

CONFISCATING AND VESTING CERTAIN IRAQI  
PROPERTY

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

NOTIFICATION THAT HE HAS TAKEN ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12722 OF AUGUST 2, 1990, BY EXERCISING HIS STATUTORY AUTHORITY TO CONFISCATE AND VEST CERTAIN PROPERTY OF THE GOVERNMENT OF IRAQ AND ITS AGENCIES, INSTRUMENTALITIES, OR CONTROLLED ENTITIES, PURSUANT TO 50 U.S.C. 1703(b) AND 50 U.S.C. 1631



MARCH 24, 2003.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE



*To the Congress of the United States:*

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have taken additional steps with respect to the national emergency declared in Executive Order 12722 of August 2, 1990, by exercising my statutory authority to confiscate and vest certain property of the Government of Iraq and its agencies, instrumentalities, or controlled entities.

Consistent with section 203(a)(1)(C) of IEEPA, 50 U.S.C. 1702(a)(1)(C), as added by section 106 of the USA PATRIOT ACT, Public Law 107-56, I have ordered that certain blocked funds held in the United States in accounts in the name of the Government of Iraq, the Central Bank of Iraq, Rafidain Bank, Rasheed Bank, or the State Organization for Marketing Oil are hereby confiscated and vested in the Department of the Treasury. I have made exceptions for any such funds that are subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoy equivalent privileges and immunities under the laws of the United States, and are or have been used for diplomatic or consular purposes. In addition, such amounts that, as of the date of the order, are subject to post-judgment writs of execution or attachment in aid of execution of judgments pursuant to section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297) are not being vested, provided that, upon satisfaction of the judgments on which such writs are based, any remainder of such excepted amounts shall, without further action, be confiscated and vested.

I have delegated to the Secretary of the Treasury authority to undertake all other action of the President and all functions of the President set forth in section 203(a)(1)(C) of IEEPA with respect to any and all property of the Government of Iraq, including its agencies, instrumentalities, or controlled entities, and to take additional steps, including the promulgation of rules and regulations as may be necessary to carry out the purposes of this order.

I am enclosing a copy of the Executive Order I have issued, which is effective immediately.

I have exercised these authorities in furtherance of Executive Orders 12722 and 12724 with respect to the unusual and extraordinary threat to our national security and foreign policy posed by the policies and actions of the Government of Iraq. I intend that such vested property should be used to assist the Iraqi people and to assist in the reconstruction of Iraq, and have determined that such use would be in the interest of and for the benefit of the United States.

The power to vest assets of a foreign government with which the United States is engaged in armed hostilities is one that has been

recognized for many decades. This power is being used here because it is clearly in the interests of the United States to have these funds available for use in rebuilding Iraq and launching that country on the path to speedy economic recovery. In addition, this authority is being invoked in a limited way, designed to minimize harm to third parties and to respect existing court orders as much as possible.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 20, 2003.*

## EXECUTIVE ORDER

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### CONFISCATING AND VESTING CERTAIN IRAQI PROPERTY

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.), and section 301 of title 3, United States Code, and in order to take additional steps with respect to the national emergency declared in Executive Order 12722 of August 2, 1990,

I, GEORGE W. BUSH, President of the United States of America, hereby determine that the United States and Iraq are engaged in armed hostilities, that is in the interest of the United States to confiscate certain property of the Government of Iraq and its agencies, instrumentalities, or controlled entities, and that all right, title, and interest in any property so confiscated should vest in the Department of the Treasury. I intend that such vested property should be used to assist the Iraqi people and to assist in the reconstruction of Iraq, and determine that such use would be in the interest of and for the benefit of the United States.

I hereby order:

*Section 1.* All blocked funds held in the United States in accounts in the name of the Government of Iraq, the Central Bank of Iraq, Rafidain Bank, Rasheed Bank, or the State Organization for Marketing Oil are hereby confiscated and vested in the Department of the Treasury, except for the following:

(a) any such funds that are subject to the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations, or that enjoy equivalent privileges and immunities under the laws of the United States, and are or have been used for diplomatic or consular purposes, and

(b) any such amounts that as of the date of this order are subject to post-judgment writs of execution or attachment in aid of execution of judgments pursuant to section 201 of the Terrorism Risk Insurance Act of 2002 (Public Law 107-297), provided that, upon satisfaction of the judgments on which such writs are based, any remainder of such excepted amounts shall, by virtue of this order and without further action, be confiscated and vested.

*Sec. 2.* The Secretary of the Treasury is authorized to perform, without further approval, ratification, or other action of the President, all functions of the President set forth in section 203(a)(1)(C) of IEEPA with respect to any and all property of the Government of Iraq, including its agencies, instrumentalities, or controlled entities, and to take additional steps, including the promulgation of rules and regulations as may be necessary, to carry out the purposes of this order. The Secretary of the Treasury may redelegate

such functions in accordance with applicable law. The Secretary of the Treasury shall consult the Attorney General as appropriate in the implementation of this order.

*Sec. 3.* This order shall be transmitted to the Congress and published in the *Federal Register*.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 20, 2003.*

