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PROTECTING THE DEVELOPMENT FUND FOR IRAQ
AND CERTAIN OTHER PROPERTY IN WHICH IRAQ
HAS AN INTEREST

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

EXCERPT

THE DECLARATION OF A NATIONAL EMERGENCY TO DEAL WITH
THE ECONOMIC AND STRATEGIC THREAT POSED TO THE
NATIONAL SECURITY AND FOREIGN POLICY OF THE UNITED
STATES BY THE TARIKAT OF ATTAQMENT IN OTHER COUNTRIES
THREATENING THE DEVELOPMENT FUND FOR IRAQ, IRAN,
PETROLEUM AND PETROLEUM PRODUCTS, AND OTHERWISE
THREATENING THE NATIONAL SECURITY AND FOREIGN POLICY



PURDUE UNIVERSITY
AR 0 7 2003
U.S. DEPOSITORY

June 8, 1964—Message and accompanying papers referred to the
Committee on International Relations and referred to its printed
report.

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1964

16-601

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To the Congress of the United States

Consistent with section 209(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1701(b) (IEEPA), section 5 of the United Nations Participation Act (22 U.S.C. 287) (UNPAA), and section 201 of the National Emergencies Act, 50 U.S.C. 1601, I hereby report that I have exercised my authority to declare a national emergency to deal with the special and extraordinary threat posed to the national security and foreign policy of the United States 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, and interests therein.

A major national security and foreign policy goal of the United States is to ensure that the newly established Development Fund for Iraq and other Iraqi resources, including Iraqi petroleum and petroleum products, are dedicated for the well-being of the Iraqi people, for the orderly reconstruction and repair of Iraq's infrastructure, for the continued development of Iraq, for the needs of indigenous civilian administration, and for other purposes benefiting the people of Iraq. The Development Fund for Iraq and other property in which Iraq has an interest may be subject to attachment, judgment, decree, lien, execution, garnishment, or other judicial process, thereby jeopardizing the full dedication of such assets to purposes benefiting the people of Iraq. To protect these assets, I have ordered that, unless limited or otherwise qualified pursuant to my orders, 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 financial instruments of any nature whatsoever arising from or related to the sale and marketing thereof, and interests therein, in which any foreign country or a national thereof has any interest, that are in the United States, that heretofore come within the United States, or that are or heretofore come within the possession or control of United States persons.

In addition, by my memorandum to the Secretary of State and Secretary of Commerce of May 7, 1992 (Presidential Determination 92-02), I made inapplicable with respect to Iraq section 608A of the Foreign Assistance Act of 1961, Public Law 77-360, as amended, and any other provisions of law that apply to countries that have supported terrorism. Such provisions of law that apply to countries that have supported terrorism include, but are not limited to, 28 U.S.C. 1605(a)(7), 50 U.S.C. 1606, and section 201 of the Terrorism Risk Insurance Act.

I also have ordered that Executive Order 12722 of August 2, 1990, and Executive Order 12724 of August 9, 1990, which blocked property and interests in property of the Government of Iraq, its agencies, instrumentalities and controlled entities and the Central Bank of Iraq 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, and Executive Order 13290 of March 20, 2003, which confiscated and vested certain Government of Iraq accounts, shall not apply to the Development Fund for Iraq or to Iraqi petroleum or petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale and marketing thereof, and interests therein.

I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, the authority to take such actions as may be necessary to carry out the purposes of the Executive Order, including the promulgation of rules and regulations. I have also authorized the Secretary of the Treasury to employ all powers granted to the President by IEEPA and UNPA to carry out the purposes of the Executive Order. I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 22, 2003.*

Executive Order

Protecting the Development Fund for Iraq and Certain Other Property to Which Iraq Has an Interest

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 (IEEPA), 50 U.S.C. 1701 et seq.; (EEFPA), the National Emergency Act (NEA) 50 U.S.C. 1601 et seq.; section 5 of the United Nations Participation Act, as amended (UNPA), 22 U.S.C. 2151; (LITPA), 50 U.S.C. 1702 (LITPA), and section 501 of title 5, United States Code:

I, GEORGE W. BUSH, President of the United States of America, find that the threat of abandonment 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, threatens the orderly reconstruction of Iraq, the extending 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 the threat.

I hereby order:

Section 1. Unless limited 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:

(a) the Development Fund for Iraq, and

(b) all 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, in which any foreign country or a national thereof has any interest, that are in the United States, that heretofore come within the United States, or that are or heretofore come within the possession or control of United States persons.

Sec. 2. (a) As of the effective date of this order, Executive Order 12724 of August 7, 1990, Executive Order 12724 of August 8, 1990, and Executive Order 12728 of March 29, 2000, 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 heretofore under Executive Order 12724, 12724, or 12728, 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, where ever 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. The order shall be transmitted to the Congress and published in the *Federal Register*.

GEORGE W. BUSH.

THE WHITE HOUSE, May 22, 2003.

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FROM

THE PRESIDENT OF THE UNITED STATES

EXCERPT

THE DECLARATION OF A NATIONAL EMERGENCY TO DEAL WITH
THE ECONOMIC AND STRATEGIC THREAT POSED TO THE
NATIONAL SECURITY AND FOREIGN POLICY OF THE UNITED
STATES BY THE TARIFF OF ATTACHMENT ON OTHER COUNTRIES
THREATENING THE DEVELOPMENT FUND FOR IRAQ, IRAN,
PETROLEUM AND PETROLEUM PRODUCTS, AND OTHERWISE
THEREIN, PURSUANT TO 50 U.S.C. 16008 AND 50 U.S.C. 16011



PURDUE UNIVERSITY
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U.S. DEPOSITORY

June 8, 1968—Message and accompanying papers referred to the
Committee on International Relations and referred to its printed
report.

U.S. GOVERNMENT PRINTING OFFICE
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U.S. DEPOSITORY

FORM 9, 1962—Messages and accompanying papers referred to in the
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FORM 9, 1962—Messages and accompanying papers referred to in the
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U.S. GOVERNMENT PRINTING OFFICE
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PETROLEUM AND PETROLEUM PRODUCTS, AND OTHERWISE
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June 8, 1964—Message and accompanying papers referred to the
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CLASSIFICATION

FOR DECLARATION OF A NATIONAL EMERGENCY TO DEAL WITH
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STATES BY THE DEBARS OF ATTACHMENT ON OTHER COUNTRIES
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THEREIN, PURSUANT TO 50 U.S.C. 16008 AND 50 U.S.C. 16011



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FORM 9, 1988—Messages and accompanying papers referred to in the
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PURDUE UNIVERSITY
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June 8, 1990—Message and accompanying papers referred to the
Committee on International Relations and referred to its printed
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PROCES AGAINST THE DEVELOPMENT FUND FOR IRAQ, IRAN,
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PURDUE UNIVERSITY
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June 8, 1954—Message and accompanying papers referred to the
Committee on International Relations and referred to its printed
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FORM 8, 1962—Messages and accompanying papers referred to in the
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FORM 9, 1962—Messages and accompanying papers referred to in
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THEIR, PURSUANT TO 50 U.S.C. 1701 AND 1702.



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April 8, 1990—Message and accompanying papers referred to the
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OTHERS, PURSUANT TO 50 U.S.C. 1701-1705 AND 50 U.S.C. 1701.



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June 8, 1980—Message and accompanying papers referred to the
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PROTECTING THE DEVELOPMENT FUND FOR IRAQ
AND CERTAIN OTHER PROPERTY IN WHICH IRAQ
HAS AN INTEREST

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

CLASSIFICATION

FOR DECLARATION OF A NATIONAL EMERGENCY TO DEAL WITH
THE ECONOMIC AND INFRASTRUCTURE THREAT POSED TO THE
NATIONAL SECURITY AND FOREIGN POLICY OF THE UNITED
STATES BY THE DEBARS OF ATTACHMENT TO OTHER COUNTRIES
PROCESSES AGAINST THE DEVELOPMENT FUND FOR IRAQ, IRAN,
PETROLEUM AND PETROLEUM PRODUCTS, AND OTHERWISE
THEREIN, PURSUANT TO 50 U.S.C. 16008 AND 50 U.S.C. 16011.



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