

regulations shall be transmitted to the Congress promptly under means to assure confidentiality where appropriate.

(c) Expenditures during national emergency; Presidential reports to Congress

When the President declares a national emergency or Congress declares war, the President shall transmit to Congress, within ninety days after the end of each six-month period after such declaration, a report on the total expenditures incurred by the United States Government during such six-month period which are directly attributable to the exercise of powers and authorities conferred by such declaration. Not later than ninety days after the termination of each such emergency or war, the President shall transmit a final report on all such expenditures. (Pub. L. 94-412, title IV, §401, Sept. 14, 1976, 90 Stat. 1257.)

DELEGATION OF FUNCTIONS

Delegation of congressional reporting functions of President under subsec. (c) of this section were contained in the following:

Ex. Ord. No. 13348, §7, July 22, 2004, 69 F.R. 44887, set out as a note under section 1701 of this title.

Ex. Ord. No. 13338, §12, May 11, 2004, 69 F.R. 26754, set out as a note under section 1701 of this title.

Ex. Ord. No. 13313, §1, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

SUBCHAPTER V—APPLICATION TO POWERS AND AUTHORITIES OF OTHER PROVISIONS OF LAW AND ACTIONS TAKEN THEREUNDER

§ 1651. Other laws, powers and authorities conferred thereby, and actions taken thereunder; Congressional studies

(a) The provisions of this chapter shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

(1) Act of June 30, 1949 (41 U.S.C. 252);

(2) Section 3727(a)–(e)(1) of title 31;

(3) Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15);

(4) Public Law 85-804 (Act of Aug. 28, 1958, 72 Stat. 972; 50 U.S.C. 1431 et seq.);

(5) Section 2304(a)(1)¹ of title 10;²

(b) Each committee of the House of Representatives and the Senate having jurisdiction with respect to any provision of law referred to in subsection (a) of this section shall make a complete study and investigation concerning that provision of law and make a report, including any recommendations and proposed revisions such committee may have, to its respective House of Congress within two hundred and seventy days after September 14, 1976.

(Pub. L. 94-412, title V, §502, Sept. 14, 1976, 90 Stat. 1258; Pub. L. 95-223, title I, §101(d), Dec. 28, 1977, 91 Stat. 1625; Pub. L. 96-513, title V, §507(b), Dec. 12, 1980, 94 Stat. 2919; Pub. L. 105-362, title IX, §901(r)(2), Nov. 10, 1998, 112 Stat. 3291; Pub. L. 107-314, div. A, title X, §1062(o)(1), Dec. 2, 2002, 116 Stat. 2652.)

¹ See References in Text note below.

² So in original. The semicolon probably should be a period.

REFERENCES IN TEXT

Act of June 30, 1949 (41 U.S.C. 252), referred to in subsec. (a)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. Except for title III of the Act, which is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts, the Act was repealed and reenacted by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of Title 40, Public Buildings, Property, and Works. Section 302 of the Act is classified to section 252 of Title 41, Public Contracts.

Public Law 85-804, referred to in subsec. (a)(4), is Pub. L. 85-804, Aug. 28, 1958, 72 Stat. 972, as amended, which is classified generally to chapter 29 (§1431 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

Section 2304(a)(1) of title 10, referred to in subsec. (a)(5), originally authorized purchases or contracts without formal advertising when necessary in the public interest during a national emergency declared by Congress or the President, and as amended generally by Pub. L. 98-369 now sets forth the competition requirements for procurement of property or services.

CODIFICATION

In subsec. (a)(2), “Section 3727(a)–(e)(1) of title 31” substituted for “Section 3477 of the Revised Statutes, as amended (31 U.S.C. 203)” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-314 struck out par. (2), which read “Act of April 28, 1942 (40 U.S.C. 278b);”, and redesignated pars. (3) to (7) as (1) to (5), respectively.

1998—Subsec. (a)(6). Pub. L. 105-362 substituted “1431 et seq.” for “1431-1435”.

1980—Subsec. (a)(8). Pub. L. 96-513 struck out par. (8) which made reference to sections 3313, 6386(c), and 8313 of title 10.

1977—Subsec. (a)(1). Pub. L. 95-223 struck out par. (1) which read as follows: “Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a; 50 U.S.C. App. 5(b));”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

CHAPTER 35—INTERNATIONAL EMERGENCY ECONOMIC POWERS

Sec. 1701.	Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities.
1702.	Presidential authorities. (a) In general. (b) Exceptions to grant of authority. (c) Classified information.
1703.	Consultation and reports. (a) Consultation with Congress. (b) Report to Congress upon exercise of Presidential authorities. (c) Periodic follow-up reports. (d) Supplemental requirements.
1704.	Authority to issue regulations.
1705.	Penalties.
1706.	Savings provisions. (a) Termination of national emergencies pursuant to National Emergencies Act. (b) Congressional termination of national emergencies by concurrent resolution. (c) Supplemental savings provisions; supersedure of inconsistent provisions.

Sec.

- (d) Periodic reports to Congress.
1707. Multinational economic embargoes against governments in armed conflict with the United States.
- (a) Policy on the establishment of embargoes.
- (b) Reports to Congress.

§ 1701. Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities

(a) Any authority granted to the President by section 1702 of this title may be exercised to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such threat.

(b) The authorities granted to the President by section 1702 of this title may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared for purposes of this chapter and may not be exercised for any other purpose. Any exercise of such authorities to deal with any new threat shall be based on a new declaration of national emergency which must be with respect to such threat.

(Pub. L. 95-223, title II, §202, Dec. 28, 1977, 91 Stat. 1626.)

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-24, §1, Aug. 3, 2001, 115 Stat. 199, provided that: "This Act [enacting and amending provisions set out as notes below] may be cited as the 'ILSA Extension Act of 2001'."

SHORT TITLE

Section 201 of title II of Pub. L. 95-223 provided that: "This title [enacting this chapter] may be cited as the 'International Emergency Economic Powers Act'."

SEPARABILITY

Section 208 of Pub. L. 95-223 provided that: "If any provision of this Act [enacting this chapter] is held invalid, the remainder of the Act shall not be affected thereby."

BURMESE FREEDOM AND DEMOCRACY

Pub. L. 108-272, July 7, 2004, 118 Stat. 818, provided: "That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003 [Pub. L. 108-61, set out below]."

Pub. L. 108-61, July 28, 2003, 117 Stat. 864, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Burmese Freedom and Democracy Act of 2003'.

"SEC. 2. FINDINGS.

"Congress makes the following findings:

"(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

"(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic minorities and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

"(3) According to the State Department's 'Report to the Congress Regarding Conditions in Burma and

U.S. Policy Toward Burma' dated March 28, 2003, the SPDC has become 'more confrontational' in its exchanges with the NLD.

"(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

"(5) The SPDC continues egregious human rights violations against Burmese citizens, uses rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

"(6) The SPDC is engaged in ethnic cleansing against minorities within Burma, including the Karen, Karenni, and Shan people, which constitutes a crime against humanity and has directly led to more than 600,000 internally displaced people living within Burma and more than 130,000 people from Burma living in refugee camps along the Thai-Burma border.

"(7) The ethnic cleansing campaign of the SPDC is in sharp contrast to the traditional peaceful coexistence in Burma of Buddhists, Muslims, Christians, and people of traditional beliefs.

"(8) The SPDC has demonstrably failed to cooperate with the United States in stopping the flood of heroin and methamphetamines being grown, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with these illicit drugs.

"(9) The SPDC provides safety, security, and engages in business dealings with narcotics traffickers under indictment by United States authorities, and other producers and traffickers of narcotics.

"(10) The International Labor Organization (ILO), for the first time in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

"(11) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

"(12) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of terror and repression against the Burmese people.

"(13) On April 15, 2003, the American Apparel and Footwear Association expressed its 'strong support for a full and immediate ban on U.S. textiles, apparel and footwear imports from Burma' and called upon the United States Government to 'impose an outright ban on U.S. imports' of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

"(14) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

"(15) The United States must work closely with other nations, including Thailand, a close ally of the United States, to highlight attention to the SPDC's systematic abuses of human rights in Burma, to ensure that nongovernmental organizations promoting human rights and political freedom in Burma are allowed to operate freely and without harassment, and to craft a multilateral sanctions regime against Burma in order to pressure the SPDC to meet the conditions identified in section 3(a)(3) of this Act.

"SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.

"(a) GENERAL BAN.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (3), beginning 30 days after the date of the enactment of this Act [July 28, 2003], the President shall ban the importation of any article that is a product of Burma.

“(2) BAN ON IMPORTS FROM CERTAIN COMPANIES.—The import restrictions contained in paragraph (1) shall apply to, among other entities—

“(A) the SPDC, any ministry of the SPDC, a member of the SPDC or an immediate family member of such member;

“(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

“(C) the Union of Myanmar Economics Holdings Incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

“(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

“(E) the Union Solidarity and Development Association (USDA); and

“(F) any successor entity for the SPDC, UMEHI, MEC, or USDA.

“(3) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

“(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State, after consultation with the ILO Secretary General and relevant nongovernmental organizations, reports to the appropriate congressional committees that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, and conscription of child-soldiers.

“(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

“(i) releasing all political prisoners;

“(ii) allowing freedom of speech and the press;

“(iii) allowing freedom of association;

“(iv) permitting the peaceful exercise of religion; and

“(v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma’s ethnic nationalities on the transfer of power to a civilian government accountable to the Burmese people through democratic elections under the rule of law.

“(C) Pursuant to section 706(2) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) [22 U.S.C. 2291j-1(2)], Burma has not been designated as a country that has failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, including, but not limited to (i) the arrest and extradition of all individuals under indictment in the United States for narcotics trafficking, (ii) concrete and measurable actions to stem the flow of illicit drug money into Burma’s banking system and economic enterprises, and (iii) actions to stop the manufacture and export of methamphetamines.

“(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ‘appropriate congressional committees’ means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

“(b) WAIVER AUTHORITIES.—The President may waive the prohibitions described in this section for any or all articles that are a product of Burma if the President determines and notifies the Committees on Appropriations, Finance, and Foreign Relations of the Senate and the Committees on Appropriations, International Relations, and Ways and Means of the House of Rep-

resentatives that to do so is in the national interest of the United States.

“SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.

“(a) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act [July 28, 2003], the President shall take such action as is necessary to direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those funds or assets to the Office of Foreign Assets Control.

“(b) ADDITIONAL AUTHORITY.—The President may take such action as may be necessary to impose a sanctions regime to freeze such funds or assets, subject to such terms and conditions as the President determines to be appropriate.

“(c) DELEGATION.—The President may delegate the duties and authorities under this section to such Federal officers or other officials as the President deems appropriate.

“SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.

“The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose, and vote against the extension by such institution of any loan or financial or technical assistance to Burma until such time as the conditions described in section 3(a)(3) are met.

“SEC. 6. EXPANSION OF VISA BAN.

“(a) IN GENERAL.—

“(1) VISA BAN.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity Development Association.

“(2) UPDATES.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to allow officials of the United States and the European Union to ensure a high degree of coordination of lists of individuals banned from obtaining a visa by the European Union for the reason described in paragraph (1) and those banned from receiving a visa from the United States.

“(b) PUBLICATION.—The Secretary of State shall post on the Department of State’s website the names of individuals whose entry into the United States is banned under subsection (a).

“SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.

“Congress encourages the Secretary of State to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma’s democratic movement including the National League for Democracy and Burma’s ethnic groups.

“SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.

“(a) IN GENERAL.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent opposition to the regime in their efforts to promote freedom, democracy, and human rights in Burma, including a listing of constraints on such programming.

“(b) REPORTS.—

“(1) FIRST REPORT.—Not later than 3 months after the date of enactment of this Act [July 28, 2003], the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a

comprehensive report on its short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

“(2) REPORT ON RESOURCES.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report identifying resources that will be necessary for the reconstruction of Burma, after the SPDC is removed from power, including—

“(A) the formation of democratic institutions;

“(B) establishing the rule of law;

“(C) establishing freedom of the press;

“(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

“(E) providing health, educational, and economic development.

“(3) REPORT ON TRADE SANCTIONS.—Not later than 90 days before the date on which the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and the heads of appropriate agencies, shall submit to the Committees on Appropriations, Finance, and Foreign Relations of the Senate, and the Committees on Appropriations, International Relations, and Ways and Means of the House of Representatives, a report on—

“(A) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma;

“(B) the extent to which actions related to trade with Burma taken pursuant to this Act have been effective in—

“(i) improving conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

“(ii) furthering the policy objections of the United States toward Burma; and

“(C) the impact of actions relating to trade take [sic] pursuant to this Act on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States.

“SEC. 9. DURATION OF SANCTIONS.

“(a) TERMINATION BY REQUEST FROM DEMOCRATIC BURMA.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

“(b) CONTINUATION OF IMPORT SANCTIONS.—

“(1) EXPIRATION.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act [July 28, 2003] unless renewed under paragraph (2) of this section [subsection].

“(2) RESOLUTION BY CONGRESS.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

“(3) LIMITATION.—The import restrictions contained in section 3(a)(1) may be renewed for a maximum of three years from the date of the enactment of this Act.

“(c) RENEWAL RESOLUTIONS.—

“(1) IN GENERAL.—For purposes of this section, the term ‘renewal resolution’ means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: ‘That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.’

“(2) PROCEDURES.—

“(A) IN GENERAL.—A renewal resolution—

“(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1); and

“(ii) the provisions of subparagraph (B) shall apply.

“(B) EXPEDITED CONSIDERATION.—The provisions of section 152(b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.”

[Certain powers of President under sections 3(a) and 4 of Pub. L. 108-61 delegated to Secretary of the Treasury and functions and authorities of President under section 3(b) of Pub. L. 108-61 delegated to Secretary of State by section 9 of Ex. Ord. No. 13310, July 28, 2003, 68 F.R. 44854, set out below.]

Provisions similar to those contained in section 5 of Pub. L. 108-61, set out above, were contained in the following appropriation acts:

Pub. L. 108-447, div. D, title V, §531(a), Dec. 8, 2004, 118 Stat. 3004.

Pub. L. 108-199, div. D, title V, §531(a), Jan. 23, 2004, 118 Stat. 180.

SUDAN PEACE

Pub. L. 108-497, Dec. 23, 2004, 118 Stat. 4012, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Comprehensive Peace in Sudan Act of 2004’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

“(2) GOVERNMENT OF SUDAN.—The term ‘Government of Sudan’ means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of this Act [Dec. 23, 2004] (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).

“(3) JEM.—The term ‘JEM’ means the Justice and Equality Movement.

“(4) SLA.—The term ‘SLA’ means the Sudan Liberation Army.

“(5) SPLM.—The term ‘SPLM’ means the Sudan People’s Liberation Movement.

“SEC. 3. FINDINGS.

“Congress makes the following findings:

“(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act [Pub. L. 107-245] (50 U.S.C. 1701 note) and the Machakos Protocol of 2002, could be in jeopardy if the parties do not implement and honor the agreements they have signed.

“(2) Since seizing power through a military coup in 1989, the Government of Sudan repeatedly has attacked and dislocated civilian populations in southern Sudan in a coordinated policy of ethnic cleansing and genocide that has cost the lives of more than 2,000,000 people and displaced more than 4,000,000 people.

“(3) In response to two decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan, signed on June 5, 2004.

“(4) At the same time that the Government of Sudan was negotiating for a comprehensive and all inclusive peace agreement, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing and genocide in the Darfur region of western Sudan.

“(5) The Government of Sudan reluctantly agreed to attend talks to bring peace to the Darfur region only after considerable international pressure and outrage was expressed through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 (July 30, 2004).

“(6) The Government of the United States, in both the executive branch and Congress, has concluded that genocide has been committed and may still be occurring in the Darfur region, and that the Government of Sudan and militias supported by the Government of Sudan, known as the Janjaweed, bear responsibility for the genocide.

“(7) Evidence collected by international observers in the Darfur region between February 2003 and November 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, similar to that which was employed in southern Sudan, that has destroyed African Sudanese villages, killing and driving away their people, while Arab Sudanese villages have been left unscathed.

“(8) As a result of this genocidal policy in the Darfur region, an estimated 70,000 people have died, more than 1,600,000 people have been internally displaced, and more than 200,000 people have been forced to flee to neighboring Chad.

“(9) Reports further indicate the systematic rape of thousands of women and girls, the abduction of women and children, and the destruction of hundreds of ethnically African villages, including the poisoning of their wells and the plunder of their crops and cattle upon which the people of such villages sustain themselves.

“(10) Despite the threat of international action expressed through United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over the Darfur region.

“(11) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government-sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted access by humanitarian and human rights workers to the Darfur area through intimidation by military and security forces, and through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those individuals displaced from their villages and homes without any means of sustenance or shelter.

“(12) The Government of Sudan’s continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be causing up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

“(13) The Government of Chad served an important role in facilitating the humanitarian cease-fire (the N’Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the two opposition rebel groups in the Darfur region (the JEM and the SLA), although both sides have violated the cease-fire agreement repeatedly.

“(14) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

“(15) On September 9, 2004, Secretary of State Colin Powell stated before the Committee on Foreign Rela-

tions of the Senate: ‘When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the [Janjaweed] bear responsibility—and genocide may still be occurring.’

“(16) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in the Darfur region, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

“(17) The Government of Sudan’s complicity in the atrocities and genocide in the Darfur region raises fundamental questions about the Government of Sudan’s commitment to peace and stability in Sudan.

“SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

“(a) SUDAN PEACE ACT.—It is the sense of Congress that the Sudan Peace Act [Pub. L. 107-245] (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

“(b) ACTIONS TO ADDRESS THE CONFLICT.—It is the sense of Congress that—

“(1) a legitimate countrywide peace in Sudan will only be possible if those principles enumerated in the 1948 Universal Declaration of Human Rights, that are affirmed in the Machakos Protocol of 2002 and the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004, are applied to all of Sudan, including the Darfur region;

“(2) the parties to the N’Djamena Agreement (the Government of Sudan, the JEM, and the SLA) must meet their obligations under that Agreement to allow safe and immediate delivery of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in the Darfur region;

“(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, implement a plan to provide assistance to the areas of Sudan to which access has been obstructed or denied;

“(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the crisis in the Darfur region;

“(5) the United States and the international community should—

“(A) provide all necessary assistance to deploy and sustain an African Union Force to the Darfur region; and

“(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

“(6) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should—

“(A) condemn any failure on the part of the Government of Sudan to fulfill its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004), and press the United Nations Security Council to respond to such failure by immediately imposing the penalties suggested in paragraph (14) of United Nations Security Council Resolution 1564;

“(B) press the United Nations Security Council to pursue accountability for those individuals who are found responsible for orchestrating and carrying out the atrocities in the Darfur region, consistent with relevant United Nations Security Council Resolutions; and

“(C) encourage member states of the United Nations to—

“(i) cease to import Sudanese oil; and

“(ii) take the following actions against Sudanese Government and military officials and other individuals, who are planning, carrying out, or otherwise involved in the policy of genocide in the Darfur region, as well as their families, and businesses controlled by the Government of Sudan and the National Congress Party:

“(I) freeze the assets held by such individuals or businesses in each such member state; and

“(II) restrict the entry or transit of such officials through each such member state;

“(7) the President should impose targeted sanctions, including a ban on travel and the freezing of assets, on those officials of the Government of Sudan, including military officials, and other individuals who have planned or carried out, or otherwise been involved in the policy of genocide in the Darfur region, and should also freeze the assets of businesses controlled by the Government of Sudan or the National Congress Party;

“(8) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including the Darfur region;

“(9) those individuals found to be involved in the planning or carrying out of genocide, war crimes, or crimes against humanity should not hold leadership positions in the Government of Sudan or the coalition government established pursuant to the agreements reached in the Nairobi Declaration on the Final Phase of Peace in the Sudan; and

“(10) the Government of Sudan has a primary responsibility to guarantee the safety and welfare of its citizens, which includes allowing them access to humanitarian assistance and providing them protection from violence.

“SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.
“[Amended Pub. L. 107-245, set out below.]

“SEC. 6. SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

“(a) SANCTIONS.—Beginning on the date that is 30 days after the date of enactment of this Act [Dec. 23, 2004], the President shall, notwithstanding paragraph (1) of section 6(b) of the Sudan Peace Act [Pub. L. 107-245] (50 U.S.C. 1701 note), implement the measures set forth in subparagraphs (A) through (D) of paragraph (2) of such section.

“(b) BLOCKING OF ASSETS.—Beginning on the date that is 30 days after the date of enactment of this Act, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

“(c) WAIVER.—The President may waive the application of subsection (a) or (b) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

“(d) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Act, 2004 (division D of Public Law 108-199; 118 Stat. 143 [162, 169, 170, 177]), or any other similar provision of law, shall remain in effect against the Government of Sudan and may not be lifted pursuant to such provisions of law unless the President transmits a certification to the appropriate congressional committees in accordance with paragraph (2) of section 12(a) of the Sudan Peace Act (as added by section 5(a)(1) of this Act).

“(e) DETERMINATION.—Notwithstanding subsection (a) of this section, the President shall continue to transmit the determination required under section 6(b)(1)(A) of the Sudan Peace Act (50 U.S.C. 1701 note).

“SEC. 7. ADDITIONAL AUTHORITIES.

“Notwithstanding any other provision of law, the President is authorized to provide assistance, other

than military assistance, to areas that were outside of the control of the Government of Sudan on April 8, 2004, including to provide assistance for emergency relief, development and governance, or to implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

“SEC. 8. TECHNICAL CORRECTION.

“[Amended section 288f-2 of Title 22, Foreign Relations and Intercourse.]”

Pub. L. 107-245, Oct. 21, 2002, 116 Stat. 1504, as amended by Pub. L. 108-497, § 5, Dec. 23, 2004, 118 Stat. 4016, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Sudan Peace Act’.

“SEC. 2. FINDINGS.

“The Congress makes the following findings:

“(1) The Government of Sudan has intensified its prosecution of the war against areas outside of its control, which has already cost more than 2,000,000 lives and has displaced more than 4,000,000 people.

“(2) A viable, comprehensive, and internationally sponsored peace process, protected from manipulation, presents the best chance for a permanent resolution of the war, protection of human rights, and a self-sustaining Sudan.

“(3) Continued strengthening and reform of humanitarian relief operations in Sudan is an essential element in the effort to bring an end to the war.

“(4) Continued leadership by the United States is critical.

“(5) Regardless of the future political status of the areas of Sudan outside of the control of the Government of Sudan, the absence of credible civil authority and institutions is a major impediment to achieving self-sustenance by the Sudanese people and to meaningful progress toward a viable peace process. It is critical that credible civil authority and institutions play an important role in the reconstruction of post-war Sudan.

“(6) Through the manipulation of traditional rivalries among peoples in areas outside of its full control, the Government of Sudan has used divide-and-conquer techniques effectively to subjugate its population. However, internationally sponsored reconciliation efforts have played a critical role in reducing human suffering and the effectiveness of this tactic.

“(7) The Government of Sudan utilizes and organizes militias, Popular Defense Forces, and other irregular units for raiding and enslaving parties in areas outside of the control of the Government of Sudan in an effort to disrupt severely the ability of the populations in those areas to sustain themselves. The tactic helps minimize the Government of Sudan’s accountability internationally.

“(8) The Government of Sudan has repeatedly stated that it intends to use the expected proceeds from future oil sales to increase the tempo and lethality of the war against the areas outside of its control.

“(9) By regularly banning air transport relief flights by the United Nations relief operation OLS, the Government of Sudan has been able to manipulate the receipt of food aid by the Sudanese people from the United States and other donor countries as a devastating weapon of war in the ongoing effort by the Government of Sudan to starve targeted groups and subdue areas of Sudan outside of the Government’s control.

“(10) The acts of the Government of Sudan, including the acts described in this section, constitute genocide as defined by the Convention on the Prevention and Punishment of the Crime of Genocide (78 U.N.T.S. 277).

“(11) The efforts of the United States and other donors in delivering relief and assistance through means outside of OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan’s manipulation of food donations to advantage in the civil war in Sudan.

“(12) While the immediate needs of selected areas in Sudan facing starvation have been addressed in the near term, the population in areas of Sudan outside of the control of the Government of Sudan are still in danger of extreme disruption of their ability to sustain themselves.

“(13) The Nuba Mountains and many areas in Bahr al Ghazal and the Upper Nile and the Blue Nile regions have been excluded completely from relief distribution by OLS, consequently placing their populations at increased risk of famine.

“(14) At a cost which has sometimes exceeded \$1,000,000 per day, and with a primary focus on providing only for the immediate food needs of the recipients, the current international relief operations are neither sustainable nor desirable in the long term.

“(15) The ability of populations to defend themselves against attack in areas outside of the control of the Government of Sudan has been severely compromised by the disengagement of the front-line states of Ethiopia, Eritrea, and Uganda, fostering the belief among officials of the Government of Sudan that success on the battlefield can be achieved.

“(16) The United States should use all means of pressure available to facilitate a comprehensive solution to the war in Sudan, including—

“(A) the multilateralization of economic and diplomatic tools to compel the Government of Sudan to enter into a good faith peace process;

“(B) the support or creation of viable democratic civil authority and institutions in areas of Sudan outside of government control;

“(C) continued active support of people-to-people reconciliation mechanisms and efforts in areas outside of government control;

“(D) the strengthening of the mechanisms to provide humanitarian relief to those areas; and

“(E) cooperation among the trading partners of the United States and within multilateral institutions toward those ends.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(2) GOVERNMENT OF SUDAN.—Except as provided in section 12, the term ‘Government of Sudan’ means the National Islamic Front government in Khartoum, Sudan.

“(3) OLS.—The term ‘OLS’ means the United Nations relief operation carried out by UNICEF, the World Food Program, and participating relief organizations known as ‘Operation Lifeline Sudan’.

“(4) SPLM.—The term ‘SPLM’ means the Sudan People’s Liberation Movement.

“SEC. 4. CONDEMNATION OF SLAVERY, OTHER HUMAN RIGHTS ABUSES, AND TACTICS OF THE GOVERNMENT OF SUDAN.

“The Congress hereby—

“(1) condemns—

“(A) violations of human rights on all sides of the conflict in Sudan;

“(B) the Government of Sudan’s overall human rights record, with regard to both the prosecution of the war and the denial of basic human and political rights to all Sudanese;

“(C) the ongoing slave trade in Sudan and the role of the Government of Sudan in abetting and tolerating the practice;

“(D) the Government of Sudan’s use and organization of ‘murahalliin’ or ‘mujahadeen’, Popular Defense Forces, and regular Sudanese Army units into organized and coordinated raiding and slaving parties in Bahr al Ghazal, the Nuba Mountains, and the Upper Nile and the Blue Nile regions; and

“(E) aerial bombardment of civilian targets that is sponsored by the Government of Sudan; and

“(2) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.

“SEC. 5. ASSISTANCE FOR PEACE AND DEMOCRATIC GOVERNANCE.

“(a) ASSISTANCE TO SUDAN.—The President is authorized to provide increased assistance to the areas of Sudan that are not controlled by the Government of Sudan to prepare the population for peace and democratic governance, including support for civil administration, communications infrastructure, education, health, and agriculture.

“(b) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out the activities described in subsection (a) of this section \$100,000,000 for each of the fiscal years 2003, 2004, and 2005.

“(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) of this subsection are authorized to remain available until expended.

“SEC. 6. SUPPORT FOR AN INTERNATIONALLY SANCTIONED PEACE PROCESS.

“(a) FINDINGS.—Congress hereby—

“(1) recognizes that—

“(A) a single, viable internationally and regionally sanctioned peace process holds the greatest opportunity to promote a negotiated, peaceful settlement to the war in Sudan; and

“(B) resolution to the conflict in Sudan is best made through a peace process based on the Declaration of Principles reached in Nairobi, Kenya, on July 20, 1994, and on the Machakos Protocol in July 2002; and

“(2) commends the efforts of Special Presidential Envoy, Senator Danforth and his team in working to assist the parties to the conflict in Sudan in finding a just, permanent peace to the conflict in Sudan.

“(b) MEASURES OF CERTAIN CONDITIONS NOT MET.—

“(1) PRESIDENTIAL DETERMINATION.—

“(A) The President shall make a determination and certify in writing to the appropriate congressional committees within 6 months after the date of enactment of this Act [Oct. 21, 2002], and each 6 months thereafter, that the Government of Sudan and the Sudan People’s Liberation Movement are negotiating in good faith and that negotiations should continue.

“(B) If, under subparagraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Government of Sudan has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, or has unreasonably interfered with humanitarian efforts, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

“(C) If, under paragraph (A) the President determines and certifies in writing to the appropriate congressional committees that the Sudan People’s Liberation Movement has not engaged in good faith negotiations to achieve a permanent, just, and equitable peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

“(D) If the President certifies to the appropriate congressional committees that the Government of Sudan is not in compliance with the terms of a permanent peace agreement between the Government of Sudan and the Sudan People’s Liberation Movement, then the President, after consultation with the Congress, shall implement the measures set forth in paragraph (2).

“(E) If, at any time after the President has made a certification under subparagraph (B), the President makes a determination and certifies in writing

to the appropriate congressional committees that the Government of Sudan has resumed good faith negotiations, or makes a determination and certifies in writing to the appropriate congressional committees that the Government of Sudan is in compliance with a peace agreement, then paragraph (2) shall not apply to the Government of Sudan.

“(2) MEASURES IN SUPPORT OF THE PEACE PROCESS.—Subject to the provisions of paragraph (1), the President—

“(A) shall, through the Secretary of the Treasury, instruct the United States executive directors to each international financial institution to continue to vote against and actively oppose any extension by the respective institution of any loan, credit, or guarantee to the Government of Sudan;

“(B) should consider downgrading or suspending diplomatic relations between the United States and the Government of Sudan;

“(C) shall take all necessary and appropriate steps, including through multilateral efforts, to deny the Government of Sudan access to oil revenues to ensure that the Government of Sudan neither directly nor indirectly utilizes any oil revenues to purchase or acquire military equipment or to finance any military activities; and

“(D) shall seek a United Nations Security Council Resolution to impose an arms embargo on the Government of Sudan.

“(c) REPORT ON THE STATUS OF NEGOTIATIONS.—If, at any time after the President has made a certification under subsection (b)(1)(A), the Government of Sudan discontinues negotiations with the Sudan People’s Liberation Movement for a 14-day period, then the President shall submit a quarterly report to the appropriate congressional committees on the status of the peace process until negotiations resume.

“(d) REPORT ON UNITED STATES OPPOSITION TO FINANCING BY INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall submit a semi-annual report to the appropriate congressional committees describing the steps taken by the United States to oppose the extension of a loan, credit, or guarantee if, after the Secretary of the Treasury gives the instructions described in subsection (b)(2)(A), such financing is extended.

“(e) REPORT ON EFFORTS TO DENY OIL REVENUES.—Not later than 45 days after the President takes an action under subsection (b)(2)(C), the President shall submit to the appropriate congressional committees a comprehensive plan for implementing the actions described in such subsection.

“(f) DEFINITION.—In this section, the term ‘international financial institution’ means the International Bank for Reconstruction and Development, the International Development Association, the International Monetary Fund, the African Development Bank, and the African Development Fund.

“SEC. 7. MULTILATERAL PRESSURE ON COMBATANTS.

“It is the sense of Congress that—

“(1) the United Nations should help facilitate peace and recovery in Sudan;

“(2) the President, acting through the United States Permanent Representative to the United Nations, should seek to end the veto power of the Government of Sudan over the plans by OLS for air transport relief flights and, by doing so, to end the manipulation of the delivery of relief supplies to the advantage of the Government of Sudan on the battlefield; and

“(3) the President should take appropriate measures, including the implementation of recommendations of the International Eminent Persons Commission contained in the report issued on May 22, 2002, to end slavery and aerial bombardment of civilians by the Government of Sudan.

“SEC. 8. REPORTING REQUIREMENTS.

“(a) REPORT ON COMMERCIAL ACTIVITY.—Not later than 30 days after the date of the enactment of the

Comprehensive Peace in Sudan Act of 2004 [Dec. 23, 2004], and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State, in consultation with relevant United States Government departments and agencies, shall submit to the appropriate congressional committees a report regarding commercial activity in Sudan that includes—

“(1) a description of the sources and current status of Sudan’s financing and construction of infrastructure and pipelines for oil exploitation, the effects of such financing and construction on the inhabitants of the regions in which the oil fields are located and the ability of the Government of Sudan to finance the war in Sudan with the proceeds of the oil exploitation;

“(2) a description of the extent to which that financing was secured in the United States or with the involvement of United States citizens; and

“(3) a description of the relationships between Sudan’s arms industry and major foreign business enterprises and their subsidiaries, including government-controlled entities.

“(b) REPORT ON THE CONFLICT IN SUDAN, INCLUDING THE DARFUR REGION.—Not later than 30 days after the date of the enactment of the Comprehensive Peace in Sudan Act of 2004 [Dec. 23, 2004], and annually thereafter until the completion of the interim period outlined in the Machakos Protocol of 2002, the Secretary of State shall prepare and submit to the appropriate congressional committees a report regarding the conflict in Sudan, including the conflict in the Darfur region. Such report shall include—

“(1) the best estimates of the extent of aerial bombardment of civilian centers in Sudan by the Government of Sudan, including targets, frequency, and best estimates of damage; and

“(2) a description of the extent to which humanitarian relief in Sudan has been obstructed or manipulated by the Government of Sudan or other forces, and a contingency plan to distribute assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

“(c) DISCLOSURE TO THE PUBLIC.—The Secretary of State shall publish or otherwise make available to the public each unclassified report, or portion of a report that is unclassified, submitted under subsection (a) or (b).

“SEC. 9. CONTINUED USE OF NON-OLS ORGANIZATIONS FOR RELIEF EFFORTS.

“(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should continue to increase the use of non-OLS agencies in the distribution of relief supplies in southern Sudan.

“(b) REPORT.—Not later than 90 days after the date of enactment of this Act [Oct. 21, 2002], the President shall submit to the appropriate congressional committees a detailed report describing the progress made toward carrying out subsection (a).

“SEC. 10. CONTINGENCY PLAN FOR ANY BAN ON AIR TRANSPORT RELIEF FLIGHTS.

“(a) PLAN.—The President shall develop a contingency plan to provide, outside the auspices of the United Nations if necessary, the greatest possible amount of United States Government and privately donated relief to all affected areas in Sudan, including the Nuba Mountains and the Upper Nile and the Blue Nile regions, in the event that the Government of Sudan imposes a total, partial, or incremental ban on OLS air transport relief flights.

“(b) REPROGRAMMING AUTHORITY.—Notwithstanding any other provision of law, in carrying out the plan developed under subsection (a), the President may reprogram up to 100 percent of the funds available for support of OLS operations for the purposes of the plan.

“SEC. 11. INVESTIGATION OF WAR CRIMES.

“(a) IN GENERAL.—The Secretary of State shall collect information about incidents which may constitute

crimes against humanity, genocide, war crimes, and other violations of international humanitarian law by all parties to the conflict in Sudan, including slavery, rape, and aerial bombardment of civilian targets.

“(b) REPORT.—Not later than 6 months after the date of the enactment of this Act [Oct. 21, 2002] and annually thereafter, the Secretary of State shall prepare and submit to the appropriate congressional committees a detailed report on the information that the Secretary of State has collected under subsection (a) and any findings or determinations made by the Secretary on the basis of that information. The report under this subsection may be submitted as part of the report required under section 8.

“(c) CONSULTATIONS WITH OTHER DEPARTMENTS.—In preparing the report required by this section, the Secretary of State shall consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests.

“SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) ASSISTANCE.—

“(1) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to provide assistance for Sudan as authorized in paragraph (5) of this section—

“(A) subject to the requirements of this section, to support the implementation of a comprehensive peace agreement that applies to all regions of Sudan, including the Darfur region; and

“(B) to address the humanitarian and human rights crisis in the Darfur region and eastern Chad, including to support the African Union mission in the Darfur region, provided that no assistance may be made available to the Government of Sudan.

“(2) CERTIFICATION FOR THE GOVERNMENT OF SUDAN.—Assistance authorized under paragraph (1)(A) may be provided to the Government of Sudan only if the President certifies to the appropriate congressional committees that the Government of Sudan has taken demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not committing atrocities or obstructing human rights monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered humanitarian assistance to all regions of Sudan, including the Darfur region;

“(D) allow an international commission of inquiry to conduct an investigation of atrocities in the Darfur region, in a manner consistent with United Nations Security Council Resolution 1564 (September 18, 2004), to investigate reports of violations of international humanitarian law and human rights law in the Darfur region by all parties, to determine also whether or not acts of genocide have occurred and to identify the perpetrators of such violations with a view to ensuring that those responsible are held accountable;

“(E) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan;

“(F) permit the safe and voluntary return of displaced persons and refugees to their homes and rebuild the communities destroyed in the violence; and

“(G) implement the final agreements reached in the Naivasha peace process and install a new coalition government based on the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004.

“(3) CERTIFICATION WITH REGARD TO SPLM’S COMPLIANCE WITH A PEACE AGREEMENT.—If the President de-

termines and certifies in writing to the appropriate congressional committees that the SPLM has not engaged in good faith negotiations, or has failed to honor the agreements signed, the President shall suspend assistance authorized in this section for the SPLM, except for health care, education, and humanitarian assistance.

“(4) SUSPENSION OF ASSISTANCE.—If, on a date after the President transmits the certification described in paragraph (2), the President determines that the Government of Sudan has ceased taking the actions described in such paragraph, the President shall immediately suspend the provision of any assistance to such Government under this section until the date on which the President transmits to the appropriate congressional committees a further certification that the Government of Sudan has resumed taking such actions.

“(5) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—In addition to any other funds otherwise available for such purposes, there are authorized to be appropriated to the President—

“(i) \$100,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 and 2007, unless otherwise authorized, to carry out paragraph (1)(A); and

“(ii) \$200,000,000 for fiscal year 2005 to carry out paragraph (1)(B), provided that no amounts appropriated under this authorization may be made available for the Government of Sudan.

“(B) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

“(b) GOVERNMENT OF SUDAN DEFINED.—In this section, the term ‘Government of Sudan’ means the National Congress Party, formerly known as the National Islamic Front, government in Khartoum, Sudan, or any successor government formed on or after the date of the enactment of the Comprehensive Peace in Sudan Act [of 2004, Dec. 23, 2004] (other than the coalition government agreed upon in the Nairobi Declaration on the Final Phase of Peace in the Sudan signed on June 5, 2004).”

DELEGATION OF CERTAIN FUNCTIONS RELATED TO THE SUDAN PEACE ACT

Memorandum of President of the United States, Oct. 21, 2004, 69 F.R. 63039, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the determination, certification, and reporting functions conferred upon the President by sections 6(b)(1) and 6(c) of the Sudan Peace Act (Public Law 107-245) [set out above].

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

Memorandum of President of the United States, Mar. 14, 2005, 70 F.R. 14967, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the reporting function conferred upon the President by section 6(e) of the Sudan Peace Act (Public Law 107-245) [set out above].

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

PRESIDENTIAL DETERMINATION ON THE SUDAN PEACE ACT

Determination of President of the United States, No. 2004-29, Apr. 21, 2004, 69 F.R. 24905, provided:

Memorandum for the Secretary of State

Consistent with section 6(b)(1)(A) of the Sudan Peace Act (Public Law 107-245) [set out above], I hereby deter-

mine and certify that the Government of Sudan and the Sudan People's Liberation Movement are negotiating in good faith and that negotiations should continue.

You are authorized and directed to notify the Congress of this determination and to arrange for its publication in the Federal Register.

GEORGE W. BUSH.

Prior determinations and certifications were contained in the following:

Determination of President of the United States, No. 2004-05, Oct. 21, 2003, 68 F.R. 63977.

Determination of President of the United States, No. 2003-21, Apr. 21, 2003, 68 F.R. 20329.

ASSISTANCE EFFORTS IN SUDAN

Pub. L. 108-199, div. D, title V, §534(j), Jan. 23, 2004, 118 Stat. 182, provided that: "For the purposes of section 501 of Public Law 106-570 [set out below], the terms 'areas outside of control of the Government of Sudan' and 'area in Sudan outside of control of the Government of Sudan' shall, upon conclusion of a peace agreement between the Government of Sudan and the Sudan People's Liberation Movement, have the same meaning and application as was the case immediately prior to the conclusion of such agreement."

Pub. L. 106-570, title V, §501, Dec. 27, 2000, 114 Stat. 3050, provided that:

"(a) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

"(b) EXCEPTION TO EXPORT PROHIBITIONS.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Register 59989) [set out below] shall not apply to any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people."

IRAN NONPROLIFERATION

Pub. L. 106-178, Mar. 14, 2000, 114 Stat. 38, as amended by Pub. L. 107-228, div. B, title XIII, §1306, Sept. 30, 2002, 116 Stat. 1438, provided that:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Iran Nonproliferation Act of 2000'.

"SEC. 2. REPORTS ON PROLIFERATION TO IRAN.

"(a) REPORTS.—The President shall, at the times specified in subsection (b), submit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report identifying every foreign person with respect to whom there is credible information indicating that that person, on or after January 1, 1999, transferred to Iran—

"(1) goods, services, or technology listed on—

"(A) the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/ Rev.3/ Part 1, and subsequent revisions) and Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy

Agency as Information Circular INFCIRC/254/ Rev.3/ Part 2, and subsequent revisions);

"(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions;

"(C) the lists of items and substances relating to biological and chemical weapons the export of which is controlled by the Australia Group;

"(D) the Schedule One or Schedule Two list of toxic chemicals and precursors the export of which is controlled pursuant to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction; or

"(E) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

"(2) goods, services, or technology not listed on any list identified in paragraph (1) but which nevertheless would be, if they were United States goods, services, or technology, prohibited for export to Iran because of their potential to make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems.

"(b) TIMING OF REPORTS.—The reports under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act [Mar. 14, 2000], not later than 6 months after such date of enactment, and not later than the end of each 6-month period thereafter.

"(c) EXCEPTIONS.—Any foreign person who—

"(1) was identified in a previous report submitted under subsection (a) on account of a particular transfer; or

"(2) has engaged in a transfer on behalf of, or in concert with, the Government of the United States, is not required to be identified on account of that same transfer in any report submitted thereafter under this section, except to the degree that new information has emerged indicating that the particular transfer may have continued, or been larger, more significant, or different in nature than previously reported under this section.

"(d) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, reports submitted under subsection (a), or appropriate parts thereof, may be submitted in classified form.

"(e) CONTENT OF REPORTS.—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.

"SEC. 3. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

"(a) APPLICATION OF MEASURES.—Subject to sections 4 and 5, the President is authorized to apply with respect to each foreign person identified in a report submitted pursuant to section 2(a), for such period of time as he may determine, any or all of the measures described in subsection (b).

"(b) DESCRIPTION OF MEASURES.—The measures referred to in subsection (a) are the following:

"(1) EXECUTIVE ORDER NO. 12938 PROHIBITIONS.—The measures set forth in subsections (b) and (c) of section 4 of Executive Order No. 12938.

"(2) ARMS EXPORT PROHIBITION.—Prohibition on United States Government sales to that foreign person of any item on the United States Munitions List as in effect on August 8, 1995, and termination of sales to that person of any defense articles, defense services, or design and construction services under the Arms Export Control Act [22 U.S.C. 2751 et seq.].

"(3) DUAL USE EXPORT PROHIBITION.—Denial of licenses and suspension of existing licenses for the

transfer to that person of items the export of which is controlled under the Export Administration Act of 1979 [50 App. U.S.C. 2401 et seq.] or the Export Administration Regulations.

“(c) EFFECTIVE DATE OF MEASURES.—Measures applied pursuant to subsection (a) shall be effective with respect to a foreign person no later than—

“(1) 90 days after the report identifying the foreign person is submitted, if the report is submitted on or before the date required by section 2(b);

“(2) 90 days after the date required by section 2(b) for submitting the report, if the report identifying the foreign person is submitted within 60 days after that date; or

“(3) on the date that the report identifying the foreign person is submitted, if that report is submitted more than 60 days after the date required by section 2(b).

“(d) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) shall be announced by notice published in the Federal Register.

“SEC. 4. PROCEDURES IF MEASURES ARE NOT APPLIED.

“(a) REQUIREMENT TO NOTIFY CONGRESS.—Should the President not exercise the authority of section 3(a) to apply any or all of the measures described in section 3(b) with respect to a foreign person identified in a report submitted pursuant to section 2(a), he shall so notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate no later than the effective date under section 3(c) for measures with respect to that person.

“(b) WRITTEN JUSTIFICATION.—Any notification submitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report submitted pursuant to section 2(a) that support the President’s decision not to exercise the authority of section 3(a) with respect to that person.

“(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be submitted in classified form.

“SEC. 5. DETERMINATION EXEMPTING FOREIGN PERSON FROM SECTIONS 3 AND 4.

“(a) IN GENERAL.—Sections 3 and 4 shall not apply to a foreign person 15 days after the President reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the President has determined, on the basis of information provided by that person, or otherwise obtained by the President, that—

“(1) the person did not, on or after January 1, 1999, knowingly transfer to Iran the goods, services, or technology the apparent transfer of which caused that person to be identified in a report submitted pursuant to section 2(a);

“(2) the goods, services, or technology the transfer of which caused that person to be identified in a report submitted pursuant to section 2(a) did not materially contribute to Iran’s efforts to develop nuclear, biological, or chemical weapons, or ballistic or cruise missile systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of that list;

“(3) the person is subject to the primary jurisdiction of a government that is an adherent to one or more relevant nonproliferation regimes, the person was identified in a report submitted pursuant to section 2(a) with respect to a transfer of goods, services, or technology described in section 2(a)(1), and such transfer was made consistent with the guidelines and parameters of all such relevant regimes of which such government is an adherent; or

“(4) the government with primary jurisdiction over the person has imposed meaningful penalties on that

person on account of the transfer of the goods, services, or technology which caused that person to be identified in a report submitted pursuant to section 2(a).

“(b) OPPORTUNITY TO PROVIDE INFORMATION.—Congress urges the President—

“(1) in every appropriate case, to contact in a timely fashion each foreign person identified in each report submitted pursuant to section 2(a), or the government with primary jurisdiction over such person, in order to afford such person, or governments, the opportunity to provide explanatory, exculpatory, or other additional information with respect to the transfer that caused such person to be identified in a report submitted pursuant to section 2(a); and

“(2) to exercise the authority in subsection (a) in all cases where information obtained from a foreign person identified in a report submitted pursuant to section 2(a), or from the government with primary jurisdiction over such person, establishes that the exercise of such authority is warranted.

“(c) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be submitted in classified form.

“SEC. 6. RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.

“(a) RESTRICTION ON EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—Notwithstanding any other provision of law, no agency of the United States Government may make extraordinary payments in connection with the International Space Station to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any other organization, entity, or element of the Government of the Russian Federation, unless, during the fiscal year in which the extraordinary payments in connection with the International Space Station are to be made, the President has made the determination described in subsection (b), and reported such determination to the Committee on International Relations and the Committee on Science of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) DETERMINATION REGARDING RUSSIAN COOPERATION IN PREVENTING PROLIFERATION TO IRAN.—The determination referred to in subsection (a) is a determination by the President that—

“(1) it is the policy of the Government of the Russian Federation to oppose the proliferation to Iran of weapons of mass destruction and missile systems capable of delivering such weapons;

“(2) the Government of the Russian Federation (including the law enforcement, export promotion, export control, and intelligence agencies of such government) has demonstrated and continues to demonstrate a sustained commitment to seek out and prevent the transfer to Iran of goods, services, and technology that could make a material contribution to the development of nuclear, biological, or chemical weapons, or of ballistic or cruise missile systems; and

“(3) neither the Russian Aviation and Space Agency, nor any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, has, during the 1-year period prior to the date of the determination pursuant to this subsection, made transfers to Iran reportable under section 2(a) of this Act (other than transfers with respect to which a determination pursuant to section 5 has been or will be made).

“(c) PRIOR NOTIFICATION.—Not less than 5 days before making a determination under subsection (b), the President shall notify the Committee on International Relations and the Committee on Science of the House

of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science, and Transportation of the Senate of his intention to make such determination.

“(d) WRITTEN JUSTIFICATION.—A determination of the President under subsection (b) shall include a written justification describing in detail the facts and circumstances supporting the President’s conclusion.

“(e) SUBMISSION IN CLASSIFIED FORM.—When the President considers it appropriate, a determination of the President under subsection (b), a prior notification under subsection (c), and a written justification under subsection (d), or appropriate parts thereof, may be submitted in classified form.

“(f) EXCEPTION FOR CREW SAFETY.—

“(1) EXCEPTION.—The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Aviation and Space Agency or any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency if the President has notified the Congress in writing that such payments are necessary to prevent the imminent loss of life by or grievous injury to individuals aboard the International Space Station.

“(2) REPORT.—Not later than 30 days after notifying Congress that the National Aeronautics and Space Administration will make extraordinary payments under paragraph (1), the President shall submit to Congress a report describing—

“(A) the extent to which the provisions of subsection (b) had been met as of the date of notification; and

“(B) the measures that the National Aeronautics and Space Administration is taking to ensure that—

“(i) the conditions posing a threat of imminent loss of life by or grievous injury to individuals aboard the International Space Station necessitating the extraordinary payments are not repeated; and

“(ii) it is no longer necessary to make extraordinary payments in order to prevent imminent loss of life by or grievous injury to individuals aboard the International Space Station.

“(g) SERVICE MODULE EXCEPTION.—

“(1) The National Aeronautics and Space Administration may make extraordinary payments that would otherwise be prohibited under this section to the Russian Aviation and Space Agency, any organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency, or any subcontractor thereof for the construction, testing, preparation, delivery, launch, or maintenance of the Service Module, and for the purchase (at a total cost not to exceed \$14,000,000) of the pressure dome for the Interim Control Module and the Androgynous Peripheral Docking Adapter and related hardware for the United States propulsion module, if—

“(A) the President has notified Congress at least 5 days before making such payments;

“(B) no report has been made under section 2 with respect to an activity of the entity to receive such payment, and the President has no credible information of any activity that would require such a report; and

“(C) the United States will receive goods or services of value to the United States commensurate with the value of the extraordinary payments made.

“(2) For purposes of this subsection, the term ‘maintenance’ means activities which cannot be performed by the National Aeronautics and Space Administration and which must be performed in order for the Service Module to provide environmental control, life support, and orbital maintenance functions which cannot be performed by an alternative means at the time of payment.

“(3) This subsection shall cease to be effective 60 days after a United States propulsion module is in place at the International Space Station.

“(h) EXCEPTION.—Notwithstanding subsections (a) and (b), no agency of the United States Government may make extraordinary payments in connection with the International Space Station to any foreign person subject to measures applied pursuant to—

“(1) section 3 of this Act; or

“(2) section 4 of Executive Order No. 12938 (November 14, 1994), as amended by Executive Order No. 13094 (July 28, 1998).

Such payments shall also not be made to any other entity if the agency of the United States Government anticipates that such payments will be passed on to such a foreign person.

“SEC. 7. DEFINITIONS.

“For purposes of this Act, the following terms have the following meanings:

“(1) EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—The term ‘extraordinary payments in connection with the International Space Station’ means payments in cash or in kind made or to be made by the United States Government—

“(A) for work on the International Space Station which the Russian Government pledged at any time to provide at its expense; or

“(B) for work on the International Space Station, or for the purchase of goods or services relating to human space flight, that are not required to be made under the terms of a contract or other agreement that was in effect on January 1, 1999, as those terms were in effect on such date.

“(2) FOREIGN PERSON; PERSON.—The terms ‘foreign person’ and ‘person’ mean—

“(A) a natural person that is an alien;

“(B) a corporation, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

“(C) any foreign governmental entity operating as a business enterprise; and

“(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

“(3) EXECUTIVE ORDER NO. 12938.—The term ‘Executive Order No. 12938’ means Executive Order No. 12938 [set out below] as in effect on January 1, 1999.

“(4) ADHERENT TO RELEVANT NONPROLIFERATION REGIME.—A government is an ‘adherent’ to a ‘relevant nonproliferation regime’ if that government—

“(A) is a member of the Nuclear Suppliers Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(A);

“(B) is a member of the Missile Technology Control Regime with respect to a transfer of goods, services, or technology described in section 2(a)(1)(B), or is a party to a binding international agreement with the United States that was in effect on January 1, 1999, to control the transfer of such goods, services, or technology in accordance with the criteria and standards set forth in the Missile Technology Control Regime;

“(C) is a member of the Australia Group with respect to a transfer of goods, services, or technology described in section 2(a)(1)(C);

“(D) is a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction with respect to a transfer of goods, services, or technology described in section 2(a)(1)(D); or

“(E) is a member of the Wassenaar Arrangement with respect to a transfer of goods, services, or technology described in section 2(a)(1)(E).

“(5) ORGANIZATION OR ENTITY UNDER THE JURISDICTION OR CONTROL OF THE RUSSIAN AVIATION AND SPACE AGENCY.—

“(A) The term ‘organization or entity under the jurisdiction or control of the Russian Aviation and Space Agency’ means an organization or entity that—

“(i) was made part of the Russian Space Agency upon its establishment on February 25, 1992;

“(ii) was transferred to the Russian Space Agency by decree of the Russian Government on July 25, 1994, or May 12, 1998;

“(iii) was or is transferred to the Russian Aviation and Space Agency or Russian Space Agency by decree of the Russian Government at any other time before, on, or after the date of the enactment of this Act [Mar. 14, 2000]; or

“(iv) is a joint stock company in which the Russian Aviation and Space Agency or Russian Space Agency has at any time held controlling interest.

“(B) Any organization or entity described in subparagraph (A) shall be deemed to be under the jurisdiction or control of the Russian Aviation and Space Agency regardless of whether—

“(i) such organization or entity, after being part of or transferred to the Russian Aviation and Space Agency or Russian Space Agency, is removed from or transferred out of the Russian Aviation and Space Agency or Russian Space Agency; or

“(ii) the Russian Aviation and Space Agency or Russian Space Agency, after holding a controlling interest in such organization or entity, divests its controlling interest.”

[Memorandum of President of the United States, Sept. 11, 2000, 65 F.R. 56209, delegated to the Secretary of State functions and authorities conferred on the President under Pub. L. 106-178, set out above, with the exception of section 6(f) and (g), from which were delegated to the Secretary of State only section 6(f)(2)(A) and (g)(1)(B), with the remaining functions and authorities under section 6(f) and (g) delegated to the Administrator of the National Aeronautics and Space Administration, and provided that authorities and functions delegated by the memorandum could be redelegated.]

APPLICATION OF AUTHORITIES UNDER THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT TO COMMUNIST CHINESE MILITARY COMPANIES

Pub. L. 105-261, div. A, title XII, §1237, Oct. 17, 1998, 112 Stat. 2160, as amended by Pub. L. 106-398, §1 [[div. A], title XII, §1233], Oct. 30, 2000, 114 Stat. 1654, 1654A-330; Pub. L. 108-375, div. A, title XII, §1222, Oct. 28, 2004, 118 Stat. 2089, provided that:

“(a) PRESIDENTIAL AUTHORITY.—

“(1) IN GENERAL.—The President may exercise IEEPA authorities (other than authorities relating to importation) without regard to section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701) in the case of any commercial activity in the United States by a person that is on the list published under subsection (b).

“(2) PENALTIES.—The penalties set forth in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) apply to violations of any license, order, or regulation issued under paragraph (1).

“(3) IEEPA AUTHORITIES.—For purposes of paragraph (1), the term ‘IEEPA authorities’ means the authorities set forth in section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)).

“(b) DETERMINATION AND REPORTING OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN UNITED STATES.—

“(1) INITIAL DETERMINATION AND REPORTING.—Not later than March 1, 2001, the Secretary of Defense shall make a determination of those persons operating directly or indirectly in the United States or any of its territories and possessions that are Communist Chinese military companies and shall submit a list of those persons in classified and unclassified form to the following:

“(A) The Committee on Armed Services of the House of Representatives.

“(B) The Committee on Armed Services of the Senate.

“(C) The Secretary of State.

“(D) The Secretary of the Treasury.

“(E) The Attorney General.

“(F) The Secretary of Commerce.

“(G) The Secretary of Energy.

“(H) The Director of Central Intelligence.

“(2) ANNUAL REVISIONS TO THE LIST.—The Secretary of Defense shall make additions or deletions to the list submitted under paragraph (1) on an annual basis based on the latest information available and shall submit the updated list not later than February 1, each year to the committees and officers specified in paragraph (1).

“(3) CONSULTATION.—The Secretary of Defense shall consult with the following officers in carrying out paragraphs (1) and (2):

“(A) The Attorney General.

“(B) The Director of Central Intelligence.

“(C) The Director of the Federal Bureau of Investigation.

“(4) COMMUNIST CHINESE MILITARY COMPANY.—For purposes of making the determination required by paragraph (1) and of carrying out paragraph (2), the term ‘Communist Chinese military company’ means—

“(A) any person identified in the Defense Intelligence Agency publication numbered VP-1920-271-90, dated September 1990, or PC-1921-57-95, dated October 1995, and any update of those publications for the purposes of this section; and

“(B) any other person that—

“(i) is owned or controlled by, or affiliated with, the People’s Liberation Army or a ministry of the government of the People’s Republic of China or that is owned or controlled by an entity affiliated with the defense industrial base of the People’s Republic of China; and

“(ii) is engaged in providing commercial services, manufacturing, producing, or exporting.

“(c) PEOPLE’S LIBERATION ARMY.—For purposes of this section, the term ‘People’s Liberation Army’ means the land, naval, and air military services, the police, and the intelligence services of the Communist Government of the People’s Republic of China, and any member of any such service or of such police.”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 401 of this title.]

IRAN AND LIBYA SANCTIONS

Pub. L. 104-172, Aug. 5, 1996, 110 Stat. 1541, as amended by Pub. L. 107-24, §§2(a), 3-5, 115 Stat. 199, 200, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Iran and Libya Sanctions Act of 1996’.

“SEC. 2. FINDINGS.

“The Congress makes the following findings:

“(1) The efforts of the Government of Iran to acquire weapons of mass destruction and the means to deliver them and its support of acts of international terrorism endanger the national security and foreign policy interests of the United States and those countries with which the United States shares common strategic and foreign policy objectives.

“(2) The objective of preventing the proliferation of weapons of mass destruction and acts of international terrorism through existing multilateral and bilateral initiatives requires additional efforts to deny Iran the financial means to sustain its nuclear, chemical, biological, and missile weapons programs.

“(3) The Government of Iran uses its diplomatic facilities and quasi-governmental institutions outside of Iran to promote acts of international terrorism and assist its nuclear, chemical, biological, and missile weapons programs.

“(4) The failure of the Government of Libya to comply with Resolutions 731, 748, and 883 of the Security Council of the United Nations, its support of international terrorism, and its efforts to acquire weapons of mass destruction constitute a threat to international peace and security that endangers the national security and foreign policy interests of the United States and those countries with which it shares common strategic and foreign policy objectives.

“SEC. 3. DECLARATION OF POLICY.

“(a) POLICY WITH RESPECT TO IRAN.—The Congress declares that it is the policy of the United States to deny Iran the ability to support acts of international terrorism and to fund the development and acquisition of weapons of mass destruction and the means to deliver them by limiting the development of Iran’s ability to explore for, extract, refine, or transport by pipeline petroleum resources of Iran.

“(b) POLICY WITH RESPECT TO LIBYA.—The Congress further declares that it is the policy of the United States to seek full compliance by Libya with its obligations under Resolutions 731, 748, and 883 of the Security Council of the United Nations, including ending all support for acts of international terrorism and efforts to develop or acquire weapons of mass destruction.

“SEC. 4. MULTILATERAL REGIME.

“(a) MULTILATERAL NEGOTIATIONS.—In order to further the objectives of section 3, the Congress urges the President to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, and bilaterally with allies of the United States, to establish a multilateral sanctions regime against Iran, including provisions limiting the development of petroleum resources, that will inhibit Iran’s efforts to carry out activities described in section 2.

“(b) REPORTS TO CONGRESS.—The President shall report to the appropriate congressional committees, not later than 1 year after the date of the enactment of this Act [Aug. 5, 1996], and periodically thereafter, on the extent that diplomatic efforts described in subsection (a) have been successful. Each report shall include—

“(1) the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran, and a description of those measures; and

“(2) the countries that have not agreed to measures described in paragraph (1), and, with respect to those countries, other measures (in addition to that provided in subsection (d)) the President recommends that the United States take to further the objectives of section 3 with respect to Iran.

“(c) WAIVER.—The President may waive the application of section 5(a) with respect to nationals of a country if—

“(1) that country has agreed to undertake substantial measures, including economic sanctions, that will inhibit Iran’s efforts to carry out activities described in section 2 and information required by subsection (b)(1) has been included in a report submitted under subsection (b); and

“(2) the President, at least 30 days before the waiver takes effect, notifies the appropriate congressional committees of his intention to exercise the waiver.

“(d) ENHANCED SANCTION.—

“(1) SANCTION.—With respect to nationals of countries except those with respect to which the President has exercised the waiver authority of subsection (c), at any time after the first report is required to be submitted under subsection (b), section 5(a) shall be applied by substituting ‘\$20,000,000’ for ‘\$40,000,000’ each place it appears, and by substituting ‘\$5,000,000’ for ‘\$10,000,000’.

“(2) REPORT TO CONGRESS.—The President shall report to the appropriate congressional committees any country with respect to which paragraph (1) applies.

“(e) INTERIM REPORT ON MULTILATERAL SANCTIONS; MONITORING.—The President, not later than 90 days after the date of the enactment of this Act, shall report to the appropriate congressional committees on—

“(1) whether the member states of the European Union, the Republic of Korea, Australia, Israel, or Japan have legislative or administrative standards providing for the imposition of trade sanctions on persons or their affiliates doing business or having investments in Iran or Libya;

“(2) the extent and duration of each instance of the application of such sanctions; and

“(3) the disposition of any decision with respect to such sanctions by the World Trade Organization or its predecessor organization.

“SEC. 5. IMPOSITION OF SANCTIONS.

“(a) SANCTIONS WITH RESPECT TO IRAN.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act [Aug. 5, 1996], made an investment of \$40,000,000 or more (or any combination of investments of at least \$10,000,000 each, which in the aggregate equals or exceeds \$40,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Iran’s ability to develop petroleum resources of Iran.

“(b) MANDATORY SANCTIONS WITH RESPECT TO LIBYA.—

“(1) VIOLATIONS OF PROHIBITED TRANSACTIONS.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act, exported, transferred, or otherwise provided to Libya any goods, services, technology, or other items the provision of which is prohibited under paragraph 4(b) or 5 of Resolution 748 of the Security Council of the United Nations, adopted March 31, 1992, or under paragraph 5 or 6 of Resolution 883 of the Security Council of the United Nations, adopted November 11, 1993, if the provision of such items significantly and materially—

“(A) contributed to Libya’s ability to acquire chemical, biological, or nuclear weapons or destabilizing numbers and types of advanced conventional weapons or enhanced Libya’s military or paramilitary capabilities;

“(B) contributed to Libya’s ability to develop its petroleum resources; or

“(C) contributed to Libya’s ability to maintain its aviation capabilities.

“(2) INVESTMENTS THAT CONTRIBUTE TO THE DEVELOPMENT OF PETROLEUM RESOURCES.—Except as provided in subsection (f), the President shall impose 2 or more of the sanctions described in paragraphs (1) through (6) of section 6 if the President determines that a person has, with actual knowledge, on or after the date of the enactment of this Act [Aug. 5, 1996], made an investment of \$20,000,000 or more (or any combination of investments of at least \$10,000,000 each, which in the aggregate equals or exceeds \$20,000,000 in any 12-month period), that directly and significantly contributed to the enhancement of Libya’s ability to develop its petroleum resources.

“(c) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions described in subsections (a) and (b) shall be imposed on—

“(1) any person the President determines has carried out the activities described in subsection (a) or (b); and

“(2) any person the President determines—

“(A) is a successor entity to the person referred to in paragraph (1);

“(B) is a parent or subsidiary of the person referred to in paragraph (1) if that parent or subsidiary, with actual knowledge, engaged in the activities referred to in paragraph (1); or

“(C) is an affiliate of the person referred to in paragraph (1) if that affiliate, with actual knowledge, engaged in the activities referred to in paragraph (1) and if that affiliate is controlled in fact by the person referred to in paragraph (1).

For purposes of this Act, any person or entity described in this subsection shall be referred to as a ‘sanctioned person’.

“(d) PUBLICATION IN FEDERAL REGISTER.—The President shall cause to be published in the Federal Register a current list of persons and entities on whom sanctions have been imposed under this Act. The removal of persons or entities from, and the addition of persons and entities to, the list, shall also be so published.

“(e) PUBLICATION OF PROJECTS.—The President shall cause to be published in the Federal Register a list of all significant projects which have been publicly tendered in the oil and gas sector in Iran.

“(f) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under subsection (a) or (b)—

“(1) in the case of procurement of defense articles or defense services—

“(A) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

“(B) if the President determines in writing that the person to which the sanctions would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

“(C) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

“(2) in the case of procurement, to eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b)(1) of that Act (19 U.S.C. 2511(b)(1));

“(3) to products, technology, or services provided under contracts entered into before the date on which the President publishes in the Federal Register the name of the person on whom the sanctions are to be imposed;

“(4) to—

“(A) spare parts which are essential to United States products or production;

“(B) component parts, but not finished products, essential to United States products or production; or

“(C) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

“(6) to information and technology essential to United States products or production; or

“(7) to medicines, medical supplies, or other humanitarian items.

“SEC. 6. DESCRIPTION OF SANCTIONS.

“The sanctions to be imposed on a sanctioned person under section 5 are as follows:

“(1) EXPORT-IMPORT BANK ASSISTANCE FOR EXPORTS TO SANCTIONED PERSONS.—The President may direct the Export-Import Bank of the United States not to give approval to the issuance of any guarantee, insurance, extension of credit, or participation in the extension of credit in connection with the export of any goods or services to any sanctioned person.

“(2) EXPORT SANCTION.—The President may order the United States Government not to issue any specific license and not to grant any other specific permission or authority to export any goods or technology to a sanctioned person under—

“(i) the Export Administration Act of 1979 [50 App. 2401 et seq.];

“(ii) the Arms Export Control Act [22 U.S.C. 2751 et seq.];

“(iii) the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.]; or

“(iv) any other statute that requires the prior review and approval of the United States Government as a condition for the export or reexport of goods or services.

“(3) LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.—The United States Government may prohibit any United States financial institution from making loans or providing credits to any sanctioned person totaling more than \$10,000,000 in any 12-month period unless such person is engaged in activities to relieve human suffering and the loans or credits are provided for such activities.

“(4) PROHIBITIONS ON FINANCIAL INSTITUTIONS.—The following prohibitions may be imposed against a sanctioned person that is a financial institution:

“(A) PROHIBITION ON DESIGNATION AS PRIMARY DEALER.—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, such financial institution as a primary dealer in United States Government debt instruments.

“(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—Such financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds.

The imposition of either sanction under subparagraph (A) or (B) shall be treated as 1 sanction for purposes of section 5, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of section 5.

“(5) PROCUREMENT SANCTION.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from a sanctioned person.

“(6) ADDITIONAL SANCTIONS.—The President may impose sanctions, as appropriate, to restrict imports with respect to a sanctioned person, in accordance with the International Emergency Economic Powers Act (50 U.S.C. 1701 and following).

“SEC. 7. ADVISORY OPINIONS.

“The Secretary of State may, upon the request of any person, issue an advisory opinion to that person as to whether a proposed activity by that person would subject that person to sanctions under this Act. Any person who relies in good faith on such an advisory opinion which states that the proposed activity would not subject a person to such sanctions, and any person who thereafter engages in such activity, will not be made subject to such sanctions on account of such activity.

“SEC. 8. TERMINATION OF SANCTIONS.

“(a) IRAN.—The requirement under section 5(a) to impose sanctions shall no longer have force or effect with respect to Iran if the President determines and certifies to the appropriate congressional committees that Iran—

“(1) has ceased its efforts to design, develop, manufacture, or acquire—

“(A) a nuclear explosive device or related materials and technology;

“(B) chemical and biological weapons; and

“(C) ballistic missiles and ballistic missile launch technology; and

“(2) has been removed from the list of countries the governments of which have been determined, for purposes of section 6(j) of the Export Administration Act of 1979 [50 App. 2405(j)], to have repeatedly provided support for acts of international terrorism.

“(b) LIBYA.—The requirement under section 5(b) to impose sanctions shall no longer have force or effect with respect to Libya if the President determines and certifies to the appropriate congressional committees

that Libya has fulfilled the requirements of United Nations Security Council Resolution 731, adopted January 21, 1992, United Nations Security Council Resolution 748, adopted March 31, 1992, and United Nations Security Council Resolution 883, adopted November 11, 1993.

“SEC. 9. DURATION OF SANCTIONS; PRESIDENTIAL WAIVER.

“(a) DELAY OF SANCTIONS.—

“(1) CONSULTATIONS.—If the President makes a determination described in section 5(a) or 5(b) with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of sanctions under this Act.

“(2) ACTIONS BY GOVERNMENT OF JURISDICTION.—In order to pursue consultations under paragraph (1) with the government concerned, the President may delay imposition of sanctions under this Act for up to 90 days. Following such consultations, the President shall immediately impose sanctions unless the President determines and certifies to the Congress that the government has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the foreign person in the activities that resulted in the determination by the President under section 5(a) or 5(b) concerning such person.

“(3) ADDITIONAL DELAY IN IMPOSITION OF SANCTIONS.—The President may delay the imposition of sanctions for up to an additional 90 days if the President determines and certifies to the Congress that the government with primary jurisdiction over the person concerned is in the process of taking the actions described in paragraph (2).

“(4) REPORT TO CONGRESS.—Not later than 90 days after making a determination under section 5(a) or 5(b), the President shall submit to the appropriate congressional committees a report on the status of consultations with the appropriate foreign government under this subsection, and the basis for any determination under paragraph (3).

“(b) DURATION OF SANCTIONS.—A sanction imposed under section 5 shall remain in effect—

“(1) for a period of not less than 2 years from the date on which it is imposed; or

“(2) until such time as the President determines and certifies to the Congress that the person whose activities were the basis for imposing the sanction is no longer engaging in such activities and that the President has received reliable assurances that such person will not knowingly engage in such activities in the future, except that such sanction shall remain in effect for a period of at least 1 year.

“(c) PRESIDENTIAL WAIVER.—

“(1) AUTHORITY.—The President may waive the requirement in section 5 to impose a sanction or sanctions on a person described in section 5(c), and may waive the continued imposition of a sanction or sanctions under subsection (b) of this section, 30 days or more after the President determines and so reports to the appropriate congressional committees that it is important to the national interest of the United States to exercise such waiver authority.

“(2) CONTENTS OF REPORT.—Any report under paragraph (1) shall provide a specific and detailed rationale for the determination under paragraph (1), including—

“(A) a description of the conduct that resulted in the determination under section 5(a) or (b), as the case may be;

“(B) in the case of a foreign person, an explanation of the efforts to secure the cooperation of the government with primary jurisdiction over the sanctioned person to terminate or, as appropriate, penalize the activities that resulted in the determination under section 5(a) or (b), as the case may be;

“(C) an estimate as to the significance—

“(i) of the provision of the items described in section 5(a) to Iran’s ability to develop its petroleum resources, or

“(ii) of the provision of the items described in section 5(b)(1) to the abilities of Libya described in subparagraph (A), (B), or (C) of section 5(b)(1), or of the investment described in section 5(b)(2) on Libya’s ability to develop its petroleum resources,

as the case may be; and

“(D) a statement as to the response of the United States in the event that the person concerned engages in other activities that would be subject to section 5(a) or (b).

“(3) EFFECT OF REPORT ON WAIVER.—If the President makes a report under paragraph (1) with respect to a waiver of sanctions on a person described in section 5(c), sanctions need not be imposed under section 5(a) or (b) on that person during the 30-day period referred to in paragraph (1).

“SEC. 10. REPORTS REQUIRED.

“(a) REPORT ON CERTAIN INTERNATIONAL INITIATIVES.—Not later than 6 months after the date of the enactment of this Act [Aug. 5, 1996], and every 6 months thereafter, the President shall transmit a report to the appropriate congressional committees describing—

“(1) the efforts of the President to mount a multilateral campaign to persuade all countries to pressure Iran to cease its nuclear, chemical, biological, and missile weapons programs and its support of acts of international terrorism;

“(2) the efforts of the President to persuade other governments to ask Iran to reduce the presence of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran and to withdraw any such diplomats or representatives who participated in the takeover of the United States embassy in Tehran on November 4, 1979, or the subsequent holding of United States hostages for 444 days;

“(3) the extent to which the International Atomic Energy Agency has established regular inspections of all nuclear facilities in Iran, including those presently under construction; and

“(4) Iran’s use of Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran to promote acts of international terrorism or to develop or sustain Iran’s nuclear, chemical, biological, and missile weapons programs.

“(b) REPORT ON EFFECTIVENESS OF ACTIONS UNDER THIS ACT.—Not earlier than 24 months, and not later than 30 months, after the date of the enactment of the ILSA Extension Act of 2001 [Aug. 3, 2001], the President shall transmit to Congress a report that describes—

“(1) the extent to which actions relating to trade taken pursuant to this Act—

“(A) have been effective in achieving the objectives of section 3 and any other foreign policy or national security objectives of the United States with respect to Iran and Libya; and

“(B) have affected humanitarian interests in Iran and Libya, the country in which the sanctioned person is located, or in other countries; and

“(2) the impact of actions relating to trade taken pursuant to this Act on other national security, economic, and foreign policy interests of the United States, including relations with countries friendly to the United States, and on the United States economy.

The President may include in the report the President’s recommendation on whether or not this Act should be terminated or modified.

“(c) OTHER REPORTS.—The President shall ensure the continued transmittal to the Congress of reports describing—

“(1) the nuclear and other military capabilities of Iran, as required by section 601(a) of the Nuclear Non-Proliferation Act of 1978 [22 U.S.C. 3281(a)] and sec-

tion 1607 of the National Defense Authorization Act for Fiscal Year 1993 [Pub. L. 102-484 set out below]; and

“(2) the support provided by Iran for acts of international terrorism, as part of the Department of State’s annual report on international terrorism.

“SEC. 11. DETERMINATIONS NOT REVIEWABLE.

“A determination to impose sanctions under this Act shall not be reviewable in any court.

“SEC. 12. EXCLUSION OF CERTAIN ACTIVITIES.

“Nothing in this Act shall apply to any activities subject to the reporting requirements of title V of the National Security Act of 1947 [50 U.S.C. 413 et seq.].

“SEC. 13. EFFECTIVE DATE; SUNSET.

“(a) EFFECTIVE DATE.—This Act shall take effect on the date of the enactment of this Act [Aug. 5, 1996].

“(b) SUNSET.—This Act shall cease to be effective on the date that is 10 years after the date of the enactment of this Act.

“SEC. 14. DEFINITIONS.

“As used in this Act:

“(1) ACT OF INTERNATIONAL TERRORISM.—The term ‘act of international terrorism’ means an act—

“(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

“(B) which appears to be intended—

“(i) to intimidate or coerce a civilian population;

“(ii) to influence the policy of a government by intimidation or coercion; or

“(iii) to affect the conduct of a government by assassination or kidnapping.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Finance, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Foreign Relations of the Senate and the Committee on Ways and Means, the Committee on Banking and Financial Services [now Committee on Financial Services], and the Committee on International Relations of the House of Representatives.

“(3) COMPONENT PART.—The term ‘component part’ has the meaning given that term in section 11A(e)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(1)).

“(4) DEVELOP AND DEVELOPMENT.—To ‘develop’, or the ‘development’ of, petroleum resources means the exploration for, or the extraction, refining, or transportation by pipeline of, petroleum resources.

“(5) FINANCIAL INSTITUTION.—The term ‘financial institution’ includes—

“(A) a depository institution (as defined in section 3(c)(1) of the Federal Deposit Insurance Act [12 U.S.C. 1813(c)(1)]), including a branch or agency of a foreign bank (as defined in section 1(b)(7) of the International Banking Act of 1978 [12 U.S.C. 3101(b)(7)]);

“(B) a credit union;

“(C) a securities firm, including a broker or dealer;

“(D) an insurance company, including an agency or underwriter; and

“(E) any other company that provides financial services.

“(6) FINISHED PRODUCT.—The term ‘finished product’ has the meaning given that term in section 11A(e)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2410a(e)(2)).

“(7) FOREIGN PERSON.—The term ‘foreign person’ means—

“(A) an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States; or

“(B) a corporation, partnership, or other nongovernmental entity which is not a United States person.

“(8) GOODS AND TECHNOLOGY.—The terms ‘goods’ and ‘technology’ have the meanings given those terms in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415).

“(9) INVESTMENT.—The term ‘investment’ means any of the following activities if such activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into with the Government of Iran or a nongovernmental [sic] entity in Iran, or with the Government of Libya or a nongovernmental entity in Libya, on or after the date of the enactment of this Act [Aug. 5, 1996]:

“(A) The entry into a contract that includes responsibility for the development of petroleum resources located in Iran or Libya (as the case may be), or the entry into a contract providing for the general supervision and guarantee of another person’s performance of such a contract.

“(B) The purchase of a share of ownership, including an equity interest, in that development.

“(C) The entry into a contract providing for the participation in royalties, earnings, or profits in that development, without regard to the form of the participation.

The term ‘investment’ does not include the entry into, performance, or financing of a contract to sell or purchase goods, services, or technology. For purposes of this paragraph, an amendment or other modification that is made, on or after June 13, 2001, to an agreement or contract shall be treated as the entry of an agreement or contract.

“(10) IRAN.—The term ‘Iran’ includes any agency or instrumentality of Iran.

“(11) IRANIAN DIPLOMATS AND REPRESENTATIVES OF OTHER GOVERNMENT AND MILITARY OR QUASI-GOVERNMENTAL INSTITUTIONS OF IRAN.—The term ‘Iranian diplomats and representatives of other government and military or quasi-governmental institutions of Iran’ includes employees, representatives, or affiliates of Iran’s—

“(A) Foreign Ministry;

“(B) Ministry of Intelligence and Security;

“(C) Revolutionary Guard Corps;

“(D) Crusade for Reconstruction;

“(E) Qods (Jerusalem) Forces;

“(F) Interior Ministry;

“(G) Foundation for the Oppressed and Disabled;

“(H) Prophet’s Foundation;

“(I) June 5th Foundation;

“(J) Martyr’s Foundation;

“(K) Islamic Propagation Organization; and

“(L) Ministry of Islamic Guidance.

“(12) LIBYA.—The term ‘Libya’ includes any agency or instrumentality of Libya.

“(13) NUCLEAR EXPLOSIVE DEVICE.—The term ‘nuclear explosive device’ means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material (as defined in section 11(aa) of the Atomic Energy Act of 1954 [42 U.S.C. 2014(aa)]) that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

“(14) PERSON.—The term ‘person’ means—

“(A) a natural person;

“(B) a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

“(C) any successor to any entity described in subparagraph (B).

“(15) PETROLEUM RESOURCES.—The term ‘petroleum resources’ includes petroleum and natural gas resources.

“(16) UNITED STATES OR STATE.—The term ‘United States’ or ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Is-

lands, and any other territory or possession of the United States.

“(17) UNITED STATES PERSON.—The term ‘United States person’ means—

“(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; and

“(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons described in subparagraph (A) own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity.”

[Pub. L. 107-24, §2(b), Aug. 3, 2001, 115 Stat. 199, provided that: “The amendments made by subsection (a) [amending section 5 of Pub. L. 104-172, set out above] shall apply to investments made on or after June 13, 2001.”]

[Memorandum of President of the United States, Nov. 21, 1996, 61 F.R. 64249, delegated to the Secretary of State, in consultation with the Departments of the Treasury and Commerce and the United States Trade Representative, and with the Export-Import Bank and Federal Reserve Board and other interested agencies as appropriate functions vested in the President by sections 4(c), 5(a), (b), (c), (f), 6(1), (2), and 9(c) of Pub. L. 104-172, set out above, delegated to the Secretary of State functions vested in the President by sections 4(a), (b), (d), (e), 5(d), (e), 9(a), (b), and 10 of Pub. L. 104-172, provided that any reference to provisions of any Act related to the subject of the memorandum be deemed to include references to any subsequent provision of law that is the same or substantially the same as such provisions, and provided that only the functions vested in the President by sections 4(a), (b), (d), (e), 5(d), (e), and 10 of Pub. L. 104-172 and delegated by the memorandum could be redelegated.]

DETERMINATION AND CERTIFICATION UNDER SECTION 8(b) OF THE IRAN AND LIBYA SANCTIONS ACT

Determination of President of the United States, Nov. 2004-30, Apr. 23, 2004, 69 F.R. 24907, provided:

Memorandum for the Secretary of State

Pursuant to section 8(b) of the Iran and Libya Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note), as amended (Public Law 107-24), I hereby determine and certify that Libya has fulfilled the requirements of United Nations Security Council Resolution 731, adopted January 21, 1992, United Nations Security Council Resolution 748, adopted March 31, 1992, and United Nations Security Council Resolution 883, adopted November 11, 1993.

You are authorized and directed to transmit this determination and certification to the appropriate congressional committees and to arrange for its publication in the Federal Register.

GEORGE W. BUSH.

SANCTIONS AGAINST SERBIA AND MONTENEGRO

Pub. L. 106-113, div. B, §1000(a)(2) [title V, §599], Nov. 29, 1999, 113 Stat. 1535, 1501A-127, provided that:

“(a) CONTINUATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions listed in subsection (b) shall remain in effect for fiscal year 2000, unless the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations of the House of Representatives a certification described in subsection (c).

“(b) APPLICABLE SANCTIONS.—

“(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia.

“(2) The Secretary of State should instruct the United States Ambassador to the Organization for

Security and Cooperation in Europe (OSCE) to block any consensus to allow the participation of Serbia in the OSCE or any organization affiliated with the OSCE.

“(3) The Secretary of State should instruct the United States Representative to the United Nations to vote against any resolution in the United Nations Security Council to admit Serbia to the United Nations or any organization affiliated with the United Nations, to veto any resolution to allow Serbia to assume the United Nations’ membership of the former Socialist Federal Republic of Yugoslavia, and to take action to prevent Serbia from assuming the seat formerly occupied by the Socialist Federal Republic of Yugoslavia.

“(4) The Secretary of State should instruct the United States Permanent Representative on the Council of the North Atlantic Treaty Organization to oppose the extension of the Partnership for Peace program or any other organization affiliated with NATO to Serbia.

“(5) The Secretary of State should instruct the United States Representatives to the Southeast European Cooperative Initiative (SECI) to oppose and to work to prevent the extension of SECI membership to Serbia.

“(c) CERTIFICATION.—A certification described in this subsection is a certification that—

“(1) the representatives of the successor states to the Socialist Federal Republic of Yugoslavia have successfully negotiated the division of assets and liabilities and all other succession issues following the dissolution of the Socialist Federal Republic of Yugoslavia;

“(2) the Government of Serbia is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia and Herzegovina;

“(3) the Government of Serbia is fully cooperating with and providing unrestricted access to the International Criminal Tribunal for the former Yugoslavia, including surrendering persons indicted for war crimes who are within the jurisdiction of the territory of Serbia, and with the investigations concerning the commission of war crimes and crimes against humanity in Kosovo;

“(4) the Government of Serbia is implementing internal democratic reforms; and

“(5) Serbian federal governmental officials, and representatives of the ethnic Albanian community in Kosovo have agreed on, signed, and begun implementation of a negotiated settlement on the future status of Kosovo.

“(d) STATEMENT OF POLICY.—It is the sense of the Congress that the United States should not restore full diplomatic relations with Serbia until the President submits to the Committees on Appropriations and Foreign Relations in the Senate and the Committees on Appropriations and International Relations in the House of Representatives the certification described in subsection (c).

“(e) EXEMPTION OF MONTENEGRO AND KOSOVA.—The sanctions described in subsection (b) shall not apply to Montenegro or Kosovo.

“(f) DEFINITION.—The term ‘international financial institution’ includes the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the European Bank for Reconstruction and Development.

“(g) WAIVER AUTHORITY.—The President may waive the application in whole or in part, of any sanction described in subsection (b) if the President certifies to the Congress that the President has determined that the waiver is necessary to meet emergency humanitarian needs.”

Pub. L. 105-277, div. A, §101(d) [title V, §539], Oct. 21, 1998, 112 Stat. 2681-150, 2681-182, provided that:

“(a) RESTRICTIONS.—None of the funds in this or any other Act may be made available to modify or remove

any sanction, prohibition or requirement with respect to Serbia-Montenegro unless the President first submits to the Congress a certification described in subsection (c).

“(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to work in opposition to, and vote against, any extension by such institutions of any financial or technical assistance or grants of any kind to the government of Serbia-Montenegro, unless the President first submits to the Congress a certification described in subsection (c).

“(c) CERTIFICATION.—A certification described in this subsection is a certification that—

“(1) there is substantial improvement in the human rights situation in Kosova;

“(2) international human rights observers are allowed to return to Kosova;

“(3) Serbian, Serbian-Montenegrin federal government officials, and representatives of the ethnic Albanian community in Kosova have agreed on and begun implementation of a negotiated settlement on the future status of Kosova; and

“(4) the government of Serbia-Montenegro is fully complying with its obligations as a signatory to the General Framework Agreement for Peace in Bosnia-Herzegovina including fully cooperating with the International Criminal Tribunal for the Former Yugoslavia.

“(d) WAIVER AUTHORITY.—The President may waive the application, in whole or in part, of subsections (a) and (b) if he certifies in writing to the Congress that the waiver is necessary to meet emergency humanitarian needs or to advance negotiations toward a peaceful settlement of the conflict in Kosova that is acceptable to the parties.

“(e) EXEMPTION FOR MONTENEGRO.—This section shall not apply to Montenegro.”

[For delegation of functions of President under section 101(d) [title V, § 539] of div. A of Pub. L. 105-277, set out above, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of Title 22, Foreign Relations and Intercourse.]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-208, div. A, title I, § 101(c) [title V, § 540], Sept. 30, 1996, 110 Stat. 3009-121, 3009-155.

Pub. L. 104-107, title V, § 540A(a)-(c), Feb. 12, 1996, 110 Stat. 737.

Pub. L. 103-160, div. A, title XV, § 1511, Nov. 30, 1993, 107 Stat. 1839, provided that:

“(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions imposed on Serbia and Montenegro, as in effect on the date of the enactment of this Act [Nov. 30, 1993], that were imposed by or pursuant to the following directives of the executive branch shall (except as provided under subsections (d) and (e)) remain in effect until changed by law:

“(1) Executive Order 12808 of May 30, 1992 [formerly set out below], as continued in effect on May 25, 1993.

“(2) Executive Order 12810 of June 5, 1992 [formerly set out below].

“(3) Executive Order 12831 of January 15, 1993 [formerly set out below].

“(4) Executive Order 12846 of April 25, 1993 [formerly set out below].

“(5) Department of State Public Notice 1427, effective July 11, 1991.

“(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

“(7) Department of Transportation Order 92-5-38 of May 20, 1992.

“(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

“(b) PROHIBITION ON ASSISTANCE.—No funds appropriated or otherwise made available by law may be obligated or expended on behalf of the government of Serbia or the government of Montenegro.

“(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance from that institution to the government of Serbia or the government of Montenegro, except for basic human needs.

“(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against Serbia and Montenegro that are described in subsection (a) those United States-supported programs, projects, or activities that involve reform of the electoral process, the development of democratic institutions or democratic political parties, or humanitarian assistance (including refugee care and human rights observation).

“(e) WAIVER AUTHORITY.—(1) The President may waive or modify the application, in whole or in part, of any sanction described in subsection (a), the prohibition in subsection (b), or the requirement in subsection (c).

“(2) Such a waiver or modification may only be effective upon certification by the President to Congress that the President has determined that the waiver or modification is necessary (A) to meet emergency humanitarian needs, or (B) to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.”

PRESIDENTIAL CERTIFICATION TO SUSPEND SANCTIONS IMPOSED ON THE GOVERNMENT OF SERBIA AND THE GOVERNMENT OF MONTENEGRO

Determination of President of the United States, No. 01-7, Dec. 19, 2000, 66 F.R. 1013, provided:

Memorandum for the Secretary of Defense [and] the Secretary of the Treasury

Pursuant to the authority vested in me by the laws of the United States, including section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) [set out as a note above], I hereby certify to the Congress that I have determined that the waiver of the application of subsections 1511(b) and (c) of Public Law 103-160 is necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties, to the extent that such provisions apply to the furnishing of assistance to the Government of Serbia and to the support of assistance from international financial institutions to the Government of Serbia and the Government of Montenegro.

Therefore, I hereby waive the application of these provisions with respect to such assistance and support.

The Secretary of Defense is authorized and directed to transmit a copy of this determination to the Congress and arrange for its publication in the Federal Register.

WILLIAM J. CLINTON.

Determination of President of the United States, No. 99-14, Feb. 16, 1999, 64 F.R. 9263, provided:

Memorandum for the Secretary of Defense
Pursuant to the authority vested in me by the laws of the United States, including section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) [set out as a note above], I hereby certify to the Congress that I have determined that the waiver of the application of the prohibition in section 1511(b) of Public Law 103-160 is necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties, to the extent that such provision applies to the furnishing of assistance to the Republic of Montenegro.

Therefore, I hereby waive the application of this provision with respect to such assistance.

You are authorized and directed to transmit a copy of this determination to the Congress and arrange for its publication in the Federal Register.

WILLIAM J. CLINTON.

Determination of President of the United States, No. 97-26, May 30, 1997, 62 F.R. 32015, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the laws of the United States, including section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) [set out as a note above] and section 540 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (contained in Public Law 104-208 (the "Act")) [formerly set out as a note above], I hereby certify to the Congress that I have determined that the waiver of the application of the prohibition in section 1511(b) of Public Law 103-160 and of the application of section 540(a) of the Act is necessary to achieve a negotiated settlement of the conflict in Bosnia and Herzegovina that is acceptable to the parties, to the extent that such provisions apply to the furnishing of assistance to facilitate destruction of military equipment.

Therefore, I hereby waive the application of these provisions with respect to such assistance.

You are authorized and directed to transmit a copy of this determination to the Congress and arrange for its publication in the Federal Register.

WILLIAM J. CLINTON.

Determination of the President of the United States, No. 96-7, Dec. 27, 1995, 61 F.R. 2887, provided:

Memorandum for the Secretary of State, the Secretary of the Treasury [and] the Secretary of Transportation

Pursuant to the authority vested in me by section 1511(e)(2) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) [set out above] (the "Act"), I hereby determine that the waiver or modification of the sanctions on Serbia and Montenegro that were imposed by or pursuant to the directives described in section 1511(a)(1-5) and (7-8) of the Act, in conformity with the provisions of United Nations Security Council Resolutions 1021 and 1022 of November 22, 1995, is necessary to achieve a negotiated settlement of the conflict in Bosnia-Herzegovina that is acceptable to the parties.

Therefore, I hereby direct the Secretary of the Treasury to take appropriate action to suspend the application of the sanctions imposed on Serbia and Montenegro pursuant to Executive Order No. 12808 of May 30, 1992 [formerly set out below], Executive Order No. 12810 of June 5, 1992 [formerly set out below], Executive Order No. 12831 of January 15, 1993 [formerly set out below], and Executive Order No. 12846 of April 25, 1993 [formerly set out below], effective upon the transmittal of this determination to the Congress. The property and interests in property previously blocked remain blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.

I hereby direct the Secretary of Transportation to take appropriate action to suspend the application of the sanctions imposed pursuant to Department of Transportation Order 92-5-38 of May 20, 1992, Department of Transportation Order 92-6-27 of June 12, 1992, and Special Federal Aviation Regulation No. 66-2 of May 31, 1995 (14 C.F.R. Part 91, 60 Federal Register 28477), effective upon the transmittal of this determination to the Congress.

I hereby authorize the Secretary of State to take appropriate action to suspend the application of the sanctions imposed pursuant to Department of State Public Notice 1427 of July 11, 1991, at the appropriate time in conformity with the provisions of United Nations Security Council Resolution 1021 of November 22, 1995.

The national emergency declared in Executive Order No. 12808 [formerly set out below] and expanded in Executive Order No. 12934 [formerly set out below] shall continue in effect.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

WILLIAM J. CLINTON.

IRAN-IRAQ ARMS NON-PROLIFERATION

Pub. L. 102-484, div. A, title XVI, Oct. 23, 1992, 106 Stat. 2571, as amended by Pub. L. 104-106, div. A, title

XIV, §1408(a)-(c), Feb. 10, 1996, 110 Stat. 494; Pub. L. 107-228, div. B, title XIII, §1308(g)(1)(C), Sept. 30, 2002, 116 Stat. 1441, provided that:

"SEC. 1601. SHORT TITLE.

"This title may be cited as the 'Iran-Iraq Arms Non-Proliferation Act of 1992'.

"SEC. 1602. UNITED STATES POLICY.

"(a) IN GENERAL.—It shall be the policy of the United States to oppose, and urgently to seek the agreement of other nations also to oppose, any transfer to Iran or Iraq of any goods or technology, including dual-use goods or technology, wherever that transfer could materially contribute to either country's acquiring chemical, biological, nuclear, or destabilizing numbers and types of advanced conventional weapons.

"(b) SANCTIONS.—(1) In the furtherance of this policy, the President shall apply sanctions and controls with respect to Iran, Iraq, and those nations and persons who assist them in acquiring weapons of mass destruction in accordance with the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], the Nuclear Non-Proliferation Act of 1978 [22 U.S.C. 3201 et seq.], the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 [22 U.S.C. 5601 et seq.], chapter 7 of the Arms Export Control Act [22 U.S.C. 2797 et seq.], and other relevant statutes, regarding the non-proliferation of weapons of mass destruction and the means of their delivery.

"(2) The President should also urgently seek the agreement of other nations to adopt and institute, at the earliest practicable date, sanctions and controls comparable to those the United States is obligated to apply under this subsection.

"(c) PUBLIC IDENTIFICATION.—The Congress calls on the President to identify publicly (in the report required by section 1607) any country or person that transfers goods or technology to Iran or Iraq contrary to the policy set forth in subsection (a).

"SEC. 1603. APPLICATION TO IRAN OF CERTAIN IRAQ SANCTIONS.

"The sanctions against Iraq specified in paragraphs (1) through (4) of section 586G(a) of the Iraq Sanctions Act of 1990 (as contained in Public Law 101-513) [set out below], including denial of export licenses for United States persons and prohibitions on United States Government sales, shall be applied to the same extent and in the same manner with respect to Iran.

"SEC. 1604. SANCTIONS AGAINST CERTAIN PERSONS.

"(a) PROHIBITION.—If any person transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons, then the sanctions described in subsection (b) shall be imposed.

"(b) MANDATORY SANCTIONS.—The sanctions to be imposed pursuant to subsection (a) are as follows:

"(1) PROCUREMENT SANCTION.—For a period of two years, the United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from the sanctioned person.

"(2) EXPORT SANCTION.—For a period of two years, the United States Government shall not issue any license for any export by or to the sanctioned person.

"SEC. 1605. SANCTIONS AGAINST CERTAIN FOREIGN COUNTRIES.

"(a) PROHIBITION.—If the President determines that the government of any foreign country transfers or retransfers goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons, then—

"(1) the sanctions described in subsection (b) shall be imposed on such country; and

“(2) in addition, the President may apply, in the discretion of the President, the sanction described in subsection (c).

“(b) MANDATORY SANCTIONS.—Except as provided in paragraph (2), the sanctions to be imposed pursuant to subsection (a)(1) are as follows:

“(1) SUSPENSION OF UNITED STATES ASSISTANCE.—The United States Government shall suspend, for a period of one year, United States assistance to the sanctioned country.

“(2) MULTILATERAL DEVELOPMENT BANK ASSISTANCE.—The Secretary of the Treasury shall instruct the United States Executive Director to each appropriate international financial institution to oppose, and vote against, for a period of one year, the extension by such institution of any loan or financial or technical assistance to the sanctioned country.

“(3) SUSPENSION OF CODEVELOPMENT OR COPRODUCTION AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any memorandum of understanding with the sanctioned country for the codevelopment or coproduction of any item on the United States Munitions List (established under section 38 of the Arms Export Control Act [22 U.S.C. 2778]), including any obligation for implementation of the memorandum of understanding through the sale to the sanctioned country of technical data or assistance or the licensing for export to the sanctioned country of any component part.

“(4) SUSPENSION OF MILITARY AND DUAL-USE TECHNICAL EXCHANGE AGREEMENTS.—The United States shall suspend, for a period of one year, compliance with its obligations under any technical exchange agreement involving military and dual-use technology between the United States and the sanctioned country that does not directly contribute to the security of the United States, and no military or dual-use technology may be exported from the United States to the sanctioned country pursuant to that agreement during that period.

“(5) UNITED STATES MUNITIONS LIST.—No item on the United States Munitions List (established pursuant to section 38 of the Arms Export Control Act) may be exported to the sanctioned country for a period of one year.

“(c) DISCRETIONARY SANCTION.—The sanction referred to in subsection (a)(2) is as follows:

“(1) USE OF AUTHORITIES OF INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Except as provided in paragraph (2), the President may exercise, in accordance with the provisions of that Act [50 U.S.C. 1701 et seq.], the authorities of the International Emergency Economic Powers Act with respect to the sanctioned country.

“(2) EXCEPTION.—Paragraph (1) does not apply with respect to urgent humanitarian assistance.

“SEC. 1606. WAIVER.

“The President may waive the requirement to impose a sanction described in section 1603, in the case of Iran, or a sanction described in section 1604(b) or 1605(b), in the case of Iraq and Iran, 15 days after the President determines and so reports to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs [now Committee on International Relations] of the House of Representatives that it is essential to the national interest of the United States to exercise such waiver authority. Any such report shall provide a specific and detailed rationale for such determination.

“SEC. 1607. REPORTING REQUIREMENT.

“[(a) Repealed. Pub. L. 107-228, div. B, title XIII, § 1308(g)(1)(C), Sept. 30, 2002, 116 Stat. 1441.]

“(b) REPORT ON INDIVIDUAL TRANSFERS.—Whenever the President determines that a person or foreign government has made a transfer which is subject to any sanction under this title, the President shall, within 30 days after such transfer, submit to the Committees on Armed Services and Foreign Relations of the Senate

and the Committees on Armed Services and Foreign Affairs [now Committee on International Relations] of the House of Representatives a report—

“(1) identifying the person or government and providing the details of the transfer; and

“(2) describing the actions the President intends to undertake or has undertaken under the provisions of this title with respect to each such transfer.

“(c) FORM OF TRANSMITTAL.—Reports required by this section may be submitted in classified as well as in unclassified form.

“SEC. 1608. DEFINITIONS.

“For purposes of this title:

“(1) The term ‘advanced conventional weapons’ includes—

“(A) such long-range precision-guided munitions, fuel air explosives, cruise missiles, low observability aircraft, other radar evading aircraft, advanced military aircraft, military satellites, electromagnetic weapons, and laser weapons as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways;

“(B) such advanced command, control, and communications systems, electronic warfare systems, or intelligence collection systems as the President determines destabilize the military balance or enhance offensive capabilities in destabilizing ways; and

“(C) such other items or systems as the President may, by regulation, determine necessary for purposes of this title.

“(2) The term ‘cruise missile’ means guided missiles that use aerodynamic lift to offset gravity and propulsion to counteract drag.

“(3) The term ‘goods or technology’ means—

“(A) any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment; and

“(B) any information and know-how (whether in tangible form, such as models, prototypes, drawings, sketches, diagrams, blueprints, or manuals, or in intangible form, such as training or technical services) that can be used to design, produce, manufacture, utilize, or reconstruct goods, including computer software and technical data.

“(4) The term ‘person’ means any United States or foreign individual, partnership, corporation, or other form of association, or any of their successor entities, parents, or subsidiaries.

“(5) The term ‘sanctioned country’ means a country against which sanctions are required to be imposed pursuant to section 1605.

“(6) The term ‘sanctioned person’ means a person that makes a transfer described in section 1604(a).

“(7) The term ‘United States assistance’ means—

“(A) any assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), other than urgent humanitarian assistance or medicine;

“(B) sales and assistance under the Arms Export Control Act [22 U.S.C. 2751 et seq.];

“(C) financing by the Commodity Credit Corporation for export sales of agricultural commodities; and

“(D) financing under the Export-Import Bank Act [of 1945] [22 U.S.C. 635 et seq.].”

[Memorandum of President of the United States, Sept. 27, 1994, 59 F.R. 50685, delegated to Secretary of State, in consultation with heads of other departments and agencies, all functions vested in President under title XVI of Pub. L. 102-484, set out above, without limitation of authority of other officials to exercise powers heretofore or hereafter delegated to them to implement sanctions imposed or actions directed by the Secretary pursuant to this delegation of authority.]

PAYMENT OF CLAIMS BY UNITED STATES NATIONALS AGAINST IRAQ

Pub. L. 101-519, § 131, Nov. 5, 1990, 104 Stat. 2249, which authorized President to vest title in a portion of prop-

erty in which transactions were blocked pursuant to Executive Order 12722 in order to satisfy obligations owed to United States Government and United States nationals for which Iraq had suspended repayment, was repealed by Pub. L. 102-27, title IV, § 402(a), Apr. 10, 1991, 105 Stat. 155, as amended by Pub. L. 102-136, § 126, Oct. 25, 1991, 105 Stat. 643, effective Nov. 5, 1990.

IRAQ SANCTIONS

Pub. L. 101-513, title V, §§ 586-586J, Nov. 5, 1990, 104 Stat. 2047-2054, provided that:

“SEC. 586. SHORT TITLE.

“Sections 586 through 586J of this Act may be cited as the ‘Iraq Sanctions Act of 1990’.

“SEC. 586A. DECLARATIONS REGARDING IRAQ’S 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 gross violations of internationally recognized human rights in Kuwait, including widespread arrests, torture, summary executions, and mass extrajudicial killings.

“SEC. 586B. 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. 586C. TRADE EMBARGO AGAINST IRAQ.

“(a) CONTINUATION OF EMBARGO.—Except as otherwise provided in this section, the President shall continue to impose the trade embargo and other economic sanctions with respect to Iraq and Kuwait that the United States is imposing, in response to Iraq’s invasion of Kuwait, pursuant to Executive Orders Numbered 12724 and 12725 [formerly set out below] (August 9, 1990) and, to the extent they are still in effect, Executive Orders Numbered 12722 and 12723 [formerly set out below] (August 2, 1990). Notwithstanding any other provision of law, no funds, credits, guarantees, or insurance appropriated or otherwise made available by this or any other Act for fiscal year 1991 or any fiscal year thereafter shall be used to support or administer any financial or commercial operation of any United States Government department, agency, or other entity, or of any person subject to the jurisdiction of the United States, for the benefit of the Government of Iraq, its agencies or instrumentalities, or any person working on behalf of the Government of Iraq, contrary to the trade embargo and other economic sanctions imposed in accordance with this section.

“(b) HUMANITARIAN ASSISTANCE.—To the extent that transactions involving foodstuffs or payments for foodstuffs are exempted ‘in humanitarian circumstances’ from the prohibitions established by the United States pursuant to United Nations Security Council Resolution 661 (1990), those exemptions shall be limited to foodstuffs that are to be provided consistent with United Nations Security Council Resolution 666 (1990) and other relevant Security Council resolutions.

“(c) NOTICE TO CONGRESS OF EXCEPTIONS TO AND TERMINATION OF SANCTIONS.—

“(1) NOTICE OF REGULATIONS.—Any regulations issued after the date of enactment of this Act [Nov. 5, 1990] with respect to the economic sanctions imposed with respect to Iraq and Kuwait by the United States under Executive Orders Numbered 12722 and 12723 (August 2, 1990) and Executive Orders Numbered 12724 and 12725 (August 9, 1990) shall be submitted to the Congress before those regulations take effect.

“(2) NOTICE OF TERMINATION OF SANCTIONS.—The President shall notify the Congress at least 15 days before the termination, in whole or in part, of any sanction imposed with respect to Iraq or Kuwait pursuant to those Executive orders.

“(d) RELATION TO OTHER LAWS.—

“(1) SANCTIONS LEGISLATION.—The sanctions that are described in subsection (a) are in addition to, and not in lieu of the sanctions provided for in section 586G of this Act or any other provision of law.

“(2) NATIONAL EMERGENCIES AND UNITED NATIONS LEGISLATION.—Nothing in this section supersedes any provision of the National Emergencies Act [50 U.S.C. 1601 et seq.] or any authority of the President under the International Emergency Economic Powers Act [50 U.S.C. 1701 et seq.] or section 5(a) of the United Nations Participation Act of 1945 [22 U.S.C. 287c(a)].

“SEC. 586D. COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ.

“(a) DENIAL OF ASSISTANCE.—None of the funds appropriated or otherwise made available pursuant to this Act [see Tables for classification] to carry out the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] (including title IV of chapter 2 of part I [22 U.S.C. 2191 et seq.], relating to the Overseas Private Investment Corporation) or the Arms Export Control Act [22 U.S.C. 2751 et seq.] may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

“(1) such assistance is in the national interest of the United States;

“(2) such assistance will directly benefit the needy people in that country; or

“(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

“(b) IMPORT SANCTIONS.—If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not prohibited—

“(1) the importation of products of Iraq into its customs territory, and

“(2) the export of its products to Iraq.

“SEC. 586E. PENALTIES FOR VIOLATIONS OF EMBARGO.

“Notwithstanding section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) and section 5(b) of the United Nations Participation Act of 1945 (22 U.S.C. 287c(b))—

“(1) a civil penalty of not to exceed \$250,000 may be imposed on any person who, after the date of enactment of this Act [Nov. 5, 1990], violates or evades or attempts to violate or evade Executive Order Numbered 12722, 12723, 12724, or 12725 [formerly set out below] or any license, order, or regulation issued under any such Executive order; and

“(2) whoever, after the date of enactment of this Act, willfully violates or evades or attempts to violate or evade Executive Order Numbered 12722, 12723, 12724, or 12725 or any license, order, or regulation issued under any 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 12 years, or both.

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

“SEC. 586F. DECLARATIONS REGARDING IRAQ’S LONG-STANDING VIOLATIONS OF INTERNATIONAL LAW.

“(a) IRAQ’S VIOLATIONS OF INTERNATIONAL LAW.—The Congress determines 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, 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 and the International Covenant on Economic, Social, and Cultural Rights and is obligated under the Covenants, as well as the Universal Declaration of Human Rights, 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;

“(7) Iraq has also violated international law by using chemical weapons against its own Kurdish citizens, resulting in tens of thousands of deaths and more than 65,000 refugees;

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

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

“(10) 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; and

“(11) Iraqi President Saddam Hussein has threatened to use terrorism against other nations in violation of international law and has increased Iraq’s support for the Palestine Liberation Organization and other Palestinian groups 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. All provisions of law that im-

pose 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) SUPPORT FOR INTERNATIONAL TERRORISM.—(1) The Congress determines that Iraq is a country which has repeatedly provided support for acts of international terrorism, a country which grants sanctuary from prosecution to individuals or groups which have committed an act of international terrorism, and a country which otherwise supports international terrorism. The provisions of law specified in paragraph (2) and all other provisions of law that impose sanctions against a country which has repeatedly provided support for acts of international terrorism, which grants sanctuary from prosecution to an individual or group which has committed an act of international terrorism, or which otherwise supports international terrorism shall be fully enforced against Iraq.

“(2) The provisions of law referred to in paragraph (1) are—

“(A) section 40 of the Arms Export Control Act [22 U.S.C. 2780];

“(B) section 620A of the Foreign Assistance Act of 1961 [22 U.S.C. 2371];

“(C) sections 555 and 556 of this Act [104 Stat. 2021, 2022] (and the corresponding sections of predecessor foreign operations appropriations Acts); and

“(D) section 555 of the International Security and Development Cooperation Act of 1985 [99 Stat. 227].

“(d) 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. 586G. SANCTIONS AGAINST IRAQ.

“(a) IMPOSITION.—Except as provided in section 586H, the following sanctions shall apply with respect to Iraq:

“(1) FMS SALES.—The United States Government shall not enter into any sale with Iraq under the Arms Export Control Act [22 U.S.C. 2751 et seq.].

“(2) COMMERCIAL ARMS SALES.—Licenses shall 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 listed pursuant to that section or section 5(c)(1) of that Act (50 U.S.C. App. 2404(c)(1)) on the control list provided for in section 4(b) of that Act (50 U.S.C. App. 2403(b)).

“(4) NUCLEAR EQUIPMENT, MATERIALS, AND TECHNOLOGY.—

“(A) NRC LICENSES.—The Nuclear Regulatory Commission shall 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 shall not be used to distribute any special nuclear material, source material, or byproduct material to Iraq.

“(C) DOE AUTHORIZATIONS.—The Secretary of Energy shall 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.

“(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 subsection (a)(3), the date described in subsection (m)(1) of section 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2405) shall be deemed to be August 1, 1990.

“SEC. 586H. WAIVER AUTHORITY.

“(a) IN GENERAL.—The President may waive the requirements of any paragraph of section 586G(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 (i) ballistic missiles, (ii) chemical, biological, or nuclear weapons, or (iii) components for such weapons; has forsworn the first use of such weapons; and is taking substantial and verifiable steps to destroy or otherwise dispose of any such missiles and weapons it possesses; 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;

“(B) the International Covenant on Civil and Political Rights (done at New York, December 16, 1966) and the International Covenant on Economic, Social, and Cultural Rights (done at 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; and

“(2) the new Government of Iraq has provided reliable and credible assurance that—

“(A) it respects internationally recognized human rights and it will demonstrate such respect through its conduct;

“(B) it is not acquiring, developing, or manufacturing and it will not acquire, develop, or manufacture (i) ballistic missiles, (ii) chemical, biological, or nuclear weapons, or (iii) components for such weapons; has forsworn the first use of such weapons; and is taking substantial and verifiable steps to destroy or otherwise dispose of any such missiles and weapons it possesses;

“(C) it is not and will not provide support for international terrorism; and

“(D) it is and will continue to be in substantial compliance with its obligations under international law, including all the treaties specified in subparagraphs (A) through (F) of subsection (b)(2).

“(d) INFORMATION TO BE INCLUDED IN CERTIFICATIONS.—Any certification under subsection (b) or (c) shall include the justification for each determination required by that subsection. The certification shall also specify which paragraphs of section 586G(a) the President will waive pursuant to that certification.

“SEC. 586I. DENIAL OF LICENSES FOR CERTAIN EXPORTS TO COUNTRIES ASSISTING IRAQ'S ROCKET OR CHEMICAL, BIOLOGICAL, OR NUCLEAR WEAPONS CAPABILITY.

“(a) RESTRICTION ON EXPORT LICENSES.—None of the funds appropriated by this or any other Act may be used to approve the licensing for export of any supercomputer to any country whose government the President determines is assisting, or whose government officials the President determines are assisting, Iraq to improve its rocket technology or chemical, biological, or nuclear weapons capability.

“(b) NEGOTIATIONS.—The President is directed to begin immediate negotiations with those governments with which the United States has bilateral supercomputer agreements, including the Government of the United Kingdom and the Government of Japan, on conditions restricting the transfer to Iraq of supercomputer or associated technology.

“SEC. 586J. REPORTS TO CONGRESS.

“(a) STUDY AND REPORT ON THE INTERNATIONAL EXPORT TO IRAQ OF NUCLEAR, BIOLOGICAL, CHEMICAL, AND BALLISTIC MISSILE TECHNOLOGY.—(1) The President shall conduct a study on the sale, export, and third party transfer or development of nuclear, biological, chemical, and ballistic missile technology to or with Iraq including—

“(A) an identification of specific countries, as well as companies and individuals, both foreign and domestic, engaged in such sale or export of, nuclear, biological, chemical, and ballistic missile technology;

“(B) a detailed description and analysis of the international supply, information, support, and coproduction network, individual, corporate, and state, responsible for Iraq's current capability in the area of nuclear, biological, chemical, and ballistic missile technology; and

“(C) a recommendation of standards and procedures against which to measure and verify a decision of the Government of Iraq to terminate the development, production, coproduction, and deployment of nuclear, biological, chemical, and offensive ballistic missile technology as well as the destruction of all existing facilities associated with such technologies.

“(2) The President shall include in the study required by paragraph (1) specific recommendations on new mechanisms, to include, but not be limited to, legal, political, economic and regulatory, whereby the United

States might contribute, in conjunction with its friends, allies, and the international community, to the management, control, or elimination of the threat of nuclear, biological, chemical, and ballistic missile proliferation.

“(3) Not later than March 30, 1991, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives, a report, in both classified and unclassified form, setting forth the findings of the study required by paragraph (1) of this subsection.

“(b) STUDY AND REPORT ON IRAQ’S OFFENSIVE MILITARY CAPABILITY.—(1) The President shall conduct a study on Iraq’s offensive military capability and its effect on the Middle East balance of power including an assessment of Iraq’s power projection capability, the prospects for another sustained conflict with Iran, joint Iraqi-Jordanian military cooperation, the threat Iraq’s arms transfer activities pose to United States allies in the Middle East, and the extension of Iraq’s political-military influence into Africa and Latin America.

“(2) Not later than March 30, 1991, the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives, a report, in both classified and unclassified form, setting forth the findings of the study required by paragraph (1).

“(c) REPORT ON SANCTIONS TAKEN BY OTHER NATIONS AGAINST IRAQ.—(1) The President shall prepare a report on the steps taken by other nations, both before and after the August 2, 1990, invasion of Kuwait, to curtail the export of goods, services, and technologies to Iraq which might contribute to, or enhance, Iraq’s nuclear, biological, chemical, and ballistic missile capability.

“(2) The President shall provide a complete accounting of international compliance with each of the sanctions resolutions adopted by the United Nations Security Council against Iraq since August 2, 1990, and shall list, by name, each country which to his knowledge, has provided any assistance to Iraq and the amount and type of that assistance in violation of each United Nations resolution.

“(3) The President shall make every effort to encourage other nations, in whatever forum or context, to adopt sanctions toward Iraq similar to those contained in this section.

“(4) Not later than every 6 months after the date of enactment of this Act [Nov. 5, 1990], the President shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives, a report in both classified and unclassified form, setting forth the findings of the study required by paragraph (1) of this subsection.”

[Provisions similar to section 586D of Pub. L. 101-513, set out above, relating to compliance with sanctions against Iraq were contained in the following appropriations acts:

[Pub. L. 108-7, div. E, title V, §531, Feb. 20, 2003, 117 Stat. 192.

[Pub. L. 107-115, title V, §531, Jan. 10, 2002, 115 Stat. 2150.

[Pub. L. 106-429, §101(a) [title V, §534], Nov. 6, 2000, 114 Stat. 1900, 1900A-34.

[Pub. L. 106-113, div. B, §1000(a)(2) [title V, §534], Nov. 29, 1999, 113 Stat. 1535, 1501A-93.

[Pub. L. 105-277, div. A, §101(d) [title V, §535], Oct. 21, 1998, 112 Stat. 2681-150, 2681-181.

[Pub. L. 105-118, title V, §534, Nov. 26, 1997, 111 Stat. 2416.

[Pub. L. 104-208, div. A, title I, §101(c) [title V, §533], Sept. 30, 1996, 110 Stat. 3009-121, 3009-152.

[Pub. L. 104-107, title V, §534, Feb. 12, 1996, 110 Stat. 734.

[Pub. L. 103-306, title V, §538, Aug. 23, 1994, 108 Stat. 1639.

[Pub. L. 103-87, title V, §539, Sept. 30, 1993, 107 Stat. 957.

[Pub. L. 102-391, title V, §573, Oct. 6, 1992, 106 Stat. 1683.]

Pub. L. 101-510, div. A, title XIV, §1458, Nov. 5, 1990, 104 Stat. 1697, provided that: “If the President considers that the taking of such action would promote the effectiveness of the economic sanctions of the United Nations and the United States imposed with respect to Iraq, and is consistent with the national interest, the President may prohibit, for such a period of time as he considers appropriate, the importation into the United States of any or all products of any foreign country that has not—

“(1) prohibited—

“(A) the importation of products of Iraq into its customs territory, and

“(B) the export of its products to Iraq; or

“(2) given assurances satisfactory to the President that such import and export sanctions will be promptly implemented.”

SUSPENDING THE IRAQ SANCTIONS ACT, MAKING INAPPLICABLE CERTAIN STATUTORY PROVISIONS RELATED TO IRAQ, AND DELEGATING AUTHORITIES, UNDER THE EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

Determination of President of the United States, No. 2003-23, May 7, 2003, 68 F.R. 26459, provided:

Memorandum for the Secretary of State [and] the Secretary of Commerce

By virtue of the authority vested in me by the Constitution and the laws of the United States, including sections 1503 and 1504 of the Emergency Wartime Supplemental Act, 2003 [Emergency Wartime Supplemental Appropriations Act, 2003], Public Law 108-11 (the “Act”) [117 Stat. 579], and section 301 of title 3, United States Code, I hereby:

(1) suspend the application of all of the provisions, other than section 586E, of the Iraq Sanctions Act of 1990, Public Law 101-513 [set out above], and

(2) make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961, Public Law 87-195, as amended [22 U.S.C. 2371] (the “FAA”), and any other provision of law that applies to countries that have supported terrorism.

In addition, I delegate the functions and authorities conferred upon the President by:

(1) section 1503 of the Act to submit reports to the designated committees of the Congress to the Secretary of Commerce, or until such time as the principal licensing responsibility for the export to Iraq of items on the Commerce Control List has reverted to the Department of Commerce, to the Secretary of the Treasury; and,

(2) section 1504 of the Act to the Secretary of State.

The functions and authorities delegated herein may be further delegated and redelegated to the extent consistent with applicable law.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

GEORGE W. BUSH.

IRAN CLAIMS SETTLEMENT

Pub. L. 99-93, title V, Aug. 16, 1985, 99 Stat. 437, provided that:

“SEC. 501. RECEIPT AND DETERMINATION OF CERTAIN CLAIMS.

“(a) AUTHORITY OF FOREIGN CLAIMS SETTLEMENT COMMISSION.—The Foreign Claims Settlement Commission of the United States is authorized to receive and determine the validity and amounts of claims by nationals of the United States against Iran which are settled en bloc by the United States. In deciding such claims, the Commission shall apply, in the following order—

“(1) the terms of any settlement agreement;

“(2) the relevant provisions of the Declarations of the Government of the Democratic and Popular Republic of Algeria of January 19, 1981, giving consideration to interpretations thereof by the Iran-United States Claims Tribunal; and

“(3) applicable principles of international law, justice, and equity.

Except as otherwise provided in this title, the provisions of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1621 et seq.) shall apply with respect to claims under this section. Any reference in such provisions to ‘this title’ [translated therein as ‘this subchapter’] shall be deemed to refer to those provisions and to this section.

“(b) CERTIFICATION AND PAYMENT.—The Commission shall certify to the Secretary of the Treasury any awards determined pursuant to subsection (a) in accordance with section 5 of title I of the International Claims Settlement Act of 1949 (22 U.S.C. 1624). Such awards shall be paid in accordance with sections 7 and 8 of such title (22 U.S.C. 1626 and 1627), except that—

“(1) the Secretary of the Treasury is authorized to make payments pursuant to paragraphs (1) and (2) of section 8(c) of such title in the amount of \$10,000 or the principal amount of the award, whichever is less; and

“(2) the Secretary of the Treasury may deduct, pursuant to section 7(b) of such title, an amount calculated in accordance with section 502(a) of this Act, instead of 5 percent of payments made pursuant to section 8(c) of such title.

“SEC. 502. DEDUCTIONS FROM ARBITRAL AWARDS.

“(a) DEDUCTION FOR EXPENSES OF THE UNITED STATES.—Except as provided in section 503, the Federal Reserve Bank of New York shall deduct from the aggregate amount awarded under each enumerated claim before the Iran-United States Claims Tribunal in favor of a United States claimant, an amount equal to 1½ percent of the first \$5,000,000 and 1 percent of any amount over \$5,000,000, as reimbursement to the United States Government for expenses incurred in connection with the arbitration of claims of United States claimants against Iran before that Tribunal and the maintenance of the Security Account established pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981. The Federal Reserve Bank of New York shall make the deduction required by the preceding sentence whenever the Bank receives an amount from the Security Account in satisfaction of an award rendered by the Iran-United States Claims Tribunal on the enumerated claim involved.

“(b) DEDUCTION TREATED AS MISCELLANEOUS RECEIPT.—Amounts deducted by the Federal Reserve Bank of New York pursuant to subsection (a) shall be deposited into the Treasury of the United States to the credit of miscellaneous receipts.

“(c) PAYMENT TO UNITED STATES CLAIMANTS.—Nothing in this section shall be construed to affect the payment to United States claimants of amounts received by the Federal Reserve Bank of New York in respect of awards by the Iran-United States Claims Tribunal, after deduction of the amounts calculated in accordance with subsection (a).

“(d) EFFECTIVE DATE.—This section shall be effective as of June 7, 1982.

“SEC. 503. EN BLOC SETTLEMENT.

“The deduction by the Federal Reserve Bank of New York provided for in section 502(a) of this Act shall not apply in the case of a sum received by the Bank pursuant to an en bloc settlement of any category of claims of United States nationals against Iran when such sum is to be used for payments in satisfaction of awards certified by the Foreign Claims Settlement Commission pursuant to section 501(b) of this Act.

“SEC. 504. REIMBURSEMENT TO THE FEDERAL RESERVE BANK OF NEW YORK.

“The Secretary of the Treasury may reimburse the Federal Reserve Bank of New York for expenses in-

curring by the Bank in the performance of fiscal agency agreements relating to the settlement or arbitration of claims pursuant to the Declarations of the Democratic and Popular Republic of Algeria of January 19, 1981.

“SEC. 505. CONFIDENTIALITY OF RECORDS.

“Notwithstanding section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), records pertaining to the arbitration of claims before the Iran-United States Claims Tribunal may not be disclosed to the general public, except that—

“(1) rules, awards, and other decisions of the Tribunal and claims and responsive pleadings filed at the Tribunal by the United States on its own behalf shall be made available to the public, unless the Secretary of State determines that public disclosure would be prejudicial to the interests of the United States or United States claimants in proceedings before the Tribunal, or that public disclosure would be contrary to the rules of the Tribunal; and

“(2) the Secretary of State may determine on a case-by-case basis to make such information available when in the judgment of the Secretary the interests of justice so require.”

EX. ORD. NO. 12170. BLOCKING IRANIAN GOVERNMENT PROPERTY

Ex. Ord. No. 12170, Nov. 14, 1979, 44 F.R. 65729, provided:

Pursuant to the authority vested in me as President by the Constitution and laws of the United States including the International Emergency Economic Powers Act, 50 U.S.C.A. sec. 1701 et seq., the National Emergencies Act, 50 U.S.C. sec. 1601 et seq., and 3 U.S.C. sec. 301,

I, JIMMY CARTER, President of the United States, find that the situation in Iran constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and hereby declare a national emergency to deal with that threat.

I hereby order blocked all property and interests in property of the Government of Iran, its instrumentalities and controlled entities and the Central Bank of Iran which are or become subject to the jurisdiction of the United States or which are in or come within the possession or control of persons subject to the jurisdiction of the United States.

The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act [this chapter] to carry out the provisions of this order.

This order is effective immediately and shall be transmitted to the Congress and published in the Federal Register.

JIMMY CARTER.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY EX. ORD. NO. 12170

Notice of President of the United States, dated Nov. 9, 2004, 69 F.R. 65513, provided:

On November 14, 1979, by Executive Order 12170 [set out above], the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Because our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 2004. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year this national emergency with respect to Iran.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 12170 were contained in the following:

- Notice of President of the United States, dated Nov. 12, 2003, 68 F.R. 64489.
- Notice of President of the United States, dated Nov. 12, 2002, 67 F.R. 68929.
- Notice of President of the United States, dated Nov. 9, 2001, 66 F.R. 56966.
- Notice of President of the United States, dated Nov. 9, 2000, 65 F.R. 68061.
- Notice of President of the United States, dated Nov. 5, 1999, 64 F.R. 61471.
- Notice of President of the United States, dated Nov. 9, 1998, 63 F.R. 63125.
- Notice of President of the United States, dated Sept. 30, 1997, 62 F.R. 51591.
- Notice of President of the United States, dated Oct. 29, 1996, 61 F.R. 56107.
- Notice of President of the United States, dated Oct. 31, 1995, 60 F.R. 55651.
- Notice of President of the United States, dated Oct. 31, 1994, 59 F.R. 54785.
- Notice of President of the United States, dated Nov. 1, 1993, 58 F.R. 58639.
- Notice of President of the United States, dated Oct. 25, 1992, 57 F.R. 48719.
- Notice of President of the United States, dated Nov. 12, 1991, 56 F.R. 57791.
- Notice of the President of the United States, dated Nov. 9, 1990, 55 F.R. 47453.
- Notice of the President of the United States, dated Oct. 30, 1989, 54 F.R. 46043.
- Notice of the President of the United States, dated Nov. 8, 1988, 53 F.R. 45750.
- Notice of the President of the United States, dated Nov. 10, 1987, 52 F.R. 43549.
- Notice of the President of the United States, dated Nov. 10, 1986, 51 F.R. 41067.
- Notice of the President of the United States, dated Nov. 1, 1985, 50 F.R. 45901.
- Notice of the President of the United States, dated Nov. 7, 1984, 49 F.R. 44741.
- Notice of the President of the United States, dated Nov. 8, 1982, 47 F.R. 50841.

EX. ORD. NO. 12205. PROHIBITING CERTAIN TRANSACTIONS WITH IRAN

Ex. Ord. No. 12205, Apr. 7, 1980, 45 F.R. 24099, as amended by Ex. Ord. No. 12211, Apr. 17, 1980, 45 F.R. 26685, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in order to take steps additional to those set forth in Executive Order No. 12170 of November 14, 1979 [set out as a note above], to deal with the threat to the national security, foreign policy and economy of the United States referred to in that Order, and in furtherance of the objectives of United Nations Security Council Resolution 461 (1979) adopted on December 31, 1979, it is hereby ordered as follows:

1-101. The following are prohibited effective immediately, notwithstanding any contracts entered into or licenses granted before the date of this Order [Apr. 7, 1980]:

(a) The sale, supply or other transfer, by any person subject to the jurisdiction of the United States, of any items, commodities or products, except food, medicine and supplies intended strictly for medical purposes, and donations of clothing intended to be used to relieve human suffering, from the United States, or from any foreign country, whether or not originating in the United States, either to or destined for Iran, an Iranian governmental entity in Iran, any other person or body in Iran or any other person or body for the purposes of any enterprise carried on in Iran.

(b) The shipment by vessel, aircraft, railway or other land transport of United States registration or owned

by or under charter to any person subject to the jurisdiction of the United States or the carriage (whether or not in bond) by land transport facilities across the United States of any of the items, commodities and products covered by paragraph (a) of this section which are consigned to or destined for Iran, an Iranian governmental entity or any person or body in Iran, or to any enterprise carried on in Iran.

(c) The shipment from the United States of any of the items, products and commodities covered by paragraph (a) of this section on vessels or aircraft registered in Iran.

(d) The following acts, when committed by any person subject to the jurisdiction of the United States in connection with any transaction involving Iran, an Iranian governmental entity, an enterprise controlled by Iran or an Iranian governmental entity, or any person in Iran:

(i) Making available any new credits or loans;

(ii) Making available any new deposit facilities or allowing substantial increases in non-dollar deposits which exist as of the date of this Order [Apr. 7, 1980];

(iii) Allowing more favorable terms of payment than are customarily used in international commercial transactions; or

(iv) Failing to act in a businesslike manner in exercising any rights when payments due on existing credits or loans are not made in a timely manner.

(v) Make any payment, transfer of credit, or other transfer of funds or other property or interests therein, except for purposes of family remittances.

(e) The engaging by any person subject to the jurisdiction of the United States in any service contract in support of an industrial project in Iran, except any such contract entered into prior to the date of this Order [Apr. 7, 1980] or concerned with medical care.

(f) The engaging by any person subject to the jurisdiction of the United States in any transaction which evades or avoids, or has the purpose or effect of evading or avoiding, any of the prohibitions set forth in this section.

1-102. The prohibitions in section 1-101 above shall not apply to transactions by any person subject to the jurisdiction of the United States which is a nonbanking association, corporation, or other organization organized and doing business under the laws of any foreign country.

1-103. The Secretary of the Treasury is delegated, and authorized to exercise, all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government.

1-104. The Secretary of the Treasury shall ensure that actions taken pursuant to this Order and Executive Order No. 12170 [set out above] are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

1-105. This Order is effective immediately. In accord with Section 401 of the National Emergencies Act (50 U.S.C. 1641) and Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703), it shall be immediately transmitted to the Congress and published in the Federal Register.

JIMMY CARTER.

REVOCATION OF PROHIBITIONS CONTAINED IN EXECUTIVE ORDER NO. 12205

For provisions relating to the revocation of prohibitions contained in Ex. Ord. No. 12205, Apr. 7, 1980, 45 F.R. 24099, as amended, which prohibited certain transactions with Iran, see Ex. Ord. No. 12282, Jan. 19, 1981, 46 F.R. 7925, set out below.

EX. ORD. NO. 12211. PROHIBITING CERTAIN TRANSACTIONS WITH IRAN

Ex. Ord. No. 12211, Apr. 17, 1980, 45 F.R. 26685, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Sections 1732 and 2656 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in order to take steps additional to those set forth in Executive Order No. 12170 of November 14, 1979 [set out above], and Executive Order No. 12205 of April 7, 1980 [set out above], to deal with the threat to the national security, foreign policy and economy of the United States referred to in those Orders, and the added unusual and extraordinary threat to the national security, foreign policy and economy of the United States created by subsequent events in Iran and neighboring countries, including the Soviet invasion of Afghanistan, with respect to which I hereby declare a national emergency, and to carry out the policy of the United States to deny the use of its resources to aid, encourage or give sanctuary to those persons involved in directing, supporting or participating in acts of international terrorism, it is hereby ordered as follows:

1-101. Paragraph 1-101(d) of Executive Order No. 12205 [set out above] is hereby amended by the addition of a new subparagraph (v) as follows:

(v) Make any payment, transfer of credit, or other transfer of funds or other property or interests therein, except for purposes of family remittances.

1-102. The following transactions are prohibited, notwithstanding any contracts entered into or licenses granted before the date of this Order [Apr. 17, 1980]:

(a) Effective immediately, the direct or indirect import from Iran into the United States of Iranian goods or services, other than materials imported for news publication or news broadcast dissemination.

(b) Effective immediately, any transactions with a foreign person or foreign entity by any citizen or permanent resident of the United States relating to that person's travel to Iran after the date of this Order [Apr. 17, 1980].

(c) Effective seven days from the date of this Order [Apr. 17, 1980], the payment by or on behalf of any citizen or permanent resident of the United States who is within Iran of any expenses for transactions within Iran.

The prohibitions in paragraphs (b) and (c) of this section shall not apply to a person who is also a citizen of Iran and those prohibitions and the prohibitions in section 1-101 shall not apply to a journalist or other person who is regularly employed by a news gathering or transmitting organization and who travels to Iran or is within Iran for the purpose of gathering or transmitting news, making news or documentary films, or similar activities.

1-103. The Secretary of the Treasury is hereby directed, effective fourteen days from the date of this Order [Apr. 17, 1980], to revoke existing licenses for transactions by persons subject to the jurisdiction of the United States with Iran Air, the National Iranian Oil Company, and the National Iranian Gas Company previously issued pursuant to regulations under Executive Order No. 12170 [set out above], or Executive Order No. 12205 [set out above].

1-104. The Secretary of the Treasury is delegated, and authorized to exercise, all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order. The Secretary may redelegate any of these functions to other officers and agencies of the Federal government.

1-105. The Secretary of the Treasury shall ensure that actions taken by him pursuant to the above provisions of this Order, Executive Order No. 12170 [set out above] and Executive Order No. 12205 [set out above] are accounted for as required by Section 401 of the National Emergencies Act (50 U.S.C. 1641).

1-106. The Secretary of State is delegated, and authorized to exercise in furtherance of the purposes of this Order, the powers vested in the President by Sec-

tion 2001 of the Revised Statutes (22 U.S.C. 1732), Section 1 of the Act of July 3, 1926 (22 U.S.C. 211a), and Section 215 of the Immigration and Nationality Act (8 U.S.C. 1185), with respect to:

(a) the restriction of the use of United States passports for travel to, in or through Iran; and

(b) the regulation of departures from and entry into the United States in connection with travel to Iran by citizens and permanent residents of the United States.

1-107. Except as otherwise indicated herein, this Order is effective immediately. In accord with Section 401 of the National Emergencies Act (50 U.S.C. 1641) and Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703), it shall be immediately transmitted to the Congress and published in the Federal Register.

JIMMY CARTER.

REVOCATION OF PROHIBITIONS CONTAINED IN EXECUTIVE ORDER NO. 12211

For provisions relating to the revocation of prohibitions contained in Ex. Ord. No. 12211, Apr. 17, 1980, 45 F.R. 26685, which prohibited certain transactions with Iran, see Ex. Ord. No. 12282, Jan. 19, 1981, 46 F.R. 7925, set out below.

EX. ORD. NO. 12276. RELEASE OF AMERICAN HOSTAGES IN IRAN—DIRECTION RELATING TO ESTABLISHMENT OF ESCROW ACCOUNTS

Ex. Ord. No. 12276, Jan. 19, 1981, 46 F.R. 7913, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. The Secretary of the Treasury is authorized to enter into, and to license, authorize, direct, and compel any appropriate official and/or the Federal Reserve Bank of New York, as fiscal agent of the United States, to enter into escrow or related agreements with a foreign central bank and with the Central Bank of Algeria under which certain money and other assets, as and when directed by the Secretary of the Treasury, shall be credited by the foreign central bank to an escrow account on its books in the name of the Central Bank of Algeria for transfer to the Government of Iran if and when the Central Bank of Algeria receives from the Government of Algeria a certification that the 52 U.S. diplomats and nationals being held hostage in Iran have safely departed from Iran. Such agreements shall include other parties and terms as determined by the Secretary of the Treasury to be appropriate to carry out the purposes of this Order.

1-102. The Secretary of the Treasury is authorized to license, authorize, direct, and compel the Federal Reserve Bank of New York, as fiscal agent of the United States, to receive certain money and other assets in which Iran or its agencies, instrumentalities, or controlled entities have an interest and to hold or transfer such money and other assets, and any interest earned

thereon, in such a manner as he deems necessary to fulfill the rights and obligations of the United States under the Declaration of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, and the escrow and related agreements described in paragraph 1-101 of this Order. Such money and other assets may be held in interest-bearing form and where possible shall be invested with or through the entity holding the money or asset on the effective date of this Order.

1-103. Compliance with this Executive Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets referred to in paragraphs 1-101 and 1-102 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12277. RELEASE OF AMERICAN HOSTAGES IN IRAN—DIRECTION TO TRANSFER IRANIAN GOVERNMENT ASSETS

Ex. Ord. No. 12277, Jan. 19, 1981, 46 F.R. 7915, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. The Federal Reserve Bank of New York is licensed, authorized, directed, and compelled to transfer to accounts at the Bank of England, and subsequently to transfer to accounts at the Bank of England established pursuant to an escrow agreement approved by the Secretary of the Treasury, all gold bullion, and other assets (or the equivalent thereof) in its custody, of the Government of Iran, or its agencies, instrumentalities or controlled entities. Such transfers shall be executed when and in the manner directed by the Secretary of the Treasury. The Secretary of the Treasury is also authorized to license, authorize, direct, and compel the Federal Reserve Bank of New York to engage in whatever further transactions he deems appro-

priate and consistent with the purposes of this Order, including any transactions related to the return of such bullion and other assets pursuant to the escrow agreement.

1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Order, any other Executive Order licensing, authorizing, directing, or compelling the transfer of the assets described in section 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12278. RELEASE OF AMERICAN HOSTAGES IN IRAN—DIRECTION TO TRANSFER IRANIAN GOVERNMENT ASSETS OVERSEAS

Ex. Ord. No. 12278, Jan. 19, 1981, 46 F.R. 7917, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in

which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. Any branch or office of a United States bank or subsidiary thereof, which branch or office is located outside the territory of the United States and which on or after 8:10 a.m. E.S.T. on November 14, 1979 (a) has been or is in possession of funds or securities legally or beneficially owned by the Government of Iran or its agencies, instrumentalities, or controlled entities, or (b) has carried or is carrying on its books deposits standing to the credit of or beneficially owned by such Government, agencies, instrumentalities, or controlled entities, is licensed, authorized, directed, and compelled to transfer such funds, securities, and deposits, including interest from November 14, 1979, at commercially reasonable rates, to the account of the Federal Reserve Bank of New York at the Bank of England, to be held or transferred as directed by the Secretary of the Treasury. The Secretary of the Treasury shall determine when the transfers required by this section shall take place. The funds, securities and deposits described in this section shall be further transferred as provided for in the Declaration of the Government of the Democratic and Popular Republic of Algeria and its Annex.

1-102. Any banking institution subject to the jurisdiction of the United States that has executed a set-off on or after November 14, 1979, at 8:10 a.m. E.S.T. against Iranian funds, securities, or deposits referred to in section 1-101 is hereby licensed, authorized, directed, and compelled to cancel such set-off and to transfer all funds, securities, and deposits which have been subject to such set-off, including interest from November 14, 1979, at commercially reasonable rates, pursuant to the provisions of section 1-101 of this Order.

1-103. If the funds, securities, and deposits described in section 1-101 are not promptly transferred to the control of the Government of Iran, such funds, securities, and deposits shall be returned to the banking institutions holding them on the effective date of this Order and the set-offs described in section 1-102 shall be in force as if this Order had not been issued and the status of all such funds, securities, deposits and set-offs shall be status quo ante.

1-104. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Sections 1-101 and 1-102 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in Sections 1-101 and 1-102 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. E.S.T., including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Sections 1-101 and 1-102 of this Order.

1-105. Compliance with this Order, any other Executive Order licensing, authorizing, directing, or compelling the transfer of the assets described in Sections 1-101 and 1-102 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the

same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-106. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-107. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order.

1-108. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12279. RELEASE OF AMERICAN HOSTAGES IN IRAN—DIRECTION TO TRANSFER IRANIAN GOVERNMENT ASSETS HELD BY DOMESTIC BANKS

Ex. Ord. No. 12279, Jan. 19, 1981, 46 F.R. 7919, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. Any branch or office of a banking institution subject to the jurisdiction of the United States, which branch or office is located within the United States and is, on the effective date, either (a) in possession of funds or securities legally or beneficially owned by the Government of Iran or its agencies, instrumentalities, or controlled entities, or (b) carrying on its books deposits standing to the credit of or beneficially owned by such Government, agencies, instrumentalities, or controlled entities is licensed, authorized, directed and compelled to transfer such funds, securities, and deposits, including interest from November 14, 1979, at commercially reasonable rates, to the Federal Reserve Bank of New York, to be held or transferred as directed by the Secretary of the Treasury.

1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, wheth-

er acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets described in section 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12280. RELEASE OF AMERICAN HOSTAGES IN IRAN—DIRECTION TO TRANSFER IRANIAN GOVERNMENT FINANCIAL ASSETS HELD BY NON-BANKING INSTITUTIONS

Ex. Ord. No. 12280, Jan. 19, 1981, 46 F.R. 7921, provided: By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. Any person subject to the jurisdiction of the United States which is not a banking institution and is on the effective date in possession or control of funds or securities of Iran or its agencies, instrumentalities, or controlled entities is licensed, authorized, directed and compelled to transfer such funds or securities to the Federal Reserve Bank of New York to be held or transferred as directed by the Secretary of the Treasury.

1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties de-

scribed in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Executive Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets described in paragraph 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12281. RELEASE OF AMERICAN HOSTAGES IN IRAN—DIRECTION TO TRANSFER CERTAIN IRANIAN GOVERNMENT ASSETS

Ex. Ord. No. 12281, Jan. 19, 1981, 46 F.R. 7923, provided: By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran and in which Iran and the United States instruct and require that the assets described in this Order shall be transferred as set forth below by the holders of such assets, it is hereby ordered that as of the effective date of this Order:

1-101. All persons subject to the jurisdiction of the United States in possession or control of properties, not including funds and securities, owned by Iran or its agencies, instrumentalities, or controlled entities are

licensed, authorized, directed and compelled to transfer such properties, as directed after the effective date of this Order by the Government of Iran, acting through its authorized agent. Except where specifically stated, this license, authorization, and direction does not relieve persons subject to the jurisdiction of the United States from existing legal requirements other than those based upon the International Emergency Economic Powers Act [this chapter].

1-102. (a) All licenses and authorizations for acquiring or exercising any right, power, or privilege, by court order, attachment, or otherwise, including the license contained in Section 535.504 of the Iranian Assets Control Regulations, with respect to the properties described in Section 1-101 of this Order are revoked and withdrawn.

(b) All rights, powers, and privileges relating to the properties described in section 1-101 of this Order and which derive from any attachment, injunction, other like proceedings or process, or other action in any litigation after November 14, 1979, at 8:10 a.m. EST, including those derived from Section 535.504 of the Iranian Assets Control Regulations, other than rights, powers, and privileges of the Government of Iran and its agencies, instrumentalities, and controlled entities, whether acquired by court order or otherwise, are nullified, and all persons claiming any such right, power, or privilege are hereafter barred from exercising the same.

(c) All persons subject to the jurisdiction of the United States are prohibited from acquiring or exercising any right, power, or privilege, whether by court order or otherwise, with respect to the properties (and any income earned thereon) referred to in Section 1-101 of this Order.

1-103. Compliance with this Executive Order, any other Executive Order licensing, authorizing, directing or compelling the transfer of the assets described in paragraph 1-101 of this Order, or any regulations, instructions, or directions issued thereunder shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, such orders, regulations, instructions, or directions.

1-104. The Attorney General shall seek to intervene in any litigation within the United States which arises out of this Order and shall, among other things, defend the legality of, and all actions taken pursuant to, each of its provisions.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12282. RELEASE OF AMERICAN HOSTAGES IN IRAN—REVOCATION OF PROHIBITIONS AGAINST TRANSACTIONS INVOLVING IRAN

Ex. Ord. No. 12282, Jan. 19, 1981, 46 F.R. 7925, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria

dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostage and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. The prohibitions contained in Executive Order 12205 of April 7, 1980 [set out above], and Executive Order 12211 of April 17, 1980 [set out above], and Proclamation 4702 of November 12, 1979 [amending Proc. No. 3279, set out under section 1862 of Title 19, Customs Duties], are hereby revoked.

1-102. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purpose of this Order.

1-103. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12283. RELEASE OF AMERICAN HOSTAGES IN IRAN—NON-PROSECUTION OF CLAIMS OF HOSTAGES AND FOR ACTIONS AT THE UNITED STATES EMBASSY AND ELSEWHERE

Ex. Ord. No. 12283, Jan. 19, 1981, 46 F.R. 7927, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. The Secretary of the Treasury shall promulgate regulations: (a) prohibiting any person subject to U.S. jurisdiction from prosecuting in any court within the United States or elsewhere any claim against the Government of Iran arising out of events occurring before the date of this Order relating to (1) the seizure of the hostages on November 4, 1979, (2) their subsequent detention, (3) injury to United States property or property of United States nationals within the United States Embassy compound in Tehran after November 3, 1979, or (4) injury to United States nationals or their property as a result of popular movements in the course of the Islamic Revolution in Iran which were not an act of the Government of Iran; (b) prohibiting any person not a U.S. national from prosecuting any such claim in any court within the United States; (c) ordering the termination of any previously instituted judicial proceedings based upon such claims; and (d) prohibiting the enforcement of any judicial order issued in the course of such proceedings.

1-102. The Attorney General of the United States is authorized and directed, immediately upon the issuance of regulations in accordance with Section 1-101, to take all appropriate measures to notify all appropriate courts of the existence of this Order and implementing regulations and the resulting termination of litigation.

1-103. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers

Act (50 U.S.C. 1701 et seq.) to carry out the purpose of this Order.

1-104. This Order shall be effective immediately.

JIMMY CARTER.

EX. ORD. NO. 12284. RELEASE OF AMERICAN HOSTAGES IN IRAN—RESTRICTIONS ON TRANSFER OF PROPERTY OF FORMER SHAH OF IRAN

Ex. Ord. No. 12284, Jan. 19, 1981, 46 F.R. 7929, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which I based my declarations of national emergency in Executive Order 12170 [set out above], issued November 14, 1979, and in Executive Order 12211 [set out above], issued April 17, 1980, in order to implement agreements with the Government of Iran, as reflected in Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of U.S. diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

1-101. For the purpose of protecting the rights of litigants in courts within the United States, all property and assets located in the United States within the control of the estate of Mohammad Reza Pahlavi, the former Shah of Iran, or any close relative of the former Shah served as a defendant in litigation in such courts brought by Iran seeking the return of property alleged to belong to Iran, is hereby blocked as to each such estate or person until all such litigation against such estate or person is finally terminated.

1-102. The Secretary of the Treasury is authorized and directed (a) to promulgate regulations requiring all persons who are subject to the jurisdiction of the United States and who, as of November 3, 1979, or as of this date, have actual or constructive possession of property of the kind described in Section 1-101, or knowledge of such possession by others, to report such possession or knowledge thereof, to the Secretary of the Treasury in accordance with such regulations and (b) to make available to the Government of Iran or its designated agents all identifying information derived from such reports to the fullest extent permitted by law. Such reports shall be required as to all individuals described in 1-101 and shall be required to be filed within 30 days after publication of a notice in the Federal Register.

1-103. The Secretary of the Treasury is authorized and directed (a) to require all agencies within the Executive Branch of the United States Government to deliver to the Secretary all official financial books and records which serve to identify any property of the kind described in Section 1-101 of this Order, and (b) to make available to the Government of Iran or its designated agents all identifying information derived from such books and records to the fullest extent permitted by law.

1-104. The Attorney General of the United States having advised the President of his opinion that no claim on behalf of the Government of Iran for recovery of property of the kind described in Section 1-101 of this Order should be considered legally barred either by sovereign immunity principles or by the act of state doctrine, the Attorney General is authorized and directed to prepare, and upon the request of counsel representing the Government of Iran to present to the appropriate court or courts within the United States, suggestions of interest reflecting that such is the position

of the United States, and that it is also the position of the United States that Iranian decrees and judgments relating to the assets of the former Shah and the persons described in Section 1-101 should be enforced by such courts in accordance with United States law.

1-105. The Secretary of the Treasury is delegated and authorized to exercise all functions vested in the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to carry out the purposes of this Order.

1-106. This Order shall be effective immediately.

JIMMY CARTER.

EXECUTIVE ORDER NO. 12285

Ex. Ord. No. 12285, Jan. 19, 1981, 46 F.R. 7931, as amended by Ex. Ord. No. 12307, June 4, 1981, 46 F.R. 30483; Ex. Ord. No. 12317, Aug. 14, 1981, 46 F.R. 42241, which established the President's Commission on Hostage Compensation and provided for its membership, functions, etc., was revoked by Ex. Ord. No. 12379, §21, Aug. 17, 1982, 47 F.R. 36100, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 12294. SUSPENSION OF LITIGATION AGAINST IRAN

Ex. Ord. No. 12294, Feb. 24, 1981, 46 F.R. 14111, provided:

By the authority vested in me as President by the Constitution and statutes of the United States, including Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702), Section 301 of Title 3 of the United States Code, Section 1732 of Title 22 of the United States Code, and Section 301 of the National Emergencies Act (50 U.S.C. 1631), in view of the continuing unusual and extraordinary threat to the national security, foreign policy and economy of the United States upon which were based the declarations of national emergency in Executive Order No. 12170, issued November 14, 1979 [set out above], and in Executive Order No. 12211, issued April 17, 1980 [set out above], in light of the agreement with the Government of Iran, as reflected in the Declarations of the Government of the Democratic and Popular Republic of Algeria dated January 19, 1981, relating to the release of United States diplomats and nationals being held as hostages and to the resolution of claims of United States nationals against Iran, in order to implement Article II of the Declaration of Algeria concerning the settlement of claims and to begin the process of normalization of relations between the United States and Iran, it is hereby ordered that as of the effective date of this Order:

SECTION 1. All claims which may be presented to the Iran-United States Claims Tribunal under the terms of Article II of the Declaration of the Government of the Democratic and Popular Republic of Algeria Concerning the Settlement of Claims by the Government of the United States of America and the Government of the Islamic Republic of Iran, and all claims for equitable or other judicial relief in connection with such claims, are hereby suspended, except as they may be presented to the Tribunal. During the period of this suspension, all such claims shall have no legal effect in any action now pending in any court of the United States, including the courts of any state or any locality thereof, the District of Columbia and Puerto Rico, or in any action commenced in any such court after the effective date of this Order. Nothing in this action precludes the commencement of an action after the effective date of this Order for the purpose of tolling the period of limitations for commencement of such action.

SEC. 2. Nothing in this Order shall require dismissal of any action for want of prosecution.

SEC. 3. Suspension under this Order of a claim or a portion thereof submitted to the Iran-United States Claims Tribunal for adjudication shall terminate upon a determination by the Tribunal that it does not have jurisdiction over such claim or such portion thereof.

SEC. 4. A determination by the Iran-United States Claims Tribunal on the merits that a claimant is not entitled to recover on a claim shall operate as a final resolution and discharge of the claim for all purposes. A determination by the Tribunal that a claimant shall have recovery on a claim in a specified amount shall operate as a final resolution and discharge of the claim for all purposes upon payment to the claimant of the full amount of the award, including any interest awarded by the Tribunal.

SEC. 5. Nothing in this Order shall apply to any claim concerning the validity or payment of a standby letter of credit, performance or payment bond or other similar instrument.

SEC. 6. Nothing in this Order shall prohibit the assertion of a counterclaim or set-off by a United States national in any judicial proceeding pending or hereafter commenced by the Government of Iran, any political subdivision of Iran, or any agency, instrumentality, or entity controlled by the Government of Iran or any political subdivision thereof.

SEC. 7. The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act [this chapter] and by 22 U.S.C. §1732 to carry out the purposes of this Order.

SEC. 8. Executive Order Nos. 12276 through 12285 of January 19, 1981 [set out above], are ratified.

This Order shall be effective immediately and copies shall be transmitted to the Congress.

RONALD REAGAN.

EXECUTIVE ORDER NO. 12444

Ex. Ord. No. 12444, Oct. 14, 1983, 48 F.R. 48215, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563, set out below.

EX. ORD. NO. 12451. CONTINUATION OF EXPORT CONTROL REGULATIONS

Ex. Ord. No. 12451, Dec. 20, 1983, 48 F.R. 56563, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

SECTION 1. In view of the extension by Public Law 98-207 (December 5, 1983) [amending 50 App. U.S.C. 2419], of the authorities contained in the Act, Executive Order No. 12444 of October 14, 1983, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

SEC. 2. The revocation of Executive Order No. 12444 shall not affect any violation of any rules, regulations, orders, licenses and other forms of administrative action under that Order which occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken or continued in effect pursuant to the Act until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977 and Executive Order No. 12214 of May 2, 1980 [50 App. U.S.C. 2403 note].

SEC. 3. All orders, licenses, and other forms of administrative action issued, taken or continued in effect

pursuant to the authority of the IEEPA and Executive Order No. 12444 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

SEC. 4. This Order shall take effect immediately.

RONALD REAGAN.

EXECUTIVE ORDER NO. 12470

Ex. Ord. No. 12470, Mar. 30, 1984, 49 F.R. 13099, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of the orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757, set out below.

Continuation of emergency declared by Ex. Ord. No. 12470 was contained in Notice of the President of the United States, dated Mar. 28, 1985, 50 F.R. 12513.

EXECUTIVE ORDER NO. 12513

Ex. Ord. No. 12513, May 1, 1985, 50 F.R. 18629, which prohibited trade and certain other transactions involving Nicaragua, was revoked by Ex. Ord. No. 12707, Mar. 13, 1990, 55 F.R. 9707, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12513 were contained in the following:

Notice of the President of the United States, dated Apr. 21, 1989, 54 F.R. 17701.

Notice of the President of the United States, dated Apr. 25, 1988, 53 F.R. 15011.

Notice of the President of the United States, dated Apr. 21, 1987, 52 F.R. 13425.

Notice of the President of the United States, dated Apr. 22, 1986, 51 F.R. 15461.

EX. ORD. NO. 12525. TERMINATION OF EMERGENCY AUTHORITY FOR EXPORT CONTROLS

Ex. Ord. No. 12525, July 12, 1985, 50 F.R. 28757, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) (hereinafter referred to as "IEEPA"), 22 U.S.C. 287c, and the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.) (hereinafter referred to as "the Act"), it is hereby ordered as follows:

SECTION 1. In view of the extension by Public Law 99-64 (July 12, 1985) [amending 50 App. U.S.C. 2419] of the authorities contained in the Act, Executive Order No. 12470 of March 30, 1984, which continued in effect export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded.

SEC. 2. The revocation of Executive Order No. 12470 shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that Order that occurred during the period that Order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and that Order, including those published in Title 15, Chapter III, Subchapter C, of the Code of Federal Regulations, Parts 368 to 399 inclusive, and all orders, regulations, licenses, and other forms of administrative action issued, taken or continued in effect pursuant thereto, shall remain in full force and effect, as if issued, taken or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this Order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, and Executive Order No. 12214 of May 2, 1980 [set out under 50 App. U.S.C. 2403].

SEC. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12470 relating to the

administration of Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

SEC. 4. This Order shall take effect immediately.

RONALD REAGAN.

EXECUTIVE ORDER NO. 12532

Ex. Ord. No. 12532, Sept. 9, 1985, 50 F.R. 36861, which prohibited trade and certain other transactions involving South Africa, was revoked by Ex. Ord. No. 12769, §4, July 10, 1991, 56 F.R. 31855, set out as a note under section 5061 of Title 22, Foreign Relations and Intercourse.

Continuation of national emergency declared by Ex. Ord. No. 12532 was contained in Notice of the President of the United States, dated Sept. 4, 1986, 51 F.R. 31925.

EXECUTIVE ORDER NO. 12535

Ex. Ord. No. 12535, Oct. 1, 1985, 50 F.R. 40325, which prohibited importation into United States of South African Krugerrands, was revoked by Ex. Ord. No. 12769, §4, July 10, 1991, 56 F.R. 31855, set out as a note under section 5061 of Title 22, Foreign Relations and Intercourse.

EXECUTIVE ORDER NO. 12543

Ex. Ord. No. 12543, Jan. 7, 1986, 51 F.R. 875, which related to prohibiting trade and certain transactions involving Libya, was revoked by Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12543 were contained in the following:

Notice of President of the United States, dated Jan. 5, 2004, 69 F.R. 847.

Notice of President of the United States, dated Jan. 2, 2003, 68 F.R. 661.

Notice of President of the United States, dated Jan. 3, 2002, 67 F.R. 637.

Notice of President of the United States, dated Jan. 4, 2001, 66 F.R. 1251.

Notice of President of the United States, dated Dec. 29, 1999, 65 F.R. 1999.

Notice of President of the United States, dated Dec. 30, 1998, 64 F.R. 383.

Notice of President of the United States, dated Jan. 2, 1998, 63 F.R. 653.

Notice of President of the United States, dated Jan. 2, 1997, 62 F.R. 587.

Notice of President of the United States, dated Jan. 3, 1996, 61 F.R. 383.

Notice of President of the United States, dated Dec. 22, 1994, 59 F.R. 67119.

Notice of President of the United States, dated Dec. 2, 1993, 58 F.R. 64361.

Notice of President of the United States, dated Dec. 14, 1992, 57 F.R. 59895.

Notice of President of the United States, dated Dec. 26, 1991, 56 F.R. 67465.

Notice of the President of the United States, dated Jan. 2, 1991, 56 F.R. 477.

Notice of the President of the United States, dated Jan. 4, 1990, 55 F.R. 589.

Notice of the President of the United States, dated Dec. 28, 1988, 53 F.R. 52971.

Notice of the President of the United States, dated Dec. 15, 1987, 52 F.R. 47891.

Notice of the President of the United States, dated Dec. 23, 1986, 51 F.R. 46849.

EXECUTIVE ORDER NO. 12544

Ex. Ord. No. 12544, Jan. 8, 1986, 51 F.R. 1235, which related to blocking Libyan Government property in the United States or held by U.S. persons, was revoked by Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665, set out below.

EXECUTIVE ORDER NO. 12613

Ex. Ord. No. 12613, Oct. 29, 1987, 52 F.R. 41940, which prohibited imports from Iran, was revoked by Ex. Ord. No. 13059, §7, Aug. 19, 1997, 62 F.R. 44533, set out below.

EXECUTIVE ORDER NO. 12635

Ex. Ord. No. 12635, Apr. 8, 1988, 53 F.R. 12134, which blocked property and interests in property of the Government of Panama that were in the United States, was revoked by Ex. Ord. No. 12710, Apr. 5, 1990, 55 F.R. 13099, set out below.

Continuation of national emergency declared by Ex. Ord. No. 12635 was contained in Notice of the President of the United States, dated Apr. 6, 1989, 54 F.R. 14197.

EX. ORD. NO. 12707. TERMINATION OF EMERGENCY WITH RESPECT TO NICARAGUA

Ex. Ord. No. 12707, Mar. 13, 1990, 55 F.R. 9707, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), chapter 12 of title 50 of the United States Code (50 U.S.C. 191 *et seq.*), and section 301 of title 3 of the United States Code.

I, GEORGE BUSH, President of the United States of America, find that the February 25, 1990, democratic election in Nicaragua has ended the unusual and extraordinary threat to the national security and foreign policy of the United States previously posed by the policies and actions of the Sandinista government in that country, and the need to continue the national emergency declared in Executive Order No. 12513 of May 1, 1985, to deal with that threat.

I hereby revoke Executive Order No. 12513 and terminate the national emergency declared in that order with respect to Nicaragua.

Pursuant to section 202 of the National Emergencies Act (50 U.S.C. 1622), termination of the national emergency with respect to Nicaragua shall not affect any action taken or proceeding pending and not finally concluded or determined at the effective date of this order, or any action or proceeding based on any act committed prior to the effective date of this order, or any rights or duties that matured or penalties that were incurred prior to the effective date of this order.

This order shall take effect immediately.

GEORGE BUSH.

EX. ORD. NO. 12710. TERMINATION OF EMERGENCY WITH RESPECT TO PANAMA

Ex. Ord. No. 12710, Apr. 5, 1990, 55 F.R. 13099, provided: By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (hereinafter referred to as "IEEPA"), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (hereinafter referred to as "the NEA"), chapter 12 of title 50 of the United States Code (50 U.S.C. 191 *et seq.*), and section 301 of title 3 of the United States Code.

I, GEORGE BUSH, President of the United States of America, find that the restoration of a democratically elected government in Panama has ended the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States previously posed by the policies and actions of Manuel Antonio Noriega in that country, and the need to continue the national emergency declared in Executive Order No. 12635 of April 8, 1988, to deal with that threat.

I hereby revoke Executive Order No. 12635 and terminate the national emergency declared in that order with respect to Panama.

Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency with respect to Panama shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or any action or proceeding based on any act committed prior to the effective date of this order, or any rights or duties that matured or penalties that were incurred prior to the effective date of this order. Pursuant to section 207 (50 U.S.C. 1706) of IEEPA, I hereby determine that the continuation of prohibitions with regard to transactions involving

property in which the Government of Panama has an interest is necessary on account of claims involving Panama.

This order shall take effect immediately.

GEORGE BUSH.

EXECUTIVE ORDER NO. 12722

Ex. Ord. No. 12722, Aug. 2, 1990, 55 F.R. 31803, which related to blocking Iraqi Government property and prohibiting transactions with Iraq, was revoked by Ex. Ord. No. 12724, §6, Aug. 9, 1990, 55 F.R. 33090, formerly set out below, to the extent inconsistent with Ex. Ord. No. 12724, and by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12722 were contained in the following:

Notice of President of the United States, dated July 31, 2003, 68 F.R. 45739.

Notice of President of the United States, dated July 30, 2002, 67 F.R. 50341.

Notice of President of the United States, dated July 31, 2001, 66 F.R. 40105.

Notice of President of the United States, dated July 28, 2000, 65 F.R. 47241.

Notice of President of the United States, dated July 20, 1999, 64 F.R. 39897.

Notice of President of the United States, dated July 28, 1998, 63 F.R. 41175.

Notice of President of the United States, dated July 31, 1997, 62 F.R. 41803.

Notice of President of the United States, dated July 22, 1996, 61 F.R. 38561.

Notice of President of the United States, dated July 28, 1995, 60 F.R. 39099.

Notice of President of the United States, dated July 19, 1994, 59 F.R. 37151.

Notice of President of the United States, dated July 20, 1993, 58 F.R. 39111.

Notice of President of the United States, dated July 21, 1992, 57 F.R. 32875.

Notice of President of the United States, dated July 26, 1991, 56 F.R. 35995.

EXECUTIVE ORDER NO. 12723

Ex. Ord. No. 12723, Aug. 2, 1990, 55 F.R. 31805, which directed Secretary of the Treasury to block all property and interests in Kuwaiti Government property that are in the United States or within possession or control of United States persons, was revoked by Ex. Ord. No. 12771, July 25, 1991, 56 F.R. 35993, set out below.

EXECUTIVE ORDER NO. 12724

Ex. Ord. No. 12724, Aug. 9, 1990, 55 F.R. 33089, which related to blocking Iraqi Government property and prohibiting transactions with Iraq, was revoked by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055, set out below.

EXECUTIVE ORDER NO. 12725

Ex. Ord. No. 12725, Aug. 9, 1990, 55 F.R. 33091, which directed Secretary of the Treasury to block all property and interests in Kuwaiti Government property that are in the United States or within possession or control of United States persons and which prohibited transactions with Kuwait, was revoked by Ex. Ord. No. 12771, July 25, 1991, 56 F.R. 35993, set out below.

EXECUTIVE ORDER NO. 12730

Ex. Ord. No. 12730, Sept. 30, 1990, 55 F.R. 40373, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of the orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12867, §1, Sept. 30, 1993, 58 F.R. 51747, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12730 were contained in the following:

Notice of President of the United States, dated Sept. 25, 1992, 57 F.R. 44649.

Notice of President of the United States, dated Sept. 26, 1991, 56 F.R. 49385.

EXECUTIVE ORDER NO. 12735

Ex. Ord. No. 12735, Nov. 16, 1990, 55 F.R. 48587, which declared a national emergency to deal with threat of proliferation of chemical and biological weapons and imposed controls on exports that would assist a country in developing, stockpiling, delivering, or using chemical or biological weapons and associated sanctions, was revoked by Ex. Ord. No. 12938, §10, Nov. 14, 1994, 59 F.R. 59099, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12735 were contained in the following:

Notice of President of the United States, dated Nov. 12, 1993, 58 F.R. 60361.

Notice of President of the United States, dated Nov. 11, 1992, 57 F.R. 53979.

Notice of President of the United States, dated Nov. 14, 1991, 56 F.R. 58171.

EX. ORD. NO. 12771. REVOKING EARLIER ORDERS WITH RESPECT TO KUWAIT

Ex. Ord. No. 12771, July 25, 1991, 56 F.R. 35993, provided:

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.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 301 of title 3 of the United States Code, and United Nations Participation Act [of 1945] [22 U.S.C. 287 *et seq.*] (22 U.S.C. 287c),

I, GEORGE BUSH, President of the United States of America, find that the expulsion from Kuwait of Iraq's occupation forces, the restoration of Kuwait to its citizens, and the reinstatement of the lawful Government of Kuwait eliminate the need for Executive Order No. 12723 of August 2, 1990, entitled "Blocking Kuwaiti Government Property," and Executive Order No. 12725 of August 9, 1990, entitled "Blocking Kuwaiti Government Property and Prohibiting Transactions With Kuwait." Those orders were issued to protect the assets of the Government of Kuwait which were subject to United States jurisdiction, and to prevent the transfer of benefits by United States persons to Iraq based upon its invasion of Kuwait. Those orders also implemented the foreign policy and protected the national security of the United States, in conformity with applicable resolutions of the United Nations Security Council. Finding continuation of these orders unnecessary, I hereby order:

SECTION 1. Executive Order No. 12723 and Executive Order No. 12725 are hereby revoked. This revocation shall not affect the national emergency declared in Executive Order No. 12722 [formerly set out above] to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the policies and action of the Government of Iraq.

SEC. 2. This revocation shall not affect:

(a) any action taken or proceeding pending and not finally concluded or determined on the effective date of this order;

(b) any action or proceeding based on any act committed prior to the effective date of this order; or

(c) any rights or duties that matured or penalties that were incurred prior to the effective date of this order.

SEC. 3. This order shall take effect immediately.

GEORGE BUSH.

EXECUTIVE ORDER NO. 12775

Ex. Ord. No. 12775, Oct. 4, 1991, 56 F.R. 50641, which declared a national emergency to deal with Republic of Haiti, directed Secretary of Treasury to block all property and interests in property of Government of Haiti that were in United States or within possession or control of United States persons, and prohibited transactions with Haiti, was revoked, and such national emergency terminated, by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12775 were contained in the following:

Notice of President of the United States, dated Sept. 30, 1994, 59 F.R. 50479.

Notice of President of the United States, dated Sept. 30, 1993, 58 F.R. 51563.

Notice of President of the United States, dated Sept. 30, 1992, 57 F.R. 45557.

EXECUTIVE ORDER No. 12779

Ex. Ord. No. 12779, Oct. 28, 1991, 56 F.R. 55975, which directed Secretary of the Treasury to block all property and interests in property of Government of Haiti that were in United States or within possession or control of United States persons and which prohibited transactions with Haiti and most imports from and exports to Haiti, was revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

EXECUTIVE ORDER No. 12801

Ex. Ord. No. 12801, Apr. 15, 1992, 57 F.R. 14319, which related to barring overflight, takeoff, and landing of aircraft flying to or from Libya, was revoked by Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665, set out below.

EXECUTIVE ORDER No. 12808

Ex. Ord. No. 12808, May 30, 1992, 57 F.R. 23299, which blocked property of the governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, was revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12808 were contained in the following:

Notice of President of the United States, dated May 27, 2002, 67 F.R. 37661.

Notice of President of the United States, dated May 24, 2001, 66 F.R. 29007.

Notice of President of the United States, dated May 25, 2000, 65 F.R. 34379.

Notice of President of the United States, dated May 27, 1999, 64 F.R. 29205.

Notice of President of the United States, dated May 28, 1998, 63 F.R. 29527.

Notice of President of the United States, dated May 28, 1997, 62 F.R. 29283.

Notice of President of the United States, dated May 24, 1996, 61 F.R. 26773.

Determination of President, No. 96-7, Dec. 27, 1995, 61 F.R. 2887.

Notice of President of the United States, dated May 10, 1995, 60 F.R. 25599.

Notice of President of the United States, dated May 25, 1994, 59 F.R. 27429.

Notice of President of the United States, dated May 25, 1993, 58 F.R. 30693.

EXECUTIVE ORDER No. 12810

Ex. Ord. No. 12810, June 5, 1992, 57 F.R. 24347, as amended by Ex. Ord. No. 12831, §4, Jan. 15, 1993, 58 F.R. 5253, which blocked property of, and prohibited transactions with, the Federal Republic of Yugoslavia (Serbia and Montenegro), was revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, set out below.

EXECUTIVE ORDER No. 12817

Ex. Ord. No. 12817, Oct. 21, 1992, 57 F.R. 48433, which related to the transfer of certain Iraqi Government assets held by domestic banks, was revoked by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055, set out below.

EXECUTIVE ORDER No. 12831

Ex. Ord. No. 12831, Jan. 15, 1993, 58 F.R. 5253, which set forth additional measures in response to the actions and policies of the Federal Republic of Yugoslavia (Serbia and Montenegro), was revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, set out below.

EXECUTIVE ORDER No. 12846

Ex. Ord. No. 12846, Apr. 25, 1993, 58 F.R. 25771, which set forth additional measures in response to the actions and policies of the Federal Republic of Yugoslavia (Serbia and Montenegro), was revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, set out below.

EXECUTIVE ORDER No. 12853

Ex. Ord. No. 12853, June 30, 1993, 58 F.R. 35843, which directed Secretary of the Treasury to block all property and interests in property of Government of Haiti and the de facto regime in Haiti or controlled directly or indirectly by either that were in United States or within possession or control of United States persons and which prohibited sale or supply to Haiti of petroleum or arms and related materiel by United States persons or from United States or using U.S.-registered vessels or aircraft, was revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

EXECUTIVE ORDER No. 12865

Ex. Ord. No. 12865, Sept. 26, 1993, 58 F.R. 51005, which declared a national emergency with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA) and prohibited certain transactions with UNITA, was revoked by Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12865 were contained in the following:

Notice of President of the United States, dated Sept. 23, 2002, 67 F.R. 60105.

Notice of President of the United States, dated Sept. 24, 2001, 66 F.R. 49084.

Notice of President of the United States, dated Sept. 22, 2000, 65 F.R. 57721.

Notice of President of the United States, dated Sept. 21, 1999, 64 F.R. 51419.

Notice of President of the United States, dated Sept. 23, 1998, 63 F.R. 51509.

Notice of President of the United States, dated Sept. 24, 1997, 62 F.R. 50477.

Notice of President of the United States, dated Sept. 16, 1996, 61 F.R. 49047.

Notice of President of the United States, dated Sept. 18, 1995, 60 F.R. 48621.

Notice of President of the United States, dated Aug. 17, 1994, 59 F.R. 42749.

EX. ORD. NO. 12867. TERMINATION OF EMERGENCY
AUTHORITY FOR CERTAIN EXPORT CONTROLS

Ex. Ord. No. 12867, Sept. 30, 1993, 58 F.R. 51747, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) ("the IEEPA"), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) ("the Act"), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. In view of the extension of the Act by Public Law 103-10 (March 27, 1993) [amending 50 App. U.S.C. 2419], Executive Order No. 12730 of September 30, 1990, which continued the effect of export control regulations under the IEEPA, is revoked, and the declaration of economic emergency is rescinded, as provided in this order.

SEC. 2. The revocation of Executive Order No. 12730 shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that Order that occurred during the period the order was in effect. All rules and regulations issued or continued in effect under the authority of the IEEPA and Executive Order No. 12735, including those codified at 15 CFR Sections 768-799 (1993), and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pur-

suant thereto, shall remain in full force and effect, as if issued, taken, or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order No. 12002 of July 7, 1977, Executive Order No. 12214 of May 2, 1980 [50 App. U.S.C. 2403 notes], and Executive Order No. 12735 of November 16, 1990.

SEC. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant to the authority of the IEEPA and Executive Order No. 12730 relating to the administration of Section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

SEC. 4. This order shall take effect immediately.

WILLIAM J. CLINTON.

EXECUTIVE ORDER NO. 12868

Ex. Ord. No. 12868, Sept. 30, 1993, 58 F.R. 51749, which directed Secretary of Commerce to regulate activities of United States persons to prevent participation in weapons proliferation activities, was revoked, with savings provision, by Ex. Ord. No. 12930, §3, Sept. 29, 1994, 59 F.R. 50475, formerly set out below.

EXECUTIVE ORDER NO. 12872

Ex. Ord. No. 12872, Oct. 18, 1993, 58 F.R. 54029, which directed Secretary of the Treasury to block property of persons obstructing democratization in Haiti, was revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

EXECUTIVE ORDER NO. 12914

Ex. Ord. No. 12914, May 7, 1994, 59 F.R. 24339, which directed Secretary of the Treasury to block all funds and financial resources of officers and employees of Haitian military, including police, and of all major participants in coup d'état in Haiti of 1991 and in illegal governments that followed, and which prohibited air travel between United States territory and Haiti except regularly scheduled commercial passenger flights, was revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

EXECUTIVE ORDER NO. 12917

Ex. Ord. No. 12917, May 21, 1994, 59 F.R. 26925, which prohibited imports into United States from Haiti and activity by United States persons or in United States promoting or dealing in Haitian exports, with certain exceptions, was revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

EXECUTIVE ORDER NO. 12920

Ex. Ord. No. 12920, June 10, 1994, 59 F.R. 30501, which prohibited payment or transfer of funds or other financial or investment assets or credits to Haiti from or through United States or from Haiti to or through United States and the sale, supply, or exportation of goods, technology, or services to Haiti or promotion of such activity, with certain exceptions, was revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

EXECUTIVE ORDER NO. 12922

Ex. Ord. No. 12922, June 21, 1994, 59 F.R. 32645, which directed Secretary of the Treasury to block property and interests in property of Haitian national residents in Haiti and to continue blocking property of certain other persons that were in United States or within possession and control of United States persons, was revoked by Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, set out below.

EXECUTIVE ORDER NO. 12923

Ex. Ord. No. 12923, June 30, 1994, 59 F.R. 34551, which continued effectiveness of the Export Administration

Act of 1979, 50 App. U.S.C. 2401 et seq., and of the orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 12924, §4, Aug. 19, 1994, 59 F.R. 43438, set out below.

EXECUTIVE ORDER NO. 12924

Ex. Ord. No. 12924, Aug. 19, 1994, 59 F.R. 43437, which continued effectiveness of the Export Administration Act of 1979, 50 App. U.S.C. 2401 et seq., and of the orders, rules and regulations promulgated thereunder, was revoked by Ex. Ord. No. 13206, §1, Apr. 4, 2001, 66 F.R. 18397, set out below.

Continuations of national emergency declared by Ex. Ord. No. 12924 were contained in the following:

Notice of President of the United States, dated Aug. 3, 2000, 65 F.R. 48347.

Notice of President of the United States, dated Aug. 10, 1999, 64 F.R. 44101.

Notice of President of the United States, dated Aug. 13, 1998, 63 F.R. 44121.

Notice of President of the United States, dated Aug. 13, 1997, 62 F.R. 43629.

Notice of President of the United States, dated Aug. 14, 1996, 61 F.R. 42527.

Notice of President of the United States, dated Aug. 15, 1995, 60 F.R. 42767.

EXECUTIVE ORDER NO. 12930

Ex. Ord. No. 12930, Sept. 29, 1994, 59 F.R. 50475, which directed Secretary of Commerce to take measures to restrict participation by United States persons in weapons proliferation activities, was revoked by Ex. Ord. No. 12938, §10, Nov. 14, 1994, 59 F.R. 59099, set out below.

EX. ORD. NO. 12932. TERMINATION OF EMERGENCY WITH RESPECT TO HAITI

Ex. Ord. No. 12932, Oct. 14, 1994, 59 F.R. 52403, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act ("NEA") (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and taking into consideration United Nations Security Council Resolution 944 of September 29, 1994,

I, WILLIAM J. CLINTON, President of the United States of America, find that the restoration of a democratically elected government in Haiti has ended the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States previously posed by the policies and actions of the *de facto* regime in Haiti and the need to continue the national emergency declared in Executive Order No. 12775 of October 4, 1991, to deal with that threat.

I hereby revoke Executive Order Nos. 12775, 12779, 12853, 12872, 12914, 12917, 12920, and 12922 and terminate the national emergency declared in Executive Order No. 12775 with respect to Haiti.

Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency with respect to Haiti shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or any action or proceeding based on any act committed prior to the effective date of this order, or any rights or duties that matured or penalties that were incurred prior to the effective date of this order.

This order shall take effect at 12:01 a.m. eastern daylight time on October 16, 1994.

WILLIAM J. CLINTON.

EXECUTIVE ORDER NO. 12934

Ex. Ord. No. 12934, Oct. 25, 1994, 59 F.R. 54117, which set forth additional measures in response to the actions

and policies of the Bosnian Serb forces in the Republic of Bosnia and Herzegovina, was revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, set out below.

EX. ORD. NO. 12938. PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Ex. Ord. No. 12938, Nov. 14, 1994, 59 F.R. 59099, as amended by Ex. Ord. No. 13094, §1, July 28, 1998, 63 F.R. 40803; Ex. Ord. No. 13128, June 25, 1999, 64 F.R. 34704, provided:

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.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), the Arms Export Control Act, as amended (22 U.S.C. 2751 *et seq.*), Executive Orders Nos. 12851 [22 U.S.C. 2797 note] and 12924 [set out above], and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, find that the proliferation of nuclear, biological, and chemical weapons (“weapons of mass destruction”) and of the means of delivering such weapons, constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

Accordingly, I hereby order:

SECTION 1. *International Negotiations.* It is the policy of the United States to lead and seek multilaterally coordinated efforts with other countries to control the proliferation of weapons of mass destruction and the means of delivering such weapons. Accordingly, the Secretary of State shall cooperate in and lead multilateral efforts to stop the proliferation of weapons of mass destruction and their means of delivery.

SEC. 2. *Imposition of Controls.* As provided herein, the Secretary of State and the Secretary of Commerce shall use their respective authorities, including the Arms Export Control Act [22 U.S.C. 2751 *et seq.*] and the International Emergency Economic Powers Act [50 U.S.C. 1701 *et seq.*], to control any exports, to the extent they are not already controlled by the Department of Energy and the Nuclear Regulatory Commission, that either Secretary determines would assist a country in acquiring the capability to develop, produce, stockpile, deliver, or use weapons of mass destruction or their means of delivery. The Secretary of State shall pursue early negotiations with foreign governments to adopt effective measures comparable to those imposed under this order.

SEC. 3. *Department of Commerce Controls.* (a) The Secretary of Commerce shall prohibit the export of any goods, technology, or services subject to the Secretary’s export jurisdiction that the Secretary of Commerce determines, in consultation with the Secretary of State, the Secretary of Defense, and other appropriate officials, would assist a foreign country in acquiring the capability to develop, produce, stockpile, deliver, or use weapons of mass destruction or their means of delivery. The Secretary of State shall pursue early negotiations with foreign governments to adopt effective measures comparable to those imposed under this section.

(b) Subsection (a) of this section will not apply to exports relating to a particular category of weapons of mass destruction (i.e., nuclear, chemical, or biological weapons) if their destination is a country with whose government the United States has entered into a bilateral or multilateral arrangement for the control of that category of weapons of mass destruction-related goods (including delivery systems) and technology, or maintains domestic export controls comparable to controls that are imposed by the United States with respect to that category of goods and technology, or that are otherwise deemed adequate by the Secretary of State.

(c) The Secretary of Commerce shall require validated licenses to implement this order and shall coordinate any license applications with the Secretary of State and the Secretary of Defense.

(d) The Secretary of Commerce, in consultation with the Secretary of State, shall take such actions, including the promulgation of rules, regulations, and amendments thereto, as may be necessary to continue to regulate the activities of United States persons in order to prevent their participation in activities that could contribute to the proliferation of weapons of mass destruction or their means of delivery, as provided in the Export Administration Regulations, set forth in Title 15, Chapter VII, Subchapter C, of the Code of Federal Regulations, Parts 768 to 799 inclusive.

(e) the Secretary of Commerce shall impose and enforce such restrictions on the importation of chemicals into the United States as may be necessary to carry out the requirements of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

SEC. 4. *Measures Against Foreign Persons.*

(a) *Determination by Secretary of State; Imposition of Measures.* Except to the extent provided in section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), where applicable, if the Secretary of State determines that a foreign person, on or after November 16, 1990, the effective date of Executive Order 12735, the predecessor order to Executive Order 12938, has materially contributed or attempted to contribute materially to the efforts of any foreign country, project, or entity of proliferation concern to use, acquire, design, develop, produce, or stockpile weapons of mass destruction or missiles capable of delivering such weapons, the measures set forth in subsections (b), (c), and (d) of this section shall be imposed on that foreign person to the extent determined by the Secretary of State in consultation with the implementing agency and other relevant agencies. Nothing in this section is intended to preclude the imposition on that foreign person of other measures or sanctions available under this order or under other authorities.

(b) *Procurement Ban.* No department or agency of the United States Government may procure, or enter into any contract for the procurement of, any goods, technology, or services from any foreign person described in subsection (a) of this section.

(c) *Assistance Ban.* No department or agency of the United States Government may provide any assistance to any foreign person described in subsection (a) of this section, and no such foreign person shall be eligible to participate in any assistance program of the United States Government.

(d) *Import Ban.* The Secretary of the Treasury shall prohibit the importation into the United States of goods, technology, or services produced or provided by any foreign person described in subsection (a) of this section, other than information or informational materials within the meaning of section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

(e) *Termination.* Measures pursuant to this section may be terminated against a foreign person if the Secretary of State determines that there is reliable evidence that such foreign person has ceased all activities referred to in subsection (a) of this section.

(f) *Exceptions.* Departments and agencies of the United States Government, acting in consultation with the Secretary of State, may, by license, regulation, order, directive, exception, or otherwise, provide for:

(i) Procurement contracts necessary to meet U.S. operational military requirements or requirements under defense production agreements; intelligence requirements; sole source suppliers, spare parts, components, routine servicing and maintenance of products for the United States Government; and medical and humanitarian items; and

(ii) Performance pursuant to contracts in force on the effective date of this order under appropriate circumstances.

SEC. 5. *Sanctions Against Foreign Countries.* (a) In addition to the sanctions imposed on foreign countries as provided in the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 [22 U.S.C. 5601

et seq.], sanctions also shall be imposed on a foreign country as specified in subsection (b) of this section, if the Secretary of State determines that the foreign country has, on or after the effective date of this order or its predecessor, Executive Order No. 12735 of November 16, 1990, (1) used chemical or biological weapons in violation of international law; (2) made substantial preparations to use chemical or biological weapons in violation of international law; or (3) developed, produced, stockpiled, or otherwise acquired chemical or biological weapons in violation of international law.

(b) The following sanctions shall be imposed on any foreign country identified in subsection (a)(1) of this section unless the Secretary of State determines, on grounds of significant foreign policy or national security, that any individual sanction should not be applied. The sanctions specified in this section may be made applicable to the countries identified in subsections (a)(2) or (a)(3) when the Secretary of State determines that such action will further the objectives of this order pertaining to proliferation. The sanctions specified in subsection (b)(2) below shall be imposed with the concurrence of the Secretary of the Treasury.

(1) *Foreign Assistance.* No assistance shall be provided to that country under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.], or any successor act, or the Arms Export Control Act [22 U.S.C. 2751 et seq.], other than assistance that is intended to benefit the people of that country directly and that is not channeled through governmental agencies or entities of that country.

(2) *Multilateral Development Bank Assistance.* The United States shall oppose any loan or financial or technical assistance to that country by international financial institutions in accordance with section 701 of the International Financial Institutions Act (22 U.S.C. 262d).

(3) *Denial of Credit or Other Financial Assistance.* The United States shall deny to that country any credit or financial assistance by any department, agency, or instrumentality of the United States Government.

(4) *Prohibition of Arms Sales.* The United States Government shall not, under the Arms Export Control Act, sell to that country any defense articles or defense services or issue any license for the export of items on the United States Munitions List.

(5) *Exports of National Security-Sensitive Goods and Technology.* No exports shall be permitted of any goods or technologies controlled for national security reasons under the Export Administration Regulations.

(6) *Further Export Restrictions.* The Secretary of Commerce shall prohibit or otherwise restrict exports to that country of goods, technology, and services (excluding agricultural commodities and products otherwise subject to control).

(7) *Import Restrictions.* Restrictions shall be imposed on the importation into the United States of articles (that may include petroleum or any petroleum product) that are the growth, product, or manufacture of that country.

(8) *Landing Rights.* At the earliest practicable date, the Secretary of State shall terminate, in a manner consistent with international law, the authority of any air carrier that is controlled in fact by the government of that country to engage in air transportation (as defined in section 101(10) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1301(10) [see 49 U.S.C. 40102(5)]).

SEC. 6. *Duration.* Any sanctions imposed pursuant to sections 4 or 5 of this order shall remain in force until the Secretary of State determines that lifting any sanction is in the foreign policy or national security interests of the United States or, as to sanctions under section 4 of this order, until the Secretary has made the determination under section 4(e).

SEC. 7. *Implementation.* The Secretary of State, the Secretary of the Treasury, and the Secretary of Commerce are hereby authorized and directed to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this order. These actions, and in particular those in

sections 4 and 5 of this order, shall be made in consultation with the Secretary of Defense and, as appropriate, other agency heads and shall be implemented in accordance with procedures established pursuant to Executive Order No. 12851 [22 U.S.C. 2797 note]. The Secretary concerned may redelegate any of these functions to other officers in agencies of the Federal Government. All heads of departments and agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order, including the suspension or termination of licenses or other authorizations.

SEC. 8. *Preservation of Authorities.* Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under the authority of the International Economic Emergency Powers Act [International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq.], the Export Administration Act [50 App. U.S.C. 2401 et seq.], the Arms Export Control Act [22 U.S.C. 2751 et seq.], the Nuclear Non-proliferation Act [22 U.S.C. 3201 et seq.], Executive Order No. 12730 of September 30, 1990 [50 U.S.C. 1701 note], Executive Order No. 12735 of November 16, 1990, Executive Order No. 12924 of August 18, 1994 [50 U.S.C. 1701 note], and Executive Order No. 12930 of September 29, 1994.

SEC. 9. *Judicial Review.* This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

SEC. 10. *Revocation of Executive Orders Nos. 12735 and 12930.* Executive Order No. 12735 of November 16, 1990, and Executive Order No. 12930 of September 29, 1994, are hereby revoked.

SEC. 11. *Effective Date.* This order is effective immediately.

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

WILLIAM J. CLINTON.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 12938

Notice of President of the United States, dated Nov. 4, 2004, 69 F.R. 64637, provided:

On November 14, 1994, by Executive Order 12938 [set out above], President Clinton declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, the President issued Executive Order 13094 to amend Executive Order 12938 to respond more effectively to the worldwide threat of proliferation of weapons of mass destruction and the means of delivering such weapons. Because the proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency first declared on November 14, 1994, must continue in effect beyond November 14, 2004. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 12938 were contained in the following:

Notice of President of the United States, dated Oct. 29, 2003, 68 F.R. 62209.

Notice of President of the United States, dated Nov. 6, 2002, 67 F.R. 68493.

Notice of President of the United States, dated Nov. 9, 2001, 66 F.R. 56965.

Notice of President of the United States, dated Nov. 9, 2000, 65 F.R. 68063.

Notice of President of the United States, dated Nov. 10, 1999, 64 F.R. 61767.

Notice of President of the United States, dated Nov. 12, 1998, 63 F.R. 63589.

Notice of President of the United States, dated Nov. 12, 1997, 62 F.R. 60993.

Notice of President of the United States, dated Nov. 12, 1996, 61 F.R. 58309.

Notice of President of the United States, dated Nov. 8, 1995, 60 F.R. 57137.

EX. ORD. NO. 12947. PROHIBITING TRANSACTIONS WITH TERRORISTS WHO THREATEN TO DISRUPT MIDDLE EAST PEACE PROCESS

Ex. Ord. No. 12947, Jan. 23, 1995, 60 F.R. 5079, as amended by Ex. Ord. No. 13099, §§1, 2, Aug. 20, 1998, 63 F.R. 45167; Ex. Ord. No. 13372, §2, Feb. 16, 2005, 70 F.R. 8499, provided:

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,

I, WILLIAM J. CLINTON, President of the United States of America, find that grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

SECTION 1. Except to the extent provided in section 203(b)(3) and (4) of IEEPA (50 U.S.C. 1702(b)(3) and (4)) and 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: (a) all property and interests in property of:

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

(ii) foreign persons designated by the Secretary of State, in coordination with the Secretary of the Treasury and the Attorney General, because they are found:

(A) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of disrupting the Middle East peace process, or

(B) to assist in, sponsor, or provide financial, material, or technological support for, or services in support of, such acts of violence; and

(iii) persons determined by the Secretary of the Treasury, in coordination with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of, any of the foregoing persons, that are in the United States, that hereafter come within the United States, or that hereafter come within the possession or control of United States persons, are blocked;

(b) any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to this order is prohibited, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of such persons;

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

SEC. 2. For the purposes of this order: (a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (includ-

ing foreign branches), or any person in the United States; and

(d) the term “foreign person” means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States) or any entity not organized solely under the laws of the United States or existing solely in the United States, but does not include a foreign state.

SEC. 3. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of, any person whose property or interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 1.

SEC. 4. (a) The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA 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. All 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.

(b) Any investigation emanating from a possible violation of this order, or of any license, order, or regulation issued pursuant to this order, shall first be coordinated with the Federal Bureau of Investigation (FBI), and any matter involving evidence of a criminal violation shall be referred to the FBI for further investigation. The FBI shall timely notify the Department of the Treasury of any action it takes on such referrals.

SEC. 5. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 6. (a) This order is effective at 12:01 a.m., eastern standard time on January 24, 1995.

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

ANNEX

TERRORISTS WHO THREATEN TO DISRUPT THE MIDDLE EAST PEACE PROCESS

Abu Hafs al-Masri
 Abu Nidal Organization (ANO)
 Democratic Front for the Liberation of Palestine (DFLP)
 Hizballah
 Islamic Army (a.k.a. Al-Qaida, Islamic Salvation Foundation, The Islamic Army for the Liberation of the Holy Places, The World Islamic Front for Jihad Against Jews and Crusaders, and The Group for the Preservation of the Holy Sites)
 Islamic Gama'at (IG)
 Islamic Resistance Movement (HAMAS)
 Jihad
 Kach
 Kahane Chai
 Palestinian Islamic Jihad-Shiqaqi faction (PIJ)
 Palestine Liberation Front-Abu Abbas faction (PLF-Abu Abbas)
 Popular Front for the Liberation of Palestine (PFLP)
 Popular Front for the Liberation of Palestine-General Command (PFLP-GC)
 Rifa'i Ahmad Taha Musa
 Usama bin Muhammad bin Awad bin Ladin (a.k.a. Usama bin Ladin)

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY EX. ORD. NO. 12947

Notice of President of the United States, dated Jan. 17, 2005, 70 F.R. 3277, provided:

On January 23, 1995, by Executive Order 12947 [set out above], the President declared a national emergency

pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process. On August 20, 1998, by Executive Order 13099, the President modified the Annex to Executive Order 12947 to identify four additional persons, including Usama bin Laden, who threaten to disrupt the Middle East peace process.

Because these terrorist activities continue to threaten the Middle East peace process and continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on January 23, 1995, as expanded on August 20, 1998, and the measures adopted on those dates to deal with that emergency must continue in effect beyond January 23, 2005. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 12947 were contained in the following:

Notice of President of the United States, dated Jan. 16, 2004, 69 F.R. 2991.

Notice of President of the United States, dated Jan. 20, 2003, 68 F.R. 3161.

Notice of President of the United States, dated Jan. 18, 2002, 67 F.R. 3033.

Notice of President of the United States, dated Jan. 19, 2001, 66 F.R. 7371.

Notice of President of the United States, dated Jan. 19, 2000, 65 F.R. 3581.

Notice of President of the United States, dated Jan. 20, 1999, 64 F.R. 3393.

Notice of President of the United States, dated Jan. 21, 1998, 63 F.R. 3445.

Notice of President of the United States, dated Jan. 21, 1997, 62 F.R. 3439.

Notice of President of the United States, dated Jan. 18, 1996, 61 F.R. 1695.

EX. ORD. NO. 12957. PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO DEVELOPMENT OF IRANIAN PETROLEUM RESOURCES

Ex. Ord. No. 12957, Mar. 15, 1995, 60 F.R. 14615, provided:

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.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, find that the actions and policies of the Government of Iran constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

SECTION 1. The following are prohibited, except 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: (a) the entry into or performance by a United States person, or the approval by a United States person of the entry into or performance by an entity owned or controlled by a United States person, of (i) a contract that includes overall supervision and management responsibility for the development of petroleum resources located in Iran, or (ii) a guaranty of another person's performance under such a contract;

(b) the entry into or performance by a United States person, or the approval by a United States person of the entry into or performance by an entity owned or controlled by a United States person, of (i) a contract for the financing of the development of petroleum resources located in Iran, or (ii) a guaranty of another person's performance under such a contract; and

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

SEC. 2. 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, or other organization;

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

(d) The term "Iran" means the land territory claimed by Iran and any other area over which Iran claims sovereignty, sovereign rights or jurisdiction, including the territorial sea, exclusive economic zone, and continental shelf claimed by Iran.

SEC. 3. The Secretary of the Treasury, in 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 me by the International Emergency Economic Powers Act 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. All 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.

SEC. 4. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 5. (a) This order is effective at 12:01 a.m., eastern standard time, on March 16, 1995.

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

WILLIAM J. CLINTON.

[Sections 1 and 2 of Ex. Ord. No. 12957 were revoked by Ex. Ord. No. 12959, § 5, May 6, 1995, 60 F.R. 24758, set out below, to the extent inconsistent with Ex. Ord. No. 12959.]

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY EX. ORD. NO. 12957

Notice of President of the United States, dated Mar. 10, 2005, 70 F.R. 12581, provided:

On March 15, 1995, by Executive Order 12957 [set out above], the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and acquisition of weapons of mass destruction and the means to deliver them. On May 6, 1995, the President issued Executive Order 12959 [set out below] imposing more comprehensive sanctions to further respond to this threat, and on August 19, 1997, the President issued Executive Order 13059 [set out below] consolidating and clarifying the previous orders.

Because the actions and policies of the Government of Iran continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2005. Therefore, in accordance with sec-

tion 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran. Because the emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170 [set out above], this renewal is distinct from the emergency renewal of November 2004. This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 12957 were contained in the following:

Notice of President of the United States, dated Mar. 10, 2004, 69 F.R. 12051.

Notice of President of the United States, dated Mar. 12, 2003, 68 F.R. 12563.

Notice of President of the United States, dated Mar. 13, 2002, 67 F.R. 11553.

Notice of President of the United States, dated Mar. 13, 2001, 66 F.R. 15013.

Notice of President of the United States, dated Mar. 13, 2000, 65 F.R. 13863.

Notice of President of the United States, dated Mar. 10, 1999, 64 F.R. 12239.

Notice of President of the United States, dated Mar. 4, 1998, 63 F.R. 11099.

Notice of President of the United States, dated Mar. 5, 1997, 62 F.R. 10409.

Notice of President of the United States, dated Mar. 8, 1996, 61 F.R. 9897.

EX. ORD. NO. 12959. PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO IRAN

Ex. Ord. No. 12959, May 6, 1995, 60 F.R. 24757, as amended by Ex. Ord. No. 13059, §7, Aug. 19, 1997, 62 F.R. 44533, provided:

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.*), section 505 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-9) (ISDCA), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, in order to take steps with respect to Iran in addition to those set forth in Executive Order No. 12957 of March 15, 1995 [set out above], to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States referred to in that order, hereby order:

SECTION 1. The following are prohibited, except 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:

[(a) to (d) Revoked by Ex. Ord. No. 13059, §7, Aug. 19, 1997, 62 F.R. 44533, set out below.]

(e) any new investment by a United States person in Iran or in property (including entities) owned or controlled by the Government of Iran;

[(f) Revoked by Ex. Ord. No. 13059, §7, Aug. 19, 1997, 62 F.R. 44533, set out below.]

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

SEC. 2. 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, or other organization;

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

(d) the term "Iran" means the territory of Iran and any other territory or marine area, including the exclu-

sive economic zone and continental shelf, over which the Government of Iran claims sovereignty, sovereign rights or jurisdiction, provided that the Government of Iran exercises partial or total de facto control over the area or derives a benefit from economic activity in the area pursuant to international arrangements; and

(e) the term "new investment" means (i) a commitment or contribution of funds or other assets, or (ii) a loan or other extension of credit.

SEC. 3. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, the requirement of reports, including reports by United States persons on oil transactions engaged in by their foreign affiliates with Iran or the Government of Iran, and to employ all powers granted to the President by IEEPA and ISDCA [Pub. L. 99-83, see Short Title of 1985 Amendments note set out under section 2151 of Title 22, Foreign Relations and Intercourse] 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. All 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.

SEC. 4. The Secretary of the Treasury may not authorize the exportation or reexportation to Iran, the Government of Iran, or an entity owned or controlled by the Government of Iran of any goods, technology, or services subject to export license application requirements of another agency of the United States Government, if authorization of the exportation or reexportation by that agency would be prohibited by law.

SEC. 5. Sections 1 and 2 of Executive Order No. 12613 of October 29, 1987 [formerly set out above], and sections 1 and 2 of Executive Order No. 12957 of March 15, 1995 [set out above], are hereby revoked to the extent inconsistent with this order. Otherwise, the provisions of this order supplement the provisions of Executive Orders No. 12613 and 12957.

SEC. 6. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 7. The measures taken pursuant to this order are in response to actions of the Government of Iran occurring after the conclusion of the 1981 Algiers Accords, and are intended solely as a response to those later actions.

SEC. 8. (a) This order is effective at 12:01 a.m., eastern daylight time, on May 7, 1995, except that (i) section 1(b), (c), and (d) of this order shall not apply until 12:01 a.m., eastern daylight time, on June 6, 1995, to trade transactions under contracts in force as of the date of this order if such transactions are authorized pursuant to Federal regulations in force immediately prior to the date of this order ("existing trade contracts"), and (ii) letters of credit and other financing agreements with respect to existing trade contracts may be performed pursuant to their terms with respect to underlying trade transactions occurring prior to 12:01 a.m., eastern daylight time, on June 6, 1995.

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

WILLIAM J. CLINTON.

EX. ORD. NO. 12978. BLOCKING ASSETS AND PROHIBITING TRANSACTIONS WITH SIGNIFICANT NARCOTICS TRAFFICKERS

Ex. Ord. No. 12978, Oct. 21, 1995, 60 F.R. 54579, as amended by Ex. Ord. No. 13286, §22, Feb. 28, 2003, 68 F.R. 10624, provided:

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,

I, WILLIAM J. CLINTON, President of the United States of America, find that the actions of significant foreign narcotics traffickers centered in Colombia, and the unparalleled violence, corruption, and harm that they cause in the United States and abroad, constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and hereby declare a national emergency to deal with that threat.

SECTION 1. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and 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, I hereby order blocked all property and interests in property that are or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, of:

(a) the foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of State:

(i) to play a significant role in international narcotics trafficking centered in Colombia; or

(ii) materially to assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to this order; and

(c) persons determined by the Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, and the Secretary of State, to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to this order.

SEC. 2. Further, except to the extent provided in section 203(b) of IEEPA and 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, I hereby prohibit the following:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property of the persons designated in or pursuant to this order;

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

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, corporation, or other organization, group or subgroup;

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

(d) the term "foreign person" means any citizen or national of a foreign state (including any such individual who is also a citizen or national of the United States) or any entity not organized solely under the laws of the United States or existing solely in the United States, but does not include a foreign state; and

(e) the term "narcotics trafficking" means any activity undertaken illicitly to cultivate, produce, manufacture, distribute, sell, finance or transport, or otherwise assist, abet, conspire, or collude with others in illicit activities relating to, narcotic drugs, including, but not limited to, cocaine.

SEC. 4. The Secretary of the Treasury, in consultation with the Attorney General, the Secretary of Homeland Security, and 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 IEEPA as may be necessary to carry out this order. The Secretary of the Treasury may redelegate any of these functions to

other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out this order.

SEC. 5. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 6. (a) This order is effective at 12:01 a.m. Eastern Daylight Time on October 22, 1995.

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

ANNEX

Gilberto Rodriguez Orejuela
Miguel Angel Rodriguez Orejuela
José Santacruz Londoño
Helmer Herrera Buitrago

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY EX. ORD. NO. 12978

Notice of President of the United States, dated Oct. 19, 2004, 69 F.R. 61733, provided:

On October 21, 1995, by Executive Order 12978 [set out above], the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia, and the extreme level of violence, corruption, and harm such actions cause in the United States and abroad.

The order blocks all property and interests in property that are in the United States or within the possession or control of United States persons or foreign persons listed in an annex to the order [see note above], as well as of foreign persons determined to play a significant role in international narcotics trafficking centered in Colombia. The order similarly blocks all property and interests in property of foreign persons determined to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the order, or persons determined to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the order. The order also prohibits any transaction or dealing by United States persons or within the United States in such property or interests in property.

Because the actions of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to significant narcotics traffickers centered in Colombia. This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 12978 were contained in the following:

Notice of President of the United States, dated Oct. 16, 2003, 68 F.R. 60023.

Notice of President of the United States, dated Oct. 16, 2002, 67 F.R. 64307.

Notice of President of the United States, dated Oct. 16, 2001, 66 F.R. 53073.

Notice of President of the United States, dated Oct. 19, 2000, 65 F.R. 63193.

Notice of President of the United States, dated Oct. 19, 1999, 64 F.R. 56667.

Notice of President of the United States, dated Oct. 19, 1998, 63 F.R. 56079.

Notice of President of the United States, dated Oct. 17, 1997, 62 F.R. 54561.

Notice of President of the United States, dated Oct. 16, 1996, 61 F.R. 54531.

EX. ORD. NO. 13047. PROHIBITING NEW INVESTMENT IN
BURMA

Ex. Ord. No. 13047, May 20, 1997, 62 F.R. 28301, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 570 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208) (the "Act") [110 Stat. 3009-166], 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 of the United States Code;

I, WILLIAM J. CLINTON, President of the United States of America, hereby determine and certify that, for purposes of section 570(b) of the Act, the Government of Burma has committed large-scale repression of the democratic opposition in Burma after September 30, 1996, and further determine that the actions and policies of the Government of Burma constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and declare a national emergency to deal with that threat.

SECTION 1. Except to the extent provided in regulations, orders, directives, or licenses that may be issued in conformity with section 570 of the Act and pursuant to this order, I hereby prohibit new investment in Burma by United States persons.

SEC. 2. The following are also prohibited, except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) or in regulations, orders, directives, or licenses that may be issued pursuant to this order:

(a) any approval or other facilitation by a United States person, wherever located, of a transaction by a foreign person where the transaction would constitute new investment in Burma prohibited by this order if engaged in by a United States person or within the United States; and

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

SEC. 3. Nothing in this order shall be construed to prohibit the entry into, performance of, or financing of a contract to sell or purchase goods, services, or technology, except:

(a) where the entry into such contract on or after the effective date of this order is for the general supervision and guarantee of another person's performance of a contract for the economic development of resources located in Burma; or

(b) where such contract provides for payment, in whole or in part, in:

(i) shares of ownership, including an equity interest, in the economic development of resources located in Burma; or

(ii) participation in royalties, earnings, or profits in the economic development of resources located in Burma.

SEC. 4. 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, or other organization;

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

(d) the term "new investment" means any of the following activities, if such an activity is undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that is entered into

with the Government of Burma or a nongovernmental entity in Burma on or after the effective date of this order:

(i) the entry into a contract that includes the economic development of resources located in Burma;

(ii) the entry into a contract providing for the general supervision and guarantee of another person's performance of a contract that includes the economic development of resources located in Burma;

(iii) the purchase of a share of ownership, including an equity interest, in the economic development of resources located in Burma; or

(iv) the entry into a contract providing for the participation in royalties, earnings, or profits in the economic development of resources located in Burma, without regard to the form of the participation;

(e) the term "resources located in Burma" means any resources, including natural, agricultural, commercial, financial, industrial, and human resources, located within the territory of Burma, including the territorial sea, or located within the exclusive economic zone or continental shelf of Burma;

(f) the term "economic development of resources located in Burma" shall not be construed to include not-for-profit educational, health, or other humanitarian programs or activities.

SEC. 5. I hereby delegate to the Secretary of State the functions vested in me under section 570(c) and (d) of the Act, to be exercised in consultation with the heads of other agencies of the United States Government as appropriate.

SEC. 6. The Secretary of the Treasury, in 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 me by section 570(b) of the Act and by IEEPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate the authority set forth in this order to other officers and agencies of the United States Government. All 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.

SEC. 7. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 8. (a) This order shall take effect at 12:01 a.m., eastern daylight time, May 21, 1997.

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

WILLIAM J. CLINTON.

[Sections 1 to 7 of Ex. Ord. No. 13047 were revoked by Ex. Ord. No. 13310, §12, July 28, 2003, 68 F.R. 44855, set out below, to the extent inconsistent with Ex. Ord. No. 13310.]

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 13047

Notice of President of the United States, dated May 17, 2004, 69 F.R. 29041, provided:

On May 20, 1997, the President issued Executive Order 13047 [set out above], certifying to the Congress under section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104-208 [110 Stat. 3009-166]), that the Government of Burma has committed large-scale repression of the democratic opposition in Burma after September 30, 1996, thereby invoking the prohibition on new investment in Burma by United States persons contained in that section. The President also declared a national emergency to deal with the threat posed to the national security and foreign policy of the United States by the actions and policies of the Government of Burma, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* On July 28, 2003, I issued Executive Order 13310 [set out below] taking additional steps with re-

spect to that national emergency by putting in place an import ban required by the Burmese Freedom and Democracy Act of 2003 [Pub. L. 108-61, set out above] and prohibiting exports of financial services to Burma and the dealing in property in which certain designated Burmese persons have an interest.

Because actions and policies of the Government of Burma continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 20, 1997, and the measures adopted on that date to deal with that emergency must continue in effect beyond May 20, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Burma. This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 13047 were contained in the following:

Notice of President of the United States, dated May 16, 2003, 68 F.R. 27425.

Notice of President of the United States, dated May 16, 2002, 67 F.R. 35423.

Notice of President of the United States, dated May 15, 2001, 66 F.R. 27443.

Notice of President of the United States, dated May 18, 2000, 65 F.R. 32005.

Notice of President of the United States, dated May 18, 1999, 64 F.R. 27443.

Notice of President of the United States, dated May 18, 1998, 63 F.R. 27661.

EX. ORD. NO. 13059. PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO IRAN

Ex. Ord. No. 13059, Aug. 19, 1997, 62 F.R. 44531, provided:

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.*), section 505 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-9) (“ISDCA”), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, in order to clarify the steps taken in Executive Orders 12957 of March 15, 1995, and 12959 of May 6, 1995 [set out above], to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States declared in Executive Order 12957 in response to the actions and policies of the Government of Iran, hereby order:

SECTION 1. Except to the extent provided in section 3 of this order or in regulations, orders, directives, or licenses 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, the importation into the United States of any goods or services of Iranian origin or owned or controlled by the Government of Iran, other than information or informational materials within the meaning of section 203(b)(3) of IEEPA (50 U.S.C. 1702(b)(3)), is hereby prohibited.

SEC. 2. Except to the extent provided in section 3 of this order, in section 203(b) of IEEPA (50 U.S.C. 1702(b)), or in regulations, orders, directives, or licenses 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, the following are prohibited:

(a) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, technology, or services to Iran or the Government of Iran, including the exportation, reexportation, sale, or supply of any goods, technology, or services to a person in a third country undertaken with knowledge or reason to know that:

(i) such goods, technology, or services are intended specifically for supply, transshipment, or reexportation, directly or indirectly, to Iran or the Government of Iran; or

(ii) such goods, technology, or services are intended specifically for use in the production of, for commingling with, or for incorporation into goods, technology, or services to be directly or indirectly supplied, transshipped, or reexported exclusively or predominantly to Iran or the Government of Iran;

(b) the reexportation from a third country, directly or indirectly, by a person other than a United States person of any goods, technology, or services that have been exported from the United States, if:

(i) undertaken with knowledge or reason to know that the reexportation is intended specifically for Iran or the Government of Iran, and

(ii) the exportation of such goods, technology, or services to Iran from the United States was subject to export license application requirements under any United States regulations in effect on May 6, 1995, or thereafter is made subject to such requirements imposed independently of the actions taken pursuant to the national emergency declared in Executive Order 12957; provided, however, that this prohibition shall not apply to those goods or that technology subject to export license application requirements if such goods or technology have been:

(A) substantially transformed into a foreign-made product outside the United States; or

(B) incorporated into a foreign-made product outside the United States if the aggregate value of such controlled United States goods and technology constitutes less than 10 percent of the total value of the foreign-made product to be exported from a third country;

(c) any new investment by a United States person in Iran or in property, including entities, owned or controlled by the Government of Iran;

(d) any transaction or dealing by a United States person, wherever located, including purchasing, selling, transporting, swapping, brokering, approving, financing, facilitating, or guaranteeing, in or related to:

(i) goods or services of Iranian origin or owned or controlled by the Government of Iran; or

(ii) goods, technology, or services for exportation, reexportation, sale, or supply, directly or indirectly, to Iran or the Government of Iran;

(e) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this order if performed by a United States person or within the United States; and

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

SEC. 3. Specific licenses issued pursuant to Executive Orders 12613 (of October 29, 1987) [formerly set out above], 12957, or 12959 continue in effect in accordance with their terms except to the extent revoked, amended, or modified by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to those orders continue in effect in accordance with their terms except to the extent inconsistent with this order or to the extent revoked, amended, or modified by the Secretary of the Treasury.

SEC. 4. 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, or other organization;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States;

(d) the term “Iran” means the territory of Iran and any other territory or marine area, including the exclusive economic zone and continental shelf, over which

the Government of Iran claims sovereignty, sovereign rights, or jurisdiction, provided that the Government of Iran exercises partial or total de facto control over the area or derives a benefit from economic activity in the area pursuant to international arrangements;

(e) the term "Government of Iran" includes the Government of Iran, any political subdivision, agency, or instrumentality thereof, and any person owned or controlled by, or acting for or on behalf of, the Government of Iran;

(f) the term "new investment" means:

(i) a commitment or contribution of funds or other assets; or

(ii) a loan or other extension of credit, made after the effective date of Executive Order 12957 [Mar. 16, 1995] as to transactions prohibited by that order, or otherwise made after the effective date of Executive Order 12959 [see Ex. Ord. No. 12959, §8(a), set out above].

SEC. 5. The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, other agencies, is hereby authorized to take such actions, including the promulgation of rules and regulations, the requirement of reports, including reports by United States persons on oil and related transactions engaged in by their foreign affiliates with Iran or the Government of Iran, and to employ all powers granted to me by IEEPA and the ISDCA 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. All 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.

SEC. 6. (a) The Secretary of the Treasury may authorize the exportation or reexportation to Iran or the Government of Iran of any goods, technology, or services also subject to export license application requirements of another agency of the United States Government only if authorization by that agency of the exportation or reexportation to Iran would be permitted by law.

(b) Nothing contained in this order shall be construed to supersede the requirements established under any other provision of law or to relieve a person from any requirement to obtain a license or other authorization from another department or agency of the United States Government in compliance with applicable laws and regulations subject to the jurisdiction of that department or agency.

SEC. 7. The provisions of this order consolidate the provisions of Executive Orders 12613, 12957, and 12959. Executive Order 12613 and subsections (a), (b), (c), (d), and (f) of section 1 of Executive Order 12959 are hereby revoked with respect to transactions occurring after the effective date of this order. The revocation of those provisions shall not alter their applicability to any transaction or violation occurring before the effective date of this order, nor shall it affect the applicability of any rule, regulation, order, license, or other form of administrative action previously taken pursuant to Executive Orders 12613 or 12959.

SEC. 8. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 9. The measures taken pursuant to this order are in response to actions of the Government of Iran occurring after the conclusion of the 1981 Algiers Accords, and are intended solely as a response to those later actions.

SEC. 10. (a) This order is effective at 12:01 a.m. eastern daylight time on August 20, 1997.

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

WILLIAM J. CLINTON.

EX. ORD. NO. 13067. BLOCKING SUDANESE GOVERNMENT PROPERTY AND PROHIBITING TRANSACTIONS WITH SUDAN

Ex. Ord. No. 13067, Nov. 3, 1997, 62 F.R. 59989, provided:

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;

I, WILLIAM J. CLINTON, President of the United States of America, find that the policies and actions of the Government of Sudan, including continued support for international terrorism; ongoing efforts to destabilize neighboring governments; and the prevalence of human rights violations, including slavery and the denial of religious freedom, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat. I hereby order:

SECTION 1. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, all property and interests in property of the Government of Sudan that are in the United States, that hereafter come within the United States, or that hereafter come within the possession or control of United States persons, including their overseas branches, are blocked.

SEC. 2. The following are prohibited, except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order:

(a) the importation into the United States of any goods or services of Sudanese origin, other than information or informational materials;

(b) the exportation or reexportation, directly or indirectly, to Sudan of any goods, technology (including technical data, software, or other information), or services from the United States or by a United States person, wherever located, or requiring the issuance of a license by a Federal agency, except for donations of articles intended to relieve human suffering, such as food, clothing, and medicine;

(c) the facilitation by a United States person, including but not limited to brokering activities, of the exportation or reexportation of goods, technology, or services from Sudan to any destination, or to Sudan from any location;

(d) the performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Sudan;

(e) the grant or extension of credits or loans by any United States person to the Government of Sudan;

(f) any transaction by a United States person relating to transportation of cargo to or from Sudan; the provision of transportation of cargo to or from the United States by any Sudanese person or any vessel or aircraft of Sudanese registration; or the sale in the United States by any person holding authority under subtitle 7 of title 49, United States Code, of any transportation of cargo by air that includes any stop in Sudan; and

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

SEC. 3. Nothing in this order shall prohibit:

(a) transactions for the conduct of the official business of the Federal Government or the United Nations by employees thereof; or

(b) transactions in Sudan for journalistic activity by persons regularly employed in such capacity by a news-gathering organization.

SEC. 4. 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, or other organization;

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

(d) the term “Government of Sudan” includes the Government of Sudan, its agencies, instrumentalities and controlled entities, and the Central Bank of Sudan.

SEC. 5. The Secretary of the Treasury, in consultation with the Secretary of State and, as appropriate, other agencies, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, 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. All 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.

SEC. 6. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 7. (a) This order shall take effect at 12:01 a.m. eastern standard time on November 4, 1997, except that trade transactions under contracts in force as of the effective date of this order may be performed pursuant to their terms through 12:01 a.m. eastern standard time on December 4, 1997, and letters of credit and other financing agreements for such underlying trade transactions may be performed pursuant to their terms.

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

WILLIAM J. CLINTON.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 13067

Notice of President of the United States, dated Nov. 1, 2004, 69 F.R. 63915, provided:

On November 3, 1997, by Executive Order 13067 [set out above], the President declared a national emergency with respect to Sudan pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Sudan. Because the actions and policies of the Government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on November 3, 1997, and the measures adopted on that date to deal with that emergency must continue in effect beyond November 3, 2004. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Sudan.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 13067 were contained in the following:

Notice of President of the United States, dated Oct. 29, 2003, 68 F.R. 62211.

Notice of President of the United States, dated Oct. 29, 2002, 67 F.R. 66525.

Notice of President of the United States, dated Oct. 31, 2001, 66 F.R. 55869.

Notice of President of the United States, dated Oct. 31, 2000, 65 F.R. 66163.

Notice of President of the United States, dated Oct. 29, 1999, 64 F.R. 59105.

Notice of President of the United States, dated Oct. 27, 1998, 63 F.R. 58617.

EXECUTIVE ORDER NO. 13069

Ex. Ord. No. 13069, Dec. 12, 1997, 62 F.R. 65989, which closed all UNITA offices located in the United States and prohibited certain transactions with respect to UNITA, was revoked by Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857, set out below.

EXECUTIVE ORDER NO. 13088

Ex. Ord. No. 13088, June 9, 1998, 63 F.R. 32109, as amended by Ex. Ord. No. 13121, Apr. 30, 1999, 64 F.R. 24021, eff. May 1, 1999; Ex. Ord. No. 13192, Jan. 17, 2001, 66 F.R. 7379, eff. Jan. 19, 2001, which blocked property of the governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Serbia, and the Republic of Montenegro, and prohibited new investment in the Republic of Serbia in response to the situation in Kosovo, was revoked by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, set out below.

Continuations of national emergency declared by Ex. Ord. No. 13088 were contained in the following:

Notice of President of the United States, dated May 27, 2002, 67 F.R. 37661.

Notice of President of the United States, dated May 24, 2001, 66 F.R. 29007.

Notice of President of the United States, dated May 25, 2000, 65 F.R. 34379.

Notice of President of the United States, dated May 27, 1999, 64 F.R. 29205.

EXECUTIVE ORDER NO. 13098

Ex. Ord. No. 13098, Aug. 18, 1998, 63 F.R. 44771, which blocked all property of UNITA located in the United States and prohibited certain transactions with respect to UNITA, was revoked by Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857, set out below.

EXECUTIVE ORDER NO. 13129

Ex. Ord. No. 13129, July 4, 1999, 64 F.R. 36759, which blocked property and prohibited transactions with the Taliban in Afghanistan, was revoked by Ex. Ord. No. 13268, July 2, 2002, 67 F.R. 44751, set out below.

Continuations of national emergency declared by Ex. Ord. No. 13129 were contained in the following:

Notice of President of the United States, dated June 30, 2001, 66 F.R. 35363.

Notice of President of the United States, dated June 30, 2000, 65 F.R. 41549.

EX. ORD. NO. 13159. BLOCKING PROPERTY OF THE GOVERNMENT OF THE RUSSIAN FEDERATION RELATING TO THE DISPOSITION OF HIGHLY ENRICHED URANIUM EXTRACTED FROM NUCLEAR WEAPONS

Ex. Ord. No. 13159, June 21, 2000, 65 F.R. 39279, provided:

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 (IEEPA) (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code.

I, WILLIAM J. CLINTON, President of the United States of America, in view of the policies underlying Executive Order 12938 of November 14, 1994 [set out above], and Executive Order 13085 of May 26, 1998 [42 U.S.C. 2297h note], find that the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

SECTION 1. A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. As reflected in Executive Order 13085, the full implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993, and related contracts and agreements (collectively, the “HEU Agreements”) is essential to the at-

tainment of this goal. The HEU Agreements provide for the conversion of approximately 500 metric tons of highly enriched uranium contained in Russian nuclear weapons into low-enriched uranium for use as fuel in commercial nuclear reactors. In furtherance of our national security goals, all heads of departments and agencies of the United States Government shall continue to take all appropriate measures within their authority to further the full implementation of the HEU Agreements.

SEC. 2. Government of the Russian Federation assets directly related to the implementation of the HEU Agreements currently may be subject to attachment, judgment, decree, lien, execution, garnishment, or other judicial process, thereby jeopardizing the full implementation of the HEU Agreements to the detriment of U.S. foreign policy. In order to ensure the preservation and proper and complete transfer to the Government of the Russian Federation of all payments due to it under the HEU Agreements, and except to the extent provided in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, all property and interests in property of the Government of the Russian Federation directly related to the implementation of the HEU Agreements 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, are hereby blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in. Unless licensed or authorized pursuant to this order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is null and void with respect to any property or interest in property blocked pursuant to this order.

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, or other organization;

(c) The term “United States person” means any United States citizen; permanent resident alien; juridical person 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; and

(d) The term “Government of the Russian Federation” means the Government of the Russian Federation, any political subdivision, agency, or instrumentality thereof, and any person owned or controlled by, or acting for or on behalf of, the Government of the Russian Federation.

SEC. 4. (a) The Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Energy, and, as appropriate, other agencies, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA, 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. All agencies of the United States Government are hereby directed to take all appropriate measures within their statutory authority to carry out the provisions of this order.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization from any department or agency of the United States Government in compliance with applicable laws and regulations subject to the jurisdiction of the department or agency.

SEC. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

SEC. 6. (a) This order is effective at 12:01 a.m. eastern daylight time on June 22, 2000.

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

WILLIAM J. CLINTON.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 13159

Notice of President of the United States, dated June 16, 2004, 69 F.R. 34047, provided:

On June 21, 2000, the President issued Executive Order 13159 [set out above] (the “Order”) blocking property and interests in property of the Government of the Russian Federation that are in the United States, that hereafter come within the United States, or that are or hereinafter come within the possession or control of United States persons that are directly related to the implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993, and related contracts and agreements (collectively, the “HEU Agreements”). The HEU Agreements allow for the downblending of highly enriched uranium derived from nuclear weapons to low enriched uranium for peaceful commercial purposes. The Order invoked the authority, *inter alia*, of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.*, and declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation.

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses (such as downblending to low enriched uranium for peaceful commercial uses), subject to transparency measures, and protected from diversion to activities of proliferation concern. Pursuant to the HEU Agreements, weapons-grade uranium extracted from Russian nuclear weapons is converted to low enriched uranium for use as fuel in commercial nuclear reactors. The Order blocks and protects from attachment, judgment, decree, lien, execution, garnishment, or other judicial process the property and interests in property of the Government of the Russian Federation that are directly related to the implementation of the HEU Agreements and 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.

The national emergency declared on June 21, 2000, must continue beyond June 21, 2004, to provide continued protection from attachment, judgment, decree, lien, execution, garnishment, or other judicial process for the property and interests in property of the Government of the Russian Federation that are directly related to the implementation of the HEU Agreements and subject to U.S. jurisdiction. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to weapons-usable fissile material in the territory of the Russian Federation. This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 13159 were contained in the following: Notice of President of the United States, dated June 10, 2003, 68 F.R. 35149.

Notice of President of the United States, dated June 18, 2002, 67 F.R. 42181.

Notice of President of the United States, dated June 11, 2001, 66 F.R. 32207.

EXECUTIVE ORDER NO. 13194

Ex. Ord. No. 13194, Jan. 18, 2001, 66 F.R. 7389, as amended by Ex. Ord. No. 13312, §3(a)-(c), July 29, 2003, 68 F.R. 45152, which prohibited the importation of rough diamonds from Sierra Leone, was revoked by Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823, set out below.

Continuations of national emergency declared by Ex. Ord. No. 13194 were contained in the following:

Notice of President of the United States, dated Jan. 16, 2003, 68 F.R. 2677.

Notice of President of the United States, dated Jan. 15, 2002, 67 F.R. 2547.

EX. ORD. NO. 13206. TERMINATION OF EMERGENCY
AUTHORITY FOR CERTAIN EXPORT CONTROLS

Ex. Ord. No. 13206, Apr. 4, 2001, 66 F.R. 18397, provided: 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.*), the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*) (the "Act"), and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. In view of the reauthorization and extension of the Act by Public Law 106-508 [amending section 2419 of the Appendix to this title], Executive Order 12924 of August 19, 1994, which continued the effect of export control regulations under IEEPA, is revoked, and the declaration of economic emergency is rescinded, as provided in this order.

SEC. 2. The revocation of Executive Order 12924 shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order that occurred during the period the order was in effect. All rules and regulations issued or continued in effect under the authority of IEEPA and Executive Order 12924, including those codified at 15 C.F.R. 730-74 (2000), and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, remain in full force and effect, as if issued, taken, or continued in effect pursuant to and as authorized by the Act or by other appropriate authority until amended or revoked by the proper authority. Nothing in this order shall affect the continued applicability of the provision for the administration of the Act and delegations of authority set forth in Executive Order 12002 of July 7, 1977, Executive Order 12214 of May 2, 1980 [50 App. U.S.C. 2403 notes], Executive Order 12938 of November 14, 1994, as amended [set out above], Executive Order 12981 of December 5, 1995, as amended, and Executive Order 13026 of November 15, 1996 [50 App. U.S.C. 2403 notes].

SEC. 3. All rules, regulations, orders, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant to the authority of IEEPA and Executive Order 12924 relating to the administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) shall remain in full force and effect until amended or revoked under proper authority.

GEORGE W. BUSH.

EXECUTIVE ORDER NO. 13213

Ex. Ord. No. 13213, May 22, 2001, 66 F.R. 28829, as amended by Ex. Ord. No. 13312, §3(d), July 29, 2003, 68 F.R. 45152, which provided additional measures with respect to prohibiting the importation of rough diamonds from Sierra Leone, was revoked by Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823, set out below.

EX. ORD. NO. 13219. BLOCKING PROPERTY OF PERSONS
WHO THREATEN INTERNATIONAL STABILIZATION EFFORTS
IN THE WESTERN BALKANS

Ex. Ord. No. 13219, June 26, 2001, 66 F.R. 34777, as amended by Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, provided:

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,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions of per-

sons engaged in, or assisting, sponsoring, or supporting, (i) extremist violence in the former Yugoslav Republic of Macedonia, southern Serbia, the Federal Republic of Yugoslavia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, threaten the peace in or diminish the security and stability of those areas and the wider region, undermine the authority, efforts, and objectives of the United Nations, the North Atlantic Treaty Organization (NATO), and other international organizations and entities present in those areas and the wider region, and endanger the safety of persons participating in or providing support to the activities of those organizations and entities, including United States military forces and Government officials. I find that such actions constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat. I hereby order:

SECTION 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), and the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106-387) [22 U.S.C. 7201 *et seq.*], and in regulations, orders, directives, or licenses that may hereafter 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 of:

(i) the persons listed in the Annex to this order; and
(ii) persons designated by the Secretary of the Treasury, in consultation with the Secretary of State, because they are determined:

(A) to be under open indictment by the International Criminal Tribunal for the former Yugoslavia, unless circumstances warrant otherwise, or

(B) to have committed, or to pose a significant risk of committing, acts of violence that have the purpose or effect of threatening the peace in or diminishing the stability or security of any area or state in the Western Balkans region, undermining the authority, efforts, or objectives of international organizations or entities present in the region, or endangering the safety of persons participating in or providing support to the activities of those international organizations or entities, or

(C) to have actively obstructed, or pose a significant risk of actively obstructing, the Ohrid Framework Agreement of 2001 relating to Macedonia, United Nations Security Council Resolution 1244 relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference held in London on December 8-9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, or

(D) to have materially assisted in, sponsored, or provided financial, material, or technological support for, or goods or services in support of, such acts of violence or obstructionism or any person listed in or designated pursuant to this order, or

(E) to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any person listed in or designated pursuant to this order, that are or hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

(b) I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed under this order would seriously impair the ability to deal with the national emergency declared in this order, and hereby prohibit such donations as provided in paragraph (a) of this section.

(c) The blocking of property and interests in property pursuant to paragraph (a) of this section includes, but

is not limited to, the prohibition of the making or receiving by a United States person of any contribution or provision of funds, goods, or services to or for the benefit of a person designated in or pursuant to paragraph (a) of this section.

SEC. 2. Any transaction by a United States person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate the prohibitions of 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. The Secretary of the Treasury, in 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 me by IEEPA, 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. All 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.

SEC. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

SEC. 6. (a) This order is effective at 12:01 eastern daylight time on June 27, 2001;

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

SEC. 7. For those persons listed in the Annex to this order or determined to be subject to the sanctions imposed under this order who might have a constitutional presence in the United States, I have determined that, because of the ability to transfer funds or 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 this order.

SEC. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the sanctions set forth herein. Such a determination shall become effective upon publication in the Federal Register.

GEORGE W. BUSH.

ANNEX

Ademi, Rahim [born 30 Jan 1954 Karac, SaM; ICTY indictee]

Ademi, Xhevat [born 8 Dec 1962 Tetovo, MK]

Adili, Gafur [born 5 Jan 1959 Kicevo, MK]

Albanian National Army (ANA, a.k.a. AKSh)

Alispahic, Bakir [born 1 Oct 1956, Ahatovici, BiH]

Army of the Republic of Ilirida (ARL)

Arsenovic, Djojo [born 6 Jan 1952, Donje Crnjelovo, BiH]

Bajagic, Zvonko “Duga Puska” [born 6 Sep 1953, Vlasenica, BiH]

Bala, Haradin [born 10 Jun 1957 Gornja Koretica, SaM; ICTY indictee]

Banovic, Predrag [born 28 Oct 1969 Prijedor, BiH; ICTY indictee]

Beqiri, Idajet (Hidajet) [born 20 Feb 1951 Mallakaster Fier, Albania]

Bexheti, Nuri [born 1962 Tetovo, MK]

BIO Corporation (aka, Bosnian Investment Organization), Sarajevo, BIB

Bjelica, Milovan “Cicko” [born 19 Oct 1958, Rogatica, BiH, National ID No. 1910958130007]

Blagojevic, Vidoje [born 22 Jun 1950 Bratunac, BiH; ICTY indictee]

Blaskic, Tihomir [born 2 Nov 1960 Brestovsko, BiH; ICTY indictee]

Borovcanin, Ljubomir [born 27 Feb 1960, Han Pijesak, BiH; ICTY indictee]

Borovnica, Goran [born 15 Aug 1965; ICTY indictee]

Boskovski, Ljube [born 24 Oct 1960]

Brđjanin, Radoslav [born 9 Feb 1948 Popovac, BiH; ICTY indictee]

Butka, Spiro [born 29 May 1949]

Cengic, Hasan [born 3 Aug 1957, Odzak, BiH]

Cerkez, Mario [born 27 Mar 1959 Rijeka, BiH; ICTY indictee]

Cesic, Ranko [born 5 Sep 1964 Drvar, BiH; ICTY indictee]

Cesic-Rojs, Ljubo [born 20 Feb 1958, Posulje, BiH]

Cetnik Ravnagorski Pokret (CRP)

Coric, Valentin [born 23 Jun 1956, Citluk, BiH]

Dalipi, Tahir [born 1958 Ilince, SaM]

Delic, Hazim [born 13 May 1964; ICTY indictee]

Deronjic, Miroslav [born 6 June 1945 Bratunac, BiH; ICTY indictee]

Djogo, Jovan [born Kalinovik, BiH]

Dosen, Damir [born 7 Apr 1967 Cirkin Polje, BiH; ICTY indictee]

Elshani, Gafur [born 29 Mar 1958 Suva Reka, SaM]

Front for Albanian National Unity (FBKSh)

Furundzija, Anto [born 8 Jul 1969 Travnik, BiH; ICTY indictee]

Fustar, Dusan [born 29 Jun 1954 Prijedor, BiH; ICTY indictee]

Gajic-Milosevic, Milica [born 1970 Milosevic Family]

Galic, Stanislav [born 12 Mar 1943 Goles, BiH; ICTY indictee]

Gashi, Sabit [born 30 Dec 1967 Suva Reka, SaM]

Gotovina, Ante [born 12 Oct 1955 Pasman, HR; ICTY indictee]

Gruban, Momcilo [born 19 Jun 1961 Bosnian Serb; ICTY indictee]

Habibi, Skender [born 13 Jul 1968 Vitina, SaM]

Hadzihanovic, Enver [born 7 Jul 1950 Zvornik, BiH; ICTY indictee]

Halili, Nevzat [born 15 Sep 1946 Poroj; MK]

Halilovic, Sefer [born 6 Jan 1952 Prijepolje, SaM; ICTY indictee]

Haradinaj, Daut [born 6 Apr 1978 Glodjane, SaM]

Hasani, Zhavit [born 5 May 1957 Tanusevci, MK]

Haxhirexha, Kastriot [born 9 May 1961 Debar, MK]

Hyseni, Xhemajl [born 15 Aug 1958 Lojane, MK]

Ivanovic, Milan [born 5 Feb 1955]

Jaksic, Marko [born 1954 Mitrovica, SaM]

Jankovic, Gojko [born 31 Oct 1954 Foca, BiH; ICTY indictee]

Jelavic, Ante [born 21 Oct 1963, Potprolog, HR]

Jelusic, Goran [born 7 Jun 1968 Bijeljina, BiH; ICTY indictee]

Jokic, Dragan [born 20 Aug 1957 Grbavci, BiH; ICTY indictee]

Jokic, Miodrag [born 1935 Mionica, SaM; ICTY indictee]

Josipovic, Drago [born 14 Feb 1955 Santici, BiH; ICTY indictee]

Karadzic, Aleksandar “Sasa” [born 14 May 1973, Sarajevo, BiH]

Karadzic, Luka [born 31 Apr 1951, Savnik, SaM]

Karadzic, Radovan [born 19 Jun 1945 Petnica, SaM; ICTY indictee]

Karadzic-Jovicevic, Sonja [born 22 May 1967, Sarajevo, BiH]

Knezevic, Dusan [born 23 Jun 1955 Orlovci, BiH; ICTY indictee]

- Kordic, Dario [born 14 Dec 1960 Sarajevo, BiH; ICTY indictee]
- Kos, Milojica [born 1 April 1963 Lamovita, BiH; ICTY indictee]
- Kovacevic, Vladimir [born 15 Jan 1961; ICTY indictee]
- Krajisnik, Momcilo [born 20 Jan 1945 Zabrdje, BiH; ICTY indictee]
- Krnojelac, Milorad [born 25 Jul 1940 Birotici, BiH; ICTY indictee]
- Krstic, Radislav [born 15 Feb 1948, Nedjeljiste, Vlasenica, BiH; ICTY indictee]
- Kryeziu, Izmet [born 3 Oct 1954 Pagaruscha-Malishev, SaM]
- Kubura, Amir [born 4 Mar 1964 Kakanj, BiH; [sic] ICTY indictee]
- Kunarac, Dragoljub [born 15 May 1960 Foca, BiH; [sic] ICTY indictee]
- Kvocka, Miroslav [born 1 Jan 1957 Maricka, BiH; ICTY indictee]
- Lalovic, Dragan "Mate" [born 14 Jun 1953, Vlaholje, nr. Kalinovik, BiH]
- Landzo, Esad [born 7 Mar 1973; ICTY indictee]
- Liberation Army of Presevo, Medvedja, and Bujanovac (UCPMB)
- Limaj, Fatmir [born 4 Feb 1971 Banja, SaM; ICTY indictee]
- Ljubcic, Pasko [born 15 Nov 1965 Nezirovic, BiH; ICTY indictee]
- Lladrovici, Ramiz [born 3 Jan 1966]
- Lukic, Milan [born 6 Sep 1967 Foca, BiH; ICTY indictee]
- Lukic, Sredoje [born 5 Apr 1961 Visegrad, BiH; ICTY indictee]
- Lukovic, Milorad Ulemek "Legija" [born 15 Mar 1968 Belgrade, SaM]
- Lushtaku, Sami [born 20 Feb 1961 Srbica, SaM]
- Manco Oil Company
- Mandic, Momcilo "Momo" [born 1 May 1954, Kalinovik, BiH; National ID No. JMB 0105954171511]
- Marinic, Zoran [born 6 Jun 1963 Busovaca, BiH; ICTY indictee]
- Markovic, Mirjana [born 10 Jul 1942; wife of Slobodan Milosevic]
- Markovic, Radovac [born 1946 or 1947 Ex-FRY Deputy Minister of Interior]
- Marku, Ton [born 13 Jun 1964]
- Martic, Milan [born 18 Nov 1954 Zagrovic, HR; ICTY indictee]
- Martinovic, Vinko [born 21 Sep 1963 Mostar, BiH; ICTY indictee]
- Mejakic, Zeljko [born 2 Aug 1964 Petrov Gaj, BiH; ICTY indictee]
- Milosevic, Borislav [born 1936 Milosevic Family]
- Milosevic, Dragomir [born 4 Feb 1942 Murgas, BiH; ICTY indictee]
- Milosevic, Marija [born 1965; Milosevic Family]
- Milosevic, Marko [born 2 Jul 1974; son of Slobodan Milosevic]
- Milosevic, Milanka [Milosevic Family]
- Milosevic, Slobodan [born 20 Aug 1941 Pozarevac, SaM ex-FRY President; ICTY indictee]
- Milutinovic, Milan [born 19 Dec 1942 Belgrade, SaM; ex-Pres. of Republika Srpska; ICTY indictee]
- Mladic, Ratko [born 12 Mar 1943 Bozinovici, BiH; ICTY indictee]
- Morina, Khavit [born 13 Sep 1963 Drenovc]
- Mrdja, Darko [born 28 Jun 1967 Zagreb, HR; ICTY indictee]
- Mrksic, Milan [born 20 Jul 1947 Vrginmost, HR; ICTY indictee]
- Mucic, Zdravko [born 31 Aug 1955; ICTY indictee]
- Musliu, Isak [born 31 Oct 1970 Racak, SaM]
- Musliu, Jonuz [born 5 Jan 1959 Konculj, SaM]
- Musliu, Shefqet [born 12 Feb 1963 Konculj, SaM]
- Mustafa, Rrustem [born 27 Feb 1971 Podujevo, SaM]
- Naletilic, Mladen [born 1 Dec 1946 Listica, BiH; ICTY indictee]
- National Committee for the Liberation and Protection of Albanian Lands (KKCMTsh)
- National Liberation Army (NLA, a.k.a. UCK)
- National Movement for the Liberation of Kosovo (LKCK)
- Ndrecaj, Maliq [born 22 Apr 1969 Maciteve, SaM]
- Nikolic, Dragan [born 26 Apr 1957 Vlasenica, BiH; ICTY indictee]
- Nikolic, Drago [born 9 Nov 1957 Vlasenica, BiH; ICTY indictee]
- Nikolic, Momir [born 20 Feb 1955, Bratunac, BiH; ICTY indictee]
- Nikolic, Zarko [born 7 May 1938, Sovljak, SaM]
- Obrenovic, Dragan [born 12 Apr 1963 Matino Brdo, BiH; ICTY indictee]
- Ojdanic, Dragoljub [born 1 Jun 1941 Ravni-Cajetina, SaM; Ex-Fry Minister of Defense; ICTY indictee]
- Oric, Naser [born 3 March 1967, Potocari, BiH; ICTY indictee]
- Pandurevic, Vinko [born 1959 Sokolac, BiH; ICTY indictee]
- Pavkovic, Nebojsa [born 10/16 Apr 1946 Senjski Rudnik, SaM Ex-VJ Chief of Staff]
- Peric, Jozo "Tukesa" [born 31 Jan 1959, Pjesevac Kula, BiH]
- Plavsic, Biljana [born 7 Jul 1930 Tuzla, BiH; ICTY indictee]
- Political Council of Presevo, Medvedja, and Bujanovac (PCPMB)
- Popovic, Vujadin [born 14 Mar 1957; ICTY indictee]
- Popular Movement of Kosovo (LPK)
- Prcac, Dragoljub [born 18 Jul 1937 Omarska, BiH; ICTY indictee]
- PRIVREDNA BANKA AD SRPSKO SARAJEVO (a.k.a. PRIVREDNA BANKA SARAJEVO AD), Str Srpskih Ratnika br 14, 71420 Pale, Republika Srpska, Bosnia-Herzegovina; Dobroslava Jedevica 14, 71000 Pale, Republika Srpska, Bosnia-Herzegovina; Kralja Nikole Str 65, Srbijne/Foca, Republika Srpska, Bosnia-Herzegovina; Ljube Milanovica Str 12, Trebinje, Republika Srpska, Bosnia-Herzegovina; Filipa Kljajica Str 6, Zvornik, Republika Srpska, Bosnia-Herzegovina; 9/11 Str Zagrebacka, Belgradel1000, Serbia
- PRIVREDNA BANKA SARAJEVO AD (a.k.a. PRIVREDNA BANKA AD SRPSKO SARAJEVO), Str Srpskih Ratnika br 14, 71420 Pale, Republika Srpska, Bosnia-Herzegovina; Dobroslava Jedevica 14, 71000 Pale, Republika Srpska, Bosnia-Herzegovina; Kralja Nikole Str 65, Srbijne/Foca, Republika Srpska, Bosnia-Herzegovina; Ljube Milanovica Str 12, Trebinje, Republika Srpska, Bosnia-Herzegovina; Filipa Kljajica Str 6, Zvornik, Republika Srpska, Bosnia-Herzegovina; 9/11 Str Zagrebacka, Belgradel1000, Serbia
- Puma Security Company (aka Puma Security Service, aka Puma Security Agency), Mostar, Capljina, Stolac, and Siroki Brijeg, BiH
- Radic, Miroslav [born 1 Jan 1961; ICTY indictee]
- Radic, Mlado [born 15 May 1952 Lamovita, BiH; ICTY indictee]
- Rajic, Ivica [born 5 May 1958 Johovac, BiH; ICTY indictee]
- Rasevic, Mitar [born 1940 Cagust, BiH; ICTY indictee]
- Rexhepi, Daut [born 1962 Poroj, MK]
- Roguljic, Slavko [born c. 1952]
- Rushiti (Ruxheti), Sait [born 7 Nov 1966]
- Sahinbasic, Senad [born c. 1951, Foca, BiH]
- Sainovic, Nikola [born 7 Dec 1948 Bor, SaM; Ex-FRY Deputy Prime Minister; ICTY indictee]
- Samiu, Izair [born 23 Jul 1963]
- Santic, Vladimir [born 1 Apr 1958 Donja Veceriska, BiH; ICTY indictee]
- Selimi, Rexhep [born 15 Mar 1971 Iglarevo, SaM]
- Seselj, Vojislav [born 11 Oct 1954 Sarajevo, BiH; ICTY indictee]
- Shaqiri, Shaqir [born 1 Sep 1964 SaM]
- Sikirica, Dusko [born 23 Mar 1964 Cirkin Pojle, BiH; ICTY indictee]
- Simatovic, Franko "Frenki" [born 1 April 1950 Belgrade, SaM, ICTY indictee]
- Simic, Blagoje [born 1 Jul 1960 Kruskovo Polje; ICTY indictee]
- Simic, Milan [born 9 Aug 1960 Sarajevo, BiH; ICTY indictee]

Slijivancanin, Veselin [born 13 Jun 1953 Zabljak, SaM; ICTY indictee]

Sopta, Stanko [born 4 Feb 1966, Duzice, BiH]

Stakic, Milomir [born 19 Jun 1962 Maricka, BiH; ICTY indictee]

Stanisic, Jovica [born 30 July 1950 Ratkovo, SaM, ICTY indictee]

Stankovic, Radovan [born 10 Mar 1953 Trebica, BiH; ICTY indictee]

Stepanovic, Novak [born 25 Apr 1966, Srebrenica, BiH] Strugar, Pavle [born 13 Jul 1933 Pec, SaM; ICTY indictee]

Subotic, Bogdan [born 25 April 1941, Bosanska Gradiska, BiH]

Suma, Emrush [born 27 May 1974 Dimce, SaM]

Syla, Azem [born 5 Apr 1951 SaM]

Tadic, Dusan, aka "Dusko" aka "Dule" [born 1956, Cajnice, BiH; ICTY indictee]

Tadic, Miroslav [born 12 May 1937 Novi Grad, BiH; ICTY indictee]

Talic, Momir [born 15 Jul 1942 Piskavica, BiH; ICTY indictee]

Todorovic, Stevan [born 29 Dec 1957 Donja Slatina, BiH; ICTY indictee]

Todovic, Savo [born 11 Dec 1952 Rijeka, BiH; ICTY indictee]

Uksini (Ukshini), Sami [born 5 Mar 1963 Gjakova, SaM]

Vasiljevic, Mitar [born 25 Aug 1954 Durevici, BIN; ICTY indictee]

Vukovic, Zoran [born 6 Sep 1955 Brusna, BiH; ICTY indictee]

Xhaferi, Shefit [born 1960]

Xhemajli, Emrush [born 5 May 1959 Urosevac, SaM]

Xhemajli, Muhamet [born 8 Feb 1958 Muhovac, SaM]

Zaric, Simo [born 25 Jul 1948 Trnjak, BiH; ICTY indictee]

Zelen-Karadzic, Ljiljana [born 27 Nov 1945, Sarajevo BiH]

Zelenovic, Dragan [born 12 Feb 1961; ICTY indictee]

Zigic, Zoran [born 20 Sep 1958 Balte, BiH; ICTY indictee]

Zupljanin, Stojan [born 1951 Maslovar, BiH; ICTY indictee]

Note: The bracketed identifying information with respect to each person listed in this Annex reflects information currently available and is provided solely to facilitate compliance with this order. Each individual listed in this Annex remains subject to the prohibitions of this order notwithstanding any change in title, position, or affiliation.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 13219

Notice of President of the United States, dated June 24, 2004, 69 F.R. 36005, provided:

On June 26, 2001, by Executive Order 13219 [set out above], I declared a national emergency with respect to the Western Balkans pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo. Subsequent to the declaration of the national emergency, the actions of persons obstructing implementation of the Ohrid Framework Agreement of 2001 in the former Yugoslav Republic of Macedonia also became a pressing concern. I amended Executive Order 13219 on May 28, 2003, in Executive Order 13304 to address this concern and to take additional steps with respect to the national emergency. Because the actions of persons threatening the peace and international stabilization efforts in the Western Balkans continue to pose an unusual and extraordinary threat to the national security

and foreign policy of the United States, the national emergency declared on June 26, 2001, and the measures adopted on that date and thereafter to deal with that emergency, must continue in effect beyond June 26, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Western Balkans.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 13219 were contained in the following:

Notice of President of the United States, dated June 20, 2003, 68 F.R. 37389.

Notice of President of the United States, dated June 21, 2002, 67 F.R. 42703.

EX. ORD. NO. 13222. CONTINUATION OF EXPORT CONTROL
REGULATIONS

Ex. Ord. No. 13222, Aug. 17, 2001, 66 F.R. 44025, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including but not limited to section 203 of the International Emergency Economic Powers Act ("Act") (50 U.S.C. 1702), I, GEORGE W. BUSH, President of the United States of America, find that the unrestricted access of foreign parties to U.S. goods and technology and the existence of certain boycott practices of foreign nations, in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and hereby declare a national emergency with respect to that threat.

Accordingly, in order (a) to exercise the necessary vigilance over exports and activities affecting the national security of the United States; (b) to further significantly the foreign policy of the United States, including its policy with respect to cooperation by U.S. persons with certain foreign boycott activities, and to fulfill its international responsibilities; and (c) to protect the domestic economy from the excessive drain of scarce materials and reduce the serious economic impact of foreign demand, it is hereby ordered as follows:

SECTION 1. To the extent permitted by law, the provisions of the Export Administration Act of 1979, as amended, and the provisions for administration of the Export Administration Act of 1979, as amended, shall be carried out under this order so as to continue in full force and effect and amend, as necessary, the export control system heretofore maintained by the Export Administration Regulations issued under the Export Administration Act of 1979, as amended. The delegations of authority set forth in Executive Order 12002 of July 7, 1977 [50 App. U.S.C. 2403 note], as amended by Executive Order 12755 of March 12, 1991, and Executive Order 13026 of November 15, 1996 [50 App. U.S.C. 2403 note]; Executive Order 12214 of May 2, 1980 [50 App. U.S.C. 2403 note]; Executive Order 12735 of November 16, 1990; and Executive Order 12851 of June 11, 1993 [22 U.S.C. 2797 note], shall be incorporated in this order and shall apply to the exercise of authorities under this order. All actions under this order shall be in accordance with Presidential directives relating to the export control system heretofore issued and not revoked.

SEC. 2. All rules and regulations issued or continued in effect by the Secretary of Commerce under the authority of the Export Administration Act of 1979, as amended [50 App. U.S.C. 2401 *et seq.*], including those published in Title 15, Subtitle B, Chapter VII, Subchapter C, of the Code of Federal Regulations, Parts 730 through 774, and all orders, regulations, licenses, and other forms of administrative action issued, taken, or continued in effect pursuant thereto, shall, until amended or revoked by the Secretary of Commerce, remain in full force and effect as if issued or taken pursu-

ant to this order, except that the provisions of sections 203(b)(2) and 206 of the Act (50 U.S.C. 1702(b)(2) and 1705) shall control over any inconsistent provisions in the regulations. Nothing in this section shall affect the continued applicability of administrative sanctions provided for by the regulations described above.

SEC. 3. Provisions for administration of section 38(e) of the Arms Export Control Act (22 U.S.C. 2778(e)) may be made and shall continue in full force and effect until amended or revoked under the authority of section 203 of the Act (50 U.S.C. 1702). To the extent permitted by law, this order also shall constitute authority for the issuance and continuation in full force and effect of all rules and regulations by the President or his delegate, and all orders, licenses, and other forms of administrative actions issued, taken, or continued in effect pursuant thereto, relating to the administration of section 38(e).

SEC. 4. This order shall be effective as of midnight between August 20, 2001, and August 21, 2001, eastern daylight time.

GEORGE W. BUSH.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 13222

Notice of President of the United States, dated Aug. 6, 2004, 69 F.R. 48763, provided:

On August 17, 2001, consistent with the authority provided me under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I issued Executive Order 13222 [set out above]. In that order, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*). Because the Export Administration Act has not been renewed by the Congress, the national emergency declared on August 17, 2001, and renewed on August 14, 2002, and on August 7, 2003, must continue in effect beyond August 17, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13222.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 13222 were contained in the following:

Notice of President of the United States, dated Aug. 7, 2003, 68 F.R. 47833.

Notice of President of the United States, dated Aug. 14, 2002, 67 F.R. 53721.

EX. ORD. NO. 13224. BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM

Ex. Ord. No. 13224, Sept. 23, 2001, 66 F.R. 49079, as amended by Ex. Ord. No. 13268, §1, July 2, 2002, 67 F.R. 44751; Ex. Ord. No. 13284, §4, Jan. 23, 2003, 68 F.R. 4075; Ex. Ord. No. 13372, §1, Feb. 16, 2005, 70 F.R. 8499, provided:

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.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and

threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks [Proc. No. 7463, 50 U.S.C. 1621 note], hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

SECTION 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or 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 of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Homeland Security, and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury, the Secretary of Homeland Security, and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

SEC. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or 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:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the

Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

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

SEC. 3. For purposes of this order:

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

(b) the term “entity” means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term “terrorism” means an activity that—

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended—

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

SEC. 4. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of, any persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and I hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106-387) [22 U.S.C. 7201 et seq.] shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

SEC. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

SEC. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

SEC. 7. The Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of Homeland Security, and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and 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. All 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.

SEC. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

SEC. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

SEC. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or 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 this order.

SEC. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

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

GEORGE W. BUSH.

ANNEX

Al Qaida/Islamic Army
 Abu Sayyaf Group
 Armed Islamic Group (GIA)
 Harakat ul-Mujahidin (HUM)
 Al-Jihad (Egyptian Islamic Jihad)
 Islamic Movement of Uzbekistan (IMU)
 Asbat al-Ansar
 Salafist Group for Call and Combat (GSPC)
 Libyan Islamic Fighting Group
 Al-Itihaad al-Islamiya (AIAI)
 Islamic Army of Aden
 Usama bin Laden
 Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafis Al Masri)
 Sayf al-Adl
 Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)
 Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)
 Ibn Al-Shaykh al-Libi
 Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)
 Abd al-Hadi al-Iraqi (aka, Abu Abdallah)
 Ayman al-Zawahiri
 Thirwat Salah Shihata
 Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)
 Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)
 Makhtab Al-Khidamat/Al Kifah
 Wafa Humanitarian Organization
 Al Rashid Trust
 Mamoun Darkazanli Import-Export Company
 Mohammed Omar (aka, Amir al-Mumineen [Commander of the Faithful])
 The Taliban.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY EX. ORD. NO. 13224

Notice of President of the United States, dated Sept. 21, 2004, 69 F.R. 56923, provided:

On September 23, 2001, by Executive Order 13224 [set out above], I declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emer-

gency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks against United States nationals or the United States. Because the actions of these persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on September 23, 2001, and the measures adopted on that date to deal with that emergency, must continue in effect beyond September 23, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuations of national emergency declared by Ex. Ord. No. 13224 were contained in the following:

Notice of President of the United States, dated Sept. 18, 2003, 68 F.R. 55189.

Notice of President of the United States, dated Sept. 19, 2002, 67 F.R. 59447.

EX. ORD. NO. 13268. TERMINATION OF EMERGENCY WITH RESPECT TO THE TALIBAN

Ex. Ord. No. 13268, July 2, 2002, 67 F.R. 44751, provided: 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.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), 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 13129 of July 4, 1999, with respect to the Taliban, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization, has been significantly altered given the success of the military campaign in Afghanistan, and hereby revoke that order and terminate the national emergency declared in that order with respect to the Taliban. At the same time, and in order to take additional steps with respect to the grave acts of terrorism and threats of terrorism committed by foreign terrorists, the continuing and immediate threat of further attacks on United States nationals or the United States, and the national emergency described and declared in Executive Order 13224 of September 23, 2001 [set out above], I hereby order:

SECTION 1. The Annex to Executive Order 13224 of September 23, 2001, is amended by adding thereto the following persons in appropriate alphabetical order:

Mohammed Omar (aka, Amir al-Mumineen [Commander of the Faithful])
The Taliban.

SEC. 2. For the purposes of this order and Executive Order 13224 of September 23, 2001, the term “the Taliban” is also known as the “Taleban,” “Islamic Movement of Taliban,” “the Taliban Islamic Movement,” “Talibano Islami Tahrir,” and “Tahrirke Islami’a Taliban”. The Secretary of State, in consultation with the Secretary of the Treasury, is hereby authorized to modify the definition of the term “the Taliban,” as appropriate.

SEC. 3. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agen-

cies or instrumentalities, its officers or employees, or any other person.

SEC. 4. Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency with respect to the Taliban shall not affect any action taken or proceeding pending not finally concluded or determined as of the date of this order, or any action or proceeding based on any act committed prior to the date of this order, or any rights or duties that matured or penalties that were incurred prior to the date of this order.

GEORGE W. BUSH.

EX. ORD. NO. 13288. BLOCKING PROPERTY OF PERSONS UNDERMINING DEMOCRATIC PROCESSES OR INSTITUTIONS IN ZIMBABWE

Ex. Ord. No. 13288, Mar. 6, 2003, 68 F.R. 11457, provided: 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,

I, GEORGE W. BUSH, President of the United States of America, have determined that the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions, contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region, constitute an unusual and extraordinary threat to the foreign policy of the United States, and I hereby declare a national emergency to deal with that threat.

I hereby order:

SECTION 1. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), and 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 of the following persons 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, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

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

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be owned or controlled by, or acting or purporting to act directly or indirectly for or on behalf of, any of the persons listed in the Annex to this order.

SEC. 2. (a) Any transaction or dealing by a United States person or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of any person listed in the Annex to this order or who is the subject of a determination under subsection 1(b) of this order.

(b) 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.

(c) Any conspiracy formed to violate 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. The Secretary of the Treasury, in 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 me by IEEPA, 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. All 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.

SEC. 5. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees, or any other person.

SEC. 6. (a) This order is effective at 12:01 eastern standard time on March 7, 2003; and

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

GEORGE W. BUSH.

ANNEX

1. Robert Gabriel MUGABE [President of Zimbabwe, born 21 Feb. 1924]
2. Flora BUKA [Minister of State for Land Reform, born 25 Feb. 1968]
3. George CHARAMBA [Permanent Secretary, Ministry of Information, born 4 Apr. 1963]
4. Fortune CHARUMBIRA [Deputy Minister for Local Government, Public Works, and National Housing, born 10 June 1962]
5. Aeneas CHIGWEDERE [Minister of Education, Sports and Culture, born 25 Nov. 1939]
6. Augustine CHIHURI [Police Commissioner, born 10 Mar. 1953]
7. Enos CHIKOWORE [Politburo Secretary for Land and Resettlement, born 17 July 1942]
8. Patrick CHINAMASA [Minister of Justice, born 25 Jan. 1947]
9. Edward CHINDORI-CHININGA [Minister of Mines, born 14 Mar. 1955]
10. Constantine CHIWENGA [Lt. Gen., Commander of the Army, born 25 Aug. 1956]
11. Willard CHIWEWE [Senior Secretary, Ministry of Foreign Affairs, born 19 Mar. 1949]
12. Ignatius CHOMBO [Minister of Local Government, born 1 Aug. 1952]
13. Dumiso DABENGWA [Politburo Senior Committee Member, born 6 Dec. 1939]
14. Nicholas GOCHE [Minister of State for National Security, born 1 Aug. 1946]
15. Rugare GUMBO [Deputy Minister for Home Affairs, born 8 Mar. 1940]
16. Richard HOVE [Politburo Secretary for Economic Affairs, born 23 Sept. 1939]
17. David KARIMANZIRA [Politburo Secretary for Finance, born 25 May 1947]
18. Saviour KASUKUWERE [Deputy-Secretary for Youth Affairs, born 23 Oct. 1970]
19. Christopher KURUNERI [Deputy Minister, Finance and Economic Development, born 4 Apr. 1949]
20. Thenjiwe LESABE [Politburo Secretary for Women's Affairs, born 5 Jan. 1933]
21. Jaison MACHAYA [Deputy Minister for Mines and Mining Development, born 13 June 1952]
22. Joseph MADE [Minister of Agriculture, born 21 Nov. 1954]
23. Edna MADZONGWE [Deputy-Secretary for Production and Labor, born 11 July 1943]
24. Shuvai MAHOFA [Deputy Minister for Youth Development, Gender and Employment Creation, born 4 Apr. 1941]
25. Joshua MALINGA [Deputy-Secretary for Disabled and Disadvantaged, born 28 Apr. 1944]
26. Paul MANGWANA [Minister of State for State Enterprises and Parastatals, born 10 Aug. 1961]
27. Witness MANGWENDE [Minister of Transport and Communications, born 15 Aug. 1946]
28. Elliot MANYIKA [Minister of Youth Development, born 30 July 1955]
29. Kenneth MANYONDA [Deputy Minister for Industry and International Trade, born 10 Aug. 1934]
30. Reuben MARUMAHOKO [Deputy Minister for Energy and Power Development, born 4 Apr. 1948]
31. Angeline MASUKU [Politburo Secretary for Disabled and Disadvantaged Person's Welfare, born 14 Oct. 1936]
32. Sithokozile MATHUTHU [Deputy-Secretary for Transport and Social Welfare]
33. Amos Bernard Muvenga MIDZI [Minister for Energy and Development, born 4 July 1952]
34. Emmerson MNANGAGWA [Parliamentary Speaker, born 15 Sept. 1946]
35. Kembo MOHADI [Minister of Home Affairs, born 15 Nov. 1949]
36. Swithun MOMBESHORA [Minister of Higher Education, born 20 Aug. 1945]
37. Jonathan MOYO [Minister of Information, born 12 Jan. 1957]
38. July MOYO [Minister of Public Service, Labor and Social Welfare, born 7 May 1950]
39. Simon Khaya MOYO [Deputy-Secretary for Legal Affairs, born 1945]
40. Obert MPOFU [Deputy-Secretary for National Security, born 12 Oct. 1951]
41. Joseph MSIKA [Vice President, born 6 Dec. 1923]
42. Olivia MUCHENA [Minister of State for Science and Technology Development, born 18 Aug. 1946]
43. Opah MUCHINGURI [Politburo Secretary for Gender and Culture, born 14 Dec. 1958]
44. Stan MUDENGE [Minister of Foreign Affairs, born 17 Dec. 1948]
45. Grace MUGABE [born 23 July 1965]
46. Sabina MUGABE [Politburo Senior Committee Member, born 14 Oct. 1934]
47. Joyce MUJURU [Minister of Rural Resources and Water, born 15 Apr. 1955]
48. Solomon MUJURU [Politburo Senior Committee Member, born 1 May 1949]
49. Samuel MUMBENEGWI [Minister of Industry and International Trade, born 20 July 1945]
50. Herbert MURERWA [Minister of Finance, born 31 July 1941]
51. Christopher MUSHOHWE [Deputy Minister, Transport and Communications, born 6 Feb. 1954]
52. Didymus MUTASA [Politburo Secretary for External Relations, born 27 July 1935]
53. Kenneth MUTIWEKUZIVA [Deputy Minister for Small and Medium Enterprise Development, born 27 May 1948]
54. Simon Vengesai MUZENDA [Vice President, born 28 Oct. 1922]
55. Tsitsi MUZENDA [Politburo Senior Committee Member, born 28 Aug. 1922]
56. Elisha MUZONZINI [Director of the Central Intelligence Organization, born 24 June 1957]
57. Abedinico NCUBE [Deputy Minister, Foreign Affairs, born 13 March 1954]
58. Naison NDLOVU [Politburo Secretary for Production and Labor, born 22 Oct. 1930]
59. Sikhanyiso NDLOVU [Deputy-Secretary for Commissariat, born 20 Sept. 1949]
60. Francis NHEMA [Minister of Environment and Tourism, born 17 Apr. 1959]
61. John NKOMO [Minister of State for Special Affairs, born 22 Aug. 1934]
62. Stephen NKOMO [Politburo Senior Committee Member, born 3 Oct. 1926]
63. Sithembiso NYONI [Minister of Small and Medium Enterprises Development, born 20 Sept. 1949]
64. David PARIRENYATWA [Minister of Health and Child Welfare, born 2 Aug. 1950]
65. Selina POTE [Deputy-Secretary for Gender and Culture]
66. Tinos RUSERE [Deputy Minister for Rural Resources and Water Development, born 10 May 1945]
67. Stanley SAKUPWANYA [Deputy-Secretary for Health and Child Welfare]

68. Sidney SEKERAMAYI [Minister of Defense, born 30 Mar. 1944]

69. Nathan SHAMUYARIRA [Politburo Secretary for Information and Publicity, born 29 Sept. 1928]

70. Perence SHIRI [Air Marshal (Air Force), born 11 Jan. 1955]

71. Isaiah SHUMBA [Deputy Minister, Education, Sports and Culture, born 3 Jan. 1949]

72. Absolom SIKOSANA [Politburo Secretary for Youth Affairs]

73. Solomon TAWENGWA [Deputy-Secretary for Finance, born 15 June 1940]

74. Josiah TUNGAMIRAI [Politburo Secretary for Empowerment and Indigenization, born 8 Oct. 1948]

75. Charles UTETE [Cabinet Secretary, born 30 Oct. 1938]

76. Paradzai ZIMONDI [Prisons chief, born 4 Mar. 1947]

77. Vitalis ZVINAVASHE [General, Commander of Zimbabwe Defense Forces, born 27 Sept. 1943]

Note: The bracketed identifying information with respect to each person listed in this Annex reflects information currently available and is provided solely to facilitate compliance with this order. Each individual listed in this Annex remains subject to the prohibitions of this order notwithstanding any change in title, position, or affiliation.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 13288

Notice of President of the United States, dated Mar. 2, 2005, 70 F.R. 10859, provided:

On March 6, 2003, by Executive Order 13288 [set out above], I declared a national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, thus contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region.

Because the actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on March 6, 2003, and the measures adopted on that date to deal with that emergency, must continue in effect beyond March 6, 2005. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

Prior continuation of national emergency declared by Ex. Ord. No. 13288 was contained in the following:

Notice of President of the United States, dated Mar. 2, 2004, 69 F.R. 10313.

EX. ORD. NO. 13298. TERMINATION OF EMERGENCY WITH
RESPECT TO THE ACTIONS AND POLICIES OF UNITA AND
REVOCATION OF RELATED EXECUTIVE ORDERS

Ex. Ord. No. 13298, May 6, 2003, 68 F.R. 24857, provided:

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.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 1448 of December 9, 2002,

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 12865 of September 26, 1993 [formerly set out above], with respect to the actions and policies of the National Union for the Total Independence of Angola (UNITA), and that led to the steps taken in that order and in Executive Order 13069 of December 12, 1997 [formerly set out above], and Executive Order 13098 of August 18, 1998 [formerly set out above], has been significantly altered by the recent and continuing steps toward peace taken by the Government of Angola and UNITA. Accordingly, I hereby terminate the national emergency declared in Executive Order 12865, revoke Executive Orders 12865, 13069, and 13098, and order:

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

SEC. 2. This order in [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, or its departments, agencies, entities, officers, employees, or agents.

SEC. 3. (a) This order is effective 12:01 a.m. eastern daylight time on May 7, 2003.

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

GEORGE W. BUSH.

EX. ORD. NO. 13303. PROTECTING THE DEVELOPMENT FUND
FOR IRAQ AND CERTAIN OTHER PROPERTY IN WHICH
IRAQ HAS AN INTEREST

Ex. Ord. No. 13303, May 22, 2003, 68 F.R. 31931, as amended by Ex. Ord. No. 13364, §1, Nov. 29, 2004, 69 F.R. 70177, provided:

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, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act [of 1945], 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, find that the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, obstructs the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq. This situation constitutes an unusual and extraordinary threat to the national security and foreign policy of the United States and I hereby declare a national emergency to deal with that threat.

I hereby order:

SECTION 1. (a) Except as provided in section 1(b) of this order, and unless licensed or otherwise authorized pursuant to this order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is prohibited and shall be deemed null and void with respect to the following:

(i) the Development Fund for Iraq;

(ii) all Iraqi petroleum and petroleum products, and interests therein, but only until title passes to the initial purchaser, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, in which any foreign country or a national thereof has any interest, 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; and

(iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by the Central Bank of Iraq, or held, maintained, or otherwise controlled by any financial institution of any kind in the name of, on behalf of, or otherwise for the Central Bank of Iraq.

(b) The prohibition in section 1(a) of this order shall not apply with respect to any final judgment arising out of a contractual obligation entered into by the Government of Iraq, including any agency or instrumentality thereof, after June 30, 2004.

SEC. 2. (a) As of the effective date of this order, Executive Order 12722 of August 2, 1990 [formerly set out above], Executive Order 12724 of August 9, 1990 [formerly set out above], and Executive Order 13290 of March 20, 2003 [50 U.S.C. 1702 note], shall not apply to the property and interests in property described in section 1 of this order.

(b) Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under Executive Orders 12722, 12724, or 13290, or under the authority of IEEPA or the UNPA, except as hereafter terminated, modified, or suspended by the issuing Federal agency and except as provided in section 2(a) of this order.

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;

(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;

(d) The term “Iraqi petroleum and petroleum products” means any petroleum, petroleum products, or natural gas originating in Iraq, including any Iraqi-origin oil inventories, wherever located; and

(e) The term “Development Fund for Iraq” means the fund established on or about May 22, 2003, on the books of the Central Bank of Iraq, by the Administrator of the Coalition Provisional Authority responsible for the temporary governance of Iraq and all accounts held for the fund or for the Central Bank of Iraq in the name of the fund.

SEC. 4. (a) The Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by 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. All agencies of the United States Government are hereby directed to take all appropriate measures within their statutory authority to carry out the provisions of this order.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations.

SEC. 5. 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 a party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

SEC. 6. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

CONTINUATION OF NATIONAL EMERGENCY DECLARED BY
EX. ORD. NO. 13303

Notice of President of the United States, dated May 20, 2004, 69 F.R. 29409, provided:

On May 22, 2003, by Executive Order 13303 [set out above], I declared a national emergency protecting the Development Fund for Iraq and certain other property in which Iraq has an interest, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701-1706). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq constituted by the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof.

On August 28, 2003, in Executive Order 13315 [set out below], I expanded the scope of this national emergency to block the property of the former Iraqi regime, its senior officials and their family members as the removal of Iraqi property from that country by certain senior officials of the former Iraqi regime and their immediate family members constitutes an obstacle to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

Because these obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 22, 2003, and the measures adopted on that date and on August 28, 2003, to deal with that emergency, must continue in effect beyond May 22, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency protecting the Development Fund for Iraq and certain other property in which Iraq has an interest.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH.

EX. ORD. NO. 13304. TERMINATION OF EMERGENCIES WITH RESPECT TO YUGOSLAVIA AND MODIFICATION OF EX. ORD. NO. 13219

Ex. Ord. No. 13304, May 28, 2003, 68 F.R. 32315, provided:

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, as amended (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 of 1945, 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, have determined that the situations that gave rise to the declarations of national emergencies in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998 [both formerly set out above], with respect to the former Socialist Federal Republic of Yugoslavia, have been significantly altered by the peaceful transition to democracy and other positive developments in Serbia and Montenegro (formerly the Federal Republic of Yugoslavia (Serbia and Montenegro)). Accordingly, I hereby terminate the national emergencies declared in those orders and revoke those and all related orders (Executive Orders 12810 of June 5, 1992, 12831 of January 15, 1993, 12846 of April 25, 1993, 12934 of October 25, 1994 [all formerly set out above], 13121 of April 30, 1999, and 13192 of January 17, 2001 [both amending Ex. Ord. No. 13088, formerly set out above]). At the same time, and in order to take additional steps

with respect to continuing, widespread, and illicit actions that obstruct implementation of the Ohrid Framework Agreement of 2001, relating to Macedonia, United Nations Security Council Resolution 1244 of June 10, 1999, relating to Kosovo, or the Dayton Accords or the Conclusions of the Peace Implementation Conference Council held in London on December 8-9, 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council or its Steering Board, relating to Bosnia and Herzegovina, including the harboring of individuals indicted by the International Criminal Tribunal for the former Yugoslavia, and the national emergency described and declared in Executive Order 13219 of June 26, 2001 [set out above], I hereby order:

SECTION 1. Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergencies declared in Executive Order 12808 of May 30, 1992, and Executive Order 13088 of June 9, 1998, shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or 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. Pursuant to section 207 of IEEPA (50 U.S.C. 1706), I hereby determine that the continuation of prohibitions with regard to transactions involving any property blocked pursuant to Executive Orders 12808 or 13088 that continues to be blocked as of the effective date of this order is necessary on account of claims involving successor states to the former Socialist Federal Republic of Yugoslavia or other potential claimants.

SEC. 2. The Annex to Executive Order 13219 of June 26, 2001, is replaced and superseded in its entirety by the Annex to this order.

SECS. 3, 4. [Amended Ex. Ord. No. 13219, set out above.]

SEC. 5. The Secretary of the Treasury, in 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 IEEPA and 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. All 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.

SEC. 6. Nothing contained in this order shall create any right or benefit or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 7. This order is effective at 12:01 a.m. eastern daylight time on May 29, 2003. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

ANNEX

[Replaced by Annex to Ex. Ord. No. 13219, set out above.]

EX. ORD. NO. 13310. BLOCKING PROPERTY OF THE GOVERNMENT OF BURMA AND PROHIBITING CERTAIN TRANSACTIONS

Ex. Ord. No. 13310, July 28, 2003, 68 F.R. 44853, provided:

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.*), the Burmese Freedom and Democracy Act of 2003 (July 28, 2003) [Pub. L. 108-61, set out as a note above], and section 301 of title 3, United States Code, and in order to

take additional steps with respect to the Government of Burma's continued repression of the democratic opposition in Burma and with respect to the national emergency declared in Executive Order 13047 of May 20, 1997 [set out above];

I, GEORGE W. BUSH, President of the United States of America, hereby order:

SECTION 1. Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) [22 U.S.C. 7201 *et seq.*] (TSRA), or 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 of the following persons 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, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex attached and made a part of this order [not set out in the Code]; and

(b) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State,

(i) to be a senior official of the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, or any successor entity to any of the foregoing; or

(ii) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

SEC. 2. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), the TSRA, or 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, the following are prohibited:

(a) the exportation or reexportation, directly or indirectly, to Burma of any financial services either (i) from the United States or (ii) by a United States person, wherever located; and

(b) any approval, financing, facilitation, or guarantee by a United States person, wherever located, of a transaction by a foreign person where the transaction by that foreign person would be prohibited by this order if performed by a United States person or within the United States;

SEC. 3. Beginning 30 days after the effective date of this order, and except to the extent provided in section 8 of this order and 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 30 days after the effective date of this order, the importation into the United States of any article that is a product of Burma is hereby prohibited.

SEC. 4. (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. 5. For 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;

(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; and

(d) the term "Government of Burma" means the Government of Burma (sometimes referred to as

Myanmar), its agencies, instrumentalities and controlled entities, and the Central Bank of Burma.

SEC. 6. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons whose property and interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13047 [set out above], and hereby prohibit such donations as provided by section 1 of this order.

SEC. 7. For those persons whose property and interests in property are blocked pursuant to section 1 of 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 Executive Order 13047, there need be no prior notice of a listing or determination made pursuant to this order.

SEC. 8. Determining that such a waiver is in the national interest of the United States, I hereby waive the prohibitions described in section 3 of the Burmese Freedom and Democracy Act of 2003 [Pub. L. 108-61, set out in a note above] with respect to any and all articles that are a product of Burma to the extent that prohibiting the importation of such articles would conflict with the international obligations of the United States under the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the United Nations Headquarters Agreement, and other legal instruments providing equivalent privileges and immunities.

SEC. 9. The Secretary of the Treasury, in 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 IEEPA and sections 3(a) and 4 of the Burmese Freedom and Democracy Act of 2003 [Pub. L. 108-61, set out in a note above], other than the authority to make the determinations and certification to the Congress that Burma has met the conditions described in 3(a)(3) of the Act, 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. The Secretary of State is authorized to exercise the functions and authorities conferred upon the President by section 3(b) of the Burmese Freedom and Democracy Act of 2003 and to redelegate these functions and authorities consistent with applicable law. All 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.

SEC. 10. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order and that the property and interests in property of that person are therefore no longer blocked pursuant to section 1 of this order.

SEC. 11. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

SEC. 12. Sections 1 through 7 of Executive Order 13047 [set out above] are hereby revoked to the extent they are inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order 13047, not inconsistent with section 3 of this order and not revoked administratively, shall remain in full force and effect under this order until amended, modified, or terminated by proper authority.

The revocation of any provision of Executive Order 13047 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

SEC. 13. All provisions of this order other than section 3 shall not apply to any activity, or any transaction incident to an activity, undertaken pursuant to an agreement, or pursuant to the exercise of rights under such an agreement, that was entered into by a United States person with the Government of Burma or a nongovernmental entity in Burma prior to 12:01 a.m. eastern daylight time on May 21, 1997.

SEC. 14. 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. 15. This order is effective on 12:01 a.m. eastern daylight time on July 29, 2003.

SEC. 16. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

ANNEX

[Omitted.]

EX. ORD. NO. 13315. BLOCKING PROPERTY OF THE FORMER IRAQI REGIME, ITS SENIOR OFFICIALS AND THEIR FAMILY MEMBERS, AND TAKING CERTAIN OTHER ACTIONS

Ex. Ord. No. 13315, Aug. 28, 2003, 68 F.R. 52315, provided:

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.*), section 5 of the United Nations Participation Act [of 1945], as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, in view of United Nations Security Council Resolution 1483 of May 22, 2003, and in order to take additional steps with respect to the situation in Iraq,

I, GEORGE W. BUSH, President of the United States of America, hereby expand the scope of the national emergency declared in Executive Order 13303 of May 22, 2003 [set out above], to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq. I find that the removal of Iraqi property from that country by certain senior officials of the former Iraqi regime and their immediate family members constitutes one of these obstacles. I further determine that the United States is engaged in armed hostilities and that it is in the interest of the United States to confiscate certain additional property of the former Iraqi regime, certain senior officials of the former regime, immediate family members of those officials, and controlled entities. I intend that such property, after all right, title, and interest in it has vested in the Department of the Treasury, shall be transferred to the Development Fund for Iraq. Such property shall be used to meet the humanitarian needs of the Iraqi people, for the economic reconstruction and repair of Iraq's infrastructure, for the continued disarmament of Iraq, for the costs of Iraqi civilian administration, and for other purposes benefiting the Iraqi people. I determine that such use would be in the interest of and for the benefit of the United States. I hereby order:

SECTION 1. Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or 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 of the former Iraqi regime or its state bodies, corporations, or agencies, or of the following persons, 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, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(a) the persons listed in the Annex to this order [not set out in the Code]; and

(b) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State,

(i) to be senior officials of the former Iraqi regime or their immediate family members; or

(ii) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any of the persons listed in the Annex to this order or determined to be subject to this order.

SEC. 2. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to confiscate property that is blocked pursuant to section 1 of this order and that he determines, in consultation with the Secretary of State, to belong to a person, organization, or country that has planned, authorized, aided, or engaged in armed hostilities against the United States. All right, title, and interest in any property so confiscated shall vest in the Department of the Treasury. Such vested property shall promptly be transferred to the Development Fund for Iraq.

SEC. 3. (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. 4. For 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;

(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;

(d) the term "former Iraqi regime" means the Saddam Hussein regime that governed Iraq until on or about May 1, 2003;

(e) the term "coalition authority" means the Coalition Provisional Authority under the direction of its Administrator, and the military forces of the United States, the United Kingdom, and their coalition partners present in Iraq under the command or operational control of the Commander of United States Central Command; and

(f) the term "Development Fund for Iraq" means the fund established on or about May 22, 2003, on the books of the Central Bank of Iraq, by the Administrator of the Coalition Provisional Authority responsible for the temporary governance of Iraq and all accounts held for the fund or for the Central Bank of Iraq in the name of the fund.

SEC. 5. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed under this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13303 [set out above] and expanded in scope in this order and would endanger Armed Forces of the United States that are engaged in hostilities, and I hereby prohibit such donations as provided by section 1 of this order.

SEC. 6. For those persons listed in the Annex to this order [not set out in the Code] or determined to be subject 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 Executive Order 13303 and expanded in scope in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

SEC. 7. The Secretary of the Treasury, in 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 IEEPA and 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 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.

SEC. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant inclusion of a person in the Annex to this order [not set out in the Code] and that such person is therefore no longer covered within the scope of the order.

SEC. 9. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

SEC. 10. This order shall not apply to such property as is or may come under the control of the coalition authority in Iraq. Nothing in this order is intended to affect dispositions of such property or other determinations by the coalition authority.

SEC. 11. 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, officers or employees, or any other person.

SEC. 12. This order is effective on 12:01 a.m. EDT on August 29, 2003.

SEC. 13. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

ANNEX

[Omitted.]

EX. ORD. NO. 13324. TERMINATION OF EMERGENCY WITH RESPECT TO SIERRA LEONE AND LIBERIA

Ex. Ord. No. 13324, Jan. 15, 2004, 69 F.R. 2823, provided:

By the authority vested in me as President by the Constitution and the laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), and section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c),

I, GEORGE W. BUSH, President of the United States of America, find that the situations that gave rise to the declaration of a national emergency in Executive Order 13194 of January 18, 2001 [formerly set out above], with respect to Sierra Leone and the expansion of the scope of that emergency in Executive Order 13213 of May 22, 2001 [formerly set out above], with respect to Liberia, have been significantly altered given that in January 2002 the Government of Sierra Leone, the Sierra Leonean rebel group Revolutionary United Front (RUF), and the United Nations Mission in Sierra Leone declared the war in Sierra Leone to have ended; the parties to the Liberian civil war entered into a Comprehensive Peace Agreement in August 2003; the RUF no longer exists as a military organization; Charles Taylor, who was the prime instigator of violence both

in Sierra Leone and in Liberia, has resigned from the Liberian presidency and gone into exile; the Government of Sierra Leone has established a rough diamond certification regime that meets the minimum standards of the Kimberley Process Certification Scheme; and the United States has implemented the Clean Diamond Trade Act (Public Law 108-19) [19 U.S.C. 3901 *et seq.*], prohibiting the importation into the United States of rough diamonds that are not controlled through the Kimberley Process Certification Scheme, currently including rough diamonds from Liberia. Accordingly, I hereby terminate the national emergency declared and expanded in scope in those two prior orders, revoke those orders, and further order:

SECTION 1. Pursuant to section 202 of the NEA (50 U.S.C. 1622), termination of the national emergency declared in Executive Order 13194 and expanded in scope in Executive Order 13213 shall not affect any action taken or proceeding pending not finally concluded or determined as of the effective date of this order, or 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. This order is effective at 12:01 a.m. eastern standard time on January 16, 2004. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

EX. ORD. NO. 13338. BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE EXPORT OF CERTAIN GOODS TO SYRIA

Ex. Ord. No. 13338, May 11, 2004, 69 F.R. 26751, provided:

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), the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, Public Law 108-175 [22 U.S.C. 2151 note] (SAA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, hereby determine that the actions of the Government of Syria in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and hereby declare a national emergency to deal with that threat. To address that threat, and to implement the SAA, I hereby order the following:

SECTION 1. (a) The Secretary of State shall not permit the exportation or reexportation to Syria of any item on the United States Munitions List (22 C.F.R. part 121).

(b) Except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to the provisions of this order in a manner consistent with the SAA, and notwithstanding any license, permit, or authorization granted prior to the effective date of this order, (i) the Secretary of Commerce shall not permit the exportation or reexportation to Syria of any item on the Commerce Control List (15 C.F.R. part 774); and (ii) with the exception of food and medicine, the Secretary of Commerce shall not permit the exportation or reexportation to Syria of any product of the United States not included in section 1(b)(i) of this order.

(c) No other agency of the United States Government shall permit the exportation or reexportation to Syria

of any product of the United States, except to the extent provided in regulations, orders, directives, or licenses that may be issued pursuant to this order in a manner consistent with the SAA, and notwithstanding any license, permit, or authorization granted prior to the effective date of this order.

SEC. 2. The Secretary of Transportation shall not permit any air carrier owned or controlled by Syria to provide foreign air transportation as defined in 49 U.S.C. 40102(a)(23), except that he may, to the extent consistent with Department of Transportation regulations, permit such carriers to charter aircraft to the Government of Syria for the transport of Syrian government officials to and from the United States on official Syrian government business. In addition, the Secretary of Transportation shall prohibit all takeoffs and landings in the United States, other than those associated with an emergency, by any such air carrier when engaged in scheduled international air services.

SEC. 3. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of the IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), and the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) [22 U.S.C. 7201 *et seq.*] (TSRA), or 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 of the following persons, 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, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: persons who are determined by the Secretary of the Treasury, in consultation with the Secretary of State,

(i) to be or to have been directing or otherwise significantly contributing to the Government of Syria's provision of safe haven to or other support for any person whose property or interests in property are blocked under United States law for terrorism-related reasons, including, but not limited to, Hamas, Hizballah, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Popular Front for the Liberation of Palestine-General Command, and any persons designated pursuant to Executive Order 13224 of September 23, 2001 [set out above];

(ii) to be or to have been directing or otherwise significantly contributing to the Government of Syria's military or security presence in Lebanon;

(iii) to be or to have been directing or otherwise significantly contributing to the Government of Syria's pursuit of the development and production of chemical, biological, or nuclear weapons and medium- and long-range surface-to-surface missiles;

(iv) to be or to have been directing or otherwise significantly contributing to any steps taken by the Government of Syria to undermine United States and international efforts with respect to the stabilization and reconstruction of Iraq; or

(v) to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property or interests in property are blocked pursuant to this order.

(b) The prohibitions in paragraph (a) of this section include, but are not limited to, (i) the making of any contribution of funds, goods, or services by, to, or for the benefit of any person whose property or interests in property are blocked pursuant to this order; and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

SEC. 4. (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 the prohibitions set forth in this order is prohibited.

SEC. 5. I hereby determine that the making of donations of the type of articles specified in section 203(b)(2)

of the IEEPA (50 U.S.C. 1702(b)(2)) would seriously impair the ability to deal with the national emergency declared in this order, and hereby prohibit, (i) the exportation or reexportation of such donated articles to Syria as provided in section 1(b) of this order; and (ii) the making of such donations by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to section 3 of this order.

SEC. 6. For 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;

(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;

(d) the term “Government of Syria” means the Government of the Syrian Arab Republic, its agencies, instrumentalities, and controlled entities; and

(e) the term “product of the United States” means: for the purposes of subsection 1(b), any item subject to the Export Administration Regulations (15 C.F.R. parts 730–774); and for the purposes of subsection 1(c), any item subject to the export licensing jurisdiction of any other United States Government agency.

SEC. 7. With respect to the prohibitions contained in section 1 of this order, consistent with subsection 5(b) of the SAA, I hereby determine that it is in the national security interest of the United States to waive, and hereby waive application of subsection 5(a)(1) and subsection 5(a)(2)(A) of the SAA so as to permit the exportation or reexportation of certain items as specified in the Department of Commerce’s General Order No. 2 to Supplement No. 1, 15 C.F.R. part 736, as issued consistent with this order and as may be amended pursuant to the provisions of this order and in a manner consistent with the SAA. This waiver is made pursuant to the SAA only to the extent that regulation of such exports or reexports would not otherwise fall within my constitutional authority to conduct the Nation’s foreign affairs and protect national security.

SEC. 8. With respect to the prohibitions contained in section 2 of this order, consistent with subsection 5(b) of the SAA, I hereby determine that it is in the national security interest of the United States to waive, and hereby waive, application of subsection 5(a)(2)(D) of the SAA insofar as it pertains to: aircraft of any air carrier owned or controlled by Syria chartered by the Syrian government for the transport of Syrian government officials to and from the United States on official Syrian government business, to the extent consistent with Department of Transportation regulations; takeoffs or landings for non-traffic stops of aircraft of any such air carrier that is not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of United States territory.

SEC. 9. I hereby direct the Secretary of State to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out subsection 1(a) of this order. I hereby direct the Secretary of Commerce, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out subsection 1(b) of this order. I direct the Secretary of Transportation, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out section 2 of this order. The Secretary of the Treasury, in 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 as may be necessary to carry out sections 3, 4, and 5 of this order. The Secretaries of State, Commerce, Transportation, and the Treasury may redelegate any of these functions to other officers and agencies of the United States Government consistent with applicable

law. The Secretary of State, in consultation with the Secretaries of Commerce, Transportation, and the Treasury, as appropriate, is authorized to exercise the functions and authorities conferred upon the President in subsection 5(b) of the SAA and to redelegate these functions and authorities consistent with applicable law. All 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 Secretaries of State, Commerce, Transportation, and the Treasury in a timely manner of the measures taken.

SEC. 10. This order is not intended to create, 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. 11. For those persons whose property or interests in property are blocked pursuant to section 3 of this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or 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 this order.

SEC. 12. The Secretary of the Treasury, in consultation with the Secretary of State, is 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. 13. (a) This order is effective at 12:01 eastern daylight time on May 12, 2004.

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

GEORGE W. BUSH.

EX. ORD. No. 13348. BLOCKING PROPERTY OF CERTAIN PERSONS AND PROHIBITING THE IMPORTATION OF CERTAIN GOODS FROM LIBERIA

Ex. Ord. No. 13348, July 22, 2004, 69 F.R. 44885, provided:

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 [of 1945], as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolutions 1521 of December 22, 2003, and 1532 of March 12, 2004,

I, GEORGE W. BUSH, President of the United States of America, note that the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, have undermined Liberia’s transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. I further note that the Comprehensive Peace Agreement signed on August 18, 2003, and the related ceasefire have not yet been universally implemented throughout Liberia, and that the illicit trade in round logs and timber products is linked to the proliferation of and trafficking in illegal arms, which perpetuate the Liberian conflict and fuel and exacerbate other conflicts throughout West Africa. I find that the actions, policies, and circumstances described above constitute 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 provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1),

(3), and (4)), or 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 of the following persons, 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, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

(i) the persons listed in the Annex to this order [not set out in the Code]; and

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

(A) to be or have been an immediate family member of Charles Taylor;

(B) to have been a senior official of the former Liberian regime headed by Charles Taylor or otherwise to have been or be a close ally or associate of Charles Taylor or the former Liberian regime;

(C) to have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services in support of, the unlawful depletion of Liberian resources, the removal of Liberian resources from that country, and the secret- ing of Liberian funds and property by any person whose property and interests in property are blocked pursuant to this order; or

(D) to be owned or controlled by, or acting or pur- porting to act for or on behalf of, directly or indi- rectly, any person whose property and interests in property are blocked pursuant to this order.

(b) I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of, any person whose property or interests in property are blocked pursuant to paragraph (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 paragraph (a) of this section.

(c) The prohibitions in paragraph (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 whose property or interests in property are blocked pursuant to this order, and

(ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

SEC. 2. Except 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, the direct or indirect importation into the United States of any round log or timber product originating in Liberia is prohibited.

SEC. 3. (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. 4. For purposes of this order: (a) the term "person" means an individual or entity;

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

(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; and

(d) the term "round log or timber product" means any product classifiable in Chapter 44 of the Har- monized Tariff Schedule of the United States [see 19 U.S.C. 1202 note].

SEC. 5. For those persons whose property and inter- ests in property are blocked pursuant to section 1 of

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 pursu- ant to this order would render these measures ineffec- tual. I therefore determine that for these measures to be effective in addressing the national emergency de- clared in this order, there need be no prior notice of a listing or determination made pursuant to section 1 of this order.

SEC. 6. The Secretary of the Treasury, in consulta- tion 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 IEEPA and 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 Gov- ernment, consistent with applicable law. All 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 appro- priate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

SEC. 7. The Secretary of the Treasury, in consulta- tion 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, con- sistent with section 401(c) of NEA, 50 U.S.C. 1641(c), and section 204(c) of IEEPA, 50 U.S.C. 1703(c).

SEC. 8. The Secretary of the Treasury, in consulta- tion with the Secretary of State, is hereby authorized to determine, subsequent to the issuance of this order, that circumstances no longer warrant the inclusion of a per- son in the Annex to this order [not set out in the Code] and that the property and interests in property of that person are therefore no longer blocked pursuant to sec- tion 1 of this order.

SEC. 9. 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, instru- mentalities, or entities, its officers or employees, or any other person.

SEC. 10. This order is effective at 12:01 a.m. eastern daylight time on July 23, 2004.

SEC. 11. This order shall be transmitted to the Con- gress and published in the Federal Register.

GEORGE W. BUSH.

ANNEX

[Omitted.]

EX. ORD. NO. 13350. TERMINATION OF EMERGENCY DE- CLARED IN EXECUTIVE ORDER 12722 WITH RESPECT TO IRAQ AND MODIFICATION OF EXECUTIVE ORDER 13290, EXECUTIVE ORDER 13303, AND EXECUTIVE ORDER 13315

Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055, pro- vided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Pow- ers 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 [of 1945], 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, have determined that the situation that gave rise to the declaration of a national emergency with respect to Iraq in Executive Order 12722 of August 2, 1990 [formerly set out above], has been significantly altered by the removal of the regime of Saddam Hus- sein and other developments. I hereby terminate the national emergency declared in Executive Order 12722, revoke that Executive Order and Executive Order 12724 of August 9, 1990 [formerly set out above], Executive Order 12734 of November 14, 1990 [formerly set out under section 2808 of Title 10, Armed Forces], Executive Order

12743 of January 18, 1991 [formerly set out under section 12302 of Title 10], Executive Order 12751 of February 14, 1991 [formerly set out under section 8111A of Title 38, Veterans' Benefits], and Executive Order 12817 of October 21, 1992 [formerly set out above], that are based on that national emergency. I hereby amend Executive Order 13290 of March 20, 2003 [50 U.S.C. 1702 note], so that the authorities therein remain in effect based on the national emergency I declared in Executive Order 13303 of May 22, 2003 [set out above], and expanded in Executive Order 13315 of August 28, 2003 [set out above]. At the same time, and in order to take additional steps to deal with the national emergency that I declared in Executive Order 13303, and expanded in Executive Order 13315, with respect to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative and economic institutions in Iraq, I hereby 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 12722 shall not affect any action taken or proceeding pending but 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. Pursuant to section 207(a) of IEEPA (50 U.S.C. 1706(a)), and subject to such regulations, orders, directives, or licenses as may be issued pursuant to this order, I hereby determine that the continuation of prohibitions with regard to transactions involving property blocked pursuant to Executive Orders 12722 or 12724 that continues to be blocked as of the effective date of this order is necessary on account of claims involving Iraq.

SEC. 2. [Annex to this order (not set out in the Code) replaced and superseded Annex to Ex. Ord. No. 13315 (not set out in the Code).]

SEC. 3. [Amended Ex. Ord. No. 13290, set out under section 1702 of this title.]

SEC. 4. Unless licensed or otherwise authorized pursuant to this order or otherwise consistent with U.S. law, the trade in or transfer of ownership or possession of Iraqi cultural property or other items of archeological, historical, cultural, rare scientific, and religious importance that were illegally removed, or for which a reasonable suspicion exists that they were illegally removed, from the Iraq National Museum, the National Library, and other locations in Iraq since August 6, 1990, is prohibited.

SEC. 5. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by or to persons determined to be subject to the sanctions imposed by Executive Order 13315 or by this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13303, and expanded by Executive Order 13315, or would endanger the Armed Forces of the United States that are engaged in hostilities, and I hereby prohibit such donations as provided in section 1 of Executive Order 13315 as amended by this order.

SEC. 6. For those persons listed in the Annex to this order or determined to be subject to Executive Order 13315 or 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 Executive Order 13303, and expanded by Executive Order 13315, there need be no prior notice of a listing or determination made pursuant to Executive Order 13315 or this order.

SEC. 7. The Secretary of the Treasury, in 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 IEEPA and 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 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.

SEC. 8. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to determine subsequent to the issuance of the order, that circumstances no longer warrant the inclusion of a person in the Annex to this order and that such person is therefore no longer covered within the scope of the order.

SEC. 9. 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, officers or employees, or any other person.

SEC. 10. This order is effective at 12:01 a.m. eastern daylight time on July 30, 2004. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

ANNEX

[Omitted.]

EX. ORD. NO. 13357. 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

Ex. Ord. No. 13357, Sept. 20, 2004, 69 F.R. 56665, provided:

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 [of 1945], as amended (22 U.S.C. 287c) (UNPA), sections 504 and 505 of the International Security and Development Cooperation Act [of 1985] (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 [formerly set out above], 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 [formerly set out above], and Executive Order 12801 of April 15, 1992 [formerly set out above], 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 [formerly set out under section 1862 of Title 19, Customs Duties], 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.

EX. ORD. NO. 13364. MODIFYING THE PROTECTION GRANTED TO THE DEVELOPMENT FUND FOR IRAQ AND CERTAIN PROPERTY IN WHICH IRAQ HAS AN INTEREST AND PROTECTING THE CENTRAL BANK OF IRAQ

Ex. Ord. No. 13364, Nov. 29, 2004, 69 F.R. 70177, provided:

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, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act [of 1945], 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, hereby modify the scope of the national emergency declared in Executive Order 13303 of May 22, 2003 [set out above], and expanded in Executive Order 13315 of August 28, 2003 [set out above], and further modified in Executive Order 13350 of July 29, 2004 [set out above], to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq. I find that the threat of attachment or other judicial process against the Central Bank of Iraq constitutes one of these obstacles. I further determine that, consistent with United Nations Security Council Resolutions 1483 of May 22, 2003, and 1546 of June 8, 2004, the steps taken in Executive Order 13303 to deal with the national emergency declared therein need to be limited so that such steps do not apply with respect to any final judgment arising out of a contractual obligation entered into by the Government of Iraq, including any agency or instrumentality thereof, after June 30, 2004, and so that, with respect to Iraqi petroleum and petroleum products and interests therein, such steps shall apply only until title passes to the initial purchaser.

I hereby order:

SECTION 1. [Amended Ex. Ord. No. 13303, set out above.]

SEC. 2. (a) The Secretary of the Treasury, in 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 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 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.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations.

SEC. 3. 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 a party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

SEC. 4. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

EX. ORD. NO. 13372. CLARIFICATION OF CERTAIN EXECUTIVE ORDERS BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS

Ex. Ord. No. 13372, Feb. 16, 2005, 70 F.R. 8499, provided:

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, as amended (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 of 1945, 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, in order to clarify the steps taken in Executive Order 12947 of January 23, 1995 [set out above], as amended by Executive Order 13099 of August 20, 1998; and Executive Order 13224 of September 23, 2001 [set out above], as amended by Executive Order 13268 of July 2, 2002 [set out above], and Executive Order 13284 of January 23, 2003 [set out under section 121 of Title 6, Domestic Security], in particular with respect to the implementation of section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), hereby order:

SECTION 1. [Amended Ex. Ord. No. 13224.]

SEC. 2. [Amended Ex. Ord. No. 12947.]

SEC. 3. (a) The Secretary of the Treasury, in 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 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 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.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations.

(c) Amendments to Executive Orders made by this order shall take effect as of the date of this order.

SEC. 4. 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 a party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

SEC. 5. This order shall be transmitted to the Congress and published in the Federal Register.

GEORGE W. BUSH.

§ 1702. Presidential authorities

(a) In general

(1) At the times and to the extent specified in section 1701 of this title, the President may, under such regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) investigate, regulate, or prohibit—

(i) any transactions in foreign exchange,

(ii) transfers of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of any foreign country or a national thereof,

(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;

(B) investigate, block during the pendency of an investigation, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, with-

drawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and.¹

(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.

(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in paragraph (1) either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. In any case in which a report by a person could be required under this paragraph, the President may require the production of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(3) Compliance with any regulation, instruction, or direction issued under this chapter shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this chapter, or any regulation, instruction, or direction issued under this chapter.

(b) Exceptions to grant of authority

The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly—

(1) any postal, telegraphic, telephonic, or other personal communication, which does not involve a transfer of anything of value;

(2) donations, by persons subject to the jurisdiction of the United States, of articles, such

as food, clothing, and medicine, intended to be used to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his ability to deal with any national emergency declared under section 1701 of this title, (B) are in response to coercion against the proposed recipient or donor, or (C) would endanger Armed Forces of the United States which are engaged in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances; or²

(3) the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 2404 of the Appendix to this title, or under section 2405 of the Appendix to this title to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18; or

(4) any transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.

(c) Classified information

In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court *ex parte* and *in camera*. This subsection does not confer or imply any right to judicial review.

(Pub. L. 95-223, title II, §203, Dec. 28, 1977, 91 Stat. 1626; Pub. L. 100-418, title II, §2502(b)(1), Aug. 23, 1988, 102 Stat. 1371; Pub. L. 103-236, title V, §525(c)(1), Apr. 30, 1994, 108 Stat. 474; Pub. L. 107-56, title I, §106, Oct. 26, 2001, 115 Stat. 277.)

REFERENCES IN TEXT

Section 1(a) of the Classified Information Procedures Act, referred to in subsec. (c), is section 1(a) of Pub. L. 96-456, Oct. 15, 1980, 94 Stat. 2025, which is set out in the Appendix to Title 18, Crimes and Criminal Procedure.

AMENDMENTS

2001—Pub. L. 107-56, §106, which directed certain amendments to section 203 of the International Emergency Powers Act, was executed by making the amendments to this section, which is section 203 of the International Emergency Economic Powers Act, to reflect the probable intent of Congress. See below.

Subsec. (a)(1). Pub. L. 107-56, §106(1)(C), which directed striking out “by any person, or with respect to any property, subject to the jurisdiction of the United

¹ So in original. The period probably should not appear.

² So in original. The word “or” probably should not appear.

States' without providing closing quotation marks designating the provisions to be struck, was executed by striking out "by any person, or with respect to any property, subject to the jurisdiction of the United States" in concluding provisions.

Subsec. (a)(1)(A). Pub. L. 107-56, §106(1)(A), substituted a comma for "; and" at end of cl. (iii) and inserted concluding provisions.

Subsec. (a)(1)(B). Pub. L. 107-56, §106(1)(B), inserted ", block during the pendency of an investigation" after "investigate" and substituted "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and" for "interest;"

Subsec. (a)(1)(C). Pub. L. 107-56, §106(1)(D), added subpar. (C).

Subsec. (c). Pub. L. 107-56, §106(2), added subsec. (c). 1994—Subsec. (b)(3), (4). Pub. L. 103-236 added pars. (3) and (4) and struck out former par. (3) which read as follows: "the importation from any country, or the exportation to any country, whether commercial or otherwise, of publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, or other informational materials, which are not otherwise controlled for export under section 2404 of the Appendix to this title or with respect to which no acts are prohibited by chapter 37 of title 18."

1988—Subsec. (b)(3). Pub. L. 100-418 added par. (3).

EFFECTIVE DATE OF 1994 AMENDMENT

Section 525(c)(2) and (3) of Pub. L. 103-236 provided that:

"(2) The amendments made by paragraph (1) to section 203(b)(3) of the International Emergency Economic Powers Act [50 U.S.C. 1702(b)(3)] apply to actions taken by the President under section 203 of such Act before the date of enactment of this Act [Apr. 30, 1994] which are in effect on such date and to actions taken under such section on or after such date.

"(3) Section 203(b)(4) of the International Emergency Economic Powers Act (as added by paragraph (1)) shall not apply to restrictions on the transactions and activities described in section 203(b)(4) in force on the date of enactment of this Act, with respect to countries embargoed under the International Emergency Economic Powers Act [50 U.S.C. 1701 et seq.] on the date of enactment of this Act."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 2502(b)(2) of Pub. L. 100-418 provided that: "The amendments made by paragraph (1) [amending this section] apply to actions taken by the President under section 203 of the International Emergency Economic Powers Act [this section] before the date of the enactment of this Act [Aug. 23, 1988] which are in effect on such date of enactment, and to actions taken under such section on or after such date of enactment."

EX. ORD. NO. 13290. CONFISCATING AND VESTING CERTAIN IRAQI PROPERTY

Ex. Ord. No. 13290, Mar. 20, 2003, 68 F.R. 14307, as amended by Ex. Ord. No. 13350, §3, July 29, 2004, 69 F.R. 46055, provided:

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 13303 of March 20 [May 22], 2003 [50 U.S.C. 1701 note], and expanded in Executive Order 13315 of August 28, 2003 [50 U.S.C. 1701 note].

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 it 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) [see Tables for classification], 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 [50 U.S.C. 1702(a)(1)(C)] 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.

§ 1703. Consultation and reports

(a) Consultation with Congress

The President, in every possible instance, shall consult with the Congress before exercising any of the authorities granted by this chapter and shall consult regularly with the Congress so long as such authorities are exercised.

(b) Report to Congress upon exercise of Presidential authorities

Whenever the President exercises any of the authorities granted by this chapter, he shall immediately transmit to the Congress a report specifying—

(1) the circumstances which necessitate such exercise of authority;

(2) why the President believes those circumstances constitute an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States;

(3) the authorities to be exercised and the actions to be taken in the exercise of those authorities to deal with those circumstances;

(4) why the President believes such actions are necessary to deal with those circumstances; and

(5) any foreign countries with respect to which such actions are to be taken and why such actions are to be taken with respect to those countries.

(c) Periodic follow-up reports

At least once during each succeeding six-month period after transmitting a report pursuant to subsection (b) of this section with respect to an exercise of authorities under this chapter, the President shall report to the Congress with respect to the actions taken, since the last such report, in the exercise of such authorities, and with respect to any changes which have occurred concerning any information previously furnished pursuant to paragraphs (1) through (5) of subsection (b) of this section.

(d) Supplemental requirements

The requirements of this section are supplemental to those contained in title IV of the National Emergencies Act [50 U.S.C. 1641].

(Pub. L. 95-223, title II, §204, Dec. 28, 1977, 91 Stat. 1627.)

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsec. (d), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, as amended. Title IV of the National Emergencies Act enacted subchapter IV (§1641) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

DELEGATION OF FUNCTIONS

Delegations of congressional reporting functions of President under subsec. (c) of this section were contained in the following:

Ex. Ord. No. 13348, §7, July 22, 2004, 69 F.R. 44887, set out as a note under section 1701 of this title.

Ex. Ord. No. 13338, §12, May 11, 2004, 69 F.R. 26754, set out as a note under section 1701 of this title.

Ex. Ord. No. 13313, §1, July 31, 2003, 68 F.R. 46073 to 46075, set out as a note under section 301 of Title 3, The President.

§ 1704. Authority to issue regulations

The President may issue such regulations, including regulations prescribing definitions, as may be necessary for the exercise of the authorities granted by this chapter.

(Pub. L. 95-223, title II, §205, Dec. 28, 1977, 91 Stat. 1628.)

§ 1705. Penalties

(a) A civil penalty of not to exceed \$10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this chapter.

(b) Whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this chapter shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(Pub. L. 95-223, title II, §206, Dec. 28, 1977, 91 Stat. 1628; Pub. L. 102-393, title VI, §629, Oct. 6, 1992, 106 Stat. 1773; Pub. L. 102-396, title IX, §9155, Oct. 6, 1992, 106 Stat. 1943; Pub. L. 104-201,

div. A, title XIV, §1422, Sept. 23, 1996, 110 Stat. 2725.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201, §1422(1), inserted “, or attempts to violate,” after “violates”.

Subsec. (b). Pub. L. 104-201, §1422(2), inserted “, or willfully attempts to violate,” after “violates”.

1992—Subsec. (a). Pub. L. 102-396 substituted “\$10,000” for “\$50,000”.

Pub. L. 102-393 substituted “\$50,000” for “\$10,000”.

§ 1706. Savings provisions

(a) Termination of national emergencies pursuant to National Emergencies Act

(1) Except as provided in subsection (b) of this section, notwithstanding the termination pursuant to the National Emergencies Act [50 U.S.C. 1601 et seq.] of a national emergency declared for purposes of this chapter, any authorities granted by this chapter, which are exercised on the date of such termination on the basis of such national emergency to prohibit transactions involving property in which a foreign country or national thereof has any interest, may continue to be so exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(2) Notwithstanding the termination of the authorities described in section 101(b) of this Act, any such authorities, which are exercised with respect to a country on the date of such termination to prohibit transactions involving any property in which such country or any national thereof has any interest, may continue to be exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(b) Congressional termination of national emergencies by concurrent resolution

The authorities described in subsection (a)(1) of this section may not continue to be exercised under this section if the national emergency is terminated by the Congress by concurrent resolution pursuant to section 202 of the National Emergencies Act [50 U.S.C. 1622] and if the Congress specifies in such concurrent resolution that such authorities may not continue to be exercised under this section.

**(c) Supplemental savings provisions; super-
se-
dure of inconsistent provisions**

(1) The provisions of this section are supplemental to the savings provisions of paragraphs (1), (2), and (3) of section 101(a) [50 U.S.C. 1601(a)(1), (2), (3)] and of paragraphs (A), (B), and (C) of section 202(a) [50 U.S.C. 1622(a)(A), (B), and (C)] of the National Emergencies Act.

(2) The provisions of this section supersede the termination provisions of section 101(a) [50 U.S.C. 1601(a)] and of title II [50 U.S.C. 1621 et seq.] of the National Emergencies Act to the extent that the provisions of this section are inconsistent with these provisions.

(d) Periodic reports to Congress

If the President uses the authority of this section to continue prohibitions on transactions in-

volving foreign property interests, he shall report to the Congress every six months on the use of such authority.

(Pub. L. 95-223, title II, §207, Dec. 28, 1977, 91 Stat. 1628.)

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsecs. (a)(1) and (c)(2), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, as amended, which is classified principally to chapter 34 (§1601 et seq.) of this title. Title II of the National Emergencies Act is classified generally to subchapter II (§1621 et seq.) of chapter 34 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of this title and Tables.

Section 101(b) of this Act, referred to in subsec. (a)(2), is section 101(b) of Pub. L. 95-223, which is set out as a note under section 5 of the Appendix to this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report required under subsec. (d) of this section is listed as the 11th item on page 27), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 1707. Multinational economic embargoes against governments in armed conflict with the United States

(a) Policy on the establishment of embargoes

It is the policy of the United States, that upon the use of the Armed Forces of the United States to engage in hostilities against any foreign country, the President shall, as appropriate—

- (1) seek the establishment of a multinational economic embargo against such country; and
- (2) seek the seizure of its foreign financial assets.

(b) Reports to Congress

Not later than 20 days after the first day of the engagement of the United States in hostilities described in subsection (a) of this section, the President shall, if the armed conflict has continued for 14 days, submit to Congress a report setting forth—

- (1) the specific steps the United States has taken and will continue to take to establish a multinational economic embargo and to initiate financial asset seizure pursuant to subsection (a) of this section; and
- (2) any foreign sources of trade or revenue that directly or indirectly support the ability of the adversarial government to sustain a military conflict against the United States.

(Pub. L. 106-65, div. A, title XII, §1231, Oct. 5, 1999, 113 Stat. 788.)

CODIFICATION

This section enacted as part of the National Defense Authorization Act for Fiscal Year 2000, and not as part of the International Emergency Economic Powers Act which comprises this chapter.

CHAPTER 36—FOREIGN INTELLIGENCE SURVEILLANCE

SUBCHAPTER I—ELECTRONIC SURVEILLANCE

Sec. 1801. Definitions.

- Sec. 1802. Electronic surveillance authorization without court order; certification by Attorney General; reports to Congressional committees; transmittal under seal; duties and compensation of communication common carrier; applications; jurisdiction of court.
- 1803. Designation of judges.
 - (a) Court to hear applications and grant orders; record of denial; transmittal to court of review.
 - (b) Court of review; record, transmittal to Supreme Court.
 - (c) Expedient conduct of proceedings; security measures for maintenance of records.
 - (d) Tenure.
- 1804. Applications for court orders.
 - (a) Submission by Federal officer; approval of Attorney General; contents.
 - (b) Exclusion of certain information respecting foreign power targets.
 - (c) Additional affidavits or certifications.
 - (d) Additional information.
 - (e) Personal review by Attorney General.
- 1805. Issuance or order.
 - (a) Necessary findings.
 - (b) Determination of probable cause.
 - (c) Specifications and directions of orders.
 - (d) Exclusion of certain information respecting foreign power targets.
 - (e) Duration of order; extensions; review of circumstances under which information was acquired, retained or disseminated.
 - (f) Emergency orders.
 - (g) Testing of electronic equipment; discovering unauthorized electronic surveillance; training of intelligence personnel.
 - (h) Retention of certifications, applications and orders.
 - (i) Bar to legal action.
- 1806. Use of information.
 - (a) Compliance with minimization procedures; privileged communications; lawful purposes.
 - (b) Statement for disclosure.
 - (c) Notification by United States.
 - (d) Notification by States or political subdivisions.
 - (e) Motion to suppress.
 - (f) In camera and ex parte review by district court.
 - (g) Suppression of evidence; denial of motion.
 - (h) Finality of orders.
 - (i) Destruction of unintentionally acquired information.
 - (j) Notification of emergency employment of electronic surveillance; contents; postponement, suspension or elimination.
 - (k) Coordination with law enforcement on national security matters.
- 1807. Report to Administrative Office of the United States Court and to Congress.
- 1808. Report of Attorney General to Congressional committees; limitation on authority or responsibility of information gathering activities of Congressional committees; report of Congressional committees to Congress.
- 1809. Criminal sanctions.
 - (a) Prohibited activities.
 - (b) Defense.
 - (c) Penalties.
 - (d) Federal jurisdiction.