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ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
19530	MEMO	NICHOLAS PLATT TO JOHN POINDEXTER, RE ECONOMIC SANCTIONS	2	ND	B1
R 6/22/2006					

Freedom of Information Act - [5 U.S.C. 552(b)]

B-1 National security classified information [(b)(1) of the FOIA]

B-2 Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

B-3 Release would violate a Federal statute [(b)(3) of the FOIA]

B-4 Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

B-6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

B-7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

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C. Closed in accordance with restrictions contained in donor's deed of gift.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

November 15, 1985

EXECUTIVE ORDER

- - - - -

IMPORTS OF REFINED PETROLEUM PRODUCTS FROM LIBYA

By the authority vested in me as President by the Constitution and laws of the United States, including Section 504 of the International Security and Development Cooperation Act of 1985 (Public Law 99-83), and considering that the Libyan government actively pursues terrorism as an instrument of state policy and that Libya has developed significant capability to export petroleum products and thereby circumvent the prohibition imposed by Proclamation No. 4907 of March 10, 1982 and retained in Proclamation No. 5141 of December 22, 1983 on the importation of Libyan crude oil, it is ordered as follows:

Section 1. (a) No petroleum product refined in Libya (except petroleum product loaded aboard maritime vessels at any time prior to two days after the effective date of this Executive Order) may be imported into the United States, its territories or possessions.

(b) For the purposes of this Executive Order, the prohibition on importation of petroleum products refined in Libya shall apply to petroleum products which are currently classifiable under Item Numbers: 475.05; 475.10; 475.15; 475.25; 475.30; 475.35; 475.45; 475.65; 475.70 of the Tariff Schedules of the United States (19 U.S.C. 1202).

Sec. 2. The Secretary of the Treasury may issue such rulings and instructions, or, following consultation with the Secretaries of State and Energy, such regulations as he deems necessary to implement this Order.

Sec. 3. This Order shall be effective immediately.

RONALD REAGAN

THE WHITE HOUSE,
November 15, 1985.

#

Economic Sanctions Against Libya

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703, section 301 of the National Emergencies Act, 50 U.S.C. section 1631, and sections 504 and 505 of the International Security and Development Cooperation Act of 1985, Pub. L. 99-83, I hereby report to the Congress that I have exercised my statutory authority to declare a national emergency and to:

- ° prohibit generally imports from and exports to Libya;
- ° ban U.S.-Libya maritime and aviation relations;
- ° ban trade in services relating to projects in Libya;
- ° ban credits or loans or the transfer of anything of value to Libya or its nationals, except their property held prior to the effective date of this order or transactions allowed by regulations providing for normal activities by Libyans lawfully in the United States; and
- ° prohibit transactions relating to travel by Americans to or in Libya, other than for commercial activities permitted until February 1, 1986 or those necessary for prompt departure from Libya or for journalistic travel.

Certain of the prohibitions in the order will apply as of 12:01 a.m. Eastern Daylight time, _____, 1986. The remainder of the prohibitions of the order will become effective immediately.

I am enclosing a copy of the Executive order that I have issued making this declaration and exercising these authorities.

I have authorized these steps in response to the emergency situation created by international terrorism, in this instance the actions and policies of the Government of Libya. Its terrorist aggression against the United States, other countries and innocent persons violates both international law and the very minimum requirements of humanity. This constitutes a threat to the security of the international community, including the United States. We cannot separate the security of our nation from the security of its citizens as they go about their lives at home and abroad. Libyan use of and support for terrorism also constitutes a threat to the vital foreign policy interests of the United States and of all other states dedicated to international peace and security. Libya has, in effect, engaged in a form of limited war against the United States, using terrorist surrogates as its soldiers.

The United States has taken a number of steps in the past in response to hostile Libyan policies and actions since it was officially designated in 1979 as a country that has repeatedly supported acts of international terrorism. We have denied licenses for exports potentially contributing to Libya's military potential or enhancing its ability to support acts of international terrorism. We have denied export of most national security controlled items; of goods or technical data which could contribute directly to the Ras Lanuf petrochemical complex; of aircraft, large off-road vehicles and parts with a

high risk of diversion by Libya for military activities; and for oil and gas technology and equipment not available from third-country sources. On the import side, we have banned Libyan petroleum and, since November 1985, Libyan refined petroleum products. We have stopped Libyans from coming to the United States for aviation maintenance, flight operations or nuclear related studies. We have taken measures to limit the expansion of Libyan UN Mission facilities. We have also repeatedly called upon corporations to withdraw American citizens from Libya, for their safety, and we have restricted the use of U.S. passports for travel there. All these measures have not sufficed to sway Libya from its use and support of terrorism or to deter approximately 1500 Americans from remaining in Libya, subject to potential harm from the Qadhafi regime.

The Congress of the United States itself has repeatedly deplored the Qadhafi regime's use of and support for international terror. While the steps I have today taken are based largely upon the International Emergency Economic Powers Act, they are also, in part, based upon the International Security and Development Act of 1985 by which the Congress specifically authorized economic sanctions against Libya as a country which supports terrorism.

The United States reaffirms its call to Libya and all nations supporting terrorism to turn away from that policy. The United States also calls upon other nations to join with us

in isolating the terrorists and their supporters. We must demonstrate by firm political and economic sanctions that they cannot engage in such actions and remain accepted members of the international community.

Failure to call Libya into account for its policy places the civilized world at the mercy of terrorism. This has necessitated the steps I have taken today. The terrible tragedies of Vienna and Rome demonstrate that no nation can be immune, that each nation must bear its fair share of the vital effort against the politics of terror. I call upon every nation to do so now.

Ronald Reagan

The White House,
January __, 1986.

EXECUTIVE ORDER

PROHIBITING TRADE AND CERTAIN TRANSACTIONS INVOLVING LIBYA

By the authority vested in me by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), sections 504 and 505 of the International Security and Development Cooperation Act of 1985, the Export Administration Act of 1979, as amended (50 U.S.C. app. 2401 et seq.) and section 301 of title 3 of the United States Code,

I, RONALD REAGAN, President of the United States of America, find that the policies and actions of the Government of Libya 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. The following are prohibited [except to the extent provided in regulations which may hereafter be issued pursuant to this Order:]

(a) The import into the United States of any goods or services of Libyan origin, other than publications and materials imported for news publication or news broadcast dissemination;

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(b) The export to Libya of any goods, technology (including technical data or other information) or services from the United States, except publications and donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes;

*not
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procedures?*

(c) The provision of transportation services to or from Libya by any U.S. person or any vessel or aircraft of United States registration, or the provision of transportation services to or from the United States by any Libyan person or any vessel or aircraft of Libyan registration;

(d) The performance by (any U.S. person) of any service contract in support of an industrial or other commercial or governmental project in Libya;

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(e) The grant or extension of credits or loans or the transfer of property or anything of economic value by any U.S. person to the Government of Libya, its instrumentalities and controlled entities, or to any Libyan national or entity owned or controlled, directly or indirectly, by Libya or Libyan nationals, except the transfer of property held by Libya or Libyan nationals prior to the effective date of this Order;

(f) Any transaction by a U.S. person relating to travel by any U.S. citizen or permanent resident alien to Libya, or to activities by any such person within Libya, after the date of

this Order, other than transactions necessary to effect any such person's departure from Libya, to perform acts permitted until February 1, 1986 by Section 3 of this Order, or to travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization; and

(g) 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.

For purposes of this section, any "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. ✓

Section 2. In light of the prohibition in section 1(b) of this Order, Section 251 of the Trade Expansion Act of 1962 as amended (19 U.S.C. 1881), and Section 126 of the Trade Act of 1974 (19 U.S.C. 2136) will have no effect with respect to Libya. ?

Section 3. The prohibitions set forth in section 1(a), (b), (c) and (d) shall apply as of 12:01 a.m. Eastern Daylight time, February 1, 1986. The remainder of the prohibitions of this Order are effective immediately.

Section 4. The Secretary of the Treasury is delegated and authorized to employ all powers granted to me by the International Emergency Economic Powers Act, 50. U.S.C. 1701 et seq., to carry out the purposes of this Order. 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 purposes of this Order, including the suspension or termination of licenses or other authorizations.

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

Ronald Reagan

The White House

January 7, 1986



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503
January 6, 1985

Hon. Edwin Meese III
Attorney General
Washington, D.C.

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order, submitted by the Department of State, entitled "Prohibiting Trade and Certain Transactions Involving Libya".

The proposal, which was submitted by the Department of State, would prohibit various forms of commercial, trade, and travel-related transactions with Libya, as described in greater detail in the attached memorandum from the Director to the President.

In order to implement the prohibition on these transactions, it will be necessary for the President to invoke the provisions of the International Emergency Economic Powers Act. In the view of the Secretary of State, the policies and actions of the Government of Libya constitute such an unusual and extraordinary threat to the national security and foreign relations of the United States that declaration of a national emergency to deal with that threat is appropriate.

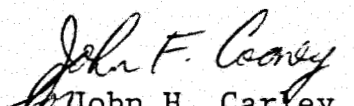
The White House Office has requested that the proposed Executive order be processed as promptly as possible, so that the President may consider the proposal on Tuesday, January 7th.

In order to comply with the notification provisions of IEEPA, after signing the proposed Executive order, the President also must sign the attached notification letter, informing the Congress that he has exercised his authority under that statute and stating the reasons why he believes such action is necessary to deal with the unusual and extraordinary threat to the United States.

Your staff may direct any questions concerning the proposed Executive order to Mr. John F. Cooney of this office (395-5600).

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

Sincerely,


John H. Carley
General Counsel



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

January 6, 1986

MEMORANDUM FOR THE PRESIDENT

FROM: James G. Baker III
Director

SUBJECT: Proposed Executive Order Entitled "Prohibiting
Trade and Certain Transactions Involving Libya"

SUMMARY. This memorandum forwards for your consideration a proposed Executive order, submitted by the Department of State, that would impose a total ban on direct commercial transactions, financial transactions and travel to and from Libya because of the actions and policies of the Government of Libya in support of international terrorism.

BACKGROUND. The proposed Executive order would invoke the President's inherent authority to conduct the foreign affairs of the United States and his authority under the International Emergency Economic Powers Act, the National Emergencies Act, and the Federal Aviation Act to restrict most trade and other transactions with Libya, because of the actions of the Government of Libya in support of international terrorism. By signing the Executive order, the President would determine that the actions of that Government constitute such an extraordinary threat to the foreign policy and economy of the United States that a declaration of national emergency is appropriate. In the view of the Department of State, current conditions are sufficient to warrant declaration of such an emergency.

The proposed Executive order would sharply reduce American trade and other transactions with Libya, including a ban on the following economic relations:

- direct export and import trade with Libya, except for humanitarian assistance;
- grants of new loans, other extensions of credit and transfers to Libya, Libyan controlled entities, or Libyan nationals, and of property other than their previously owned assets;
- performance of service contracts in Libya; and
- aviation and maritime service, and, with limited exceptions, all travel-related transactions except for journalistic activity.

The proposed order would be implemented by regulations to be issued by the Department of the Treasury, in consultation with the Department of State.

The proposal will require other affected agencies to take appropriate measures within their authority to carry out this Order, including the suspension or termination of licenses or other authorizations to do business with Libya in effect as of the date of the Order

Time has not permitted the formal circulation of the proposed Executive order to the affected agencies for comment. However, based on policy decisions reached at the NSPG meeting on January 6th, the proposal has been revised so that Libyan assets in the United States will not be frozen, and to permit a brief delay before certain prohibitions in the Order take effect. Based on statements by representatives of the affected agencies at a meeting convened by the Department of State on January 6th to obtain informal comments on the order, I believe that none of the affected agencies has any objections to the proposal, as revised.

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

ANALYSIS OF PROPOSED EXECUTIVE ORDER

Overall Impact

Our current exports of approximately \$300 million per year consist primarily of machinery and transportation equipment, manufactured goods for industrial uses and foodstuffs, all of which are available to Libya from non-U.S. sources. We already deny licenses for export of most national security controlled items; for goods or technical data which could contribute directly to the Ras Lanuf petrochemical complex; for aircraft, large off-road vehicles and parts because of the high risk of diversion by Libya for military activities; and for oil and gas technology and equipment not available from third-country sources. On the import side, we recently expanded our 1982 ban on Libyan crude oil to include import of Libyan refined petroleum products. Our remaining imports of just under \$5 million per year consist mainly of alcohols and related products.

The Order and proposed regulations would prevent any new trade and reach the trade remaining under binding existing contracts, including the large volume of trade in services contracts. It would not reach trade with Libya by the foreign subsidiaries of U.S. companies. It should result in the sharp reduction or withdrawal of the remaining American citizen presence in Libya by banning the commercial activities motivating much of that presence and the transactions for travel to or in Libya, except for journalism and any licensed "hardship" travel. The Order would not freeze Libyan Government assets. Action under the Order may result in restrictions on U.S. business assets in Libya, or outright seizure.

Violations of the Order are subject to civil penalties not to exceed \$10,000 and criminal penalties of not more than \$50,000 and imprisonment for not more than 10 years or both.

Section by Section Analysis

Paragraph One

Although all the actions in the Order may be taken under the International Emergency Economic Powers Act, the Order also is expressly based upon the President's constitutional authority, the new export and import sanction authorities provided by the International Security and Development Cooperation Act and the Export Administration Act.

Paragraph Two

The Order finds that the policies and actions in support of international terrorism by the Government of Libya constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and declares a national emergency pursuant to IEEPA to deal with that threat. Invoking two of the three possible grounds provided under IEEPA -- threat to the national security and foreign policy -- follows the Nicaragua precedent. The earlier Iran emergency additionally invoked a threat to the U.S. economy.

Section 1(a)

This provides the import element of the Order's comprehensive direct trade ban. Prohibition of import of goods of Libyan origin might reach some trade of Libyan commodities through third countries, as would Section 1(h), which deals with evasion. In some instances, such as Libyan origin petroleum products mixed in European tank farms and included in subsequent reshipment, strict enforcement cannot be realistically contemplated without unacceptably burdening the international trading system. We contemplate that enforcement will be handled as it is under the present import ban on such products. The exception for news material follows the Iran precedent.

Section 1(b)

This provides the export element of the Order's comprehensive direct trade ban. Like the Nicaragua order, but unlike typical earlier controls, this ban will not reach re-exports of U.S. origin goods from third countries if those goods "come to rest", are incorporated in third country products as components or are substantially transformed abroad. This avoids the extraterritoriality problems of U.S. controls over the export of a foreign manufactured product because of a small amount of U.S. componentry. The Order would not, however, supercede the existing system of export controls on Libya already in place, e.g., relating to national security controlled items or oil and gas technology, which remain subject to the regular re-export control system of the Export Administration Act. The Order's ban on exports to Libya does not apply to donations of food and medicine and clothing intended to relieve human suffering, in light of the corresponding limitation on the President's authority to do so under IEEPA. This limitation can be removed if militarily required.

Section 1(c)

This section provides a transportation services ban.

Section 1(d)

This section bans performance of service contracts in Libya, such as oil field operation contracts and major construction engineering and management. It deals with one of the major elements of U.S.-Libya trade remaining and a principal source of U.S. citizen presence in Libya. However, much trade in services is by foreign companies, including subsidiaries of U.S. companies.

Section 1(e)

This section imposes a comprehensive freeze on financial transactions benefitting the Libyan government or in which Libya has an interest as well as transactions benefitting Libyan nationals. It is not intended to freeze or bar transfers to Libya or Libyans of assets they already own, such as bank deposits from foreign branches of U.S. banks, ordinary transactions by Libyan students living in the U.S., proper transactions by the Libyan U.N. Mission, or donations permitted in accordance with section 1(c). Regulations will assure that it is administered consistently with this purpose.

Section 1(f)

This section bans transactions for travel to Libya. Under U.S. law, the President is not presently authorized directly to compel U.S. nationals to cease travel to, through, or in Libya. Nor can we threaten prosecution for the travel itself. Although we can bar the economic activity necessary for travel, and prosecute for violations (subject to difficulties of proof), some Americans may nevertheless remain in Libya either because Qadhafi may prevent their departure or because they may decide to defy a transaction ban. However, this control together with further tightening of passport controls and strong Presidential statements, should substantially reduce the American presence there. The section makes the exception for journalism which has become our standard practice and was made under the IEEPA controls for Iran during the hostage crisis. Travel for performance of export, import and service trade will be permitted until those bans take effect.

Section 1(h)

This is drawn from the Iran precedent and is intended to facilitate enforcement of the basic prohibitions.

"United States person"

In order to avoid the acute problems arising under other U.S. controls which have applied to "any person subject to the jurisdiction of the United States", a term usually defined in U.S. regulations to include foreign companies owned or controlled by U.S. nationals, this Order is drafted to apply its principal prohibitions to "U.S. persons", who are defined to include, in addition to U.S. citizens and permanent resident aliens, only those companies and other legal entities which are organized under U.S. law and thus generally recognized by our allies as being subject to U.S. regulation in their overseas activities.

Section 2

Although the MFN tariff treatment automatically granted by U.S. statutes to most countries is meaningless when imports themselves are barred, Section 2 will remove the political issue of Libya theoretically remaining entitled to MFN. The Order does not expressly terminate the theoretical Libyan entitlement to avoid unnecessary departure from our tradition of not withdrawing MFN tariff treatment as a foreign policy sanction.

Section 3

This section makes the order allows a transitional period until February 1 to wind up commercial relations. The prohibitions on other travel and on new loans or extensions of credit take effect immediately, limited circumstances. After the effective date, licenses would be required for any of the prohibited transactions.

Section 4

This section makes the standard delegation of IEEPA authorities to the Secretary of the Treasury. The Secretary implements these controls in close cooperation with the Secretary of State.

Congress

The Order states that it is to be transmitted to Congress. In addition, IEEPA requires that, wherever possible, the President consult with the Congress prior to using IEEPA authorities. He is also required to report immediately to Congress when he uses them. Both these obligations can readily be satisfied, and the need to act is particularly strong where the result may reduce the number of Americans exposed to Libyan actions.

Q. 196

PUBLIC LAW 99-83—AUG. 8, 1985

Pakistan p. 268

Q. 196

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INTERNATIONAL SECURITY AND
DEVELOPMENT COOPERATION ACT
OF 1985

JSC
aa-2(d)C4) (b) ITEMS ON THE MUNITIONS LIST.—Section 573(d)(4) of such Act is amended to read as follows:

JSC 2751 (4)(A) Except as provided in subparagraph (B), articles on the United States Munitions List established pursuant to the Arms Export Control Act may not be made available under this chapter.

(B) For fiscal years 1986 and 1987, articles on the United States Munitions List may be made available under this chapter if—

(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, or articles in category X (relating to protective personnel equipment), and they are directly related to anti-terrorism training being provided under this chapter;

(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part, chapter 5 of this part, or the Arms Export Control Act; and

(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

(C) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) of this section, including articles described in subparagraph (B)(i) of this paragraph, may not exceed \$325,000 in fiscal year 1986 or \$325,000 in fiscal year 1987."

(c) RESTRICTION.—Section 573 of such Act is amended by adding at the end thereof the following new subsection:

(f) Funds made available to carry out this chapter may not be used for personnel compensation or benefits."

(d) EXPIRATION OF AUTHORITY.—Section 577 of such Act is repealed.

SEC. 502. COORDINATION OF ALL UNITED STATES ANTI-TERRORISM ASSISTANCE TO FOREIGN COUNTRIES.

(a) COORDINATION.—The Secretary of State shall be responsible for coordinating all anti-terrorism assistance to foreign countries provided by the United States Government.

(b) REPORTS.—Not later than February 1 each year, the Secretary of State, in consultation with appropriate United States Government agencies, shall report to the appropriate committees of the Congress on the anti-terrorism assistance provided by the United States Government during the preceding fiscal year. Such reports may be provided on a classified basis to the extent necessary, and shall specify the amount and nature of the assistance provided.

SEC. 503. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—Section 620A of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 620A. PROHIBITION ON ASSISTANCE TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—(a) The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the

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Arms Export Control Act, to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism, or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the waiver (including the justification for the waiver) in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

(c) If sanctions are imposed on a country pursuant to subsection (a) because of its support for international terrorism, the President should call upon other countries to impose similar sanctions on that country."

(b) CONFORMING AMENDMENT.—Section 3(f) of the Arms Export Control Act is amended by striking out ", credits, and guaranties" and ", credits, or guaranties" each place they appear.

SEC. 504. PROHIBITION ON IMPORTS FROM AND EXPORTS TO LIBYA.

(a) PROHIBITION ON IMPORTS.—Notwithstanding any other provision of law, the President may prohibit any article grown, produced, extracted, or manufactured in Libya from being imported into the United States.

(b) PROHIBITION ON EXPORTS.—Notwithstanding any other provision of law, the President may prohibit any goods or technology, including technical data or other information, subject to the jurisdiction of the United States or exported by any person subject to the jurisdiction of the United States, from being exported to Libya.

(c) DEFINITION.—For purposes of this section, the term "United States", when used in a geographical sense, includes territories and possessions of the United States.

SEC. 505. BAN ON IMPORTING GOODS AND SERVICES FROM COUNTRIES SUPPORTING TERRORISM.

(a) AUTHORITY.—The President may ban the importation into the United States of any good or service from any country which supports terrorism or terrorist organizations or harbors terrorists or terrorist organizations.

(b) CONSULTATION.—The President, in every possible instance, shall consult with the Congress before exercising the authority granted by this section and shall consult regularly with the Congress so long as that authority is being exercised.

(c) REPORTS.—Whenever the President exercises the authority granted by this section, he shall immediately transmit to the Congress a report specifying—

(1) the country with respect to which the authority is to be exercised and the imports to be prohibited;

(2) the circumstances which necessitate the exercise of such authority;

(3) why the President believes those circumstances justify the exercise of such authority; and

22 USC 277
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Federal
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22 USC 277

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(4) why the President believes the prohibitions are necessary to deal with those circumstances.

At least once during each succeeding 6-month period after transmitting a report pursuant to this subsection, the President shall report to the Congress with respect to the actions taken, since the last such report, pursuant to this section and with respect to any changes which have occurred concerning any information previously furnished pursuant to this subsection.

(d) DEFINITION.—For purposes of this section, the term “United States” includes territories and possessions of the United States.

SEC. 506. INTERNATIONAL ANTI-TERRORISM COMMITTEE.

Establishment.

The Congress calls upon the President to seek the establishment of an international committee, to be known as the International Anti-Terrorism Committee, consisting of representatives of the member countries of the North Atlantic Treaty Organization, Japan, and such other countries as may be invited and may choose to participate. The purpose of the Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism, by serving as a forum at both the political and law enforcement levels.

SEC. 507. INTERNATIONAL TERRORISM CONTROL TREATY.

It is the sense of the Congress that the President should establish a process by which democratic and open societies of the world, which are those most plagued by terrorism, negotiate a viable treaty to effectively prevent and respond to terrorist attacks. Such a treaty should incorporate an operative definition of terrorism, and should establish effective close intelligence-sharing, joint counterterrorist training, and uniform laws on asylum, extradition, and swift punishment for perpetrators of terrorism. Parties to such a treaty should include, but not be limited to, those democratic nations who are most victimized by terrorism.

SEC. 508. STATE TERRORISM.

It is the sense of the Congress that all civilized nations should firmly condemn the increasing use of terrorism by certain states as an official instrument for promoting their policy goals, as evidenced by such examples as the brutal assassination of Major Arthur D. Nicholson, Junior, by a member of the Soviet armed forces.

Part B—Foreign Airport Security

SEC. 551. SECURITY STANDARDS FOR FOREIGN AIR TRANSPORTATION.

(a) SECURITY AT FOREIGN AIRPORTS.—Section 1115 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1515) is amended to read as follows:

“SECURITY STANDARDS IN FOREIGN AIR TRANSPORTATION

“ASSESSMENT OF SECURITY MEASURES

“SEC. 1115. (a)(1) The Secretary of Transportation shall conduct at such intervals as the Secretary shall deem necessary an assessment of the effectiveness of the security measures maintained at those

Aircraft and air carriers.

from which foreign air carriers serve the United States, those foreign airports which pose a high risk of introducing danger to international air travel, and at such other foreign airports as the Secretary may deem appropriate.

“(2) Each such assessment shall be made by the Secretary of Transportation in consultation with the appropriate aeronautic authorities of the foreign government concerned and each air carrier serving the foreign airport at which the Secretary is conducting such assessment.

“(3) The assessment shall determine the extent to which an airport effectively maintains and administers security measures. In making an assessment of any airport under this subsection, the Secretary shall use a standard which will result in an analysis of the security measures at such airport based upon, at a minimum, the standards and appropriate recommended practices contained in Annex 17 to the Convention on International Civil Aviation, as those standards and recommended practices are in effect on the date of such assessment.

“CONSULTATION WITH THE SECRETARY OF STATE

“(b) In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country. The Secretary of Transportation shall also consult with the Secretary of State in order to determine which foreign airports are not under the de facto control of the government of the country in which they are located and pose a high risk of introducing danger to international air travel.

“REPORT OF ASSESSMENTS

“(c) Each report to the Congress required by section 315 of this Act shall contain a summary of the assessments conducted pursuant to subsection (a).

“NOTIFICATION TO FOREIGN COUNTRY OF DETERMINATION

“(d) Whenever, after an assessment in accordance with subsection (a), the Secretary of Transportation determines that an airport does not maintain and administer effective security measures, the Secretary (after advising the Secretary of State) shall notify the appropriate authorities of such foreign government of such determination, and recommend the steps necessary to bring the security measures in use at that airport up to the standard used by the Secretary in making such assessment.

“NOTICE AND SANCTIONS

“(e)(1) Paragraph (2) of this subsection shall become effective—

“(A) 90 days after notification to the foreign government pursuant to subsection (d), if the Secretary of Transportation finds that the foreign government has failed to bring the security measures at the identified airport up to the standard used by the Secretary in making an assessment of such airport under subsection (a); or

“(B) immediately upon the Secretary of Transportation's determination under subsection (d) if the Secretary of State

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MEMORANDUM FOR VADM JOHN M. POINDEXTER
THE WHITE HOUSE

SUBJECT: Imposition of Economic Sanctions Against Libya Under the International Emergency Economic Powers Act and Related Measures

I am transmitting at Tab 1, as requested by the NSPG on January 6, a draft Executive Order invoking the President's authority under the International Emergency Economic Powers Act (IEEPA) and at Tab 2, a section-by-section analysis describing the Order's provisions.

The draft Order finds that the policies and actions in support of international terrorism by the Government of Libya constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and declares a national emergency pursuant to IEEPA to deal with that threat. The Order is designed to (1) have maximum political impact, (2) reduce sharply or terminate the remaining American citizen presence in Libya, (3) prevent new trade and eliminate trade with Libya under present contracts and (4) minimize criticism from our allies and encourage their support.

The draft Executive Order and detailed implementing regulations (being prepared by State and Treasury to be transmitted separately) would ban the following economic relations with Libya:

- direct export and import trade with Libya, except for food and medicine and donations of clothing intended to relieve human suffering;
- aviation and maritime service;
- performance of service contracts in Libya;
- grants of new loans, other extensions of credit and transfers to Libya or Libyans of property other than their previously owned assets;
- all travel-related transactions other than those incident to speedy departure from Libya, acts relating to the commercial relations permitted during the brief period before those prohibitions take effect, or for journalistic activity; and
- clarification that MFN under the Trade Expansion Act of 1962 and Trade Act of 1974 is inapplicable to Libya.

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NLS F05-139/1# 19530
BY HOT, NARA, DATE 6/22/00

Companies will be given until February 1 to terminate all export, import and service contract performance.

These measures are designed to achieve maximum impact on direct trade and transactions with Libya by U.S. nationals without imposing controversial extraterritorial controls on trade and transactions by third country nationals. If necessary, the Order or regulations could be amended at a later date to prohibit additional transactions.

Under IEEPA, Congress must be consulted in advance of issuance of the Executive Order, if possible, and a report must be submitted to Congress immediately upon issuance. Since Congress is out of session, calls to available leadership would suffice. An attempt should be made, prior to the Order's issuance, to discuss it with at least the leadership of both Houses, and the Chairmen and Ranking Minority Members of the Foreign Affairs Committees, the Trade and Economic Subcommittees of the House Foreign Affairs Committee, and the Senate Banking Committee.

Nicholas Platt
Executive Secretary

Attachments:

Tab 1 - Draft Executive Order.

Tab 2 - Section-by-Section Analysis.

Drafted by:

L:ADSofer/EGVerville;L/EBC:EHSsmall:jd/rld

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United States Department of State

Washington, D.C. 20520

January 6, 1986

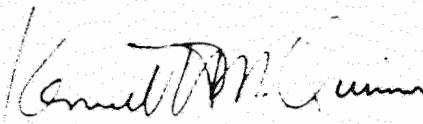
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MEMORANDUM FOR VADM JOHN M. POINDEXTER
THE WHITE HOUSE

SUBJECT: Transmittal of President's Report to the Congress
with Respect to Economic Sanctions Against Libya

I am transmitting at Tab 1 a report from the President to the Congress with regard to the imposition of economic sanctions against Libya. The report would be submitted pursuant to Section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. Section 1703, Section 505 of the International Security and Development Cooperation Act of 1985, and Section 301 of the National Emergency Act, 50 U.S.C. Section 1631.

I am also transmitting at Tab 2 the draft text of a letter transmitting the President's report to the Congressional Leadership. The letter and report should be transmitted to The Honorable Robert Dole, The Honorable Robert C. Byrd, The Honorable Thomas P. O'Neill, and The Honorable Robert H. Michel.

for 
Nicholas Platt
Executive Secretary

Attachments:

- Tab 1 - Report from the President
- Tab 2 - Draft Text of Transmittal Letter

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DECLASSIFIED
Department of State Guidelines, July 21, 1997
By LOT NARA, Date 8/15/05

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Economic Sanctions Against Libya

To the Congress of the United States:

Pursuant to section 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703, section 505 of the International Security and Development Cooperation Act of 1985, and section 301 of the National Emergencies Act, 50 U.S.C. section 1631, I hereby report to the Congress that I have exercised my statutory authority to declare a national emergency and to:

- ° prohibit purchases and imports from and exports to Libya;
- ° ban U.S.-Libya maritime and aviation relations;
- ° ban trade in services relating to projects in Libya;
- ° ban credits or loans or the transfer of anything of value to Libya or its nationals, except their property held prior to the effective date of this order or transactions allowed by regulations providing for normal activities by Libyans lawfully in the United States; and
- ° prohibit transactions relating to travel by Americans to or in Libya, other than for commercial activities permitted until February 1, 1986 or those necessary for prompt departure from Libya or for journalistic travel.

These prohibitions are subject to regulation by the Secretary of the Treasury. Certain of the prohibitions in the order will apply as of 12:01 a.m. Eastern Standard time, February 1, 1986. The remainder of the prohibitions of the order will become effective immediately.

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Department of State Guidelines, July 21, 1997
By LOT NARA, Date 8/5/05

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I am enclosing a copy of the Executive order that I have issued making this declaration and exercising these authorities.

I have authorized these steps in response to the emergency situation created by international terrorism, in this instance the actions and policies of the Government of Libya. Its use and support of terrorism against the United States, other countries and innocent persons violates international law and minimum standards of human behavior. These Libyan actions and policies constitute a threat to the security of the the United States as well as the international community. Our nation's security includes the security of our citizens and their right freely to go about their lives at home and abroad. Libyan use of and support for terrorism also constitutes a threat to the vital foreign policy interests of the United States and of all other states dedicated to international peace and security.

Since Libya was officially designated under U.S. law in 1979 as a country that has repeatedly supported acts of international terrorism, the United States has taken a number of steps in response to hostile Libyan policies and actions. We have denied licenses for exports that may contribute to Libya's military potential or enhancing its ability to support acts of international terrorism. We have denied export of most national security controlled items of goods or technical data which could contribute directly to the Ras Lanuf petrochemical complex; of aircraft, large off-road vehicles and parts with a

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high risk of diversion by Libya for military activities; and for oil and gas technology and equipment not available from third-country sources. On the import side, we have banned Libyan petroleum and, since November 1985, Libyan refined petroleum products. We have stopped Libyans from coming to the United States for aviation maintenance, flight operations or nuclear related studies. We have taken measures to limit the expansion of Libyan UN Mission facilities. We have also repeatedly called upon corporations to withdraw American citizens from Libya, for their safety, and we have restricted the use of U.S. passports for travel there. All these measures have not deterred Libya from its use and support of terrorism. Moreover, approximately 1500 Americans from remaining in Libya.

The Congress of the United States has repeatedly deplored the Qadhafi regime's use of and support for international terror. Recently, it did so by enacting section 504 of the International Security and Development Act of 1985. Moreover, I have determined that Libya falls within the terms of another statute directed by Congress against those countries which support terrorism against civil aviation, section 1114 of the Federal Aviation Act of 1958, as amended.

The United States reaffirms its call to Libya and all nations supporting terrorism to turn away from that policy. The United States also calls upon other nations to join with us in isolating the terrorists and their supporters. We must demonstrate by firm political and economic sanctions that the

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international community considers such actions intolerable, that states which engage in such actions cannot expect to be accepted members of the international community.

Failure to call Libya into account for its policy places the civilized world at the mercy of terrorism. This has necessitated the steps I have taken today. The terrible tragedies of Vienna and Rome demonstrate that no nation can be immune, that each nation must bear its fair share of the vital effort against the politics of terror. I call upon every nation to do so now.

Ronald Reagan

The White House,
January __, 1986.

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Draft Text of Transmittal Letter

I am hereby transmitting a report, pursuant to section 204(b) of the International Emergency Economic Powers Act and section 505(b) of the International Security and Development Cooperation Act of 1985, regarding the actions I have taken today with respect to Libya.

I have taken these actions in response to the actions and policies of the Government of Libya. Its use and support of terrorism against the United States, other countries and innocent persons violates international law and minimum standards of human behavior. Since Libya was officially designated under United States Law in 1979 as a country that has repeatedly supported acts of international terrorism, the United States has taken a number of steps in response to hostile Libyan policies and actions. These measures, however, have not deterred Libya from its use and support of terrorism. Failure to call Libya into account for its policy places the civilized world at the mercy of terrorism. This has necessitated the steps I have taken today.

Ronald Reagan

The White House,
January ____, 1986.

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Department of State Guidelines, July 21, 1997
By LOT NARA, Date 8/5/05

THE WHITE HOUSE

WASHINGTON

January 7, 1986

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Executive Order: Economic
Sanctions Against Libya

We have received the proposed Libyan Executive Order, as approved by the Office of Legal Counsel. The procedures for declaring a national emergency under IEEPA are correctly followed in the Order, and the appropriate statutory provisions are cited. With respect to the question you raised this morning, most of the prohibitions in the Order do not take effect until February 1, which provides time for Americans in Libya to wind down their affairs. In addition, under subsection 1(g), travel transactions necessary to depart Libya are excepted from the prohibitions.

In the last paragraph of Section 1, on page 2, "any" in the first line should be deleted.

I have discussed with Mr. Hauser and the Clerk's Office the issues raised by reporting to Congress under IEEPA when Congress is in recess. It is my view that the report should be styled not a "report to Congress" but rather a letter to the Speaker and the President of the Senate. This is consistent with past practice on required reports during recesses (though the issue has never arisen with IEEPA reports). I do not think we should go out of our way to raise the recess issue in additional language in the report.

State submitted and Chew staffed a superfluous letter to be sent to the Hill leadership, apart from the required report. The attached memorandum for your signature notes that this is unnecessary, and that if such letters are sent they should be revised so as not to be confused with the statutorily required report.

Attachment

THE WHITE HOUSE

WASHINGTON

January 7, 1986

MEMORANDUM FOR DAVID L. CHEW
STAFF SECRETARY

FROM: FRED F. FIELDING Orig. signed by FFF
COUNSEL TO THE PRESIDENT

SUBJECT: Executive Order: Economic
Sanctions Against Libya

I have reviewed the proposed Executive Order on Libya, and have no legal objection to its issuance. On page 2, line 23, "any" should be deleted.

The formal report required by IEEPA should not be sent to the Congress but rather to the Speaker of the House and the President of the Senate, because the Congress is in recess. This approach is consistent with past practice and our legal positions on pocket vetoes, recess appointments, and related issues. The report should not begin "To the Congress of the United States," and in line 5 "to the Congress" should be deleted.

The transmittal letter intended to be sent to the Hill leadership is unnecessary. The reporting requirement will be fulfilled by sending the revised "report to Congress" to the Speaker and President of the Senate. A letter may be sent to the Hill leadership to advise them of the President's action, but such a letter should not be confused with the required report. If such additional letters are sent, the opening paragraph should not be as it appears in the staffed draft, since that paragraph suggests that the letter is the statutorily required report.

FFF:JGR:aea 1/7/86

cc: FFFielding
JGRoberts
Subj
Chron