 1986, and Executive Order 12801 of April 15, 1992, has been significantly altered by Libya's commitments and actions to eliminate its weapons of mass destruction programs and its Missile Technology Control Regime (MTCR)-class missiles, and by other developments. Accordingly, I hereby terminate the national emergency declared in Executive Order 12543, and revoke that Executive Order, Executive Order 12544, and Executive Order 12801. I also hereby revoke Executive Order 12538 of November 15, 1985, and further order:

Section 1. Pursuant to section 202(a) of the NEA (50 U.S.C. 1622(a)), termination of the national emergency declared in Executive Order 12543 with respect to the policies and actions of the Government of Libya shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, any action or proceeding based on any act committed prior to such date, or any rights or duties that matured or penalties that were incurred prior to such date.

Sec. 2. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

Sec. 3. (a) This order is effective at 12:01 a.m. eastern daylight time on September 21, 2004.

(b) This order shall be transmitted to the Congress and published in the *Federal Register*.

GEORGE W. BUSH.

THE WHITE HOUSE, *September 20, 2004*.

