

CS

ID # 357527 CU

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

C0072

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1



Name of Correspondent: Robert Damus

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed Executive order entitled "Transfer of certain Iraqi Government assets held by domestic banks"

ROUTE TO:	ACTION	DISPOSITION
Office/Agency (Staff Name)	Action Code Tracking Date YY/MM/DD	Type of Response Code Completion Date YY/MM/DD
<u>CUOFC</u>	ORIGINATOR <u>92/10/13</u>	<u>C</u> <u>92/10/20</u>
<u>CUAT 33</u>	<u>A</u> <u>92/10/13</u>	<u>C</u> <u>92/10/20</u>
<u>CUAT 07</u>	<u>I</u> <u>92/10/13</u>	<u>C</u> <u>92/10/13</u>
<u>CUAT 14</u>	<u>I</u> <u>92/10/13</u>	<u>C</u> <u>92/10/13</u>
<u>CUAT 02</u>	<u>I</u> <u>92/10/13</u>	<u>C</u> <u>92/10/13</u>

ACTION CODES: A - Appropriate Action, C - Comment/Recommendation, D - Draft Response, F - Furnish Fact Sheet to be used as Enclosure, I - Info Copy Only/No Action Necessary, R - Direct Reply w/Copy, S - For Signature, X - Interim Reply

DISPOSITION CODES: A - Answered, B - Non-Special Referral, C - Completed, S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments: rec'd 3:50pm - duplication - answered by W60 on 10-20-92

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

RECORDS MANAGEMENT ONLY

CLASSIFICATION SECTION

No. of Additional Correspondents: _____ Media: _____ Individual Codes: _____
 Prime Subject Code: _____ Secondary Subject Codes: _____

PRESIDENTIAL REPLY

Code	Date	Comment	Form
C	_____	_____	P.
DSP	_____	_____	Media:
	Time: _____	Time: _____	

SIGNATURE CODES:

- Cpn - Presidential Correspondence
- n - 0 - Unknown
- n - 1 - George Herbert Walker Bush
- n - 2 - George Bush
- n - 3 - George
- CLn - First Lady's Correspondence
- n - 1 - Barbara Bush
- n - 2 - Barbara
- n - 3 - Bar
- n - 4 - Mrs. Barbara Bush
- Cbn - Presidential & First Lady's Correspondence
- n - 1 - Barbara & George Bush
- n - 2 - Barbara & George

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- G - Message
- H - Handcarried
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- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 13, 1992

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Robert G. Damus *(RGD)*
Acting General Counsel

SUBJECT: Proposed Executive Order Entitled "Transfer of
Certain Iraqi Government Assets Held by Domestic
Banks"

Attached is a proposed Executive order entitled "Transfer of
Certain Iraqi Government Assets Held by Domestic Banks."

It was prepared by the Department of State, in accordance
with the provisions of Executive Order No. 11030, as amended.

On behalf of the Director of the Office of Management and
Budget, I would appreciate receiving any comments you may have
concerning this proposal. If you have any comments or
objections, they should be received no later than close of
business Tuesday, October 13, 1992. Please be advised that
agencies that do not respond by the October 13, 1992 deadline
will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to
Mr. Mac Reed or Ms. Bess Weaver of this office (Phone: 395-5600;
Fax: 395-7294).

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Bob Grady
Kim Gibson
Paul Gilman
Janet Hale
Jim Murr
Frank Hodsoll
Bob Howard
Jim MacRae
Tom Scully

DISTRIBUTION LIST

Honorable William P. Barr
United States Attorney General

Honorable Nicholas F. Brady
Secretary
Department of the Treasury

Honorable Barbara Franklin
Secretary
Department of Commerce

Honorable Edward Madigan
Secretary
Department of Agriculture

Honorable Alan Greenspan
Chairman
Federal Reserve System

Honorable Carla A. Hills
United States Trade Representative

Honorable LTG. Brent Scowcroft (Ret.)
Assistant to the President
for National Security Affairs

Honorable Charles Kolb
Deputy Assistant to the President
for Domestic Policy

Honorable C. Boyden Gray
Counsel to the President

THE WHITE HOUSE

WASHINGTON

ORM OPTICAL DISK NETWORK

ID# 357527cu

- Hardcopy pages are in poor condition (too light or too dark).
- Remainder of case not scanned.
- Oversize attachment not scanned.
- Report not scanned.
- Enclosure(s) not scanned.
- Proclamation not scanned.
- Incoming letters(s) not scanned.
- Proposal not scanned.
- Statement not scanned.
- Duplicate letters attached - not scanned.
- Only table of contents scanned.
- No incoming letter attached.
- Only tracking sheet scanned.
- Photo(s) not scanned.
- Bill not scanned.
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Comments:

TRANSFER OF CERTAIN IRAQI GOVERNMENT ASSETS

HELD BY DOMESTIC BANKS

- - - - -

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 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, in order to apply in the United States measures adopted in United Nations Security Council Resolution No. 778 of October 2, 1992, and in order to take additional steps with respect to the actions and policies of the Government of Iraq and the national emergency described and declared in Executive Order No. 12722,

I, GEORGE BUSH, President of the United States of America, hereby order:

Section 1. The Secretary of the Treasury is authorized and directed to take all actions necessary to carry out the provisions of United Nations Security Council Resolution 778 with respect to blocked funds and other assets described in Section 2 of this order, or received from the United Nations in repayment of funds and other assets transferred pursuant to Section 2 of this order. For this purpose, the Secretary of the Treasury is

delegated and authorized to exercise all authorities vested in the President by the International Emergency Economic Powers Act and the United Nations Participation Act.

SEC. 2. Upon a determination by the Secretary of the Treasury that funds - or other assets in which the Government of Iraq or its agencies, instrumentalities, or controlled entities have an interest represent the proceeds of the sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after August 6, 1990, any United States financial institution is directed and compelled to transfer such funds - or other assets held by it or carried on its books to - the Federal Reserve Bank of New York, when, to the extent, and in the manner required by the Secretary of the Treasury --

SEC. 3. The Federal Reserve Bank of New York, as fiscal agent of the United States, is hereby authorized, directed and compelled to receive certain funds and other assets in which the Government of Iraq or its agencies, instrumentalities, or controlled entities have an interest, and to hold, invest, or transfer such funds and other assets, and any earnings thereon, when, to the extent, and in the manner required by the Secretary of the Treasury in order to fulfill the rights and obligations of the United States under United Nations Security Council Resolution 778.

- 3 -

SEC. 4. Compliance with this order, or any regulation, instruction, or direction issued under this order, allowing, authorizing, directing or compelling the transfer of the blocked assets described in Section 2 of this order, 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 order or any regulation, instruction, or direction issued hereunder.

Sec. 5. For the purposes of this order, the term "United States financial institution" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person located in the United States, which is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange or securities, including, but not limited to, depository institutions, banks, saving banks, trust companies, securities brokers and dealers, clearing corporations, investment companies, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of the foregoing. This term includes branches, offices and agencies of foreign financial institutions which are located in the United States, but not such institutions' foreign branches, offices, or agencies.

- 4 -

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, 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 Federal Government. All agencies of the Federal Government are 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 (other than the United States) against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 8.

- (a) This order is effective immediately.
- (b) This order shall be transmitted to the Congress and published in the Federal Register.

The White House,

October __, 1992

CS

ID # 357527 eu

WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

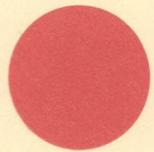
0072

O - OUTGOING

H - INTERNAL

I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1



Name of Correspondent: Phil Brady

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Proposed executive order entitled "Transfer of certain Iraqi Government assets held by Domestic Banks"

ROUTE TO:	ACTION	DISPOSITION			
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
<u>WDOFC</u>	ORIGINATOR	<u>9210120</u>		<u>C</u>	<u>9210120</u>
	Referral Note:	<u>cont. corresp.</u>			
<u>CUAT 31</u>	<u>A</u>	<u>9210120</u>		<u>C</u>	<u>9210120</u>
	Referral Note:	<u>Restaffed to CUAT 33 Nam</u>			
<u>CUAT 02</u>	<u>I</u>	<u>921020</u>		<u>C</u>	<u>921020</u>
	Referral Note:				
<u>CUAT 33</u>	<u>A</u>	<u>9210120</u>		<u>C</u>	<u>9210120</u>
	Referral Note:	<u>See comments</u>			
		<u>1/1</u>			<u>1/1</u>
	Referral Note:				

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- FOR OUTGOING CORRESPONDENCE:
- Type of Response = Initials of Signer
 - Code = "A"
 - Completion Date = Date of Outgoing

Comments: I called Fran in Phil Brady's office to say that I concurred in the order to transfer Iraqi assets so they can be used to destroy Iraqi weapons + compensate victims.

WGD
10/20/92
CS

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Send all routing updates to Central Reference (Room 75, OEOb).
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DSP	_____	_____	Media: _____
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- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

To: FILE

From: WGO

I received the attached at
2:15 p.m., 10/20/42.

It had been mistakenly delivered
to Paul Beach earlier today.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/19/92 ACTION/CONCURRENCE/COMMENT DUE BY: 11:00 a.m. 10/20

PROPOSED EXECUTIVE ORDER ENTITLED -- "TRANSFER OF CERTAIN IRAQI GOVERNMENT ASSETS HELD BY DOMESTIC BANKS"

SUBJECT: _____

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MCBRIDE	<input type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MOORE	<input type="checkbox"/>	<input type="checkbox"/>
SCOWCROFT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MULLINS	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PETERSMEYER	<input type="checkbox"/>	<input type="checkbox"/>
BATES	<input type="checkbox"/>	<input type="checkbox"/>	PORTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BRADY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	PROVOST	<input type="checkbox"/>	<input type="checkbox"/>
BROMLEY	<input type="checkbox"/>	<input type="checkbox"/>	ROSS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SMITH	<input type="checkbox"/>	<input type="checkbox"/>
DEMAREST	<input type="checkbox"/>	<input type="checkbox"/>	TUTWILER	<input type="checkbox"/>	<input checked="" type="checkbox"/>
FITZWATER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ZOELLICK	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GRAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HOLIDAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HORNER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please provide any comments directly to this office by 11:00 a.m. on Tuesday, 10/20. Thanks.

RESPONSE:

PHILLIP D. BRADY
 Assistant to the President
 and Staff Secretary
 Ext. 2702



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 16, 1992

02 OCT 19 P7:15

MEMORANDUM FOR THE PRESIDENT

FROM: Richard Darman 

SUBJECT: Proposed Executive Order Entitled "Transfer of Certain Iraqi Government Assets Held by Domestic Banks"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of State. The proposed order would implement United Nations Security Council Resolution No. 778 ("Resolution 778") of October 2, 1992, concerning the use of frozen Iraqi assets.

BACKGROUND: Resolution 778 provides that frozen Iraqi oil proceeds may be used to fund essential UN activities concerning Iraq. The essential UN activities include the destruction of Iraqi weapons and the compensation of victims of the Iraqi invasion of Kuwait.

The proposed Executive order would implement Resolution 778 with respect to the United States. Among other things, the order would direct the Secretary of the Treasury ("Treasury") to take all actions necessary to carry out Resolution 778. It would direct U.S. financial institutions to transfer the relevant Iraqi funds to the Federal Reserve Bank of New York ("Federal Reserve"). It would direct the Federal Reserve to hold or transfer such funds as may be required by Treasury to fulfill U.S. obligations under Resolution 778.

None of the affected agencies, including the Federal Reserve System, objects to the proposed Executive order.

RECOMMENDATION: I recommend that you sign the proposed Executive order.

Attachment



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

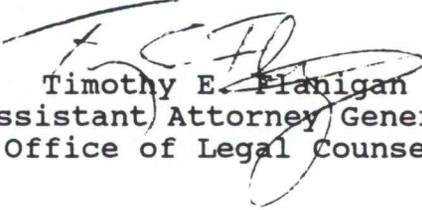
October 19, 1992

MEMORANDUM

Re: Proposed Executive Order Entitled
"Transfer of Certain Iraqi Government
Assets Held by Domestic Banks"

The attached proposed Executive Order was prepared by the Department of State. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review with respect to form and legality. The proposed Order will authorize and direct the Secretary of the Treasury to carry out United Nations Security Council Resolution No. 778 of October 2, 1992, concerning the use of blocked Iraqi assets. It will also direct financial institutions holding blocked Iraqi assets, as directed by the Secretary, to transfer those assets to the Federal Reserve Bank of New York.

The proposed Order is approved with respect to form and legality.


Timothy E. Flanigan
Assistant Attorney General
Office of Legal Counsel



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

October 19, 1992

The President,

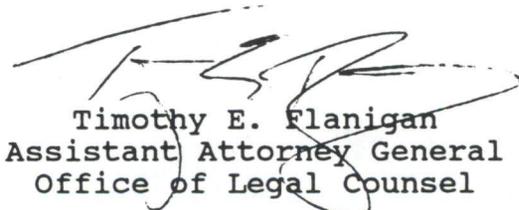
The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Transfer of Certain Iraqi Government Assets Held by Domestic Banks." This proposed Executive Order was prepared by the Department of State. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review with respect to form and legality.

The proposed Executive Order is approved with respect to form and legality.

Respectfully,



Timothy E. Flanigan
Assistant Attorney General
Office of Legal Counsel



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
October 16, 1992

Honorable William P. Barr
United States Attorney General
Washington, D.C. 20530

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Transfer of Certain Iraqi Government Assets Held by Domestic Banks." The proposed Executive order was prepared by the Department of State. The proposed order would implement United Nations Security Council Resolution No. 778 ("Resolution 778") of October 2, 1992, concerning the use of frozen Iraqi assets.

Resolution 778 provides that frozen Iraqi oil proceeds may be used to fund essential UN activities concerning Iraq. The essential UN activities include the destruction of Iraqi weapons and the compensation of victims of the Iraqi invasion of Kuwait.

The proposed Executive order would implement Resolution 778 with respect to the United States. Among other things, the order would direct the Secretary of the Treasury ("Treasury") to take all actions necessary to carry out Resolution 778. It would direct U.S. financial institutions to transfer the relevant Iraqi funds to the Federal Reserve Bank of New York ("Federal Reserve"). It would direct the Federal Reserve to hold or transfer such funds as may be required by Treasury to fulfill U.S. obligations under Resolution 778.

Your staff may direct any questions concerning this proposed Executive order to Mr. Mac Reed of this office (202-395-5600).

This proposed Executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Damus".

Robert G. Damus
Acting General Counsel

Enclosures

EXECUTIVE ORDER

- - - - -

TRANSFER OF CERTAIN IRAQI GOVERNMENT ASSETS
HELD BY DOMESTIC BANKS

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 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and section 301 of title 3 of the United States Code, in order to apply in the United States measures adopted in United Nations Security Council Resolution No. 778 of October 2, 1992, and in order to take additional steps with respect to the actions and policies of the Government of Iraq and the national emergency described and declared in Executive Order No. 12722,

I, GEORGE BUSH, President of the United States of America, hereby order:

Section 1. The Secretary of the Treasury is authorized and directed to take all actions necessary to carry out the provisions of United Nations Security Council Resolution No. 778 with respect to blocked funds and other assets described in Section 2 of this order, or funds and other assets received from the United Nations in repayment of funds and assets transferred pursuant to Section 2 of this order. For this purpose, the Secretary of the Treasury is delegated and authorized to exercise all authorities vested in the President by the International Emergency Economic Powers Act and the United Nations Participation Act.

Sec. 2. Upon a determination by the Secretary of the Treasury that funds or other assets in which the Government of Iraq or its agencies, instrumentalities, or controlled entities have an interest represent the proceeds of the sale of Iraqi petroleum or petroleum products, paid for by or on behalf of the purchaser on or after August 6, 1990, each and every United States financial institution is directed and compelled to

transfer such funds or assets held by it or carried on its books to the Federal Reserve Bank of New York, when, to the extent, and in the manner required by the Secretary of the Treasury.

Sec. 3. The Federal Reserve Bank of New York, as fiscal agent of the United States, is authorized, directed and compelled to receive funds and other assets in which the Government of Iraq or its agencies, instrumentalities, or controlled entities have an interest, and to hold, invest, or transfer such funds and assets, and any earnings thereon, when, to the extent, and in the manner required by the Secretary of the Treasury in order to fulfill the rights and obligations of the United States under United Nations Security Council Resolution No. 778.

Sec. 4. Compliance with this order, or any regulation, instruction, or direction issued under this order, licensing, authorizing, directing or compelling the transfer of the blocked funds and other assets described in Section 2 of this order, or funds and other assets received from the United Nations in repayment of funds and assets transferred pursuant to Section 2 of this order, shall, to the extent thereof, be a full acquittance and discharge for all purposes of the obligation of the person making the transfer. 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 order or any regulation, instruction, or direction issued hereunder. The operation of this order shall have no effect on rights, debts, and claims existing with respect to funds or other assets prior to their transfer to the Federal Reserve Bank of New York.

Sec. 5. For the purposes of this order, the term "United States financial institution" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person located in the United States, which is engaged in the business of accepting deposits, making, granting, transferring, holding, or brokering loans or credits, or purchasing or selling foreign exchange or securities,

including, but not limited to, depository institutions, banks, saving banks, trust companies, securities brokers and dealers, clearing corporations, investment companies, and U.S. holding companies, U.S. affiliates, or U.S. subsidiaries of the foregoing. This term includes branches, offices and agencies of foreign financial institutions which are located in the United States.

Sec. 6. The Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the issuance of directive licenses, rules, and regulations, 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 Federal Government. All agencies of the Federal Government are 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 (other than the United States) against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 8.

(a) This order is effective immediately.

(b) This order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,