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AN EXECUTIVE ORDER CLARIFYING CERTAIN EXECUTIVE ORDERS BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

PURSUANT TO, INTER ALIA, SECTION 203(a) OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT, (50 U.S.C. 1702(a)) (IEEPA) AND SECTION 201(a) OF THE NATIONAL EMERGENCIES ACT (50 U.S.C. 1621(a)) (NEA), AN EXECUTIVE ORDER TO CLARIFY CERTAIN EXECUTIVE ORDERS BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS



FEBRUARY 17, 2005.—Message and accompanying papers referred to the Committee on International Relations and ordered to be printed

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To the Congress of the United States:

Pursuant to, *inter alia*, section 203(a) of the International Emergency Economic Powers Act, (50 U.S.C. 1702(a)) (IEEPA) and section 201(a) of the National Emergencies Act (50 U.S.C. 1621(a)) (NEA), I exercised my statutory authority to declare national emergencies in Executive Orders 13224 of September 23, 2001, as amended, and 12947 of January 23, 1995, as amended. I have issued a new Executive Order that clarifies certain measures taken to address those national emergencies. This new Executive Order relates to powers conferred to me by section 203(b)(2) of IEEPA and clarifies that the Executive Orders at issue prohibit a blocked United States person from making humanitarian donations.

The amendments made to those Executive Orders by the new Executive Order take effect as of the date of the new order, and specific licenses issued pursuant to the prior Executive Orders continue in effect, unless revoked or amended by the Secretary of the Treasury. General licenses, regulations, orders, and directives issued pursuant to the prior Executive Orders continue in effect, except to the extent inconsistent with this order or otherwise revoked or modified by the Secretary of the Treasury.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 16, 2005.*

EXECUTIVE ORDER

CLARIFICATION OF CERTAIN EXECUTIVE ORDERS BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS

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, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*) (NEA), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, in order to clarify the steps taken in Executive Order 12947 of January 23, 1995, as amended by Executive Order 13099 of August 20, 1998; and Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, in particular with respect to the implementation of section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), hereby order:

Section 1. Section 4 of Executive Order 13224 is hereby amended to read as follows:

"*Sec. 4.* I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of, any persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and I hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (Title IX, Public Law 106–387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances."

Sec. 2. Section 3 of Executive Order 12947 is hereby amended to read as follows:

"*Sec. 3.* I hereby determine that the making of donations of the type of articles specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)), by, to, or for the benefit of, any person whose property or interests in property are blocked pursuant to section 1 of this order would seriously impair my ability to deal with the national emergency declared in this order, and I hereby prohibit such donations as provided by section 1."

Sec. 3. (a) 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, and to employ all powers granted to the President by IEEPA and the UNPA 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 consistent with applicable law. 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.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations.

(c) Amendments to Executive Orders made by this order shall take effect as of the date of this order.

Sec. 4. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

Sec. 5. This order shall be transmitted to the Congress and published in the *Federal Register.*

GEORGE W. BUSH.

THE WHITE HOUSE, *February 16, 2005.*

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