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DECLARATION OF A NATIONAL EMERGENCY WITH RESPECT TO THE DEMOCRATIC REPUBLIC OF THE CONGO

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A DECLARATION OF A NATIONAL EMERGENCY WITH RESPECT TO BLOCKING THE PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO, PURSUANT TO 50 U.S.C. 1703(b)

NOVEMBER 9, 2006.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed

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THE WHITE HOUSE,
Washington, October 27, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Consistent with subsection 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 (NEA), I hereby report that I have issued an Executive Order (the "order") blocking the property of certain persons contributing to the conflict in the Democratic Republic of the Congo. In that order, I declared a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States posed by that conflict, as described below.

The conflict in the Democratic Republic of the Congo has been the deadliest conflict since World War II, with an estimated four million dead since 1996, many from hunger and disease resulting from the fighting. The United Nations Security Council, in Resolution 1596 of April 18, 2005, Resolution 1649 of December 21, 2005, Resolution 1698 of July 31, 2006, and numerous other resolutions, has expressed serious concern over the presence of armed groups and militias in the Democratic Republic of the Congo, which perpetuate both the conflict in the country and a climate of insecurity throughout the entire region.

The conflict has been marked by serious violations of human rights and international humanitarian law by these militias and armed groups, including the massacre of civilians, sexual violence against women and girls, and the recruitment and use of children in the hostilities. The perpetuation of the conflict undermines the progress and promise of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed in 2002, which created a process that can lead to the long-term restoration of peace and stability, national reconciliation, and establishment of the rule of law.

The order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of the persons listed in the Annex to the order, as well as of any person determined by the Secretary of the Treasury, after consultation with the Secretary of State,

- to be a political or military leader of a foreign armed group operating in the Democratic Republic of the Congo that impedes the disarmament, repatriation, or resettlement of combatants;
- to be a political or military leader of a Congolese armed group that impedes the disarmament, demobilization, or reintegration of combatants;

- to be a political or military leader recruiting or using children in armed conflict in the Democratic Republic of the Congo in violation of applicable international law;
- to have committed serious violations of international law involving the targeting of children in situations of armed conflict in the Democratic Republic of the Congo, including killing and maiming, sexual violence, abduction, and forced displacement; or
- to have directly or indirectly supplied, sold, or transferred to the Democratic Republic of the Congo, or been the recipient in the territory of the Democratic Republic of the Congo of, arms and related materiel, including military aircraft and equipment, or advice, training, or assistance, including financing and financial assistance, related to military activities.

The designation criteria will be applied consistent with applicable Federal law, including, where appropriate, the First Amendment to the United States Constitution.

The order also authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities listed above or any person listed in or designated pursuant to the order. I further authorized the Secretary of the Treasury, after consultation with the Secretary of State, to designate for blocking any person determined to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to the order. The Secretary of the Treasury, after consultation with the Secretary of State, is also authorized to determine that circumstances no longer warrant the blocking of the property and interests in property of, or the prohibiting of transactions with, a person listed in the Annex to the order.

I delegated to the Secretary of the Treasury, after consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the IEEPA and the United Nations Participation Act, as may be necessary to carry out the purposes of the order. All executive agencies are directed to take all appropriate measures within their authority to carry out the provisions of the order.

The order, a copy of which is enclosed, became effective at 12:01 a.m. eastern standard time on October 30, 2006.

Sincerely,

GEORGE W. BUSH.

EXECUTIVE ORDER

BLOCKING PROPERTY OF CERTAIN PERSONS CONTRIBUTING TO THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, determine that the situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability and was addressed by the United Nations Security Council in Resolution 1596 of April 18, 2005, Resolution 1649 of December 21, 2005, and Resolution 1698 of July 31, 2006, constitutes an unusual and extraordinary threat to the foreign policy of the United States and hereby declare a national emergency to deal with that threat. To address that threat, I hereby order:

Section 1. (a) Except to the extent that section 203(b)(1), (3), and (4) of the IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)) may apply, or to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, after consultation with the Secretary of State:

(A) to be a political or military leader of a foreign armed group operating in the Democratic Republic of the Congo that impedes the disarmament, repatriation, or resettlement of combatants;

(B) to be a political or military leader of a Congolese armed group that impedes the disarmament, demobilization, or reintegration of combatants;

(C) to be a political or military leader recruiting or using children in armed conflict in the Democratic Republic of the Congo in violation of applicable international law;

(D) to have committed serious violations of international law involving the targeting of children in situations of armed conflict in

the Democratic Republic of the Congo, including killing and maiming, sexual violence, abduction, and forced displacement;

(E) to have directly or indirectly supplied, sold, or transferred to the Democratic Republic of the Congo, or been the recipient in the territory of the Democratic Republic of the Congo of, arms and related materiel, including military aircraft and equipment, or advice, training, or assistance, including financing and financial assistance, related to military activities;

(F) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the activities described in subsections (a)(ii)(A) through (E) of this section or any person listed in or designated pursuant to this order; or

(G) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person listed in or designated pursuant to this order.

(b) I hereby determine that, to the extent section 203(b)(2) of the IEEPA (50 U.S.C. 1702(b)(2)) may apply, the making of donations of the type of articles specified in such section by, to, or for the benefit of any person listed in or designated pursuant to subsection (a) of this section would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by subsection (a) of this section.

(c) The prohibitions in subsection (a) of this section include but are not limited to (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person listed in or designated pursuant to subsection (a) of this section, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. For those persons listed in or designated pursuant to this order who might have a constitutional presence in the United States, I find that, because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to subsection 1(a) of this order.

Sec. 5. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by the IEEPA and the UNPA as may be necessary to carry out the purposes of this order.

The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All executive agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken. The Secretary of the Treasury shall ensure compliance with those provisions of section 401 of the NEA (50 U.S.C. 1641) applicable to the Department of the Treasury in relation to this order.

Sec. 6. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized to submit the recurring and final reports to the Congress on the national emergency declared in this order, consistent with section 401(c) of the NEA (50 U.S.C. 1641(c)) and section 204(c) of the IEEPA (50 U.S.C. 1703 (c)).

Sec. 7. The Secretary of the Treasury, after consultation with the Secretary of State, is hereby authorized, subsequent to the issuance of this order, to determine, and to take necessary action to give effect to that determination, that circumstances no longer warrant the blocking of the property and interests in property of, or the prohibiting of transactions with, a person listed in the Annex to this order.

Sec. 8. This order is not intended to, and does not, create any right, benefit, or privilege, 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. 9. This order is effective at 12:01 a.m. eastern standard time on October 30, 2006.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 27, 2006.*

ANNEX

Individuals

1. Laurent Nkunda [born February 6, 1967; Founder, National Congress for the People's Defense, 2006; Senior Officer, Rally for Congolese Democracy-Goma (RCD–G), 1998–2006; Officer, Rwandan Patriotic Front, 1992–1998]
2. Ignace Murwanashyaka [born May 14, 1963; President, Forces Democratiques pour la Liberation du Rwanda (FDLR)]
3. Khawa Panga Mandro [born August 20, 1973; former President, Party for Unity and Safeguarding of the Integrity of Congo (PUSIC)]
4. Viktor Anatolijevitch Bout [born January 13, 1967; Owner, Great Lakes Business Company, Compagnie Aérienne des Grands Lacs; Bukavu Aviation Transport, and Business Air Services]
5. Sanjivan Singh Ruprah [born August 9, 1966; Businessman]

6. Dimitri Igorevich Popov [born February 13, 1961; General Manager, Great Lakes Business Company and Compagnie Aérienne des Grands Lacs]

7. Douglas Mpano [born December 28, 1965; Manager, Great Lakes Business Company and Compagnie Aérienne des Grands Lacs]

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