

A RESPONSE TO THE ACTIONS AND POLICIES OF THE
AFGHAN TALIBAN

COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS DECLARATION OF A NATIONAL EMERGENCY WITH RESPECT
TO THE THREAT TO THE UNITED STATES POSED BY THE AC-
TIONS AND POLICIES OF THE AFGHAN TALIBAN AND AN EXEC-
UTIVE ORDER TO DEAL WITH THIS THREAT, PURSUANT TO 50
U.S.C. 1703(b)



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THE WHITE HOUSE,
Washington, July 4, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have exercised my statutory authority to declare a National emergency with respect to the threat to the United States posed by the actions and policies of the Afghan Taliban and have issued an executive order to deal with this threat.

The actions and policies of the Afghan Taliban pose an unusual and extraordinary threat to the national security and foreign policy of the United States. The Taliban continues to provide safe haven to Usama bin Ladin allowing him and the Al-Qaida organization to operate from Taliban-controlled territory a network of terrorist training camps and to use Afghanistan as a base from which to sponsor terrorist operations against the United States.

Usama bin Ladin and the Al-Qaida organization have been involved in at least two separate attacks against the United States. On August 7, 1998, the U.S. embassies in Nairobi, Kenya, and in Dar es Salaam, Tanzania, were attacked using powerful explosive truck bombs. The following people have been indicted for criminal activity against the United States in connection with Usama bin Ladin and/or the Al-Qaida organization: Usama bin Ladin, his military commander Muhammed Atef, Wadih El Hage, Fazul Abdullah Mohammed, Mohammed Sadeek Odeh, Mohamed Rashed Daoud Al-Owhali, Mustafa Mohammed Fadhil, Khalfan Khamis Mohamed, Ahmed Khalfan Ghailani, Fahid Mohommed Ally Msalam, Sheikh Ahmed Salim Sweden, Mamdouh Mahmud Salim, Ali Mohammed, Ayman Al-Zawahiri, and Khaled Al Fawwaz. In addition, bin Ladin and his network are currently planning additional attacks against U.S. interests and nationals.

Since at least 1998 and up to the date of the Executive order, the Taliban has continued to provide bin Ladin with safe haven and security, allowing him the necessary freedom to operate. Repeated efforts by the United States to persuade the Taliban to expel bin Ladin to a third country where he can be brought to justice for his crimes have failed. The United States has also attempted to apply pressure on the Taliban both directly and through frontline states in a position to influence Taliban behavior. Despite these efforts, the Taliban has not only continued, but has also deepened its support for, and its relationship with, Usama bin Ladin and associated terrorist networks.

Accordingly, I have concluded that the actions and policies of the Taliban pose an unusual and extraordinary threat to the national

security and foreign policy of the United States. I have, therefore, exercised my statutory authority and issued an Executive order which, except to the extent provided for in section 203(b) of IEEPA (50 U.S.C. 1072(b)) and regulations, orders, directives or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date.

—blocks all property and interests in property of the Taliban, including the Taliban leaders listed in the annex to the order that are in the United States or that are or hereafter come within the possession or control of United States persons;

—prohibits any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to the order, including the making or receiving of any contribution of funds, goods, or services to or for the benefit of the Taliban;

—prohibits the exportation, re-exportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, of any goods, software, technology (including technical data), or services to the territory of Afghanistan under the control of the Taliban or to the Taliban; and

—prohibits the importation into the United States of any goods, software, technology, or services owned or controlled by the Taliban or from the territory of Afghanistan under the control of the Taliban.

The Secretary of the Treasury, in consultation with the Secretary of State, is directed to authorize commercial sales of agricultural commodities and products, medicine and medical equipment, for civilian end use in the territory of Afghanistan controlled by the Taliban under appropriate safeguards to prevent diversion to military, paramilitary, or terrorist end-users or end-use or to political end-use. This order and subsequent licenses will likewise allow humanitarian, diplomatic, and journalistic activities to continue.

I have designated in the Executive order, Mullah Mohammad Omar, the leader of the Taliban, and I have authorized the Secretary of State to designate additional persons as Taliban leaders in consultation with the Secretary of the Treasury and the Attorney General.

The Secretary of the Treasury is further authorized to designate persons or entities, in consultation with the Secretary of State and the Attorney General, that are owned or controlled, or are acting for or on behalf of the Taliban or that provide financial, material, or technical support to the Taliban. The Secretary of the Treasury is also authorized to issue regulations in the exercise of my authorities under the International Emergency Economic Powers Act to implement these measures in consultation with the Secretary of State and the Attorney General. All Federal agencies are directed to take actions within their authority to carry out the provisions of the Executive order.

The measures taken in this order will immediately demonstrate to the Taliban the seriousness of our concern over its support for terrorists and terrorist networks, and increase the international isolation of the Taliban. The blocking of the Taliban's property and

the other prohibitions imposed under this executive order will further limit the Taliban's ability to facilitate and support terrorists and terrorist networks. It is particularly important for the United States to demonstrate to the Taliban the necessity of conforming to accepting norms of international behavior.

I am enclosing a copy of the Executive order I have issued. This order is effective at 12:01 a.m. Eastern Daylight Time on July 6, 1999.

Sincerely,

WILLIAM J. CLINTON.

EXECUTIVE ORDER

BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH THE
TALIBAN

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) ("IEEPA"), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, find that the actions and policies of the Taliban in Afghanistan, in allowing territory under its control in Afghanistan to be used as a safe haven and base of operations for Usama bin Ladin and the Al-Qaida organization who have committed and threaten to continue to commit acts of violence against the United States and its nationals, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States, and hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

- (a) all property and interests in property of the Taliban; and
- (b) all property and interests in property of persons determined by the Secretary of the Treasury, in consultation and the Secretary of State and the Attorney General:
 - (i) to be owned or controlled by, or to act for or on behalf of, the Taliban; or

(ii) to provide financial, material, or technological support for, or services in support of, any of the foregoing, 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, are blocked.

Sec. 2. Except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)) and in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including the making or receiving of any contribution of funds, goods, or services to or for the benefit for the Taliban or persons designated pursuant to this order;

(b) the exportation, reexportation, sale, or supply, directly or indirectly, from the United States, or by a United States person, wherever located, or any goods, software, technology (including technical data), or services to the territory of Afghanistan controlled by the Taliban or to the Taliban or persons designated pursuant to this order is prohibited;

(c) the importation into the United States of any goods, software, technology, or services owned or controlled by the Taliban or persons designated pursuant to this order or from the territory of Afghanistan controlled by the Taliban is prohibited.

(d) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(e) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby directed to authorize commercial sales of agriculture commodities and products, medicine, and medical equipment for civilian end use in the territory of Afghanistan controlled by the Taliban under appropriate safeguards to prevent diversion to military, paramilitary, or terrorist end users or end use or to political end use.

Sec. 4. For the purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term “The Taliban” means the political/military entity headquartered in Kandahar, Afghanistan that as of the date of this order exercises de facto control over the territory of Afghanistan described in paragraph (d) of this section, its agencies and instrumentalities, and the Taliban leaders listed in the Annex to this order or designated by the Secretary of State in consultation with the Secretary of the Treasury and the Attorney General. The Taliban is also known as the “Taleban,” “Islamic Movement of Taliban,” “the Taliban Islamic Movement,” “Talibano Islami Tahrik,” and “Tahrike Islami’a Taliban”;

(d) the term “territory of Afghanistan controlled by the Taliban” means the territory referred to as the “Islamic Emirate of Afghanistan,” known in Pashtun as “de Afghanistan Islami Emarat” or in Dari as “Emarat Islami-e Afghanistan,” including the following provinces of the country of Afghanistan: Kandahar, Farah, Helmund, Nimruz, Herat, Badghis, Ghowr, Oruzghon, Zabol, Paktiha, Ghazni, Nangarhar, Lowgar, Vardan, Faryab, Jowlan, Balkh, and Paktika. The Secretary of State, in consultation with the Secretary of the Treasury, is hereby authorized to modify the description of the term “territory of Afghanistan controlled by the Taliban”;

(e) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such action, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 6. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

Sec. 7. (a) This order is effective at 12:01 a.m. Eastern Daylight Time on July 6, 1999.

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

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 4, 1999.*

ANNEX

Mohammed Omar (Amir al-Mumineen [Commander of the Faithful]).

