

EXECUTIVE ORDER TAKING ADDITIONAL STEPS
WITH RESPECT TO THE NATIONAL EMERGENCY
DECLARED WITH RESPECT TO THE DEMOCRATIC
REPUBLIC OF THE CONGO

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

NOTIFICATION OF AN EXECUTIVE ORDER THAT TAKES ADDI-
TIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY
DECLARED WITH RESPECT TO THE DEMOCRATIC REPUBLIC OF
THE CONGO IN EXECUTIVE ORDER 13413 OF OCTOBER 27, 2006



JULY 9, 2014.—Message and accompanying papers referred to the
Committee on Foreign Affairs and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the “order”) taking additional steps with respect to the national emergency declared in Executive Order 13413 of October 27, 2006 (E.O. 13413).

In E.O. 13413, it was determined that the situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability and was addressed by the United Nations Security Council in Resolution 1596 of April 18, 2005, Resolution 1649 of December 21, 2005, and Resolution 1698 of July 31, 2006, constitutes an unusual and extraordinary threat to the foreign policy of the United States. To address that threat, E.O. 13413 blocks the property and interests in property of persons listed in the Annex to E.O. 13413 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet criteria specified in E.O. 13413.

In view of multiple additional United Nations Security Council Resolutions including, most recently, Resolution 2136 of January 30, 2014, I am issuing the order to take additional steps to deal with the national emergency declared in E.O. 13413, and to address the continuation of activities that threaten the peace, security, or stability of the Democratic Republic of the Congo and the surrounding region, including operations by armed groups, widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers, obstruction of humanitarian operations, and exploitation of natural resources to finance persons engaged in these activities.

The order amends the designation criteria specified in E.O. 13413. As amended by the order, E.O. 13413 provides for the designation of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State:

- to be a political or military leader of a foreign armed group operating in the Democratic Republic of the Congo that impedes the disarmament, demobilization, voluntary repatriation, resettlement, or reintegration of combatants;
- to be a political or military leader of a Congolese armed group that impedes the disarmament, demobilization, voluntary repatriation, resettlement, or reintegration of combatants;
- to be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following in or in relation to the Democratic Republic of the Congo:
 - to actions or policies that threaten the peace, security, or stability of the Democratic Republic of the Congo;

- actions or policies that undermine democratic processes or institutions in the Democratic Republic of the Congo;
- the targeting of women, children, or any civilians through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;
- the use or recruitment of children by armed groups or armed forces in the context of the conflict in the Democratic Republic of the Congo;
- the obstruction of the delivery or distribution of, or access to, humanitarian assistance;
- attacks against United Nations missions, international security presences, or other peacekeeping operations; or
- support to persons, including armed groups, involved in activities that threaten the peace, security, or stability of the Democratic Republic of the Congo or that undermine democratic processes or institutions in the Democratic Republic of the Congo, through the illicit trade in natural resources of the Democratic Republic of the Congo;
- except where intended for the authorized support of humanitarian activities or the authorized use by or support of peacekeeping, international, or government forces, to have directly or indirectly supplied, sold, or transferred to the Democratic Republic of the Congo, or been the recipient in the territory of the Democratic Republic of the Congo of, arms and related materiel, including military aircraft and equipment, or advice, training, or assistance, including financing and financial assistance, related to military activities;
- to be a leader of (i) an entity, including any armed group, that has, or whose members have, engaged in any of the activities described above or (ii) an entity whose property and interests in property are blocked pursuant to E.O. 13413; or
- to have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of (i) any of the activities described above or (ii) any person whose property and interests in property are blocked pursuant to E.O. 13413; or
- to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13413.

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, and to employ all powers granted to the President by IEEPA and the United Nations Participation Act as may be necessary to carry out the purposes of the order. All agencies of the United States Government

are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *July 8, 2014*.

EXECUTIVE ORDER

TAKING ADDITIONAL STEPS TO ADDRESS THE NATIONAL EMERGENCY WITH RESPECT TO THE CONFLICT IN THE DEMOCRATIC REPUBLIC OF THE CONGO

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code,

I, BARACK OBAMA, President of the United States of America, in order to take additional steps to deal with the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo declared in Executive Order 13413 of October 27, 2006, in view of multiple United Nations Security Council Resolutions including, most recently, Resolution 2136 of January 30, 2014, and in light of the continuation of activities that threaten the peace, security, or stability of the Democratic Republic of the Congo and the surrounding region, including operations by armed groups, widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers, obstruction of humanitarian operations, and exploitation of natural resources to finance persons engaged in these activities, hereby order:

Section 1. Subsection (a) of section 1 of Executive Order 13413 is hereby amended to read as follows:

“(a) All property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person (including any foreign branch) of the following persons are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in:

- (i) the persons listed in the Annex to this order; and
- (ii) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

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

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

(C) to be responsible for or complicit in, or to have engaged in, directly or indirectly, any of the following in or in relation to the Democratic Republic of the Congo:

(1) actions or policies that threaten the peace, security, or stability of the Democratic Republic of the Congo;

(2) actions or policies that undermine democratic processes or institutions in the Democratic Republic of the Congo;

(3) the targeting of women, children, or any civilians through the commission of acts of violence (including killing, maiming, torture, or rape or other sexual violence), abduction, forced displacement, or attacks on schools, hospitals, religious sites, or locations where civilians are seeking refuge, or through conduct that would constitute a serious abuse or violation of human rights or a violation of international humanitarian law;

(4) the use or recruitment of children by armed groups or armed forces in the context of the conflict in the Democratic Republic of the Congo;

(5) the obstruction of the delivery or distribution of, or access to, humanitarian assistance;

(6) attacks against United Nations missions, international security presences, or other peacekeeping operations; or

(7) support to persons, including armed groups, involved in activities that threaten the peace, security, or stability of the Democratic Republic of the Congo or that undermine democratic processes or institutions in the Democratic Republic of the Congo, through the illicit trade in natural resources of the Democratic Republic of the Congo;

(D) except where intended for the authorized support of humanitarian activities or the authorized use by or support of peacekeeping, international, or government forces, to have directly or indirectly supplied, sold, or transferred to the Democratic Republic of the Congo, or been the recipient in the territory of the Democratic Republic of the Congo of, arms and related materiel, including military aircraft and equipment, or advice, training, or assistance, including financing and financial assistance, related to military activities;

(E) to be a leader of (i) an entity, including any armed group, that has, or whose members have, engaged in any of the activities described in subsections (a)(ii)(A) through (a)(ii)(D) of this section or (ii) an entity whose property and interests in property are blocked pursuant to this order;

(F) to have materially assisted, sponsored, or provided financial, material, logistical, or technological support for, or goods or services in support of (i) any of the activities described in subsections (a)(ii)(A) through (a)(ii)(D) of this

section or (ii) any person whose property and interests in property are blocked pursuant to this order; or

(G) to be owned or controlled by, or to have acted or purported 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. New subsection (d) is hereby added to section 1 of Executive Order 13413 to read as follows:

“(d) The prohibitions in subsection (a) of this section apply except to the extent provided by statutes, or 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.”

Sec. 3. Section 2 of Executive Order 13413 is hereby amended to read as follows:

“*Sec. 2.* (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, 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. 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 and Executive Order 13413, as amended by 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.

Sec. 5. 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 Executive Order 13413, as amended by this order.

Sec. 6. 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, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA.

THE WHITE HOUSE, *July 8, 2014.*