

Notice of President of the United States, dated Mar. 4, 2008, 73 F.R. 12005.

Notice of President of the United States, dated Feb. 28, 2007, 72 F.R. 9645.

Notice of President of the United States, dated Feb. 27, 2006, 71 F.R. 10603.

Notice of President of the United States, dated Mar. 2, 2005, 70 F.R. 10859.

Notice of President of the United States, dated Mar. 2, 2004, 69 F.R. 10313.

Ex. Ord. No. 13469, July 25, 2008, 73 F.R. 43841.

## § 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, withdrawal, 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,<sup>1</sup>

(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; or<sup>2</sup>

(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 non-proliferation 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 includ-

<sup>1</sup> So in original. The period probably should not appear.

<sup>2</sup> So in original. The word "or" probably should not appear.

ing 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 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

Pub. L. 103-236, title V, §525(c)(2), (3), Apr. 30, 1994, 108 Stat. 475, 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 ac-

tivities 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

Pub. L. 100-418, title II, §2502(b)(2), Aug. 23, 1988, 102 Stat. 1372, 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 [listed in a table under section 1701 of this title], and expanded in Executive Order 13315 of August 28, 2003 [listed in a table under section 1701 of this title],

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 subsection (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.

### § 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) Unlawful acts

It shall be unlawful for a person to violate, attempt to violate, conspire to violate, or cause a violation of any license, order, regulation, or prohibition issued under this chapter.

#### (b) Civil penalty

A civil penalty may be imposed on any person who commits an unlawful act described in subsection (a) in an amount not to exceed the greater of—

(1) \$250,000; or

(2) an amount that is twice the amount of the transaction that is the basis of the violation with respect to which the penalty is imposed.

#### (c) Criminal penalty

A person who willfully commits, willfully attempts to commit, or willfully conspires to commit, or aids or abets in the commission of, an unlawful act described in subsection (a) shall, upon conviction, be fined not more than \$1,000,000, or if a natural person, may be imprisoned for not more than 20 years, 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; Pub. L. 109-177, title IV, §402, Mar. 9, 2006, 120 Stat. 243; Pub. L. 110-96, §2(a), Oct. 16, 2007, 121 Stat. 1011.)

#### AMENDMENTS

2007—Pub. L. 110-96 amended section generally. Prior to amendment, text of section read as follows:

“(a) A civil penalty of not to exceed \$50,000 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 twenty 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.”

#### EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-96, §2(b), Oct. 16, 2007, 121 Stat. 1011, provided that:

“(1) CIVIL PENALTIES.—Section 206(b) of the International Emergency Economic Powers Act [50 U.S.C. 1705(b)], as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is pending or commenced on or after the date of the enactment of this Act [Oct. 16, 2007].

“(2) CRIMINAL PENALTIES.—Section 206(c) of the International Emergency Economic Powers Act, as amended by subsection (a), shall apply to violations described in section 206(a) of such Act with respect to which enforcement action is commenced on or after the date of the enactment of this Act.”

2006—Subsec. (a). Pub. L. 109-177, §402(1), substituted “\$50,000” for “\$10,000”.