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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

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

cc: Vice President
Chief of Staff

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.

THE WHITE HOUSE,

August 9, 1990.
EXECUTIVE ORDER

#12725

BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT


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.

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; 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)
-- 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,

[Signature]

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)
-- 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
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.


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.
MEMORANDUM FOR THE PRESIDENT

FROM: Richard 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.


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.
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 prohibited transactions with 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
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.


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
Acting General Counsel

Enclosure
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,

[Signature]

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

[Signature]

Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
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,

[Signature]

Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
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.

[Signature]

Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
Charlie Johnson
5914 Ramsgate Road
Bethesda, Md.
229-6342

Delivered by Sgt. Giacomo of the White House Garage

Bill Gavin
1207 Winter Hunt Rd.
McLean, Va.
356-9884

Delivered by Sgt. Giacomo of the White House Garage

Sheila Burke
5250 Watson St. NW
Washington, D.C.
363-2519

Delivered by Sgt. Pierce of the White House Garage

Barbara Vidneiks
903 East Capitol St. S.E.
Washington, D.C.
543-4442

Delivered by Sgt. Pierce of the White House Garage

William Hanka
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

(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 ________________________

Time Received ________________________

Office of the Executive Clerk Receipt

TO: The Honorable Thomas S. Foley
Speaker of the House of Representatives
Room H-234 The Capitol

(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 ________________________

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

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
- EXECUTIVE ORDERS

MEMORANDUM
DECISION MEMORANDUM
DETERMINATION
OTHER:

RECEIVED:
(Advance:
In final:
Time: 10:15 a.m./p.m.)

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:
(Advance:
In final:
Time: 7:15 a.m./p.m.)

TO JAMES W. CICCONI'S OFFICE:
(For staffing:
In final:
Time: 8:30 a.m./p.m.)

INFO, INCLUDING STENCIL, TO PRESS OFFICE:
Date:
POSTED:
Time: 8:42 a.m./p.m.

NOTIFICATIONS:
"80" 8/10/90 - 9:45 a.m.
(Person/time)
8/10/90 - 9:44 a.m.
(Person/time)
On VACATION
(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

DAN LEVIN, NSC, x 3854

All Press Releases faxed to Bill Hoffman,
Foreign Assets Control, Treasury, on
8/10/90, at 9:47 a.m.
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:

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________
EXECUTIVE ORDER

BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT


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 delegate 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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EXECUTIVE ORDER

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BLOCKING IRAQI GOVERNMENT PROPERTY AND
PROHIBITING TRANSACTIONS WITH IRAQ


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
(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 delegate 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.

GEORGE BUSH

THE WHITE HOUSE,
August 9, 1990.

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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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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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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 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

# # #
EXECUTIVE ORDER

BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ


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;

(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

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BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT


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
EXECUTIVE ORDER

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BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ


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 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.
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

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BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT


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 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 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
(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 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
These were received under the Scowcroft memo for the President. They were not used. See Note on 'Clerk's copy'.
EXECUTIVE ORDER

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BLOCKING IRAQI GOVERNMENT PROPERTY

AND

PROHIBITING TRANSACTIONS WITH IRAQ


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

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BLOCKING KUWAITI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH KUWAIT


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.
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;
--- 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;

-- clarifies that definition of U.S. persons includes vessels of U.S. registry;
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.
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.
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.

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-- 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;
--- 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;
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;

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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;
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.

ensure that existing sanctions in Executive Order 12722 and
Iraq are not undermined by Iraq's control of Kuwait and to
trade, transportation, and fundraising we are withdrawing from
trade, transportation, and fundraising.

Today, I have taken steps to ensure that the benefits from

sweeping economic sanctions against both Iraq and Kuwait to
infringe on Kuwait’s sovereignty, independence, and territorial
restore the sovereignty, independence, and territorial.

to bring the invasion and occupation of Kuwait to an end and to
the invasion and occupation of Kuwait to an end and to
do not represent the people of Kuwait and our installed a puppet regime
represent the people of Kuwait and our installed a puppet regime
sanctions, the Iraqi government has tightened its unlawful grip
sanctions, the Iraqi government has tightened its unlawful grip

In the days after the imposition of U.S. economic

of the United States or under the control of U.S. persons.
Iraqi and Kuwaiti government property within the jurisdiction
comprehensive economic embargo against Iraq and blocked both
comprehensive economic embargo against Iraq and blocked both
emergency and to issue two executive orders that imposed a
emergency and to issue two executive orders that imposed a
exercised my statutory authority to declare a national
exercised my statutory authority to declare a national

of the National Emergencies Act, 50 U.S.C. Section 1701, I
of the National Emergencies Act, 50 U.S.C. Section 1701, I
Economic Powers Act, 50 U.S.C. Section 1703(p), and Section 201
Economic Powers Act, 50 U.S.C. Section 1703(p), and Section 201
pursuant to Section 204(p) of the International Emergency
pursuant to Section 204(p) of the International Emergency

Letters to the Senate Yes

9/4/00 10:5:54 M

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

The order I have issued with respect to Iraq:

orders.

act, 22 U.S.C. 287(c), I have issued two new executive
the international emergency economical powers act, 50 U.S.C.
the international emergency economical powers act, 50 U.S.C.

2 - 2
registered in Kuwait by U.S. person(s),
from Kuwait, or the use of vessels or aircraft
profitable transactions related to transportation to or
journalistic travel or prompt departure from Kuwait!
Kuwait, except for transactions necessary for
Kuwait or to activities by any such person within
Kuwait or to travel to or from
profitable transactions related to travel to or from
domestic or international commercial activities of Kuwait;
countries, and the involvement by U.S. persons in the
Kuwaiti goods by U.S. persons for sale in the
between the United States and Kuwait, the purchase of
profitable exports and imports of goods and services

order:
sanctions currently in effect against Iraq, specifically, that
In a separate order, I have extended to Kuwait all economic
vessels of U.S. registry,
charsites that the designation of U.S. persons includes
forbidden branches; and
possessions of control of U.S. persons, including their
hereafter located in the United States or in the
blocks all property of the government of Iraq now or
nationals;
the government of Iraq, its instrumentalities, or its
Kuwait.

Iraq does not benefit from the unlawful invasion and control of the country. 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 the United Nations Security Council Resolution 661 to ensure that measures are taken to support the peaceful resolution of disputes.

We in the United States and Kuwait have acted in accordance with the knowledge and support of the legitimate government of Kuwait.

In taking these latest steps, we have acted with the knowledge and support of the legitimate government of Kuwait.

August 1990.

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 this section.

THE ORDER PROHIBITS THE PERFORMANCE BY ANY U.S. PERSON OF ANY CONTRACT IN SUPPORT OF ANY PROJECT IN KUWAIT.

THE ORDER PROHIBITS THE TRANSFER OF FUNDS OR THE GRANT OF EXTENSION OF CREDITS OR LOANS BY ANY U.S. PERSON TO ANY FOREIGN BRANCH.

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TRANSMISSION REPORT

THIS DOCUMENT (REDUCED SAMPLE ABOVE) WAS SENT

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ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: BRENТ 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
EXECUTIVE ORDER

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BLOCKING IRAQI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH IRAQ


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


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.
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;
-- 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;
-- 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;
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

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.


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.


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.
Honorble 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.


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,

[Signature]

Robert G. Damus
Acting General Counsel

Enclosure
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.


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
Acting General Counsel

Enclosure
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,

Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
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
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.

[Signature]

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

Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
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.

[Signature]
Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
August 9, 1990

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: NICHOLAS ROSTOW

FROM: DANIEL LEVIN

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: Richard Haass, Tim Beal, Virginia Lampley

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
<table>
<thead>
<tr>
<th>DOC</th>
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TO: PRESIDENT

FROM: SCOWCROFT

KEYWORDS: IRAQ
          KUWAIT
          EO

PERSONS:

SUBJECT: EMERGENCY ORDERS FOR IRAQ & KUWAIT

ACTION: PRES SGD PER WH EXEC CLERK

STAFF OFFICER: LEVIN

FILES: WH

DUE DATE: 11 AUG 90

STATUS: C

LOGREF:

CODES:

DOCUMENT DISTRIBUTION

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

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
EXECUTIVE ORDER

- - - - - - -

BLOCKING IRAQI GOVERNMENT PROPERTY
AND
PROHIBITING TRANSACTIONS WITH IRAQ


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


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.
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;
-- 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;
--- 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;
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.
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.


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.
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.


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.
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.


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
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.


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
Acting General Counsel

Enclosure
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,

Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
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.

[Signature]
Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
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,

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

[Signature]
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
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
ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: NICHOLAS ROSTOW

FROM: DANIEL LEVIN

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, Ginny Hambley, and Eric Melby

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
ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: BREN'T 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
MEMORANDUM FOR THE PRESIDENT

FROM: Richard 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.


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.
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,

J. Michael Luttig
Acting Assistant Attorney General
Office of Legal Counsel
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
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UNCLASSIFIED
TO: SC W Croft

FROM: LEVIN Rostow

KEYWORDS: KUWAIT
           EO
           IRAQ

PERSONS:

SUBJECT: EMERGENCY ORDER FOR KUWAIT

ACTION: OBE PER LEVIN

DUE DATE: 09 AUG 90

STAFF OFFICER: LEVIN

FILES: WH

NSCP:

DOCUMENT DISTRIBUTION

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