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TA001

THE WHITE HOUSE

WASHINGTON

90 AUG 9 07:20

August 9, 1990

THE PRESIDENT HAS SEEN

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK *ML*
FROM: BRENT SCOWCROFT *B*
SUBJECT: Emergency Orders for Iraq and Kuwait

#12724 + 12725

Purpose

To bring our sanctions against Iraq and Kuwait into line with those adopted by the Security Council.

Background

The Security Council's August 6 Resolution directs the imposition of sanctions against Iraq and Kuwait that go beyond those we have adopted to date. To bring our sanctions into line, it is appropriate for you to sign the attached Executive Orders (Tabs A and B). Also attached is the required Report to Congress (Tab C). Director Darman recommends signature of these orders (Tab D).

The Executive orders have been approved as to form and legality (Tab E).

RECOMMENDATION

That you sign the attached Executive Orders (Tabs A and B) and the Report to Congress (Tab C).

Attachments

Tab A Executive Order on Iraq
Tab B Executive Order on Kuwait
Tab C Report to Congress
Tab D Director Darman's Memorandum
Tab E Justice Department Opinion

2 E.O.s SIGNED: 8/9/90 (8:55PM)
2 E.O.s ANNOUNCED: 8/10/90 (8:42AM)
TO ARCHIVES: 8/10/90

cc: Vice President
Chief of Staff

NOTED
dwg

20 AUG 8 4:50

105826

EXECUTIVE ORDER

#12724

BLOCKING IRAQI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH IRAQ

By the authority vested in me as President by the Constitution and 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 301 of title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations that may hereafter be issued pursuant to this order, all property and interests in property of the Government 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, are hereby blocked.

Sec. 2. The following are prohibited, except to the extent provided in regulations that may hereafter be issued pursuant to this order:

(a) The importation into the United States of any goods or services of Iraqi origin, or any activity that promotes or is intended to promote such importation;

(b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either

(i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity that promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind that promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this order, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal Government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), of any transportation by air that includes any stop in Iraq;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Iraq or any other person in Iraq;

(h) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

Sec. 3. For purposes of this order:

(a) the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States, and vessels of U.S. registration.

(b) the term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

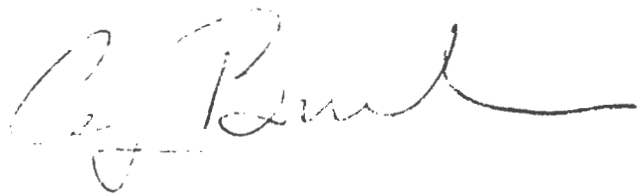
Sec. 4. This order is effective immediately.

Sec. 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this order.

Sec. 6. Executive Order No. 12722 of August 2, 1990, is hereby revoked to the extent inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken

under Executive Order No. 12722 and not revoked administratively shall remain in full force and effect under this order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12722 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

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

A handwritten signature in dark ink, appearing to read "G. Bush", with a long horizontal flourish extending to the right.

THE WHITE HOUSE,

August 9, 1990.

EXECUTIVE ORDER

12725 _ _

BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT

By the authority vested in me as President by the Constitution and 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 301 of title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations that may hereafter be issued pursuant to this order, all property and interests in property of the Government of Kuwait 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, are blocked.

Sec. 2. The following are prohibited, except to the extent provided in regulations that may hereafter be issued pursuant to this order:

(a) The importation into the United States of any goods or services of Kuwaiti origin, or any activity that promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either

(i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity that promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind that promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this order, other than transactions necessary to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal Government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), of any transportation by air that includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

Sec. 3. For purposes of this order:

(a) the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States, and vessels of U.S. registration.

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

Sec. 4. This order is effective immediately.

Sec. 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this order.

Sec. 6. Executive Order No. 12723 of August 2, 1990, is hereby revoked to the extent inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force and effect under this order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12723 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

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

A handwritten signature in dark ink, appearing to read "G. Bush", is written over the signature line.

THE WHITE HOUSE,

August 9, 1990.

THE WHITE HOUSE

WASHINGTON

August 9, 1990

Dear Mr. President:

On August 2, 1990, I reported to the Congress that, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 201 of the National Emergencies Act, 50 U.S.C. section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime that in no way represents the people or legitimate Government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990. Specifically, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), section 201 of the National Emergencies Act, 50 U.S.C. section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new Executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, and any activity that promotes or is intended to promote such exportation and importation;
- prohibits any dealing by a U.S. person in connection with property of Iraq; ^{W.C. WILL SHOW "IRAQI"} origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;

To PRESIDENT OF THE SENATE: 8/9/90 (9:50 P.M.)
(W/TWO E.O.s ATTACHED)

NOTED
dwj

- prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;
- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, and any activity that promotes or is intended to promote such exportation or importation;
- prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;
- prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;

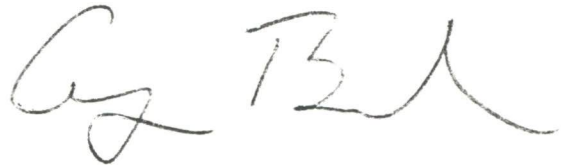
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;
- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that definition of U.S. persons includes vessels of U.S. registry.

Today's orders provide that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at 8:55 pm e.d.t., August 9, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.

Sincerely,

A handwritten signature in dark ink, appearing to read "G. Bush", is written in a cursive style.

The Honorable Dan Quayle
President of the Senate
Washington, D.C. 20510

THE WHITE HOUSE

WASHINGTON

August 9, 1990

Dear Mr. Speaker:

On August 2, 1990, I reported to the Congress that, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 201 of the National Emergencies Act, 50 U.S.C. section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime that in no way represents the people or legitimate Government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990. Specifically, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), section 201 of the National Emergencies Act, 50 U.S.C. section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new Executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, and any activity that promotes or is intended to promote such exportation and importation;
- prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;

TO THE SPEAKER OF THE HOUSE: 8/9/90 (10:00 P.M.)
(W/TWO E.O.s ATTACHED)

NOTED
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- prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;
- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, and any activity that promotes or is intended to promote such exportation or importation;
- prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;
- prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;


- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;
- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that definition of U.S. persons includes vessels of U.S. registry.

Today's orders provide that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at 8:55 pm e.d.t., August 9, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.

Sincerely,



The Honorable Thomas S. Foley
Speaker of the
House of Representatives
Washington, D.C. 20515



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

THE DIRECTOR

August 9, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: Richard G. Darman
Director

SUBJECT: Proposed Executive Order Entitled "Blocking
Kuwaiti Government Property and Prohibiting
Transactions with Kuwait"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of the Treasury. The proposed order would block Kuwaiti Government property and prohibit transactions with Kuwait.

BACKGROUND: On August 2, 1990, you issued Executive Order No. 12723, "Blocking Kuwaiti Government Property." That Executive Order blocked Kuwaiti Government property.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Kuwait that are in the United States; (2) prohibits any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Kuwait.

The proposed order would revoke Executive Order No. 12723 to the extent that it is inconsistent with this order.

None of the affected agencies objects to the proposed Executive order.

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



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

THE DIRECTOR

August 9, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: Richard G. Darman
Director

SUBJECT: Proposed Executive Order Entitled "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of the Treasury. The proposed order would block Iraqi Government property and prohibit transactions with Iraq.

BACKGROUND: On August 2, 1990, you issued Executive Order No. 12722, "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." That Executive Order blocked Iraqi Government property and prohibited transactions with Iraq.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Iraq that are in the United States; (2) prohibits any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Iraq.

The proposed order would revoke Executive Order No. 12722 to the extent that it is inconsistent with this order.

None of the affected agencies objects to the proposed Executive order.

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



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
August 9, 1990

Honorable Dick Thornburgh
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 "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." The proposed order was prepared by the Department of the Treasury. The proposed order would block Iraqi Government property and prohibit transactions with Iraq.

On August 2, 1990, the President issued Executive Order No. 12722, "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." That Executive Order blocked Iraqi Government property and prohibited transactions with Iraq.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Iraq that are in the United States; (2) prohibits any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Iraq.

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

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

Sincerely,

Robert G. Damus
Acting General Counsel

Enclosure



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

August 9, 1990

Honorable Dick Thornburgh
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 "Blocking Kuwaiti Government Property and Prohibiting Transactions with Kuwait." The proposed order was prepared by the Department of the Treasury. The proposed order would block Kuwaiti Government property and prohibit transactions with Kuwait.

On August 2, 1990, the President issued Executive Order No. 12723, "Blocking Kuwaiti Government Property." That Executive Order blocked Kuwaiti Government property.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Kuwait that are in the United States; (2) prohibits any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Kuwait.

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

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

Sincerely,

Robert G. Damus

Robert G. Damus
Acting General Counsel

Enclosure



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

August 8, 1990

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Blocking Kuwaiti Government Property and Prohibiting Transactions with Kuwait." This proposed Executive Order was submitted by the Secretary of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

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

Respectfully,

A handwritten signature in dark ink, reading "J. Michael Luttig", is positioned above the typed name.

J. Michael Luttig
Acting 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

August 8, 1990

MEMORANDUM

Re: Proposed Executive Order entitled
"Blocking Kuwaiti Government Property and
Prohibiting Transactions with Kuwait"

The attached, proposed Executive Order was submitted by the Department of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

The proposed Order will block Kuwaiti government property and bar most transactions involving the transfer of goods or the provision of services to or from Kuwait in order to ensure that sanctions are consistent with the United Nations Security Council Resolution No. 661 of August 6, 1990. Legal authorities supporting this Order include, inter alia, the United Nations Participation Act, 22 U.S.C. § 287c, and the International Emergency Economic Powers Act, 50 U.S.C. § 1701 et seq. The Secretary of the Treasury, in consultation with the Secretary of State, will oversee enforcement of the Order. Executive Order 12723 is revoked to the extent that it is inconsistent with this Order.

The proposed Order is acceptable with respect to its form and legality.


J. Michael Luttig

Acting 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

August 8, 1990

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." This proposed Executive Order was submitted by the Secretary of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

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

Respectfully,

A handwritten signature in dark ink, reading "J. Michael Luttig", is written over the typed name.

J. Michael Luttig
Acting 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

August 8, 1990

MEMORANDUM

Re: Proposed Executive Order entitled
"Blocking Iraqi Government Property and
Prohibiting Transactions with Iraq"

The attached, proposed Executive Order was submitted by the Department of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

The proposed Order will block Iraqi government property and bar most transactions involving the transfer of goods or the provision of services to or from Iraq in order to ensure that sanctions are consistent with the United Nations Security Council Resolution No. 661 of August 6, 1990. Legal authorities supporting this Order include, inter alia, the United Nations Participation Act, 22 U.S.C. § 287c, and the International Emergency Economic Powers Act, 50 U.S.C. § 1701 et seq. The Secretary of the Treasury, in consultation with the Secretary of State, will oversee enforcement of the Order. Executive Order 12722 is revoked to the extent that it is inconsistent with this Order.

The proposed Order is acceptable with respect to its form and legality.


J. Michael Luttig

Acting Assistant Attorney General
Office of Legal Counsel

NAMES, ADDRESSES, DIRECTIONS, PHONE NUMBERS FOR DELIVERIES

Charlie Johnson (for Speaker Foley)
5914 Ramsgate Road
Bethesda, Md.
229-6342

Delivered by Sgt. Giacomo of the White House Garage

Bill Gavin (for Leader Michel)
1207 Winter Hunt Rd.
McLean, Va.
356-9884

Delivered by Sgt. Giacomo of the White House Garage

Sheila Burke (for Senator Dole)
5250 Watson St. NW
Washington, D.C.
363-2519

Delivered by Sgt. Pierce of the White House Garage

Barbara Vidneiks (for Senator Byrd)
903 East Capitol St. S.E.
Washington, D.C.
543-4442

Delivered by Sgt. Pierce of the White House Garage

William Hanka (for Vice President Quayle)
326 D St. S.E.
Washington, D.C.
543-0177

Delivered by Sgt. Pierce of the White House Garage

Office of the Executive Clerk Receipt

TO: President of the Senate

8/9/90

(Date)

Received From The White House: Letter, 8/9/90, from the President re economic
sanctions on Iraq and Kuwait and enclosing copies of two Executive
orders dated 8/9/90

Delivered by _____

Received by Bill Hankla

Time Received 9:50 PM

Office of the Executive Clerk Receipt

TO: The Honorable Thomas S. Foley
Speaker of the House of Representatives
~~Room H-204 - The Capitol~~

8/9/90

(Date)

Received From The White House: Letter, 8/9/90, from the President re economic
sanctions on Iraq and Kuwait and enclosing copies of two Executive orders
dated 8/9/90

Delivered by _____

Received by Charles Johnson

Time Received 10 PM

Dot must be inserted on P2.5 & message

IMPORTANT: When this goes
to W.W. in final, advise
Jim Cicconi that it MUST
be known what time the
President signs. Ron will
do

SIGNED: 8:55 PM EDT

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE: "BLOCKING IRAQI GOVT. PROPERTY AND PROHIBITING TRANSACTIONS WITH IRAQ" #90032
"BLOCKING KUWAITI GOVT. PROPERTY AND PROHIBITING TRANSACTIONS WITH KUWAIT" #90033

TYPE DOCUMENT:

PROCLAMATION

LETTER(S) TO POS & SOH

2 EXECUTIVE ORDERS

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION

TREATY

OTHER: _____

RECEIVED: (Advance: LRS 8/9/90 Time: 10:15 a.m./p.m.)
In final: E.O. 8/9/90 Time: 7:00 a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: LRS 8/9/90 Time: 10:55 a.m./p.m.)
In final: E.O. 8/9/90 Time: 7:15 a.m./p.m.

TO JAMES W. CICCONI'S OFFICE:

(For staffing: 8/9/90 Time: 7:30 a.m./p.m.)
In final: 8/9/90 Time: 8:45 a.m./p.m.

INFO, INCLUDING STENCIL, TO PRESS OFFICE:

Date: 8/10/90 Time: 7:55 a.m./p.m.
POSTED: 8/10/90 Time: 8:42 a.m./p.m.

NOTIFICATIONS:

"80" - 8/10/90 - 9:15 am
(Person/time)

RobW - 8/10/90 - 9:44 am
(Person/time)

ON VACATION
(Person/time)

✓
(Person/time)

OTHER INFORMATION:

Each time a message, report, etc., is xmitted to the Congress, call OLA -- x2230.

NSC, when appropriate -- Brenda Hilliard;
Ex. Sec's. Office -- x6534.

MAC REED, OMB, x3563 - not home
(Other)

DAN LEVIN, NSC, x3854 - Kane
(Other) 9:05

ALL PRESS RELEASES FAXED TO BILL HOFFMAN,
FOREIGN ASSETS CONTROL, TREASURY, ON
8/10/90, AT 9:47 am.

THE WHITE HOUSE

WASHINGTON

ORM OPTICAL DISK NETWORK

ID# 165828SS

☐ 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.

Comments:

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 10, 1990

EXECUTIVE ORDER

12725

BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT

By the authority vested in me as President by the Constitution and 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 301 of title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations that may hereafter be issued pursuant to this order, all property and interests in property of the Government of Kuwait 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, are blocked.

Sec. 2. The following are prohibited, except to the extent provided in regulations that may hereafter be issued pursuant to this order:

(a) The importation into the United States of any goods or services of Kuwaiti origin, or any activity that promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity that promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind that promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this order, other than transactions necessary

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(OVER)

to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal Government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), of any transportation by air that includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

Sec. 3. For purposes of this order:

(a) the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States, and vessels of U.S. registration.

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

Sec. 4. This order is effective immediately.

Sec. 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this order.

Sec. 6. Executive Order No. 12723 of August 2, 1990, is hereby revoked to the extent inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force and effect under this order until

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 10, 1990

EXECUTIVE ORDER

#12724

BLOCKING IRAQI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH IRAQ

By the authority vested in me as President by the Constitution and 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 301 of title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations that may hereafter be issued pursuant to this order, all property and interests in property of the Government 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, are hereby blocked.

Sec. 2. The following are prohibited, except to the extent provided in regulations that may hereafter be issued pursuant to this order:

(a) The importation into the United States of any goods or services of Iraqi origin, or any activity that promotes or is intended to promote such importation;

(b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity that promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind that promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this order, other than transactions necessary to

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(OVER)

effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal Government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), of any transportation by air that includes any stop in Iraq;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Iraq or any other person in Iraq;

(h) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

Sec. 3. For purposes of this order:

(a) the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States, and vessels of U.S. registration.

(b) the term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

Sec. 4. This order is effective immediately.

Sec. 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this order.

Sec. 6. Executive Order No. 12722 of August 2, 1990, is hereby revoked to the extent inconsistent with this order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12722 and not revoked administratively shall remain in full force and effect under this order until

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amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12722 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

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

GEORGE BUSH

THE WHITE HOUSE,
August 9, 1990.

#

amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12723 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

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

GEORGE BUSH

THE WHITE HOUSE,
August 9, 1990.

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THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

August 10, 1990

TEXT OF A LETTER FROM
THE PRESIDENT TO THE SPEAKER OF
THE HOUSE OF REPRESENTATIVES AND
THE PRESIDENT OF THE SENATE

August 9, 1990

Dear Mr. Speaker: (Dear Mr. President:)

On August 2, 1990, I reported to the Congress that, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), and section 201 of the National Emergencies Act, 50 U.S.C. section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime that in no way represents the people or legitimate Government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990. Specifically, pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703(b), section 201 of the National Emergencies Act, 50 U.S.C. section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new Executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, and any activity that promotes or is intended to promote such exportation and importation;
- prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;

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(OVER)

- prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;
- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, and any activity that promotes or is intended to promote such exportation or importation;
- prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;
- prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;

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- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that definition of U.S. persons includes vessels of U.S. registry.

Today's orders provide that the Secretary of the Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at 8:55 p.m. e.d.t., August 9, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.

Sincerely,

GEORGE BUSH

#

CLERK'S COPY

8/9/90
7:00 am

FINAL E.O.'s TYPED
FROM THIS THAT WAS
RECEIVED FROM DAN LEVIN
AT 7:00 AM, 8/9/90 - IT INCLUDES
CHANGES THAT ALSO WERE
REC'D FROM D.L.
THROUGHOUT THE
DAY.

EXECUTIVE ORDER

BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ

By the authority vested in me as President by the Constitution and 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 301 of ~~Title~~ 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations ~~which~~ ^{THAT} may hereafter be issued pursuant to this

✓ ~~Order~~, all property and interests in property of the Government 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~~ ^{STAT} ~~States~~ ^{STAT}, persons, including their overseas branches, are hereby blocked.

✓ ~~Section 2.~~ The following are prohibited, except to the extent provided in regulations ~~which~~ ^{THAT} may hereafter be issued pursuant to this ~~Order~~:

✓ (a) The importation into the United States of any goods or services of Iraqi origin, or any activity ~~which~~ ^{THAT} promotes or is intended to promote such importation;

(b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity ~~which~~ ^{THAT} promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

✓ (c) Any dealing by a ~~United States~~ ^{STET} person related to property of Iraqi origin exported from Iraq after August 6, 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind ~~which~~ ^{THAT} promotes or is intended to promote such dealing;

✓ (d) Any transaction by a ~~United States~~ ^{STET} person relating to travel by any ~~United States~~ ^{STET} citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this ~~Order~~, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization;

✓ (e) Any transaction by a ~~United States~~ ^{STET} person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. ^{1301 ET SEQ.), DL - 3:00 PM} ~~1514~~), of any transportation by air ~~which~~ ^{THAT} includes any stop in Iraq;

✓ (f) The performance by any ~~United States~~ ^{STET} person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

✓ (g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any ~~United States~~ ^{STET} person to the Government of Iraq or any other person in Iraq;

✓ (h) Any transaction by any ~~United States~~ ^{STET} person ~~which~~ ^{THAT} evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

✓ Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen, ~~(including vessels of U.S. registration),~~ permanent resident alien, juridical person organized under the laws of the United States ~~(including its foreign branches),~~ or any person in the United States, and

(b) the term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

DL
11:10 AM

VESSELS OF
U.S. REGISTRATION

DL
11:10 AM

DL
10:15 AM

✓ Section 4. This Order is effective immediately.

✓ Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

DL 10:15 AM
✓ Section 6. Executive Order No. 12722 of August 2, 1990, is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12722 and not revoked administratively shall remain in full force

✓ and effect under this ~~Order~~ until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12722 pursuant to this section shall not affect any violation of any rules, ✓ regulations, orders, licenses, or other forms of administrative action under that ~~Order~~ during the period ✓ that such provision of that ~~Order~~ was in effect.

✓ This ~~Order~~ shall be transmitted to the Congress and ✓ published in the Federal Register.

THE WHITE HOUSE,

✓ ~~August __, 1990~~

rrg
8/9
8/9/90
7:00 am

EXECUTIVE ORDER

- - - - -

BLOCKING KUWAITI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH KUWAIT

✓
✓
By the authority vested in me as President by the Constitution and 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 301 of ~~Title~~ 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

✓
✓
Section 1. Except to the extent provided in regulations ~~which~~ THAT may hereafter be issued pursuant to this

✓ ~~Order~~, all property and interests in property of the Government of Kuwait 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, are blocked.

✓ ~~Section 2.~~ The following are prohibited, except to the extent provided in regulations ~~which~~ ^{THAT} may hereafter be issued pursuant to this ~~Order~~:

✓ (a) The importation into the United States of any goods or services of Kuwaiti origin, or any activity ~~which~~ ^{THAT} promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity ~~which~~ ^{THAT} promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind ~~which~~ ^{THAT} promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this ~~Order~~, other than transactions necessary to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. ^{1301 ET. SEQ.)} ~~1514~~ ^{PL 3:00 PM}), of any transportation by air ~~which~~ ^{THAT} includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

✓ (h) Any transaction by any United States person ^{THAT} ~~which~~ evades or avoids, or has the purpose of evading or avoiding, ✓ any of the prohibitions set forth in this Order.

✓ Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen, (including vessels of U.S. registration), DL 11:10AM permanent resident alien, juridical person organized under the laws of the United States (including its foreign branches), or any person in the United States, and DL 10:15AM

VESSELS OF U.S. REGISTRATION.

DL 11:10AM

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

✓ Section 4. This ~~/~~ Order is effective immediately.

✓ Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this ~~/~~ Order.

DL 10:15AM
✓ Section 6. Executive Order No. 12723 of August 2, 1990, is hereby revoked to the extent inconsistent with this ~~/~~ Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force

✓ and effect under this ~~Order~~ until amended, modified, or
terminated by proper authority. The revocation of any
provision of Executive Order No. 12723 pursuant to this
section shall not affect any violation of any rules,
✓ regulations, orders, licenses, or other forms of
✓ administrative action under that ~~Order~~ during the period
✓ that such provision of that ~~Order~~ was in effect.

✓ This ~~Order~~ shall be transmitted to the Congress and
✓ published in the Federal Register.

THE WHITE HOUSE,

✓ ~~August __, 1990.~~

8/9/90
7:00 am

EXECUTIVE ORDER

- - - - -

BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ

By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

✓ Section 1. Except to the extent provided in
✓ regulations ^{that} which may hereafter be issued pursuant to this

✓ Order, all property and interests in property of the Government 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, are hereby blocked.

✓ Section 2. The following are prohibited, except to the extent provided in regulations ^{that} ~~which~~ may hereafter be issued pursuant to this order:

✓ (a) The importation into the United States of any goods or services of Iraqi origin, or any activity ^{that} ~~which~~ promotes or is intended to promote such importation;

✓ (b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity ^{that} ~~which~~ promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind ^{that} ~~which~~ promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this ~~order~~, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization; ?

(e) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. ^{1301 et. seq.} ~~1514~~), of any transportation by air ^{that} ~~which~~ includes any stop in Iraq;

per Doug
3:00 8-9-90
amu

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Iraq or any other person in Iraq;

✓ (h) Any transaction by any United States person ^{that} which evades or avoids, or has the purpose of evading or avoiding, ✓ any of the prohibitions set forth in this Order.

✓ Section 3. For purposes of this Order:

11:15 ✓
per Doug
(a) the term "United States person" means any United States citizen, ^① ~~(including vessels of U.S. registration)~~, permanent resident alien, juridical person organized under the laws of the United States ~~(including its~~ foreign branches), or any person in the United States, and ^② ~~vessels of U.S. registration.~~
11:15 ✓
per Doug

per Doug
10:45 am
(emg) 8-9

(b) the term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

✓ Section 4. This Order is effective immediately.

✓ Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. The Secretary ^{of the Treasury} may ⁸⁻⁹⁻⁹⁰ 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

✓ Section 6. Executive Order No. 12722 of August 2, 1990, is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12722 and not revoked administratively shall remain in full force

✓ and effect under this Order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12722 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that Order during the period that such provision of that Order was in effect.

✓ This Order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

8/9/90
7:00 am

EXECUTIVE ORDER

BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT

Doug changed
pg 3 (2)
8-9-90
3:10 P.M.
P.T.

✓
✓
By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

✓
✓
Section 1. Except to the extent provided in regulations which *that* may hereafter be issued pursuant to this

✓ Order, all property and interests in property of the Government of Kuwait 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, are blocked.

✓ Sec. Section 2. The following are prohibited, except to the extent provided in regulations ~~which~~ ^{that} may hereafter be issued pursuant to this Order:

✓ (a) The importation into the United States of any goods or services of Kuwaiti origin, or any activity ~~which~~ ^{that} promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, ~~or any activity which~~ ^{that} promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind ^{that} which promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this Order, other than transactions necessary to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. ^{1301 et seq.} ~~1514~~), of any transportation by air ^{that} which includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person ^{that} ~~which~~ evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this ~~order~~.

Sec 3

Section 3. For purposes of this ~~order~~:

(a) the term "United States person" means any United States citizen ~~(including vessels of U.S. registration)~~

permanent resident alien, juridical person organized under the laws of the United States ~~(including its foreign branches)~~ or any person in the United States, and

~~vessels of U.S. registration.~~

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

✓ Section 4. This Order is effective immediately.

✓ Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

of the Treasury
10:45 am
8-9-90
cmu

✓ ✓ Section 6. Executive Order No. 12723 of August 2, 1990, is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force

✓ and effect under this ~~Order~~ until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12723 pursuant to this section shall not affect any violation of any rules, ✓ regulations, orders, licenses, or other forms of ✓ administrative action under that ~~Order~~ during the period ✓ that such provision of that ~~Order~~ was in effect.

✓ This ~~Order~~ shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

SPD
(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

Doney:
Chavez marked ✓
from Dan Lurie
8/9 (10:05a)
nrq
Booth to's
Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen (including vessels of U.S. registration), permanent resident alien, juridical person organized under the laws of the United States (including ~~its~~ foreign branches), or any person in the United States; and

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

Section 4. This Order is effective immediately.

Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. The Secretary 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

Handwritten: 5/13/90

Section 6. Executive Order No. 12723 of August 2, 1990 is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force

THESE WERE RECEIVED
UNDER THE SCOWCROFT
MEMO FOR THE PRESIDENT.
THEY WERE NOT USED.
SEE NOTE ON "CLERK'S
COPY."

EXECUTIVE ORDER

- - - - -

BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ

By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations which may hereafter be issued pursuant to this

Order, all property and interests in property of the Government 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, are hereby blocked.

Section 2. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The importation into the United States of any goods or services of Iraqi origin, or any activity which promotes or is intended to promote such importation;

(b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity which promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind which promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this Order, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization;

(e) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air which includes any stop in Iraq;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Iraq or any other person in Iraq;

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen (including vessels of U.S. registration), permanent resident alien, juridical person organized under the laws of the United States including its foreign branches, or any person in the United States; and

(b) the term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

Section 4. This Order is effective immediately.

Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. The Secretary 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

Section 6. Executive Order No. 12722 of August 2, 1990 is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12722 and not revoked administratively shall remain in full force

and effect under this Order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12722 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under that Order during the period that such provision of that Order was in effect.

This Order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

EXECUTIVE ORDER

- - - - -

BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT

By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations which may hereafter be issued pursuant to this

Order, all property and interests in property of the Government of Kuwait 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, are blocked.

Section 2. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The importation into the United States of any goods or services of Kuwaiti origin, or any activity which promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity which promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind which promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this Order, other than transactions necessary to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air which includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen (including vessels of U.S. registration), permanent resident alien, juridical person organized under the laws of the United States including its foreign branches, or any person in the United States; and

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

Section 4. This Order is effective immediately.

Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. The Secretary 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

Section 6. Executive Order No. 12723 of August 2, 1990 is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force

and effect under this Order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12723 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under that Order during the period that such provision of that Order was in effect.

This Order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

IDL

from Ron G.
4:30Section
OrderFINAL FROM
THIS (CONCERN-
DENCE COPY)

TO THE CONGRESS OF THE UNITED STATES: Ex.

On August 2, 1990, I reported to the Congress that, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), and Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive Orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime ^{that} which in no way represents the people or legitimate government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990.

8/9

This is review for Van Leung, so we need get started. He advised that 2 CO's and 1 letter could be signed tonight. Ron

- 2 -

Specifically, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, and any activity ^{that} ~~which~~ promotes or is intended to promote such exportation and importation;
- prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;
- prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;

- 3 -

- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;
- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, and any activity ~~which~~ ^{that} promotes or is intended to promote such exportation or importation;
- prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;

- 4 -

- prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;
- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches;
- clarifies that definition of U.S. persons includes vessels of U.S. registry;

- 5 -

Today's orders provide that the Secretary of ^{the} Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at ____ e.d.t., August 1, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.

File

Document Originally
Attached to
Following Page

TO THE CONGRESS OF THE UNITED STATES:

On August 2, 1990, I reported to the Congress that, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), and Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive Orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime which in no way represents the people or legitimate government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990.

- 2 -

Specifically, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, and any activity which promotes or is intended to promote such exportation and importation;
- prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;
- prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;

- 3 -

- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;
- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, and any activity which promotes or is intended to promote such exportation or importation;
- prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;

- 4 -

- prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;
- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches;
- clarifies that definition of U.S. persons includes vessels of U.S. registry;

- 5 -

Today's orders provide that the Secretary of Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at ____ e.d.t., August __, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.

8/9/90 - 12:25 PM - Dan
Levin advised me
this would be
"trashed." State is
doing it over.

LETTERS TO THE SOH AND FS
TO THE CONGRESS OF THE UNITED STATES:

On August 2, 1990, I reported to the Congress that,

pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), and Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive Orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime which in no way represents the people or legitimate government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq ~~AND~~ Kuwait.

Today, I have taken steps to ensure that the benefits from trade, transportation, and financing we are withholding from Iraq are not undermined by Iraq's control of Kuwait and to ensure that existing sanctions in Executive Orders 12722 and 12723 implement United Nations Security Council Resolution 661

10:15 AM

8/9/90

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- 2 -

of August 6, 1990. Specifically, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, and the United Nations Participation Act, 22 U.S.C. Section 287(c), I have issued two new executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, the purchase of Iraqi goods by U.S. persons for sale in third countries, and the involvement by U.S. persons in the domestic or international commercial affairs of Iraq; prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for journalistic travel or prompt departure from Iraq;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of any project in Iraq;
- prohibits the transfer of funds or the grant or extension of credits or loans by any U.S. person to

- 3 -

the Government of Iraq, its instrumentalities, or its nationals;

- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, the purchase of Kuwaiti goods by U.S. persons for sale in third countries, and the involvement by U.S. persons in the domestic or international commercial affairs of Kuwait; prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for journalistic travel or prompt departure from Kuwait; prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;

✓ In taking these latest steps, we have acted with the knowledge and support of the legitimate government of Kuwait. We are calling on our friends and allies and all members of the world community who share our interest in the peaceful resolution of international disputes to take similar actions to comply with U.N. Security Council Resolution 661 to ensure that Iraq does not benefit from its unlawful invasion and control of Kuwait.

✓ Today's orders provide that the Secretary of State, in consultation with the Secretary of Treasury, is authorized to take such actions, including the promulgation of rules and regulations as may be necessary to carry out the purposes of those orders. The orders were effective at _____ e.d.t., August -, 1990.

- foreign branches;
- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their
 - its national;
 - the Government of Kuwait, its instrumentalities, or extension of credits or loans by any U.S. person to
 - prohibits the transfer of funds or the grant or contract in support of any project in Kuwait;
 - prohibits the performance by any U.S. person of any

THE WHITE HOUSE
WASHINGTON

FACSIMILE TRANSMISSION



FROM: Dave CHURCH
TO: BILL HOFFMAN (FOREIGN ASSETS CONTROL)
NUMBER OF PAGES INCLUDING THIS HEADER 10

TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE)
WAS SENT

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10

*** SEND ***

NO	REMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
1	93777222	8-10-90 9:47AM	8'40"	10	

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Document Originally
Attached to
Following Page

THE WHITE HOUSE
WASHINGTON

August 9, 1990


President sgd per WH 6406
Executive Clerk 8/10/90

16582855

TA001

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK
FROM: BRENT SCOWCROFT 
SUBJECT: Emergency Orders for Iraq and Kuwait

Purpose

To bring our sanctions against Iraq and Kuwait into line with those adopted by the Security Council.

Background

The Security Council's August 6 Resolution directs the imposition of sanctions against Iraq and Kuwait that go beyond those we have adopted to date. To bring our sanctions into line, it is appropriate for you to sign the attached Executive Orders (Tabs A and B). Also attached is the required Report to Congress (Tab C). Director Darman recommends signature of these orders (Tab D).

The Executive orders have been approved as to form and legality (Tab E).

RECOMMENDATION

That you sign the attached Executive Orders (Tabs A and B) and the Report to Congress (Tab C).

Attachments

Tab A Executive Order on Iraq
Tab B Executive Order on Kuwait
Tab C Report to Congress
Tab D Director Darman's Memorandum
Tab E Justice Department Opinion

cc: Vice President
Chief of Staff

TAB A

EXECUTIVE ORDER

- - - - -

BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ

By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations which may hereafter be issued pursuant to this

Order, all property and interests in property of the Government 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, are hereby blocked.

Section 2. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The importation into the United States of any goods or services of Iraqi origin, or any activity which promotes or is intended to promote such importation;

(b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity which promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind which promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this Order, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization;

(e) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air which includes any stop in Iraq;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Iraq or any other person in Iraq;

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen (including vessels of U.S. registration), permanent resident alien, juridical person organized under the laws of the United States including its foreign branches, or any person in the United States; and

(b) the term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

Section 4. This Order is effective immediately.

Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. The Secretary 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

Section 6. Executive Order No. 12722 of August 2, 1990 is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12722 and not revoked administratively shall remain in full force

and effect under this Order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12722 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under that Order during the period that such provision of that Order was in effect.

This Order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

TAB B

EXECUTIVE ORDER

- - - - -

BLOCKING KUWAITI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH KUWAIT

By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations which may hereafter be issued pursuant to this

Order, all property and interests in property of the Government of Kuwait 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, are blocked.

Section 2. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The importation into the United States of any goods or services of Kuwaiti origin, or any activity which promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity which promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind which promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this Order, other than transactions necessary to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air which includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen (including vessels of U.S. registration), permanent resident alien, juridical person organized under the laws of the United States including its foreign branches, or any person in the United States; and

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

Section 4. This Order is effective immediately.

Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. The Secretary 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

Section 6. Executive Order No. 12723 of August 2, 1990 is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force

and effect under this Order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12723 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under that Order during the period that such provision of that Order was in effect.

This Order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

TO THE CONGRESS OF THE UNITED STATES:

On August 2, 1990, I reported to the Congress that, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), and Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive Orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime which in no way represents the people or legitimate government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990.

- 2 -

Specifically, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, and any activity which promotes or is intended to promote such exportation and importation;
- prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;
- prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;

- 3 -

- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;
- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, and any activity which promotes or is intended to promote such exportation or importation;
- prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;

- 4 -

- prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;
- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches;
- clarifies that definition of U.S. persons includes vessels of U.S. registry;

- 5 -

Today's orders provide that the Secretary of Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at ____ e.d.t., August __, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.



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

THE DIRECTOR

August 9, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: Richard G. Darman
Director

SUBJECT: Proposed Executive Order Entitled "Blocking
Kuwaiti Government Property and Prohibiting
Transactions with Kuwait"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of the Treasury. The proposed order would block Kuwaiti Government property and prohibit transactions with Kuwait.

BACKGROUND: On August 2, 1990, you issued Executive Order No. 12723, "Blocking Kuwaiti Government Property." That Executive Order blocked Kuwaiti Government property.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Kuwait that are in the United States; (2) prohibits any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Kuwait.

The proposed order would revoke Executive Order No. 12723 to the extent that it is inconsistent with this order.

None of the affected agencies objects to the proposed Executive order.

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



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

THE DIRECTOR

August 9, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: Richard G. Darman
Director *R. G. Darman*

SUBJECT: Proposed Executive Order Entitled "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of the Treasury. The proposed order would block Iraqi Government property and prohibit transactions with Iraq.

BACKGROUND: On August 2, 1990, you issued Executive Order No. 12722, "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." That Executive Order blocked Iraqi Government property and prohibited transactions with Iraq.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Iraq that are in the United States; (2) prohibits any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Iraq.

The proposed order would revoke Executive Order No. 12722 to the extent that it is inconsistent with this order.

None of the affected agencies objects to the proposed Executive order.

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



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
August 9, 1990

Honorable Dick Thornburgh
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 "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." The proposed order was prepared by the Department of the Treasury. The proposed order would block Iraqi Government property and prohibit transactions with Iraq.

On August 2, 1990, the President issued Executive Order No. 12722, "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." That Executive Order blocked Iraqi Government property and prohibited transactions with Iraq.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Iraq that are in the United States; (2) prohibits any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Iraq.

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

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

Sincerely,

Robert G. Damus

Robert G. Damus
Acting General Counsel

Enclosure



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

August 9, 1990

Honorable Dick Thornburgh
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 "Blocking Kuwaiti Government Property and Prohibiting Transactions with Kuwait." The proposed order was prepared by the Department of the Treasury. The proposed order would block Kuwaiti Government property and prohibit transactions with Kuwait.

On August 2, 1990, the President issued Executive Order No. 12723, "Blocking Kuwaiti Government Property." That Executive Order blocked Kuwaiti Government property.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Kuwait that are in the United States; (2) prohibits any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Kuwait.

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

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

Sincerely,

Robert G. Damus

Robert G. Damus
Acting General Counsel

Enclosure

TAB E



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

August 8, 1990

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Blocking Kuwaiti Government Property and Prohibiting Transactions with Kuwait." This proposed Executive Order was submitted by the Secretary of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

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

Respectfully,

J. Michael Luttig
Acting 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

August 8, 1990

MEMORANDUM

Re: Proposed Executive Order entitled
"Blocking Kuwaiti Government Property and
Prohibiting Transactions with Kuwait"

The attached, proposed Executive Order was submitted by the Department of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

The proposed Order will block Kuwaiti government property and bar most transactions involving the transfer of goods or the provision of services to or from Kuwait in order to ensure that sanctions are consistent with the United Nations Security Council Resolution No. 661 of August 6, 1990. Legal authorities supporting this Order include, inter alia, the United Nations Participation Act, 22 U.S.C. § 287c, and the International Emergency Economic Powers Act, 50 U.S.C. § 1701 et seq. The Secretary of the Treasury, in consultation with the Secretary of State, will oversee enforcement of the Order. Executive Order 12723 is revoked to the extent that it is inconsistent with this Order.

The proposed Order is acceptable with respect to its form and legality.



J. Michael Luttig
Acting 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

August 8, 1990

The President,

The White House.

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

Respectfully,

A handwritten signature in dark ink, reading "J. Michael Luttig", is written over the typed name.

J. Michael Luttig
Acting 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

August 8, 1990

MEMORANDUM

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"Blocking Iraqi Government Property and
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The proposed Order is acceptable with respect to its form and legality.

J. Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel

NATIONAL SECURITY COUNCIL

WASHINGTON, D.C. 20506

August 9, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: NICHOLAS ROSTOW *NR*FROM: DANIEL LEVIN *DL*

SUBJECT: Emergency Orders on Iraq and Kuwait

At Tab I is a memorandum for the President recommending that he sign two Executive Orders (and a Report to Congress) to bring our sanctions against Iraq and Kuwait into line with the Security Council's August 6 Resolution.

Concurrences by: *DL* Richard Haass, Tim *Deal*, Virginia Lampley *RL*
earlier draft

RECOMMENDATION

That you sign the memorandum at Tab I.


Attachments

Tab I	Memorandum for the President
Tab A	Executive Order on Iraq
Tab B	Executive Order on Kuwait
Tab C	Report to Congress
Tab D	Director Darman's Memorandum
Tab E	Justice Department Opinion

EOS Iraq/Kenned

National Security Council
The White House

PROOFED BY: EA LOG # 6406
URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT
BYPASSED WW DESK: _____ DOCLOG EA A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
 Ken Hill	<u>1</u>	<u>EH</u>	<u>A</u>
Bill Sittmann	<u>2</u>	<u>Copy</u>	
Bob Gates	<u>3</u>	<u>Jo</u>	
Brent Scowcroft			
Bill Sittmann			
Situation Room			
West Wing Desk	<u>4</u>	<u>CMR</u>	<u>D</u>
NSC Secretariat	<u>5</u>		<u>N/R</u>

RECEIVED
90 AUG 9 P 4: 26

A = Action	I = Information	D = Dispatch	R = Retain	N = No further Action
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cc: VP Sununu Other _____

Should be seen by: _____
(Date/Time)

COMMENTS

DISPATCH INSTRUCTIONS:

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9006406

DOC ACTION OFFICER

001 SCOWCROFT
002 PRESIDENT
002

CAO ASSIGNED ACTION REQUIRED

Z 90080918 FWD TO PRES FOR SIG
Z 90080919 FOR SIGNATURE
X 90081014 PRES SGD PER WH EXEC CLERK

UNCLASSIFIED

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9006406
RECEIVED: 08 AUG 90 17

TO: PRESIDENT

FROM: SCOWCROFT

DOC DATE: 09 AUG 90
SOURCE REF:

KEYWORDS: IRAQ
EO

KUWAIT

PERSONS:

SUBJECT: EMERGENCY ORDERS FOR IRAQ & KUWAIT

ACTION: PRES SGD PER WH EXEC CLERK DUE DATE: 11 AUG 90 STATUS: C

STAFF OFFICER: LEVIN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
LEVIN
NSC CHRON
ROSTOW

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSRLG

CLOSED BY: NSALW

DOC 2 OF 2

UNCLASSIFIED

THE WHITE HOUSE
WASHINGTON


August 9, 1990

16582855

TA001

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK
FROM: BRENT SCOWCROFT 
SUBJECT: Emergency Orders for Iraq and Kuwait

Purpose

To bring our sanctions against Iraq and Kuwait into line with those adopted by the Security Council.

Background

The Security Council's August 6 Resolution directs the imposition of sanctions against Iraq and Kuwait that go beyond those we have adopted to date. To bring our sanctions into line, it is appropriate for you to sign the attached Executive Orders (Tabs A and B). Also attached is the required Report to Congress (Tab C). Director Darman recommends signature of these orders (Tab D).

The Executive orders have been approved as to form and legality (Tab E).

RECOMMENDATION

That you sign the attached Executive Orders (Tabs A and B) and the Report to Congress (Tab C).

Attachments

Tab A Executive Order on Iraq
Tab B Executive Order on Kuwait
Tab C Report to Congress
Tab D Director Darman's Memorandum
Tab E Justice Department Opinion

cc: Vice President
Chief of Staff

TAB A

EXECUTIVE ORDER

- - - - -

BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ

By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations which may hereafter be issued pursuant to this

Order, all property and interests in property of the Government 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, are hereby blocked.

Section 2. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The importation into the United States of any goods or services of Iraqi origin, or any activity which promotes or is intended to promote such importation;

(b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity which promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind which promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this Order, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization;

(e) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air which includes any stop in Iraq;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Iraq or any other person in Iraq;

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen (including vessels of U.S. registration), permanent resident alien, juridical person organized under the laws of the United States including its foreign branches, or any person in the United States; and

(b) the term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

Section 4. This Order is effective immediately.

Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. The Secretary 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

Section 6. Executive Order No. 12722 of August 2, 1990 is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12722 and not revoked administratively shall remain in full force

and effect under this Order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12722 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under that Order during the period that such provision of that Order was in effect.

This Order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

EXECUTIVE ORDER

- - - - -

BLOCKING KUWAITI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH KUWAIT

By the authority vested in me as President by the Constitution and 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 301 of Title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council Resolution No. 661 of August 6, 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

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

Section 1. Except to the extent provided in regulations which may hereafter be issued pursuant to this

Order, all property and interests in property of the Government of Kuwait 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, are blocked.

Section 2. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this Order:

(a) The importation into the United States of any goods or services of Kuwaiti origin, or any activity which promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity which promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind which promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this Order, other than transactions necessary to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air which includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this Order.

Section 3. For purposes of this Order:

(a) the term "United States person" means any United States citizen (including vessels of U.S. registration), permanent resident alien, juridical person organized under the laws of the United States including its foreign branches, or any person in the United States; and

(b) the term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

Section 4. This Order is effective immediately.

Section 5. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. The Secretary 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, including the suspension or termination of licenses or other authorizations in effect as of the date of this Order.

Section 6. Executive Order No. 12723 of August 2, 1990 is hereby revoked to the extent inconsistent with this Order. All delegations, rules, regulations, orders, licenses, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force

and effect under this Order until amended, modified, or terminated by proper authority. The revocation of any provision of Executive Order No. 12723 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses or other forms of administrative action under that Order during the period that such provision of that Order was in effect.

This Order shall be transmitted to the Congress and published in the Federal Register.

THE WHITE HOUSE,

August __, 1990

TO THE CONGRESS OF THE UNITED STATES:

On August 2, 1990, I reported to the Congress that, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), and Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, I exercised my statutory authority to declare a national emergency and to issue two Executive Orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of U.S. persons.

In the days after the imposition of U.S. economic sanctions, the Iraqi government has tightened its unlawful grip over the territory of Kuwait and has installed a puppet regime which in no way represents the people or legitimate government of Kuwait. On August 6, the United Nations Security Council, to bring the invasion and occupation of Kuwait to an end and to restore the sovereignty, independence, and territorial integrity of Kuwait, decided that all nations shall impose sweeping economic sanctions against both Iraq and Kuwait.

Today, I have taken additional steps to respond to these developments and to ensure that the economic measures we are taking with respect to Iraq and Kuwait conform to United Nations Security Council Resolution 661 of August 6, 1990.

- 2 -

Specifically, pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703(b), Section 201 of the National Emergencies Act, 50 U.S.C. Section 1621, and the United Nations Participation Act, 22 U.S.C. section 287(c), I have issued two new executive orders.

The order I have issued with respect to Iraq:

- prohibits exports and imports of goods and services between the United States and Iraq, and any activity which promotes or is intended to promote such exportation and importation;
- prohibits any dealing by a U.S. person in connection with property of Iraq; origin exported from Iraq after August 6, 1990, or intended for exportation to or from Iraq to any country, and related activities;
- prohibits transactions related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by U.S. persons;

- 3 -

- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Iraq;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Iraq, or any other person in Iraq;
- blocks all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches; and
- clarifies that the definition of U.S. persons includes vessels of U.S. registry.

In a separate order, I have extended to Kuwait all economic sanctions currently in effect against Iraq. Specifically, that order:

- prohibits exports and imports of goods and services between the United States and Kuwait, and any activity which promotes or is intended to promote such exportation or importation;
- prohibits any dealing by a U.S. person in connection with property of Kuwaiti origin exported from Kuwait after August 6, 1990, or intended for exportation to or from Kuwait to any country, and related activities;

- 4 -

- prohibits transactions related to travel to or from Kuwait or to activities by any such person within Kuwait, except for transactions necessary for prompt departure from Kuwait, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;
- prohibits transactions related to transportation to or from Kuwait, or the use of vessels or aircraft registered in Kuwait by U.S. persons;
- prohibits the performance by any U.S. person of any contract in support of certain categories of projects in Kuwait;
- prohibits the commitment or transfer of funds or other financial or economic resources by any U.S. person to the Government of Kuwait, or any other person in Kuwait;
- blocks all property of the Government of Kuwait now or hereafter located in the United States or in the possession or control of U.S. persons, including their foreign branches;
- clarifies that definition of U.S. persons includes vessels of U.S. registry;

- 5 -

Today's orders provide that the Secretary of Treasury, in consultation with the Secretary of State, is authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of those orders. The orders were effective at ____ e.d.t., August __, 1990.

The declarations of national emergency made by Executive Orders 12722 and 12723, and any other provision of those orders not inconsistent with today's orders, remain in force and are unaffected by today's orders.

I am enclosing a copy of each of today's orders.



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

THE DIRECTOR

August 9, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: Richard G. Darman
Director

SUBJECT: Proposed Executive Order Entitled "Blocking
Kuwaiti Government Property and Prohibiting
Transactions with Kuwait"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of the Treasury. The proposed order would block Kuwaiti Government property and prohibit transactions with Kuwait.

BACKGROUND: On August 2, 1990, you issued Executive Order No. 12723, "Blocking Kuwaiti Government Property." That Executive Order blocked Kuwaiti Government property.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Kuwait that are in the United States; (2) prohibits any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Kuwait.

The proposed order would revoke Executive Order No. 12723 to the extent that it is inconsistent with this order.

None of the affected agencies objects to the proposed Executive order.

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



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

THE DIRECTOR

August 9, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: Richard G. Darman *R. G. Darman*
Director

SUBJECT: Proposed Executive Order Entitled "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order that was prepared by the Department of the Treasury. The proposed order would block Iraqi Government property and prohibit transactions with Iraq.

BACKGROUND: On August 2, 1990, you issued Executive Order No. 12722, "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." That Executive Order blocked Iraqi Government property and prohibited transactions with Iraq.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Iraq that are in the United States; (2) prohibits any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Iraq.

The proposed order would revoke Executive Order No. 12722 to the extent that it is inconsistent with this order.

None of the affected agencies objects to the proposed Executive order.

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



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
August 9, 1990

Honorable Dick Thornburgh
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 "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." The proposed order was prepared by the Department of the Treasury. The proposed order would block Iraqi Government property and prohibit transactions with Iraq.

On August 2, 1990, the President issued Executive Order No. 12722, "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." That Executive Order blocked Iraqi Government property and prohibited transactions with Iraq.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Iraq that are in the United States; (2) prohibits any dealing by a United States person related to property of Iraqi origin exported from Iraq after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Iraq.

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

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

Sincerely,

Robert G. Damus
Acting General Counsel

Enclosure



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

August 9, 1990

Honorable Dick Thornburgh
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 "Blocking Kuwaiti Government Property and Prohibiting Transactions with Kuwait." The proposed order was prepared by the Department of the Treasury. The proposed order would block Kuwaiti Government property and prohibit transactions with Kuwait.

On August 2, 1990, the President issued Executive Order No. 12723, "Blocking Kuwaiti Government Property." That Executive Order blocked Kuwaiti Government property.

On August 6, 1990, the United Nations Security Council issued United Nations Security Council Resolution No. 661. ("Resolution"). That Resolution condemned Iraq's invasion of Kuwait and imposed sanctions against Iraq.

The proposed Executive order would take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722, and ensure that existing sanctions imposed by that order are made consistent with Resolution No. 661. Among other things, this proposed order: (1) blocks all property and interests in property of the Government of Kuwait that are in the United States; (2) prohibits any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after August 6, 1990; and (3) prohibits any commitment or transfer of funds or economic resources by an United States person to the Government of Kuwait.

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

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

Sincerely,

Robert G. Damus

Robert G. Damus
Acting General Counsel

Enclosure



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

August 8, 1990

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Blocking Kuwaiti Government Property and Prohibiting Transactions with Kuwait." This proposed Executive Order was submitted by the Secretary of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

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

Respectfully,

J. Michael Luttig
J. Michael Luttig

Acting 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

August 8, 1990


MEMORANDUM

Re: Proposed Executive Order entitled
"Blocking Kuwaiti Government Property and
Prohibiting Transactions with Kuwait"

The attached, proposed Executive Order was submitted by the Department of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

The proposed Order will block Kuwaiti government property and bar most transactions involving the transfer of goods or the provision of services to or from Kuwait in order to ensure that sanctions are consistent with the United Nations Security Council Resolution No. 661 of August 6, 1990. Legal authorities supporting this Order include, inter alia, the United Nations Participation Act, 22 U.S.C. § 287c, and the International Emergency Economic Powers Act, 50 U.S.C. § 1701 et seq. The Secretary of the Treasury, in consultation with the Secretary of State, will oversee enforcement of the Order. Executive Order 12723 is revoked to the extent that it is inconsistent with this Order.

The proposed Order is acceptable with respect to its form and legality.


J. Michael Luttig
Acting 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

August 8, 1990

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq." This proposed Executive Order was submitted by the Secretary of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

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

Respectfully,

A handwritten signature in black ink, reading "J. Michael Luttig", is written over the typed name.

J. Michael Luttig
Acting 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

August 8, 1990

MEMORANDUM

Re: Proposed Executive Order entitled
"Blocking Iraqi Government Property and
Prohibiting Transactions with Iraq"

The attached, proposed Executive Order was submitted by the Department of the Treasury. The Office of Management and Budget, with the approval of the Director, forwarded it to this Department for review of its form and legality.

The proposed Order will block Iraqi government property and bar most transactions involving the transfer of goods or the provision of services to or from Iraq in order to ensure that sanctions are consistent with the United Nations Security Council Resolution No. 661 of August 6, 1990. Legal authorities supporting this Order include, inter alia, the United Nations Participation Act, 22 U.S.C. § 287c, and the International Emergency Economic Powers Act, 50 U.S.C. § 1701 et seq. The Secretary of the Treasury, in consultation with the Secretary of State, will oversee enforcement of the Order. Executive Order 12722 is revoked to the extent that it is inconsistent with this Order.

The proposed Order is acceptable with respect to its form and legality.

J. Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

- - - - -

PROHIBITING TRANSACTIONS WITH KUWAIT

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.), and section 301 of title 3 of the United States Code, in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

I, GEORGE BUSH, President of the United States of America, to ensure that the military occupation of Kuwait provides no benefit to the Government of Iraq from the United States, hereby order:

Section 1. The following are prohibited, except to the extent provided in regulations that may hereafter be issued pursuant to this order:

(a) The import into the United States of any goods or services of Kuwaiti origin, other than publications and other informational materials;

(b) The export to Kuwait of any goods, technology (including technical data or other information controlled for export pursuant to section 5 of the Export Administration Act (50 U.S.C. App. 2404)), or services from the United States, except publications and other informational materials, and donations of articles intended to relieve human suffering, such as food, clothing, medicine, and medical supplies intended strictly for medical purposes;

(c) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait,

after the date of this order, other than transactions necessary to effect such person's departure from Kuwait, or travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization; and

(d) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air that includes any stop in Kuwait;

(e) The purchase by any United States person of goods for export from Kuwait to any country;

(f) The performance by any United States person of any contract in support of an industrial or other commercial or governmental project in Kuwait;

(g) The grant or extension of credits or loans by any United States person to the Government of Kuwait, its instrumentalities and controlled entities;

(h) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

For purpose of this order, the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.

Sec. 2. This order is effective immediately.

Sec. 3. 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. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, its instrumentalities and controlled entities, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by Kuwait or Kuwaiti nationals. The Secretary may redelegate any of these functions to other officers and agencies of the Federal Government. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order, including the suspension or termination of licenses or other authorizations in effect as of the date of this order.

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

THE WHITE HOUSE,

UPDATE
SCAN
FILE

Document Originally
Attached to
Following Page

165828SS

TA001

THE WHITE HOUSE

WASHINGTON

October 5, 1990


Dear Mr. Brown:

Attached is a copy of Executive Order No. 12724 of August 9, 1990, entitled "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq," that was to have accompanied the President's letter of August 9, 1990, to the Speaker of the House of Representatives.

This Executive order appears in the Federal Register, Vol. 55, No. 156, Monday, August 13, 1990, 33089-33090.

Thank you for bringing this matter to my attention.

Sincerely,


Ronald R. Geisler
Executive Clerk

The Honorable William Holmes Brown
Parliamentarian
House of Representatives
Washington, D.C. 20515

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 6, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: NICHOLAS ROSTOW *NR*.

FROM: DANIEL LEVIN *DL*

SUBJECT: Emergency Order for Kuwait

Attached at Tab I is a memorandum to the President forwarding for his signature a second Executive Order (Tab A) blocking transactions with Kuwait. This will bring the order for Kuwait into line with the order for Iraq.

Concurrences by: Richard Haass, *PH* Ginny Lampley, and Eric Melby *EM*.

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I	Memorandum to the President
Tab A	Executive Order on Kuwait
Tab B	Director Darman's memorandum
Tab C	Justice Department Opinion

165828
TA001 6275
OBE-NFA

Not Sent
Forwarded

THE WHITE HOUSE

WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: BRENT SCOWCROFT

SUBJECT: Emergency Order for Kuwait

Purpose

To block transactions with Kuwait.

Background

As a result of Iraq's occupation of Kuwait and installation of a puppet regime, it is appropriate for you to expand the sanctions you imposed under the International Emergency Economic Powers Act (IEEPA). At Tab A is an Executive Order prohibiting transactions with Kuwait. This brings the prohibitions for Kuwait into line with those for Iraq. Although certain differences in treatment may be appropriate, these can all be dealt with by licenses issued by Treasury.

Director Darman recommends that you sign the Executive Order (Tab B). The Executive Order has been approved as to form and legality (Tab C).

RECOMMENDATION

That you sign the Executive Order at Tab A.

Attachments

Tab A	Executive Order on Kuwait
Tab B	Director Darman's memorandum
Tab C	Justice Department Opinion

cc: Vice President
Chief of Staff



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

THE DIRECTOR

August 6, 1990

MEMORANDUM FOR THE PRESIDENT

FROM: Richard G. Darman *R. G. Darman*
Director

SUBJECT: Proposed Executive Order Entitled "Prohibiting
Transactions with Kuwait"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order prepared by the Department of the Treasury. The proposed order would prohibit transactions with Kuwait.

BACKGROUND: On August 2, 1990, you issued Executive Order No. 12722, "Blocking Iraqi Government Property and Prohibiting Transactions with Iraq," and Executive Order No. 12723, "Blocking Kuwaiti Government Property." Those Executive Orders blocked Iraqi and Kuwaiti Government property and prohibited transactions with Iraq.

The proposed Executive order would take steps additional to those set forth in Executive Orders Nos. 12722 and 12723. This order would prohibit with respect to Kuwait the same transactions that are now prohibited with respect to Iraq. The order would bar, among other things: (1) the import into the United States of any goods or services of Kuwaiti origin; (2) the export to Kuwait of any goods, technology or services from the United States, except publications or informational materials, and donations of articles to relieve human suffering; and (3) the performance by any United States person of any contract in support of an industrial or other commercial or governmental project in Kuwait.

None of the affected agencies objects to the proposed Executive order.

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



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

August 6, 1990

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive Order entitled "Prohibiting Transactions with Kuwait." This proposed Executive Order has been submitted by the Secretary of the Treasury. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review of its form and legality.

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

Respectfully,

A handwritten signature in cursive script, reading "J. Michael Luttig", is written over the typed name.

J. Michael Luttig
Acting 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

August 6, 1990

MEMORANDUM

Re: Proposed Executive Order entitled
"Prohibiting Transactions with Kuwait"

The attached, proposed Executive Order has been submitted by the Department of the Treasury. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review of its form and legality.

The proposed Order will bar most transactions involving the transfer of goods and the provision of services to or from Kuwait. 50 U.S.C. § 1701 et seq.; 50 U.S.C. § 1601 et seq. The Secretary of the Treasury, in consultation with the Secretary of State, will oversee enforcement of the order.

The proposed Order is acceptable with respect to its form and legality.

J. Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel

**National Security Council
The White House**

PROOFED BY: _____

LOG # 6275

URGENT NOT PROOFED: _____

SYSTEM PRS NSC INT

BYPASSED WW DESK: _____

DOCLOG 27 A/O _____

SH
Ken Hill

SEQUENCE TO

HAS SEEN

DISPOSITION

1

KA

A

Bill Sittmann

2

Bob Gates

3

Brent Scowcroft

Bill Sittmann

Situation Room

West Wing Desk

NSC Secretariat

RECEIVED
90 AUG 6 P 3: 25

A = Action

I = Information

D = Dispatch

R = Retain

N = No further Action

cc:

VP

Sununu

Other _____

Should be seen by: _____

(Date/Time)

COMMENTS

DISPATCH INSTRUCTIONS:

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 9006275

DOC ACTION OFFICER

001 SCOWCROFT
001

CAO ASSIGNED ACTION REQUIRED

Z 90080618 FWD TO PRES FOR SIG
X 90081313 OBE PER LEVIN

UNCLASSIFIED

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9006275
RECEIVED: 06 AUG 90 08

TO: SC W CROFT

FROM: LEVIN
ROSTOW

DOC DATE: 06 AUG 90
SOURCE REF:

KEYWORDS: KUWAIT
EO

IRAQ

PERSONS:

SUBJECT: EMERGENCY ORDER FOR KUWAIT

ACTION: OBE PER LEVIN

DUE DATE: 09 AUG 90

STATUS: C

STAFF OFFICER: LEVIN

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJRP

CLOSED BY: NSWEA

DOC 1 OF 1

UNCLASSIFIED