

AN EXECUTIVE ORDER MODIFYING THE SCOPE OF
THE NATIONAL EMERGENCY DECLARED IN EXECU-
TIVE ORDER 13303 OF MAY 22, 2003

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

A REPORT ISSUING AN EXECUTIVE ORDER MODIFYING THE SCOPE OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13303 OF MAY 22, 2003, EXPANDED IN EXECUTIVE ORDER 13315 OF AUGUST 28, 2003, AND FURTHER MODIFIED IN EXECUTIVE ORDER 13350 OF JULY 29, 2004, DUE TO A DETERMINATION THAT AN ADDITIONAL THREAT EXISTS WITH RESPECT TO WHICH THE NATIONAL EMERGENCY WAS DECLARED AND EXPANDED IN THOSE EXECUTIVE ORDERS; AND DUE TO THE NEED FOR REVISION IN LIGHT OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 1483 OF MAY 22, 2003 AND 1546 OF JUNE 8, 2004, RESPECTIVELY, PURSUANT TO 50 U.S.C. 1703(b).



DECEMBER 6, 2004.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE

THE WHITE HOUSE,
Washington, November 29, 2004.

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

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), I hereby report that I have issued an Executive Order (the "order") in which I modify the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, expanded in Executive Order 13315 of August 28, 2003, and further modified in Executive Order 13350 of July 29, 2004. I have determined that an additional threat exists with respect to which the national emergency was declared and expanded in those Executive Orders. I have also determined that steps taken in Executive Order 13303 to deal with the national emergency declared therein need to be revised in light of United Nations Security Council Resolutions 1483 of May 22, 2003, and 1546 of June 8, 2004, respectively. I have enclosed a copy of the order.

In Executive Order 13303 of May 22, 2003, I found 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, obstructed 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. I determined that this situation constituted an unusual and extraordinary threat to the national security and foreign policy of the United States, and I declared a national emergency to deal with that threat.

Consistent with IEEPA, as amended, (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, in Executive Order 13303 I ordered, *inter alia*, that unless licensed or otherwise authorized pursuant to that 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:

- (a) the Development Fund for Iraq, and
- (b) all Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any other 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.

Consistent with United Nations Security Council Resolutions 1483 and 1546, I have determined that the steps taken in Executive Order 13303 to deal with the emergency declared therein need to be revised 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.

The new order provides that protections granted by section 1 of Executive Order 13303, as well as the protections granted by this order to the property of the Central Bank of Iraq, 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.

In addition, the order modifies section 1 of Executive Order 13303 to provide that the protections granted therein to all Iraqi petroleum and petroleum products, and interests therein, apply only until title passes to the initial purchaser.

Furthermore, I now find that the threat of attachment or other judicial process against the assets of the Central Bank of Iraq constitutes one of 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. I have determined that the scope of the national emergency declared in Executive Order 13303, as expanded by Executive Order 13315, and modified by Executive Order 13350, be further modified to address this threat.

Consequently, the order modifies the actions taken to address the national emergency declared in Executive Order 13303, as expanded by Executive Order 13315, and further modified in Executive Order 13350, by amending section 1 of Executive Order 13303 to extend the protections granted therein against any attachment, judgment, decree, lien, execution, garnishment, or other judicial process to 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.

I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, 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 consistent with applicable law. I have directed all agencies of the United States Government to take all appropriate measures within their authority to carry out the provisions of this order.

Sincerely,

GEORGE W. BUSH.

EXECUTIVE ORDER

MODIFYING THE PROTECTION GRANTED TO THE DEVELOPMENT FUND
FOR IRAQ AND CERTAIN PROPERTY IN WHICH IRAQ HAS AN INTER-
EST AND PROTECTING THE CENTRAL BANK OF IRAQ

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 States Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, hereby modify the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and further modified in Executive Order 13350 of July 29, 2004, 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 the 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. Section 1 of Executive Order 13303 is hereby amended to read as follows:

“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) 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.

THE WHITE HOUSE, *November 29, 2004.*

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