

INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT
(50 U.S.C. §§ 1701-1706; current as of September 2003)

§ 1701. Unusual and extraordinary threat; declaration of national emergency; exercise of Presidential authorities

(a) Any authority granted to the President by section 1702 of this title may be exercised to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such threat.

(b) The authorities granted to the President by section 1702 of this title may only be exercised to deal with an unusual and extraordinary threat with respect to which a national emergency has been declared for purposes of this chapter and may not be exercised for any other purpose. Any exercise of such authorities to deal with any new threat shall be based on a new declaration of national emergency which must be with respect to such threat.

CREDIT(S)

([Pub.L. 95-223, Title II, § 202](#), Dec. 28, 1977, 91 Stat. 1626.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. [Senate Report No. 95-466](#), see 1977 U.S. Code Cong. and Adm. News, p. 4540.

§ 1702. Presidential authorities

(a)(1) At the times and to the extent specified in section 1701 of this title, the President may, under such regulations as he may prescribe, by means of instructions, licenses, or otherwise--

(A) investigate, regulate, or prohibit--

(i) any transactions in foreign exchange,

(ii) transfers of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of any foreign country or a national thereof,

(iii) the importing or exporting of currency or securities,

by any person, or with respect to any property, subject to the jurisdiction of the United States;

(B) investigate, block during the pendency of an investigation, regulate, direct and compel, nullify, void, prevent or prohibit, any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or transactions involving, any property in which any foreign country or a national thereof has any interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and

(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or

foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.

(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction referred to in paragraph (1) either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. In any case in which a report by a person could be required under this paragraph, the President may require the production of any books of account, records, contracts, letters, memoranda, or other papers, in the custody or control of such person.

(3) Compliance with any regulation, instruction, or direction issued under this chapter shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same. No person shall be held liable in any court for or with respect to anything done or omitted in good faith in connection with the administration of, or pursuant to and in reliance on, this chapter, or any regulation, instruction, or direction issued under this chapter.

(b) The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly--

(1) any postal, telegraphic, telephonic, or other personal communication, which does not involve a transfer of anything of value;

(2) donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, and medicine, intended to be used to relieve human suffering, except to the extent that the President determines that such donations (A) would seriously impair his ability to deal with any national emergency declared under section 1701 of this title, (B) are in response to coercion against the proposed recipient or donor, or (C) would endanger Armed Forces of the United States which are engaged in hostilities or are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances; or

(3) the importation from any country, or the exportation to any country, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact disks, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 2404 of the Appendix to this title, or under section 2405 of the Appendix to this title to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of Title 18;

(4) any transactions ordinarily incident to travel to or from any country, including importation of accompanied baggage for personal use, maintenance within any country including payment of living expenses and acquisition of goods or services for personal use, and arrangement or facilitation of such travel including nonscheduled air, sea, or land voyages.

(c) Classified information.--In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.

CREDIT(S)

([Pub.L. 95-223, Title II, § 203](#), Dec. 28, 1977, 91 Stat. 1626; [Pub.L. 100-418, Title II, § 2502\(b\)\(1\)](#), Aug. 23, 1988, 102 Stat. 1371; [Pub.L. 103- 236, Title V, § 525\(c\)\(1\)](#), Apr. 30, 1994, 108 Stat. 474; [Pub.L. 107-56](#), Title I, § 106, Oct. 26, 2001, 115 Stat. 277.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. [Senate Report No. 103-107](#) and [House Conference Report No. 103- 482](#), see 1994 U.S. Code Cong. and Adm. News, p. 302.

1977 Acts. [Senate Report No. 95-466](#), see 1977 U.S. Code Cong. and Adm. News, p. 4540.

1988 Acts. [House Conference Report No. 100-576](#), see 1988 U.S. Code Cong. and Adm. News, p. 1547.

Amendments

2001 Amendments. Subsec. (a)(1). [Pub.L. 107-56, § 106\(1\)\(A\)](#), struck out "; and" and inserted a comma and the following flush paragraph after subpar. (A): "by any person, or with respect to any property, subject to the jurisdiction of the United States;".

Subsec. (a)(1)(B). [Pub.L. 107-56, § 106\(1\)\(B\)](#), inserted ", block during the pendency of an investigation" after "investigate" and, at the end, struck out "interest;" and inserted "interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and".

[Pub.L. 107-56, § 106\(1\)\(C\)](#), struck out the following flush paragraph after subpar. (B): "by any person, or with respect to any property, subject to the jurisdiction of the United States."

Subsec. (a)(1)(C). [Pub.L. 107-56, § 106\(1\)\(D\)](#), added subpar. (C).

Subsec. (c). [Pub.L. 107-56, § 106\(2\)](#), added subsec. (c).

1994 Amendments. Subsec. (b)(3). [Pub.L. 103-236, § 525\(c\)\(1\)](#), added par. (3) and struck out former par. (3), which provided that the authority of the President granted by this section not include authority to regulate or prohibit the importation from any country, or the exportation to any country, whether commercial or otherwise, of publications, films, posters, phonograph records, microfilms, microfiche, tapes, or other informational materials, which are not otherwise controlled for export under section 2404 of the Appendix to this title or with respect to which no acts are prohibited by chapter 37 of Title 18.

Subsec. (b)(4). [Pub.L. 103-236, § 525\(c\)\(1\)](#), added par. (4).

1988 Amendments. Subsec. (b)(3). [Pub.L. 100-418](#) added par. (3).

Effective and Applicability Provisions

1994 Acts. [Section 525\(c\)\(2\), \(3\) of Pub.L. 103-236](#) provided that:

"(2) The amendments made by paragraph (1) to section 203(b)(3) of the International Emergency Economic Powers Act [subsec. (b)(3) of this section] apply to actions taken by the President under section 203 of such Act [this section] before the date of enactment of this Act [Apr. 30, 1994] which are in effect on such date and to actions taken under such section on or after such date.

"(3) Section 203(b)(4) of the International Emergency Economic Powers Act (as added by paragraph (1)) [subsec. (b)(4) of this section] shall not apply to restrictions on the transactions and activities described in section 203(b)(4) [subsec. (b)(4) of this section] in force on the date of enactment of this Act [Apr. 30, 1994], with respect to countries embargoed under the International Emergency Economic Powers Act [this chapter] on the date of enactment of this Act [Apr. 30, 1994]."

1988 Acts. [Section 2502\(b\)\(2\) of Pub.L. 100-418](#) provided that: "The amendments made by paragraph (1) [enacting subsec. (b)(3) of this section] apply to actions taken by the President under section 203 of the International Emergency Economic Powers Act [this section] before the date of the enactment of this Act [Aug. 23, 1988] which are in effect on such date of enactment [Aug. 23, 1988] and to actions taken under such section on or after such date of enactment [Aug. 23, 1988]."

§ 1703. Consultation and reports

(a) Consultation with Congress

The President, in every possible instance, shall consult with the Congress before exercising any of the authorities granted by this chapter and shall consult regularly with the Congress so long as such authorities are exercised.

(b) Report to Congress upon exercise of Presidential authorities

Whenever the President exercises any of the authorities granted by this chapter, he shall immediately transmit to the Congress a report specifying--

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

(2) why the President believes those circumstances constitute an unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States;

(3) the authorities to be exercised and the actions to be taken in the exercise of those authorities to deal with those circumstances;

(4) why the President believes such actions are necessary to deal with those circumstances; and

(5) any foreign countries with respect to which such actions are to be taken and why such actions are to be taken with respect to those countries.

(c) Periodic follow-up reports

At least once during each succeeding six-month period after transmitting a report pursuant to subsection (b) of this section with respect to an exercise of authorities under this chapter, the President shall report to the Congress with respect to the actions taken, since the last such report, in the exercise of such authorities, and with respect to any changes which have occurred concerning any information previously furnished pursuant to paragraphs (1) through (5) of subsection (b) of this section.

(d) Supplemental requirements

The requirements of this section are supplemental to those contained in title IV of the National Emergencies Act [[50 U.S.C.A. § 1641](#)].

CREDIT(S)

([Pub.L. 95-223, Title II, § 204](#), Dec. 28, 1977, 91 Stat. 1627.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. [Senate Report No. 95-466](#), see 1977 U.S.Code Cong. and Adm.News, p. 4540.

§ 1704. Authority to issue regulations

The President may issue such regulations, including regulations prescribing definitions, as may be necessary for the exercise of the authorities granted by this chapter.

CREDIT(S)

([Pub.L. 95-223, Title II, § 205](#), Dec. 28, 1977, 91 Stat. 1628.)

§ 1705. Penalties

(a) A civil penalty of not to exceed \$10,000 may be imposed on any person who violates, or attempts to violate, any license, order, or regulation issued under this chapter.

(b) Whoever willfully violates, or willfully attempts to violate, any license, order, or regulation issued under this chapter shall, upon conviction, be fined not more than \$50,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

CREDIT(S)

([Pub.L. 95-223, Title II, § 206](#), Dec. 28, 1977, 91 Stat. 1628; [Pub.L. 102-393, Title VI, § 629](#), Oct. 6, 1992, 106 Stat. 1773; [Pub.L. 102-396, Title IX, § 9155](#), Oct. 6, 1992, 106 Stat. 1943; [Pub.L. 104-201, Div. A, Title XIV, § 1422](#), Sept. 23, 1996, 110 Stat. 2725.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. [Senate Report No. 95-466](#), see 1977 U.S. Code Cong. and Adm. News, p. 4540.

1996 Acts. [House Report No. 104-563](#) and [House Conference Report No. 104- 724](#), see 1996 U.S. Code Cong. and Adm. News, p. 2948.

Amendments

1996 Amendments. Subsec. (a). [Pub.L. 104-201, § 1422\(1\)](#), inserted "or attempts to violate," after "violates".

Subsec. (b). [Pub.L. 104-201, § 1422\(2\)](#), inserted "or willfully attempts to violate," after "violates".

1992 Amendments. Subsec. (a). [Pub.L. 102-396, § 9155](#), substituted "\$10,000" for "\$50,000".

[Pub.L. 102-393, § 629](#), substituted "\$50,000" for "\$10,000".

§ 1706. Savings provisions

(a) Termination of national emergencies pursuant to National Emergencies Act

(1) Except as provided in subsection (b) of this section, notwithstanding the termination pursuant to the National Emergencies Act [[50 U.S.C.A. § 1601](#) et seq.] of a national emergency declared for purposes of this chapter, any authorities granted by this chapter, which are exercised on the date of such termination on the basis of such national emergency to prohibit transactions involving property in which a foreign country or national thereof has any interest, may continue to be so exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(2) Notwithstanding the termination of the authorities described in section 101(b) of this Act, any such authorities, which are exercised with respect to a country on the date of such termination to prohibit transactions involving any property in which such country or any national thereof has any interest, may continue to be exercised to prohibit transactions involving that property if the President determines that the continuation of such prohibition with respect to that property is necessary on account of claims involving such country or its nationals.

(b) Congressional termination of national emergencies by concurrent resolution

The authorities described in subsection (a)(1) of this section may not continue to be exercised under this section if the national emergency is terminated by the Congress by concurrent resolution pursuant to section 202 of the National Emergencies Act [[50 U.S.C.A § 1622](#)] and if the Congress specifies in such concurrent resolution that such authorities may not continue to be exercised under this section.

(c) Supplemental savings provisions; supersedure of inconsistent provisions

(1) The provisions of this section are supplemental to the savings provisions of paragraphs (1), (2), and (3) of section 101(a) [[50 U.S.C.A. § 1601\(a\)\(1\), \(2\), \(3\)](#)] and of paragraphs (A), (B), and (C) of section 202(a) [[50 U.S.C.A. § 1622\(a\)\(A\), \(B\), and \(C\)](#)] of the National Emergencies Act.

(2) The provisions of this section supersede the termination provisions of section 101(a) [[50 U.S.C.A. § 1601\(a\)](#)] and of title II [[50 U.S.C.A. § 1621](#) et seq.] of the National Emergencies Act to the extent that the provisions of this section are inconsistent with these provisions.

(d) Periodic reports to Congress

If the President uses the authority of this section to continue prohibitions on transactions involving foreign property interests, he shall report to the Congress every six months on the use of such authority.

CREDIT(S)

([Pub.L. 95-223, Title II, § 207](#), Dec. 28, 1977, 91 Stat. 1628.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1977 Acts. [Senate Report No. 95-466](#), see 1977 U.S.Code Cong. and Adm.News, p. 4540.