

## Other Presidential Documents

Presidential Determination No. 2005–40 of September 28, 2005

### **Transfers of Defense Articles or Services and Brokering Activities for Libya Relating to Disposition of Libyan-owned C–130H Aircraft**

*Memorandum for the Secretary of State*

Pursuant to the authority vested in me by the Constitution and laws of the United States, including sections 40(g) and 40A of the Arms Export Control Act (AECA), I hereby:

- determine that the transaction, encompassing sales or licensing for export of defense articles or defense services and brokering activities necessary to assist in the disposition, including any required refurbishment, of Libyan-owned C–130H aircraft, is essential to the national security interests of the United States and important to the national interests of the United States;
- waive the prohibitions in sections 40 and 40A of the AECA related to such transaction; and
- assign to you the functions under AECA section 40(g)(2) to consult with and submit reports to the Congress for proposed specific exports or transfers, 15 days prior to permitting them to proceed, that are necessary for and within the scope of this waiver determination and the transaction referred to herein.

You are authorized and directed to report this certification to the Congress and to arrange for its publication in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
Washington, September 28, 2005.

Presidential Determination No. 2005–41 of September 29, 2005

### **Transfer of Funds from FY 2004 and 2005 Foreign Assistance Act and Arms Export Control Act Accounts to the International Narcotics Control and Law Enforcement Account to Support the G–8 Women’s Justice and Empowerment Initiative**

*Memorandum for the Secretary of State*

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 610 of the Foreign Assistance Act of 1961, as amended (the “Act”), I hereby determine it necessary for the purposes of that Act that \$5 million in FY 2004 funds made available under the Support for East European Democracy Act (\$1 million) and FY 2005 funds made available under chapter 9 of part II of the Act (\$1.2 million) and under section 23 of the Arms Export Control Act (\$2.8 million) be transferred to, and consolidated with, funds made available under chapter 8 of

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part I of the Act, and such funds are hereby so transferred and consolidated.

You are hereby authorized and directed to report this determination to the Congress and to publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 29, 2005.*

#### **Presidential Determination No. 2006–01 of October 14, 2005**

#### **Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization (PLO) Office**

##### *Memorandum for the Secretary of State*

Pursuant to the authority and conditions contained in section 534(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005, Public Law 108–447, as provided for in the Joint Resolution Making Continuing Appropriations for the Fiscal Year 2006 (Public Law 109–77), I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

This waiver shall be effective for a period of 6 months from the date hereof. You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, October 14, 2005.*

#### **Presidential Determination No. 2006–02 of October 16, 2005**

#### **Provision of U.S. Drug Interdiction Assistance to the Government of Brazil**

##### *Memorandum for the Secretary of State [and] the Secretary of Defense*

Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. § 2291–4), I hereby certify, with respect to Brazil, that (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country’s airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (2) that country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.