



**ESTADO LIBRE ASOCIADO DE PUERTO RICO**  
**COMISIONADO DE INSTITUCIONES FINANCIERAS**

**CARTA CIRCULAR NÚMERO CIF-CC-03-2**

**A** : INSTITUCIONES FINANCIERAS SUJETAS A LAS  
DISPOSICIONES DE LA LEY NÚM. 4

**DE** : Alfredo Padilla, Comisionado de Instituciones Financieras  
Estado Libre Asociado de Puerto Rico

**FECHA** : 20 de marzo de 2003

**ASUNTO** : **RECORDATORIO SOBRE ORDEN EJECUTIVA DEL  
PRESIDENTE DE LOS ESTADOS UNIDOS  
CONGELANDO ACTIVOS DE PERSONAS Y  
ENTIDADES QUE RESPALDAN EL TERRORISMO**

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**SECCIÓN I. - AUTORIDAD**

Esta Carta Circular se emite al amparo de las disposiciones de la Ley Núm. 4 de 11 de octubre de 1985, según enmendada, conocida como la “Ley de la Oficina del Comisionado de Instituciones Financieras”.

**SECCIÓN II. - PROPÓSITO**

Esta Carta Circular tiene como propósito informar y recordar a las instituciones financieras sobre sus deberes bajo la Orden Ejecutiva emitida por el Presidente de los Estados Unidos para congelar los activos de personas y entidades que respaldan el terrorismo.

**SECCIÓN III. – MARCO FÁCTICO**

Los eventos en el Oriente Medio, específicamente la guerra de los Estados Unidos contra Irak, ha dado lugar a estado de alerta en todo el territorio norteamericano, incluyendo a Puerto Rico.

Ante tal situación, consideramos prudente informar y recordar a nuestros regulados sobre las disposiciones de la Orden Ejecutiva antes mencionada.

#### **SECCIÓN IV. – RECORDATORIO**

El 24 de septiembre de 2001, el Presidente de los Estados Unidos emitió una Orden Ejecutiva congelando los activos de individuos y entidades que respaldan el terrorismo. Esta Orden pretende cortar los recursos financieros de las fuerzas terroristas mediante la limitación de su capacidad de mover el dinero a través de las fronteras internacionales.

Se acompaña una copia de la Orden Ejecutiva Presidencial Número 13224, titulada “EXECUTIVE ORDER 13224 - BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM”, según actualizada al 28 de febrero de 2003. Esta Orden puede ser obtenida en la página de Internet de la Oficina para el Control de Activos Foráneos (“OFAC”, por las siglas en inglés para “Office of Foreign Assets Control”) sita en:

[www.treas.gov/offices/enforcement/ofac/sanctions/terrorism.html](http://www.treas.gov/offices/enforcement/ofac/sanctions/terrorism.html)

Urgimos a las instituciones financieras a revisar a menudo los boletines de la OFAC ya que la lista de entidades cuyos activos quedan congelados se actualiza continuamente.

Es importante que todas las instituciones financieras entiendan que se requiere cumplimiento inmediato con la Orden Presidencial Ejecutiva. En otras palabras, se requiere la congelación inmediata de toda cuenta de cualquier individuo o entidad incluida en las listas de la Orden Ejecutiva Presidencial Número 13224. En adición, se requiere la congelación de cualquier activo de tales individuos o entidades que lleguen a la posesión de las instituciones financieras.

Es también importante que las instituciones financieras entiendan las serias penalidades impuestas por la ley federal por incumplimiento o violaciones de la Orden antes mencionada.

#### **SECCIÓN V. – LA OCIF VELARÁ POR EL CUMPLIMIENTO DE LA ORDEN PRESIDENCIAL**

La Oficina del Comisionado de Instituciones Financieras (la “OCIF”) espera el cumplimiento total de las instituciones financieras con las disposiciones de la Orden Presidencial antes mencionada. La OCIF tomará todas las acciones pertinentes, y ejercerá todos los poderes conferidos por las leyes que administra, para asegurar que todas las instituciones financieras que llevan a cabo negocios en Puerto Rico cumplan en todo momento con la mencionada Orden Presidencial.



Executive Order 13224 blocking Terrorist Property and a summary of the Terrorism Sanctions Regulations (Title 31 Part 595 of the U.S. Code of Federal Regulations), Terrorism List Governments Sanctions Regulations (Title 31 Part 596 of the U.S. Code of Federal Regulations), and Foreign Terrorist Organizations Sanctions Regulations (Title 31 Part 597 of the U.S. Code of Federal Regulations)

#### **EXECUTIVE ORDER 13224 - BLOCKING PROPERTY AND PROHIBITING TRANSACTIONS WITH PERSONS WHO COMMIT, THREATEN TO COMMIT, OR SUPPORT TERRORISM**

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.), 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, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided 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 of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided 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 but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) 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

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

Sec. 3. For 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 "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; and

(d) the term "terrorism" means an activity that —

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended —

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to 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 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 106387) 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. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than

the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, 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 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. 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. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

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

THE WHITE HOUSE,

September 23, 2001.

<http://www.treas.gov/offices/enforcement/ofac/sanctions/terrorism.html>