
OTHER PRESIDENTIAL DOCUMENTS

	<i>Page</i>
Subchapter A—[Reserved]	
Subchapter B—Administrative Orders	245
Subchapter C—Reorganization Plans	[None]
Subchapter D—Designations	[None]
Appendix A—List of Messages to Congress Transmitting Budget Rescissions and Deferrals	323
Appendix B—List of Messages to Congress Transmitting Cancellations Under the Line Item Veto Act	323
Appendix C—List of Final Rule Documents	[None]

Subchapter B—Administrative Orders

Notice of January 2, 1997

Continuation of Libyan Emergency

On January 7, 1986, by Executive Order No. 12543, President Reagan declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Libya. On January 8, 1986, by Executive Order No. 12544, the President took additional measures to block Libyan assets in the United States. The President has transmitted a notice continuing this emergency to the Congress and the **Federal Register** every year since 1986. The most recent notice appeared in the **Federal Register** on January 5, 1996.

The crisis between the United States and Libya that led to the declaration of a national emergency on January 7, 1986, has not been resolved. The Government of Libya has continued its actions and policies in support of terrorism, despite the calls by the United Nations Security Council, in Resolutions 731 (1992), 748 (1992), and 883 (1993), that it demonstrate by concrete actions its renunciation of such terrorism. Such Libyan actions and policies pose a continuing unusual and extraordinary threat to the national

Title 3—The President

security and vital foreign policy interests of the United States. For these reasons, the national emergency declared on January 7, 1986, and the measures adopted on January 7 and January 8, 1986, to deal with that emergency, must continue in effect beyond January 7, 1997. Therefore, in accordance with Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Libya. This notice shall be published in the **Federal Register** and transmitted to the Congress.

WILLIAM J. CLINTON

THE WHITE HOUSE,
January 2, 1997.

Notice of January 21, 1997

Continuation of Emergency Regarding Terrorists Who Threaten To Disrupt the Middle East Peace Process

On January 23, 1995, by Executive Order 12947, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process. By Executive Order 12947 of January 23, 1995, I blocked the assets in the United States, or in the control of United States persons, of foreign terrorists who threaten to disrupt the Middle East peace process. I also prohibited transactions or dealings by United States persons in such property. Because terrorists activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency must continue in effect beyond January 23, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
January 21, 1997.

Presidential Determination No. 97-16 of February 12, 1997

Immigration Emergency Resulting From Alien Smuggling

Memorandum for the Attorney General

In September 1995, I determined that an immigration emergency was in existence with respect to the smuggling into the United States of illegal

Other Presidential Documents

aliens. I therefore directed the use of up to \$6,000,000 from the Immigration Emergency Fund to cover costs associated with repatriation of foreign nationals intercepted en route to the United States. To date, all but \$700,000 of that amount has been used to cover these costs. While our policy to deter smuggling activity has been successful, attempts to smuggle illegal aliens persist and require continued efforts on the part of the United States.

Accordingly, by virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 404(b)(1) of the Immigration and Nationality Act, I hereby:

Determine that the immigration emergency determined to exist in 1995 with respect to the smuggling into the United States of illegal aliens persists; and

Direct that up to \$7,400,000 appropriated by the Congress to the Immigration Emergency Fund be used to cover costs associated with the repatriation of foreign nationals intercepted en route to the United States.

You are authorized and directed to inform the appropriate committees of the Congress of this determination and the obligation of funds under this authority and to publish it in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, February 12, 1997.

Presidential Determination No. 97-17 of February 21, 1997

Suspending Restrictions on U.S. Relations With the Palestine Liberation Organization

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Middle East Peace Facilitation Act of 1995, title VI, Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996, Public Law 104-107 ("the Act"), I hereby:

(1) Certify that it is in the national interest to suspend the application of the following provisions of law through August 12, 1997:

- (A) Section 307 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2227), as it applies with respect to the Palestine Liberation Organization or entities associated with it;
- (B) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note), as it applies with respect to the Palestine Liberation Organization or entities associated with it;
- (C) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202); and
- (D) Section 37, Bretton Woods Agreement Act (22 U.S.C. 286w), as it applies to the granting to the Palestine Liberation Organization of

Title 3—The President

observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund.

(2) certify that the Palestine Liberation Organization, the Palestinian Authority, and successor entities are complying with the commitments described in section 604(b)(4) of the Act.

(3) certify that funds provided pursuant to the exercise of the authority of the Act and the authorities under section 583(a) of Public Law 103–236 and section 3(a) of Public Law 103–125 have been used for the purposes for which they were intended.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, February 21, 1997.

Order of February 26, 1997

Designation Under Executive Order 12958

Pursuant to the provisions of section 1.4 of Executive Order 12958 of April 17, 1995, entitled “Classified National Security Information,” I hereby designate the following additional official to classify information originally as “Top Secret”:

The Chair, President’s Commission on Critical Infrastructure Protection.

The Chair of the President’s Commission on Critical Infrastructure Protection, established under Executive Order 13010 of July 15, 1996, shall exercise the authority to classify information originally as “Top Secret” during the existence of the Commission.

Any delegation of this authority shall be in accordance with section 1.4(c) of Executive Order 12958.

This order shall be published in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
February 26, 1997.

Notice of February 27, 1997

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, I declared a national emergency to address the disturbance or threatened disturbance of international rela-

Other Presidential Documents

tions caused by the February 24, 1996, destruction by the Government of Cuba of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. In July 1995, the Government of Cuba demonstrated a ready and reckless use of force against U.S. registered vessels that entered into Cuban territorial waters that resulted in damage and injury to persons on board. In July 1996, the Government of Cuba stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a memorial flotilla and peaceful protest. Since these events, the Government of Cuba has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
February 27, 1997.

Presidential Determination No. 97-18 of February 28, 1997

Certification for Major Narcotics Producing and Transit Countries

Memorandum for the Secretary of State

By virtue of the authority vested in me by section 490(b)(1)(A) of the Foreign Assistance Act of 1961, as amended, ("the Act"), I hereby determine and certify that the following major drug producing and/or major drug transit countries/dependent territories have cooperated fully with the United States, or taken adequate steps on their own, to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotics Drugs and Psychotropic Substances:

Aruba, The Bahamas, Bolivia, Brazil, Cambodia, China, Dominican Republic, Ecuador, Guatemala, Haiti, Hong Kong, India, Jamaica, Laos, Malaysia, Mexico, Panama, Paraguay, Peru, Taiwan, Thailand, Venezuela, and Vietnam.

By virtue of the authority vested in me by section 490(b)(1)(B) of the Act, I hereby determine that it is in the vital national interests of the United States to certify the following major illicit drug producing and/or transit countries:

Belize, Lebanon, and Pakistan.

Analysis of the relevant U.S. vital national interests, as required under section 490(b)(3) of the Act, is attached. I have determined that the following

Title 3—The President

major illicit drug producing and/or major transit countries do not meet the standards set forth in section 490(b) for certification:

Afghanistan, Burma, Colombia, Iran, Nigeria, and Syria.

In making these determinations, I have considered the factors set forth in section 490 of the Act, based on the information contained in the International Narcotics Control Strategy Report of 1997. Because the performance of each of these countries/dependent territories has differed, I have attached an explanatory statement for each of the countries/dependent territories subject to this determination.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, February 28, 1997.

STATEMENTS OF EXPLANATION

Aruba

Aruba is a major trafficking and staging point for international narcotics trafficking organizations which transship cocaine and heroin from Colombia, Venezuela and Suriname to the United States and Europe. Its key position near the Venezuelan coast with air and sea links to South America, Europe, Puerto Rico and other Caribbean locations makes it a prime transshipment point. Drug shipments are made primarily via containerized cargo, but commercial airlines and cruise ships are also used. Although USG law enforcement agencies estimate that about 155 mt of cocaine are transshipped through the Caribbean to the United States annually, and that more than 100 international trafficking organizations operate in that region, Aruba seized only about 170 kg of cocaine and about 2½ kg of heroin in 1996.

Money laundering organizations use legitimate companies as fronts to invest in land development and other construction projects. The Government of Aruba's (GOA) Free Trade Zone (FTZ), casinos and resort complexes are reported to be attractive venues for money laundering and smuggling. A joint Dutch-Aruban Commission in 1996 issued recommendations to improve regulation of the FTZ, and invited a U.S. Customs technical expert to help implement those recommendations. Legislation on the FTZ, casinos and off-shore corporations is pending.

Aruba is a part of the Kingdom of the Netherlands (GON), and has independent decision-making ability in many drug policy areas. The Kingdom of the Netherlands (GON), a party to the 1988 UN Drug Convention, has not yet extended it to Aruba. The Aruban legislature is in the final stages of considering comprehensive criminal law reform, expected to be adopted in 1997. The law would create a basis for the Kingdom's extension of the 1988 UN Drug Convention, for expanded investigative powers for local law enforcement, as well as for extradition of nationals subject to service of sentences in Aruba.

Other Presidential Documents

The GOA participated with the Netherlands, the Netherlands Antilles in the establishment of a joint Kingdom-Caribbean Coast Guard, designed to patrol the Kingdom's Caribbean coastal waters to interdict drug shipments. The GOA established money transaction monitoring entities to review unusual transactions in the banking sector. Aruban law enforcement officials participated in USG-sponsored training courses for drug enforcement during 1996. The GOA has taken limited steps to punish corrupt officials, and replaced senior police and justice officials in Aruba.

Corruption is a problem that hinders effective efforts against international narcotics traffickers. A joint Netherlands Antilles and Aruba court denied a USG extradition request for a Colombian narcotics trafficker in 1996. Despite these problems, Aruba generally cooperated with the USG to meet the goals and objectives of the 1988 UN Drug Convention.

The Bahamas

Over the past ten years, successful combined U.S./Bahamian counternarcotics efforts have dramatically reduced the amount of cocaine and marijuana transiting The Bahamas en route to the United States. This downward trend has continued over the last several years. Nevertheless, significant quantities of illicit drugs continue to pass through The Bahamas. The Bahamas is also a dynamic financial services center and a tax haven with bank secrecy laws, which are both factors conducive to money laundering. Some marijuana is grown in The Bahamas, but the country is not a major drug producer.

The Government of the Commonwealth of The Bahamas (GCOB) vigorously strives to combat drug trafficking and is extraordinarily cooperative with USG counterdrug efforts. The first country to ratify the 1988 UN Drug Convention, The Bahamas took further steps during 1996 to implement it. Strong anti-money laundering legislation and implementing regulations entered into force in 1996. During the year, the GCOB continued its successful efforts to strengthen its justice system, with assistance from the USG. U.S. and Bahamian law enforcement officials continued to work closely together to apprehend drug traffickers. Domestic drug abuse remains a problem, but the number of new drug users has declined notably since the mid-1980s. Over the past several years, The Bahamas has prosecuted and convicted some middle and low-level officials on charges of narcotics corruption. The GCOB is also making some headway in its efforts to forfeit and dispose of trafficker assets.

Although enormous progress has been made, more can be done. In coming years, The Bahamas should continue to improve the effectiveness with which its justice system handles drug cases, further emphasize forfeiture of trafficker assets and effectively enforce its new anti-money laundering controls.

Bolivia

The Government of Bolivia sustained an intense counternarcotics effort again in 1996, cooperating fully with the USG, and took adequate steps toward full compliance with the goals and objectives of the 1988 UN Drug Convention.

Bolivia's coca crop is the third largest in the world, behind Peru and Colombia, but the high yield of Bolivian coca makes Bolivia second only to

Title 3—The President

Peru in terms of the production of cocaine alkaloid. The vast majority of the coca for cocaine production is cultivated in Bolivia's Chapare region. Coca growers produce cocaine base in rudimentary laboratories, then sell it to more sophisticated organizations which convert cocaine base into cocaine hydrochloride. Bolivia is believed to be the world's second leading producer of refined cocaine hydrochloride.

During 1996, the Government of Bolivia (GOB) eradicated over 7,500 hectares of coca in the Chapare—the highest level of eradication since 1990. Despite the GOB's commitment to this program, eradication reduced Bolivia's coca crop by only one percent, as new coca cultivation, both within and outside of the Chapare, almost offset eradication. Total potential cocaine production in 1996 declined by an estimated 10 percent, however, from 240 metric tons in 1995 to some 215 metric tons of cocaine HCl. New coca does not become harvestable—and capable of producing the cocaine alkaloid—for two years.

In order to confront the problem of new planting, the government launched late in 1996 an expanded campaign to detect and destroy new coca and seedbeds. For the first time, the GOB also fully applied the letter of its own law, arresting several peasants for planting new coca.

The Minister of Justice produced a package of legislative reforms, designed to modernize Bolivia's criminal justice sector. Among the reforms were strong anti-money laundering provisions. The government presented the package to the Bolivian Congress in January 1997, and is seeking passage before the June 1997 presidential elections. In addition, a new extradition treaty between the United States and Bolivia, which allows for the extradition of Bolivian nationals, entered into force in November 1996.

Overall cocaine base and HCl seizures increased in 1996 compared to 1995, and HCl seizures in the second half of the year increased dramatically. The government established a Chemical Control Directorate. Meanwhile, an expanded and increasingly effective Chemical Police Unit, aided by counterdrug forces in the Chapare, made chemical seizures well above 1995 levels. The government's Seized Asset Directorate, created in December 1995, began operations, while asset seizures increased by some 36 percent over 1995.

In the coming year, the GOB must work to eliminate and prevent new coca cultivation, fully applying the Law 1008 prohibition on new planting, and reduce coca cultivation in the Chapare by at least 10 percent. The GOB should press for the passage and rapid implementation of a money laundering law along with a revised Code of Criminal Procedures. Faced with an increasingly sophisticated group of Bolivian trafficking organizations, the GOB's enforcement strategy must more effectively target cocaine HCl processing and trafficking organizations, as well as Chapare-based cocaine base laboratories. In addition, we expect the GOB to ensure that the Blue Devils Riverine Task Force can fully exercise its drug enforcement authority and produce results consistent with its resources.

Brazil

International narcotics traffickers use Brazil to transship cocaine primarily from Colombia, Peru and Bolivia to the United States and Europe. Brazil serves as an increasingly significant transit route for air shipments of cocaine base from Peru to cocaine labs in Colombia. Cocaine also transits

Other Presidential Documents

the country by river and overland routes. Law enforcement agencies estimate that ten to twenty mt of cocaine transit Brazil annually, of which Brazilian authorities seized about three mt of cocaine in 1996, a decline from last year's almost six mt. Despite the decline, Brazil fully cooperated with the USG to advance the goals of bilateral agreements and the 1988 UN Drug Convention.

In 1996, the area of Brazil bordering Peru was heavily used as a staging area for air shipments of cocaine destined for the United States. Brazilian trafficking organizations reportedly provided fuel and airstrips for illicit trafficking purposes.

To address this threat, Brazilian authorities destroyed several airstrips, and commendably repeated operations when traffickers rebuilt those cratered airstrips. In a strong commitment to regional cooperation, Brazilian police cooperated with Peruvian and Colombian police to deter trafficking in the tri-border area between their respective countries.

Focussing on the maritime trafficking problems in Brazil's major sea-ports, which function as conduits for cocaine shipped to the United States, Brazil participated in one U.S. Customs port assessment visit to the major ports of Rio de Janeiro and nearby Santos. Brazil also tightened enforcement over its chemical companies.

Brazil entered into an agreement with the USG to train police-prosecutor-judge task forces to bolster the Government of Brazil's (GOB) counternarcotics effort and to enhance coordination between judges, prosecutors and police. Corruption is a problem in mid and lower levels of the DPF that hinders effective enforcement efforts to control drug trafficking through Brazil.

Authorities disrupted the Saavedra-Shapiama Organization, which trafficked cocaine from the Amazon region to the United States. With USG assistance, Brazilian authorities in good faith continue to investigate this and other narcotics trafficking organizations in the Amazon region. In May 1996, the Brazilian Senate approved the Amazon Surveillance System (SIVAM). SIVAM is a detection and monitoring system that will be used to protect the Amazon region, in part against illicit narcotics trafficking.

Although the Brazilian government did not sign a Letter of Agreement (LOA) that would have renewed counternarcotics cooperation with the USG in 1996, the GOB has demonstrated a strong interest in continuing its counternarcotics relationship with the USG. The almost \$1 million of 1996 counternarcotics funding meant for Brazil instead funded the Organization of American States Anti-Drug Abuse Control Commission (OAS/CICAD). In addition to demonstrating a commitment to cooperate further with the USG on counternarcotics, Brazil participated in important multilateral counternarcotics initiatives, including an OAS/CICAD meeting in Uruguay.

Other efforts point of Brazil's achievements in 1996. It proposed a National Drug Enforcement Plan in 1996. It also hosted several meetings of the of the mini-Dublin Group in Brasilia to coordinate counternarcotics assistance from major donors, primarily European nations. Demand reduction and other multilateral efforts have successfully raised the profile of the danger of drug trafficking and abuse in Brazil. Although bank secrecy remained a formidable obstacle in the battle against money laundering, and

Title 3—The President

money laundering occurred in Brazil's banks and exchange houses, in 1996 the congress initiated debate on a bill to counter money laundering.

Cambodia

In 1996, Cambodia made significant efforts toward addressing drug trafficking and transit problems, which the Royal Government of Cambodia has acknowledged. There is a significant flow of heroin transiting Cambodia which affects the U.S. and other countries. The National Assembly passed a comprehensive counternarcotics law on December 3, 1996. The statute, drafted with UNDCP assistance and advice, includes tough anti-money laundering provisions and commits the government to becoming a party to the 1988 UN Drug Convention.

Other measures taken by the RGC, either separately or in cooperation with the U.S. and other governments and international organizations, include reorganizing its ill-trained and equipped 900-person National Anti-Narcotics Unit into a more effective 40-person National Anti-Drug Unit, participating in UNDCP conferences, and seeking other avenues to broaden cooperation with surrounding countries and the international community. Cambodian drug interdiction efforts resulted in the seizure of 40 kilograms of heroin and the arrest of 12 heroin couriers working for Nigerian trafficking organizations. The RGC also continued a program of marijuana eradication.

The skeletal nature of Cambodia's law enforcement infrastructure, coupled with an impoverished economy, continues to impede efforts as assembling comprehensive information about the drug trade in and through the country. These weaknesses have also made the task of providing appropriate assistance more critical and, at the same time, more difficult. The single most important issue Cambodia faces with regard to its drug trafficking problem, however, is the issue of drug-related corruption. After the publication in 1995 of allegations tying key political and business figures to the drug trade, the RGC publicly called for information which would aid in the prosecution of any such person. There have, however, been no results yet reported in connection with these charges. The U.S. will be looking for efforts to deal vigorously with drug-related corruption, which would otherwise eventually undermine Cambodia's credibility on the issue of narcotics control. USG efforts to assist Cambodia in building stronger law enforcement and judicial institutions are based on the premise that the upper levels of the RGC will thus have available the appropriate means for dealing with the issue.

China

China continues to play a key role as a major transit route for Southeast Asian heroin destined for the U.S. and other Western markets. Addiction and violent crime associated with China's proximity to the Golden Triangle and its flow of narcotics continue to engage the attention of Chinese authorities. In April 1996, China's Ministry of Public Security began a nationwide anti-crime campaign called "Strike Hard," which placed special emphasis on drug interdiction efforts: opium seizures in the first ten months of 1996 were up 26 percent over all of 1995, and heroin seizures in the first ten months of 1996 were up 47 percent over the entire amount seized in 1995. China continues to be an active participant in the United Nations Drug Control Program and in 1996 signed mutual legal assistance treaties,

Other Presidential Documents

with specific attention to narcotics trafficking, with Russia, Mexico and Pakistan. It is also a party to the 1988 UN Drug Convention.

Counternarcotics and law enforcement cooperation with the United States continues to be uneven, although senior U.S. and Chinese officials have publicly recognized the common interest in enhanced cooperation. Lower level officials continue to express a desire to expand cooperation, and working-level dialogue and information sharing have improved and expanded in some respects. Chinese officials participated in a two-week regional cooperation seminar in Bangkok conducted by DEA and in a program to help law enforcement officials detect and prevent illegal transshipments of precursor chemicals. U.S. Customs representatives also taught interdiction techniques to Chinese officials in Sichuan Province. But China in 1996 also denied, "for now," a USG request to be allowed to open a joint DEA/FBI office at the U.S. Embassy in Beijing.

China's continued strong stand against crime and official corruption has been widely publicized. Chinese leaders and law enforcement authorities have recognized that rapid economic growth has contributed to the spread of corruption, including among lower level officials. Penalties for such transgressions are severe and include execution.

China is a major chemical producer. The interest PRC officials have shown in techniques for controlling sales and shipments of chemical precursors indicates growing recognition of China's role as a target for criminals seeking to illegally procure or divert such chemicals. China's recognition of its susceptibility to money laundering also appears to be growing, but domestic mechanisms for assessing and addressing the problem are only beginning to catch up to the challenge.

Dominican Republic

In 1996, the Dominican Republic's attention was focused on election year politics. As a result, although the out-going government cooperated with counternarcotics operations, it has left the new administration with unresolved, long-term narcotics-related issues and an environment of public concern about corruption. Despite the absence of a master plan, the Government of the Dominican Republic (GODR) remains deeply committed to the war against narcotics trafficking and consumption.

Following its installation in August 1996, the Fernandez administration made an anti-corruption agenda and judicial reform high priorities of the GODR. However, the GODR lacks effective enforcement mechanisms to eliminate the corruption which undermines the country's fragile democratic institutions. Additionally, the country's largely unpatrolled coast, its porous border with Haiti, and poorly paid and under-equipped police and military make it attractive to Dominican and Colombian drug transshipment organizations and domestic drug traffickers. The majority of Dominicans condemn the use of illegal drugs and support GODR efforts to combat narcotics trafficking; drug consumption levels are considered low.

The Government of the Dominican Republic cooperated fully with the United States Government on counternarcotics objectives and goals. Among the GODR's accomplishments was the arrest of the Cali cartel's Rolando Florian-Feliz, the DR's most wanted narcotics trafficker.

Title 3—The President

Due to the absence of effective government supervision of exchange houses or remittance operations and the presence of large cash flows which could hide money laundering activity, it is believed that narcotics money continues to be laundered in the Dominican Republic. Money laundering is not likely to diminish until the GODR aggressively implements the money laundering legislation. Many Dominicans who have committed serious crimes in the United States continue to find refuge in the Dominican Republic, since local law bars extradition of nationals. While 1996 negotiations for a new extradition treaty with the former government did not reach a successful conclusion, the USG is currently assessing a resumption of talks with the Fernandez administration.

Neither the GODR itself nor senior government officials encourage, facilitate, or engage in drug trafficking or money laundering as a matter of government policy. No evidence exists that senior government officials are involved in drug distribution or money laundering. No senior government official has been indicted for drug-related corruption in 1996.

Ecuador

International narcotics traffickers from Colombia and Peru intensified their efforts to transship cocaine and coca base through Ecuador. Trafficking organizations ship about 20–40 metric tons (mt) of coca base from Peru through Ecuador to Colombia for refining into finished cocaine, and about 30–50 mt of cocaine through Ecuador to the United States and Europe. Ecuador seized almost nine mt of cocaine in 1996.

Traffickers continued to transship cocaine overland and by river, and to smuggle chemicals into Ecuador via the Pan American Highway and Ecuador's extensive river network, sometimes committing armed robberies of truck drivers transporting chemicals from petroleum companies in Ecuador's jungle region.

Ecuadoran authorities responded commendably to counter traffickers, placing emphasis on Guayaquil as a favored cocaine transshipment point. Authorities made a nearly seven mt seizure of cocaine from a fishing vessel, the Don Celso, and had it returned from international waters to search it in Guayaquil. Traffickers had loaded the cocaine into the fuel tanks of the 150-ft. fishing vessel.

The Ecuador National Policy (ENP), with USG assistance, identified a major cocaine processing facility just west of Quito in a town called Santo Domingo de los Colorados. Authorities dismantled the lab, but many said it demonstrated a shift in trafficker activity from neighboring countries to Ecuador.

The Government of Ecuador (GOE) demonstrated its commitment to regional counternarcotics cooperation efforts. In an unprecedented law enforcement cooperation effort with Peru, Ecuadoran police deported to Peru Willer Alvarado Linares, a.k.a. "Champa," a Peruvian drug kingpin with close ties to the Cali Cartel. With USG assistance, the ENP dismantled a major drug trafficking organization in Ecuador reportedly run by a Cali-connected trafficker, Jose Castrillon Henao. Ecuadoran authorities continued the prosecution of Jorge Hugo Reyes Torres, a jailed drug kingpin, also tied to Cali.

Other Presidential Documents

Although police-military cooperation, maritime cooperation, and inadequate money laundering legislation remained problems, GOE officials made a good faith effort to resolve these issues. The GOE participated in drug enforcement and customs training courses, continued some information-sharing efforts, and attended a money laundering seminar.

The Ecuadoran Supreme Court entered into an agreement with the USG on administration of justice. The USG bought five computers and a laser printer in support of Ecuador's ambitious judicial reform effort. Allegations of corruption in the judiciary and in other branches of the government plagued the former Bacaram administration, and now plague the current administration of interim President Alarcon, hindering effective counter-narcotics efforts.

Despite these problems, Ecuadoran government officials demonstrate continued interest in working with the USG to address more effectively narcotics trafficking problems that threaten to erode democratic institutions. Ecuador is a party to the 1988 UN Drug Convention and has bilateral agreements with the USG. Ecuador has fully cooperated with the USG to advance the goals and objectives of these agreements.

Guatemala

Despite the political distractions of the ongoing peace process, Guatemala continued to cooperate fully with U.S. counternarcotics goals and objectives. Law enforcement cooperation between Guatemala and the United States has been excellent. With USG support, Guatemalan government (GOG) counternarcotics officials seized almost four metric tons of cocaine, a significant increase over previous years.

GOG experts estimate that at least one out of four Guatemalan adults suffers from some sort of chemical dependency, principally alcohol abuse. Illicit drug use has not been effectively documented, but GOG officials believe it has increased steadily since 1990 and contributes to the extremely high level of violence in the country, especially in the capital city.

The Department of Anti-Narcotics Operations (DOAN), the country's principal counternarcotics organization, fully cooperated with USG agencies on information-sharing, joint operations, and special investigations targeting international drug trafficking networks. Also in 1996, a major corruption ring centered on customs tax evasion and extortion was uncovered, giving the GOG further impetus to criminalize money laundering and develop the capability to investigate suspect financial transactions.

Recent information indicates that significant quantities of precursor chemicals, mostly ephedrine, are being diverted through Guatemala to Mexico and the United States. The government has not yet taken steps to halt that traffic, which is not currently illegal in Guatemala. The GOG has, however, requested and will receive USG technical assistance on how to combat this illicit trafficking. In early 1997, Guatemala hosted a regional seminar to address the problem of the control and regulation of precursor chemicals.

The GOG does not, as a matter of government policy, encourage or facilitate illicit production or distribution of narcotic or psychotropic drugs or controlled substances, or the laundering of proceeds from illegal drug transactions. In addition, no senior government official facilitates or encourages

Title 3—The President

the illicit production or distribution of such drugs or substances or the laundering of proceeds from illegal drug transactions.

Haiti

Haiti continues to cooperate with U.S. counternarcotics goals and objectives. The Government of Haiti (GOH) confronts a staggering array of issues that compete for the attention of its already stretched professional and managerial talent and consequently impedes rapid progress on counternarcotics issues. Despite these obstacles, the GOH made definite progress in counternarcotics issues in 1996.

The GOH began to reform its existing narcotics laws and to develop a national narcotics plan and money laundering legislation. With USG support, a Haitian Coast Guard (HCG) unit was established; a Counternarcotics Unit (CNU) was trained; and new chiefs for both units were installed. The changeover in leadership of the CNU proved particularly time-consuming and, despite sincere efforts, the CNU was not functioning in its permanent quarters at the airport by the end of 1996. Nevertheless, the commitment of the Haitian National Police (HNP) leadership to maintain high standards of performance within these two units is notable.

The HCG began operating in August 1996 and scored two major cocaine seizures amounting to 938 kgs. in its first two months of operation. The interdiction and maritime boarding experience in these two operations represented a training opportunity that contributed to the HCG's ability to eventually conduct independent operations.

The USG has made a strong commitment to assist Haiti in establishing stable democratic institutions. As a part of this effort, the USG intends to work with the GOH towards conclusion of a bilateral maritime agreement, and to continue its efforts to assist the GOH with its narcotics-related agenda and legal reform programs. The USG will also assist the HNP in establishing regional law enforcement contacts and continue to provide support for both the HCG and the CNU.

In 1996, the GOH continued to give USG officials high-level assurances of its commitment to drug control, and those assurances have been supported by concrete progress in establishing Haitian counter-drug institutions. However, Haiti still has a number of major goals to achieve before it will be able to take significant, independent action in counternarcotics.

Hong Kong

Hong Kong's role as a money laundering base for the international drug trade continues to grow, while its role as a transit point for drugs appears to have lessened. There were no drug seizures in the United States in the first 10 months of 1996 unequivocally linking Hong Kong to the U.S. as a transit point for drugs. The overall pattern of drug trafficking in the region, however, continues to point to Hong Kong as a key transshipment point for drugs destined for the U.S. and other Western markets.

Hong Kong authorities continued to strengthen the legislative framework for combatting narcotics trafficking. They extended licensing controls to an additional 21 precursor chemicals, introduced implementing legislation for bilateral extradition agreements and proposed legislation establishing heavier sentences for drug traffickers who target the young. On December 20, 1996, the U.S. and Hong Kong signed an agreement for the surrender of fu-

Other Presidential Documents

gitive offenders (an extradition agreement) and the two sides have initialled a Mutual Legal Assistance Agreement that will expand the basis for mutual legal assistance over a wide range of criminal activity, including that currently covered by a Bilateral Narcotics Agreement, which will be terminated by its terms on June 30, 1997.

Hong Kong's mature and experienced law enforcement structure is characterized by dedication and no reported narcotics-related corruption among senior officials. Cooperation between the United States and Hong Kong on matters relating to drug trafficking and money laundering continues to be excellent.

India

India is the sole producer of licit opium gum for the pharmaceutical industry, a significant cultivator of opium poppies in remote regions of northwest and northeast India and a transit country for opiates from both Southwest and Southeast Asia. Controls over the licit opium industry have been continuously tightened for the past five years but, due to the method of production, some diversion probably continues. The well-developed transportation infrastructure in India, combined with porous borders from neighboring source countries, has made India an attractive transit country for traffickers.

As a licit producer of opium, India must meet an additional certification requirement. In accordance with Section 490(c) of the Foreign Assistance Act, it must maintain licit production and stockpiles at levels no higher than those consistent with licit market demand and take adequate steps to prevent significant diversion of its licit cultivation and production into illicit markets and to prevent illicit cultivation and production.

In 1996, India continued to take steps to curtail diversion of licit opium, which remains a concern. The minimum qualifying yield (MQY) for relicensing to cultivate opium poppy was raised from 46 to 48 kilograms per hectare in most growing areas, and offenses related to cultivation and embezzlement of opium are now on par with other trafficking crimes. Sentences of up to 20 years' imprisonment can be imposed.

Although the Government of India (GOI) did not agree to direct USG participation in the 1996 opium yield survey, it did allow U.S. scientists to observe the survey and to work with Indian scientists to include new parameters in future opium yield surveys. A comprehensive opium yield survey verifies data on crop yields, establishes practicable levels of MQY, and better quantifies diversion.

Indian opium gum, a principal source of the baine and other alkaloids essential to certain pharmaceuticals, is in demand by U.S. and other pharmaceutical firms. India once again increased opium poppy cultivation because of the pharmaceutical demand and a desire to establish once again a stockpile against a crop disaster. Opium production rose to 849 mt in 1996 from 833 mt in 1995 (all measures at ten percent moisture).

India has illicit opium poppy cultivation, primarily in areas such as Jammu and Kashmir, where GOI control is challenged by insurgent groups. USG remote sensing in 1996 indicated illicit cultivation on 3,400 hectares, with a theoretical yield of 47 metric tons of opium, a decrease from the previous year's estimate. However, despite efforts by the GOI based on sus-

Title 3—The President

pect coordinates provided by the USG, it was able to find only small areas of poppy cultivation.

The GOI continues to make progress in controlling the production and export of precursor chemicals. The GOI has a cooperative relationship with the DEA, especially on precursor chemical issues, and has agreed not to allow any shipment unless DEA issues a letter of non-objection. Trafficking in illegally produced methaqualone (mandrax), a popular drug in Africa, is still believed to be a major problem, although seizures fell in 1996.

Authorities have had limited success in prosecuting major narcotics trafficking organizations because of the lack of enforcement funding and weaknesses in the investigations infrastructure. The GOI stresses cooperation among law enforcement entities. India cooperates in “controlled deliveries” that have resulted in arrests in six countries.

The USG receives reports of narcotics-linked corruption, but cannot independently verify the extent. No senior-level politician or bureaucrat has been accused of narcotics-related corruption.

India is party to the 1988 UN Drug Convention, and Indian officials state that it is drafting legislation needed on asset seizures and money laundering. In the meantime, its law enforcement agencies are without the tools to achieve fully the Convention’s goals and objectives.

India fulfilled the requirements of FAA Section 490(c) to maintain licit production and stockpiles at levels no higher than consistent with market demand. It also continued to take steps to reduce diversion from the licit crop, although not agreeing to use a crop yield survey as the basis for setting the minimum qualifying yield for license renewal. The GOI, upon receipt of information on suspected illicit crops, acted promptly to seek out and destroy the plots. For 1996, India’s efforts meet the additional certification requirements of FAA Section 490(c). The United States continues to work with the GOI in the following areas: taking effective action against major narcotics trafficking syndicates and kingpins; implementing effective measures on money laundering and asset seizure; permitting U.S. participation in opium crop surveys; and eradicating illicit poppy cultivation.

Jamaica

Jamaica produces marijuana and is a significant cocaine transit country. The Government of Jamaica (GOJ) made some progress during 1996 to achieve the goals and objectives of the 1988 UN Drug Convention, to which it became a party in December 1995. In December 1996, the Jamaican parliament passed a money laundering law, which, although somewhat limited in scope in that it criminalizes only the laundering of the proceeds of drug-related crime, is the beginning of a money laundering control regime. Although the GOJ has yet to prosecute asset forfeiture cases under the relevant 1994 act, it did establish a special unit which is currently investigating two such cases. Action on drafting a precursor chemical bill was deferred to 1997. GOJ-USG negotiations on a maritime counternarcotics cooperation agreement, which commenced in 1996, had been impeded by Jamaica’s declaration of exclusive law enforcement authority in its exclusive economic zone (EEZ). In December 1996, the GOJ withdrew its EEZ declaration, and negotiations resumed in February 1997, in a spirit of cooperation and willingness to conclude an agreement. Although the rate of extraditions declined markedly, from six in 1995 to one (under a waiver of ex-

Other Presidential Documents

tradition) in 1996, partly attributable to new Jamaican legal procedures regarding appeals, the GOJ expelled or deported to the U.S. eight U.S.-citizen fugitives during 1996. However, a sizeable number of extradition requests to the GOJ remain open.

According to DEA, Jamaican police counternarcotics cooperation in 1996 remained at the high levels of 1995, but drug arrests, cocaine seizures, and cannabis eradication fell somewhat below the goals and objectives of our bilateral letter of agreement (LOA). Signed by the GOJ and USG, the 1996 LOA set an objective of significantly increasing drug arrests and cocaine and heroin seizures. Drug-related arrests in 1996 (3,263) were down slightly from the 1995 level (3,705). Cocaine seizures in 1996 (236 kg) were also reduced from the 1995 level (571 kg). Heroin seizures increased slightly in 1996 (1 kg) compared to 1995 (zero kg). Marijuana seizures, on the other hand, increased significantly (52.99 mt in 1996, compared to 37.20 mt in 1995), bolstered by one very large seizure late in 1996. The 1996 LOA set an eradication goal of 800 hectares of cannabis. During 1996, 473 hectares were eradicated, compared to 695 hectares in 1995, with the area under cultivation estimated to be the same both years. U.S.-provided helicopters used to assist eradication efforts were grounded for safety reasons for part of the year.

Jamaica's National Council on Drug Abuse (NCDA) continued its demand reduction efforts, becoming increasingly self-reliant and prominent. Jamaica's national drug control strategy has been drafted and is awaiting government approval for implementation. The GOJ has not formally charged any senior government official with drug-related activity, but several Jamaican policemen and court employees have been arrested and charged on drug and drug-related charges. The Jamaican media continues to report allegations of drug-related corruption among public officials including the police.

In 1997, in order to fully carry out the goals and objectives of the 1988 UN Drug Convention, the GOJ needs to strengthen its money laundering control law, pass a chemical control law, and continue to modernize its full range of drug control laws and penalties. Jamaica's greatest challenge will be decisive implementation of such laws. The GOJ also needs to conclude a maritime cooperation agreement, intensify its effort to respond to U.S. extradition requests, prosecute asset forfeiture cases, and increases the conviction rate of those arrested for drug-related crimes. On the bilateral level, in order to make better use of U.S. counter-drug and anti-crime assistance, Jamaica needs to intensify its drug law enforcement and marijuana eradication efforts, tighten the security of its export shipments to keep drugs out of them, and participate fully in combined maritime counterdrug operations. In addition, the GOJ needs to formally approve its national drug control strategy and systematically implement it. The GOJ should take decisive measures to root out drug-related corruption among public officials which undermines drug control efforts.

Laos

Laos is still a distant third, after Burma and Afghanistan, in world production of illicit opium. The 1995/96 growing cycle saw an estimated increase of 11% in opium production over the 1994/95 level; this was a little over 50% of the record level set in 1989. Regions of Laos covered by USG- and UNDCP-funded crop substitution projects, however, saw only low levels of poppy cultivation. In May, the Lao Government passed an amend-

Title 3—The President

ment to its existing drug control law which banned opium production and increased penalties for trafficking. It believes, however, that rigorous enforcement of the provision outlawing opium production requires adequate programs to provide alternative sources of income to farmers and continues to press its case for adequate assistance from the international community to enable it to fully implement its anti-narcotics action plan.

Reservations about its ability to enforce the legislation banning opium production notwithstanding, the Government of Laos continued to participate actively in regional counternarcotics efforts. It signed a UNDCP-sponsored project document on regional law enforcement cooperation and hosted a regional working level conference on the trafficking of precursor chemicals and the involvement of West African drug traffickers in Southeast Asia. Bilateral cooperation with the United States, however, remained at the center of Laos' counternarcotics endeavors. USG funding of the Houaphan crop control project continued, and the Lao formed two additional Special Counternarcotics Units, one in Savannakhet and one in Bokeo, with USG assistance. In November, the Lao Government approved the assignment of a DEA representative to the American Embassy in Vientiane. Overall Lao cooperation with the USG on counternarcotics matters remains excellent; while low-level corruption is assumed to exist, there is little to indicate high-level or systematic drug-related corruption in the Lao government. Laos' vigorous enforcement over the coming year of its newly enacted laws outlawing opium production and increasing the penalties for drug trafficking will be an important signal of its long-term commitment to controlling its drug problem.

Malaysia

Malaysia is a transit country for heroin bound for the U.S., Europe and other destinations. Malaysia's anti-trafficking laws include a mandatory death sentence for convicted traffickers. Law enforcement authorities are pressing for enactment of a conspiracy law to enable prosecution of traffickers who escape prosecution under existing criminal statutes. In addition, the Government of Malaysia has instituted a number of bureaucratic measures, including the establishment of a new interagency group headed by the Prime Minister, to bolster enforcement and demand reduction activities. Malaysia is also a party to the 1988 UN Drug Convention.

Cooperation between Malaysian law enforcement officials and DEA continued to expand in 1996. Negotiation of a bilateral Mutual Legal Assistance Treaty between Malaysia and the U.S. is proceeding smoothly. Both governments hope to conclude the treaty in 1997. Malaysia and the United States also cooperated on drug abuse prevention (demand reduction) programs, many of them directed at rehabilitation center inmates. These programs are of particular concern to the Malaysian Government in view of rising addiction rates. Existing rehabilitation centers have also been a focal point of the lower-level narcotics-related corruption which is known to exist: guard and treatment center employees have sold narcotics to inmates. The Malaysian Government has proposed an amendment to the Dangerous Drugs Act to strengthen the penalty for such activities.

Malaysia is also beginning to look toward money laundering as a vulnerable point in its overall legal and institutional structure. Senior government officials have publicly expressed concern about possible misuse of Malaysia's offshore financial center, Labuan, to launder money. Malaysia has now

Other Presidential Documents

endorsed the Commonwealth Secretariat's efforts to produce model anti-money laundering legislation.

Mexico

The Government of Mexico's (GOM) 1996 counter-drug effort produced encouraging results and notable progress in bilateral cooperation. President Zedillo has declared the major drug trafficking organizations, and the corruption they foster within governmental structures, to be Mexico's principal national security threat. He has intensified the country's counter-drug effort, in keeping with international human rights norms, both through legal reforms and operationally, through the expanded participation of the nation's military services.

Drug seizures and arrests increased in 1996. Mexican authorities seized 23.8 mt of cocaine, 383 kgs of heroin, 1015 mt of marijuana, 171.7 kgs of methamphetamine and 6.7 mt of ephedrine (its chemical precursor), and destroyed 20 drug labs. Police arrested 11,283 suspects on drug-related charges. Authorities arrested several major traffickers: Juan Garcia Abrego, Gulf cartel leader and one of the FBI's "Ten Most Wanted" fugitive; Jose Luis Pereira Salas, linked to the Cali and Juarez cartels; and Manuel Rodriguez Lopez, linked to the Castrillon maritime smuggling organization.

The Mexican Congress passed two critical pieces of legislation which have armed the GOM with a whole new arsenal of weapons to use to combat money laundering, chemical diversion and organized crime. The GOM established organized crime task forces in key locations in northern and western Mexico in cooperation with U.S. law enforcement. In an effort to confront widespread corruption within the nation's law enforcement agencies, former Attorney General Lozano dismissed over 1250 federal police officers and technical personnel for corruption or incompetence, although some have been rehired, and the GOM indicted two former senior GOM officials and a current Undersecretary of Tourism. He also sought to expand cooperation with the United States and other governments.

The United States and Mexico established the High-Level Contact Group on Narcotics Control (HLCG) to explore joint solutions to the shared drug threat and to coordinate bilateral anti-drug efforts. The HLCG met three times during 1996 and its technical working groups met throughout the year. Under the aegis of the HLCG, the two governments developed a joint assessment of the narcotics threat posed to both countries which will be used as the basis for a joint counter-drug strategy.

U.S.-Mexican bilateral cooperation on drug law enforcement continued to improve in 1996, particularly in the areas of money laundering, mutual legal assistance, and criminal investigations. The USG provided training, technical, and material support to personnel of the Office of the Mexican Attorney General (PGR), the National Institute to Combat Drugs (INCD), the Mexican Treasury, and the Mexican armed forces. The Government of Mexico established the important precedent of extraditing Mexican nationals to the United States under the provision of Mexico's extradition law permitting this in "exceptional circumstances." This paves the way for further advances in bringing fugitives to justice. Both governments returned record numbers of fugitives in 1996.

Even with positive results, and good cooperation with the U.S. and other governments, the problems which Mexico faces remain daunting. The

Title 3—The President

Zedillo Administration has taken important beginning steps against the major drug cartels in Mexico, and towards more effective cooperation with the United States and other international partners, but the strongest groups, such as the Juarez and Tijuana cartels, have yet to be effectively confronted. The level of narcotics corruption is very serious, reaching into the very senior levels of Mexico's drug law enforcement forces, as witnessed by the February 1997 arrest of the recently-appointed national counter-narcotics coordinator. President Zedillo acted courageously to remove him as soon as the internal Mexican investigation revealed the problem, but this has been a set-back for Mexico's anti-drug effort, and for bilateral cooperation.

Mexican police, military personnel, prosecutors, and the courts need additional resources, training and other support to perform the important and dangerous tasks ahead of them. Progress in establishing controls on money laundering and chemical diversion must be further enhanced and implemented. New capabilities need to be institutionalized. Above all, the GOM will have to take system-wide action against corruption and other abuses of official authority through enhanced screening personnel in sensitive positions and putting into place ongoing integrity controls.

While there are still serious problems, and a number of areas in which the USG would like to see further progress, the two governments have agreed on the parameters of a joint approach to combat the narcotics threat, and are at work on developing this strategy. The drug issue will remain one of the top issues in the bilateral agenda and will be one of the main issues discussed during President Clinton's planned visit to Mexico in April.

Panama

Panama continued to cooperate with the United States to achieve our counternarcotics goals and objectives in 1996. The Government of Panama's (GOP) achievements in 1996 included an eradication campaign which resulted in the elimination of the country's fledgling coca cultivation and significant damage to marijuana cultivation, aggressive and effective prevention and education campaigns, and the first-ever conviction of a major money launderer from the Colon Free Zone. In one of the region's most significant arrests, the GOP captured the Cali cartel's primary maritime smuggler, Jose Castrillon Henao, who is scheduled for trial in 1997. The USG provided six helicopters to the GOP in late 1996, for the express purpose of combatting narcotics.

Following up on full congressional certification for the past two years, and spurred on by last year's legislation tightening money laundering regulations, the Government of Panama made Latin America's first financial analysis unit operational, resulting in the presentation of patterns of money laundering to the GOP's National Security Council for eventual prosecution.

Panama continues to be a major financial and commercial center ideally positioned for narcotics smuggling and illicit financial transactions. Money laundering remains the primary problem in Panama. Local factors facilitating money laundering include bank secrecy, the Colon Free Zone, inadequate controls on cash and commodity imports/exports, lax incorporation regulations, and a dollar-based economy. The GOP has taken definite steps to address these problems, including the start-up of a financial analysis

Other Presidential Documents

unit and the establishment of computerized data bases for tracking financial movements in the Colon Free Zone. The GOP also established a financial investigative unit which will prepare cases of money laundering for prosecution. Armed with more effective legal, policy, and institutional underpinnings, the GOP expects to counter money laundering activities more successfully in 1997.

The GOP needs to continue to crack down on both money laundering and drug trafficking, follow through on reports of suspicious transactions by arresting and convicting major money launderers, improve interdiction capabilities, and make effective use of the financial analysis unit.

Paraguay

The government of Juan Carlos Wasmosy cooperated fully with the United States in 1996. Government of Paraguay (GOP) anti-drug efforts improved substantially, and the government took adequate measures to further its compliance with the goals and objectives of the 1988 UN Drug Convention. Scarce resources, public corruption, and an only partially-reformed legal system remain obstacles to more effective counternarcotics action, but the GOP has demonstrated its commitment to combatting the drug trade.

President Wasmosy appointed an activist Director to the National Anti-drug Executive Secretariat (SENAD) in June, who immediately sought a closer, more productive relationship with the United States and with Paraguay's neighbors. Assuming the post with a reputation for honesty, Carlos Ayala made cocaine trafficking groups the SENAD's top priority. He has removed anti-drug officers implicated in corrupt practices, and focused Paraguay's investigative resources on Paraguay's top traffickers. Under Ayala's leadership, SENAD developed a comprehensive national anti-drug strategy, which President Wasmosy presented to the nation in late fall. Ayala also launched a new approach to combat drug abuse.

The Paraguayan Congress, with strong support from the executive branch, in December enacted an anti-money laundering law consistent with international standards. SENAD Chief Ayala initiated a revision of Paraguay's anti-narcotics statute which would explicitly authorize undercover operations and controlled deliveries. The GOP is pushing for congressional approval of the amendment early in 1997.

The SENAD continued large-scale marijuana eradication operations, worked closely with DEA on training and equipping the Anti-narcotics Police (DINAR) Special Intelligence and Investigative Unit, and assessed the threat of precursor chemical trafficking and diversion in Paraguay. Meanwhile, on the international front, the GOP signed agreements with Brazil and Argentina to cooperate in combatting trans-border criminal activity, including drug trafficking, and Paraguayan officials initiated working-level coordination meetings with counterparts in these countries. The SENAD also agreed with Bolivian counterparts to share intelligence and to conduct joint operations.

In 1997, the GOP should secure passage of a strengthened anti-drug law and begin to forcefully implement its new money laundering statute. The USG will assist the GOP in creating an interagency financial crimes investigative unit. Paraguay also must improve its ability to investigate drug and other organized crime groups in the tri-border area, particularly in the cit-

Title 3—The President

ies of Pedro Juan Caballero and Ciudad del Este, and we expect the GOP to pursue key drug trafficking and corruption cases in the coming year.

Peru

Peru is the world's largest coca producer. The USG has consistently urged the Government of Peru (GOP) to fulfill its signatory obligations under the 1961 Single Convention and the 1988 UN Drug Convention, particularly with regard to reducing its coca production. In 1996, the GOP cooperated fully with the United States in efforts to achieve the goals and objectives of the UN drug conventions. Last year, total coca cultivation decreased by 18 percent, from 115,300 hectares in 1995 to 94,400 hectares in 1996. The level of cultivation in Peru was the lowest since 1986.

Contributing to the reduction was widespread abandonment of coca fields by farmers due to depressed cocaine base prices. Cocaine base prices were held below the break-even point by Peruvian National Police and Peruvian Air Force actions against the narcotics trafficking transportation infrastructure. During 1996, the joint USG-GOP alternative development program established a foothold to begin economic restructuring in coca cultivating areas. Some 226 communities signed agreements to reduce illicit coca cultivation by approximately 15,000 hectares over the next five years, in exchange for assistance to increase productivity and income from licit alternative crops.

Peruvian National Police operations seized greater amounts of cocaine base and coca leaf, but less cocaine hydrochloride (HCl) than in 1995. Efforts to arrest and prosecute major Peruvian traffickers maintained the GOP's stiff narcotics policy, and contributed to disarray among major trafficking organizations. Still, there was strong evidence that Peruvian traffickers continued to refine cocaine hydrochloride and ship it directly to Mexico for distribution in the United States. President Fujimori continued to take a tough public stance against narcotics corruption, and in 1996 created a special drug court system to handle drug offenses. The U.S. Embassy reported that incidents of military and police drug corruption were quickly addressed by the GOP.

In April 1996, the GOP passed Law 824, which established a civilian drug council (CONTRADROGAS). CONTRADROGAS was created to coordinate the efforts of the various GOP agencies involved in counternarcotics efforts, and to implement the Peruvian National Drug Strategy announced in 1994.

In 1997, the GOP must mount an aggressive effort to attract additional donor funding to expand alternative development efforts while coca farmers are still receptive to licit economic alternatives. The GOP must also ensure that the narcotics law enforcement effort which has suppressed cocaine base prices is intensified to address riverborne narcotics traffic and sustain the existing aerial intercept effort.

Taiwan

Taiwan's geographical location relative to the Golden Triangle and its importance as an advanced regional transportation and shipping center make it a major transit point for drugs destined for the U.S. and other markets. Taiwan authorities dispute this assessment, citing reduced seizures and arrests as a signal of the deterrent effect of their considerable counter-

Other Presidential Documents

narcotics efforts. The pattern of trafficking in the region, however, suggests that because of its geographic location and its ports, Taiwan will remain a target for drug traffickers. Taiwan law enforcement authorities, in fact, recently expressed concern that Hong Kong-based drug traffickers may be collaborating with Taiwan organized crime groups to transfer their base of operations to Taiwan before Hong Kong reverts to Chinese sovereignty in July of 1997, and their cooperation with the U.S. on counternarcotics efforts continues to be good.

Taiwan's law enforcement cooperation with DEA (under the auspices of the American Institute in Taiwan) and other U.S. agencies expanded in 1996. Taiwan is setting up a new National Drug Intelligence Center; we envisage increased cooperation with U.S. law enforcement agencies resulting from this. The American Institute in Taiwan and the Taiwan Economic and Cultural Representative Office continue to negotiate a Memorandum of Understanding to provide a framework for even broader counternarcotics cooperation. Taiwan has been conducting an aggressive anti-crime campaign on other fronts, as well, including prosecuting cases of public corruption. There are, however, no known cases of official involvement in narcotics trafficking.

In 1996, Taiwan also passed money laundering legislation meant to bring it into closer conformity with the goals and objectives of the 1988 UN Drug Convention. While the law enhances the ability of law enforcement officials to deal with the problem, it requires a number of revisions to enable Taiwan to meet international standards.

Thailand

Thailand remains a major transit route for drugs destined for the U.S. and other markets and produces about one per cent of Southeast Asia's opiates. It continues to serve as a model for the region as a result of its successful efforts to control opium production and its commitment to prosecuting drug producers and traffickers. Opium production in the 1995/96 growing season increased from an estimated 25 metric tons in the previous season to 30 metric tons. The upsurge in opium and heroin prices shortly after the destabilization of Khun Sa's trafficking operations in Burma was largely responsible for more widespread opium cultivation. Thailand's actions to close off sections of the Thai border with Burma, however, had helped create the conditions leading to Khun Sa's decision to reach a settlement with the SLORC.

In January of 1996, Thailand extradited a former Member of Parliament to the United States for prosecution on drug trafficking charges. Two "Operation Tiger Trap" defendants (part of drug lord Khun Sa's trafficking operation) were also extradited to the U.S. later in the year. Thirteen individuals have been arrested thus far in connection with this major "sweep."

Thai cooperation with U.S. law enforcement officials remains excellent. Thailand's Office of the Narcotics Control Board and the Police Narcotics Suppression Bureau continue to exhibit a high degree of professionalism. Corruption continues to be a problem in the Police Department, which lacks an effective internal security apparatus to hold officers accountable for wrongdoing. Elements of the Royal Thai Army and Thai Customs have also been publicly accused of corruption. The Royal Thai Government as

Title 3—The President

a whole, however, supports a policy of active measures against drug production and trafficking.

Thailand is vulnerable to money laundering. A bill to enact legislation has been stalled for a number of years. In late November, the newly-elected Prime Minister promised the President that the legislation would be given special handling to hasten its passage. Passage of appropriate anti-money laundering legislation would enable Thailand to become a party to the 1988 UN Drug Convention.

Like other countries in the region, Thailand may find itself becoming an even larger market for the region's opium, heroin and amphetamine production as the region's economic expansion continues. We will be urging Thailand to enact a conspiracy law to further enhance its ability to mount effective counternarcotics efforts and to establish an amplified crop control program.

Venezuela

Venezuela continued to be a major transit country for cocaine shipped from Colombia to the United States, and for chemicals transhipped through Venezuelan ports, as well as a money laundering center. Law enforcement agencies estimate that between 100–200 metric tons (mt) of cocaine are shipped through Venezuela to the United States and Europe. The Government of Venezuela (GOV) seized only about six mt of cocaine, almost identical to the amount it seized in 1995. Heroin seizures declined by 27 percent, from 96 kilograms (kg) in 1995 to 70 kg in 1996.

A significant decision this year was President Caldera's appointment of a politically powerful drug czar and elevation of this position to a cabinet rank. However, the GOV must produce more concrete counternarcotics results to match this demonstration of political will during the next year.

Venezuela's main port, Puerto Cabello, is a favored point for illicit smuggling by narcotics trafficking syndicates. The same is true of other ports along Venezuela's long coastline. Venezuela's airspace offers further opportunities for trafficking. Traffickers transport cocaine by small aircraft primarily to Venezuela's border states of Tachira and Apure. Traffickers risk little by transporting cocaine through Venezuela due to weak and ineffectual law enforcement interdiction efforts.

The United States designated Venezuela as a recipient of more than \$12 million worth of USG drawdown defense equipment. The Venezuelan Armed Forces adopted a counterdrug strategy, which defines its role as supporting the National Guard (GN) and police forces. The GOV is working with the United States to create a Joint Police/Military Counternarcotics Intelligence Center. However, much more needs to be done to improve communication and coordination between the GN and the Navy, Air Force and Army to implement the strategy.

Maritime cooperation was disrupted by GOV denials of four USG requests from United States Coast Guard Law Enforcement Detachments from third country vessels to board suspected Venezuelan narcotics trafficking vessels in international waters. However, USG and GOV authorities are currently seeking to broker a maritime agreement.

Although the GOV lacks effective controls over certain precursor chemicals, it made significant seizures of chemicals at Puerto Cabello. The GOV

Other Presidential Documents

also continued to make significant progress against illicit cultivation. Venezuelan authorities identified replantings of about 500 hectares (ha) of coca and opium poppy fields in the Sierra de Perija region on the border with Colombia. With USG assistance, those replantings were eradicated. Since 1994, joint efforts have reduced estimated illicit plantings from 1,000 ha to 200 ha.

The GOV permitted the basing of United States military assets and personnel in Venezuela in an effort to cooperate on Operation Laser Strike, a United States Southern Command regional air interdiction operation.

Money laundering in Venezuela continued in its financial network of banks and non-bank institutions because of weak banking supervision and regulatory authority. Although Venezuela passed a drug law in 1993 that included provisions on money laundering, key provisions are lacking, including one on conspiracy.

Allegations of corruption plague the judicial branch and some elements of the GN. Law enforcement agencies believe that corruption in the GN is a problem, hobbling the effectiveness of counternarcotics efforts. These shortfalls have raised the USG's concern about trafficking through Venezuela to the United States. Venezuela must move swiftly to reform its judicial branch, whose corruption threatens to prevent Venezuela from combating its drug problem and from protecting its democratic institutions and national territory from international drug traffickers.

Despite such problems, eradication efforts, the elevated rank of the drug czar, Venezuela's first national epidemiological survey, and other counternarcotics efforts reflect the GOV's spirit of cooperation to advance the goals and objectives of the 1988 UN Drug Convention and bilateral agreements with the United States. However, the USG will scrutinize Venezuela's efforts in the coming year and will expect the GOV to be vigorously engaged in increased cooperation on drug interdiction, money laundering, chemical control, anti-corruption efforts and conclusion of a comprehensive bilateral maritime cooperation agreement.

Vietnam

Vietnam's increased trade and tourism have opened new routes for Southeast Asian heroin shipments to such consumer markets as Australia, North America and Europe. The SRV continues to battle against narcotics trafficking but has yet to overcome problems of corruption within the military and police. The SRV does, nonetheless, appear to be actively engaged on the counternarcotics issue, conducting a demand reduction media campaign as well as police operations and crop eradication programs. SRV statistics reflect cultivation of 1800 hectares of opium poppy during 1995/96. USG estimates, however, place the cultivation level at 3,150 hectares.

Vietnam created a Drug Control Master Plan in 1995 which calls for the eradication of opium cultivation by the year 2000. In October of 1996, the SRV promulgated implementing regulations for articles of the criminal code related to narcotics. The new regulations permit asset seizures in narcotics cases. Vietnam joined the Association of Southeast Asian Nations Drug Control Cooperation Program in 1996. Vietnam has also stated that it expects to ratify the 1988 UN Drug Convention in 1997. It is currently drafting a comprehensive narcotics control law, based on the tenets of the 1988 Convention, which is expected to go before the National Assembly in

Title 3—The President

1997. The law will include statutes related to the control of chemical precursors and provide for controlled shipments as an investigative technique.

SRV interdiction efforts resulted in 6,000 narcotics-related arrests in 1996, twice as many as in 1995. SRV law enforcement agencies are working with the UNDCP to create special counternarcotics squads across the country. U.S.–SRV cooperation on narcotics issues expanded throughout 1996. Training initiatives included DEA training for Ministry of Interior narcotics control teams in Hanoi and U.S. Customs Service training for Vietnamese customs officers in Ho Chi Minh City. Several senior Vietnamese narcotics officers also traveled to the United States for consultations with U.S. counterparts. The U.S. hopes to increase the level of its assistance to Vietnam. To that end, it plans to engage the SRV in drafting a Memorandum of Understanding on counternarcotics cooperation; a successful outcome, however, will depend to a great extent on the SRV's coming to grips with the conditionality involved in any expanded U.S. assistance.

VITAL NATIONAL INTERESTS JUSTIFICATIONS

Belize

Because of a significant increase in the detected activities of Colombian drug trafficking organizations in Belize in 1995, Belize was added to the list of major drug producing and transit countries for 1996. Belizean traffickers are also working with Mexican groups to move the Colombian cocaine north to the United States. These criminal activities continued throughout 1996, but the ability of the Government of Belize (GOB) to combat them was severely undermined by deeply-entrenched corruption, which reaches into senior levels of government.

The GOB's accomplishments weighed against those areas where progress was lacking have led to a decision to consider denial of certification of Belize. The GOB's accomplishments in 1996, such as its recent accession to the 1988 UN Drug Convention and passage of money laundering legislation, were achieved only after the United States and other countries exerted intense, coordinated pressure. Belizean cocaine seizures were down 36 percent and marijuana eradication decreased by 4 percent from 1995. Finally, the record of arrests and convictions of major drug dealers was, likewise, disappointing. During 1996, the GOB took no meaningful steps to uncover or punish official corruption.

Bungled investigations, along with several high-profile trials ending in acquittal, including the prosecution of the Home Minister's son-in-law for running an illegal airstrip and two immigration officials fired from their jobs and accused of corruption in an alien smuggling case, have, at a minimum, demonstrated the GOB's deficiencies in its efforts.

The USG urged the GOB to demonstrate its willingness to cooperate with the United States in achieving reasonable counternarcotics goals and objectives. The GOB, however, is not fully cooperating or taking adequate steps to meet the goals and objectives of the 1988 UN Drug Convention, especially promises made by the GOB toward the end of the year to complete a new extradition treaty and a mutual legal assistance treaty. The GOB has been operating under a US–UK extradition treaty.

Other Presidential Documents

Denial of certification would be contrary to U.S. vital national interests because it would require the U.S. to vote against multilateral development bank funding for Belize, an important element in supporting our long-term democracy and economic development goals for the country. Such multilateral support reinforces U.S. counternarcotics assistance which is designed to help Belize develop strong, independent and credible institutions capable of bringing traffickers to justice, stemming the flow of narcotics through the country and better guarding its own borders.

Although Belize's counternarcotics efforts fell short of full cooperation during 1996, the GOB did take steps which demonstrated an effort to work with the USG. It is in the vital national interests of the United States to improve the GOB's counternarcotics efforts and ensure that they are given the attention required.

Lebanon

Lebanon appears to have succeeded in the struggle against illicit crop cultivation due to the joint Lebanese-Syrian eradication efforts since 1992. There appears to be no cultivation of opium and the cannabis cultivation (for hashish production) also has all but disappeared. There are some small farms in the Baalbek-Hermel region which are still engaged in illicit cultivation, but they appear to be few in number. When such farms are discovered, arrests are made immediately and the crops are eradicated. Lebanese Internal Security Forces (LISF) and the Lebanese Armed Forces (LAF), with assistance from the Syrian Army, reported eradication of approximately 70,000 square meters of cannabis in the Baalbek-Hermel region of the Bekaa Valley during June and July. There were no other reported eradication efforts during the year.

However, Lebanon remains a significant transit country for the purposes of re-export of cocaine, and many small "home"-type labs for processing opium into heroin are still reported to operate in the Bekaa Valley. Several areas of the Bekaa Valley are not under the effective control the Government of Lebanon (GOL), and these areas are vulnerable to the establishment of illegal labs.

Although local authorities deny money laundering is a serious problem, Lebanon still presents itself to narcotics traffickers as a venue for money laundering due to bank secrecy laws, which do not allow for official discovery. Corruption remains endemic through all levels of Lebanese society, reportedly including law enforcement bodies.

In March 1996, the GOL acceded to the 1988 UN Drug Convention, but with formal reservations regarding certain provisions of the Convention, including those which relate to bank secrecy. The United States has already indicated its intention to formally object to these reservations if Lebanon does not withdraw them. Parliament is studying a draft anti-drug code, which would make money laundering a crime.

The GOL has displayed a willingness to cooperate with USG agencies during 1996. Unfortunately, Lebanon's reservations to some of the provisions of the 1988 UN Drug Convention suggest that the political will is not yet sufficient to comply fully with world standards.

Lebanese trafficking continues to pose a threat to U.S. citizens and interests. On the other hand, the United States considers the provision of assist-

Title 3—The President

ance which encourages the continued development of Lebanon's economy and infrastructure as critical to peace and stability in the Middle East, which is also of vital importance to U.S. interests and stability. These factors, combined with Lebanon's sustained positive performance in eradication and other anti-narcotics efforts, outweigh the threat posed by drug trafficking through Lebanon to the United States.

Pakistan

Pakistan is an important transit country for opiates from Afghanistan, a source country for approximately 75 metric tons of opium, and a processing country for domestic opium and opium from Afghanistan. Most opium poppy cultivation and most laboratory production of morphine base and heroin in Pakistan takes place in the Northwest Frontier Province (NWFP), which borders Afghanistan. Pakistan has a bilateral agreement with the United States that provides funding for law enforcement, roads and crop substitution in the NWFP, and demand reduction activities.

Under the government of Benazir Bhutto, Pakistan's counternarcotics efforts from January through October 1996 were seriously deficient. However, the interim government of Meraj Khalid, which replaced the Bhutto government in November, took a number of significant counternarcotics actions in accordance with the U.S.-Pakistani bilateral agreement and the 1988 UN Drug Convention.

The primary counternarcotics achievement of the Bhutto government was a reduction in the cultivation of opium poppy. USG estimates of land used for opium poppy decreased 51 percent to 3,400 hectares and the estimate of production decreased 52 percent to 75 metric tons from the previous year. The Bhutto government also extradited Sialek Jan, wanted by the USG on narcotics trafficking charges in March. However, under Bhutto, Pakistani authorities failed to act on DEA information on specific cases of trafficking, severely cut the budget of the Pakistani Anti Narcotics Force (ANF), failed to act on recommendations of the UN Drug Control Programs (UNDCP) for improvements to the Narcotics Substances Act, and failed to interdict trafficking caravans in Baluchistan Province. During Bhutto's tenure, corruption was a significant problem, with ANF officials suspected of perpetrating a hoax seizure of opium base in June, and subsequently covering up their actions.

Pakistani President Leghari November 5 dismissed the Bhutto government for corruption and mismanagement, an act subsequently upheld by the Pakistani Supreme Court. Corruption is a severe and chronic problem in the Pakistani government, including the ANF, which has no bureaucratic system, such as an internal affairs section for identifying, investigating and recommending action against corrupt officers. No one in a policy-making position in either the Bhutto or interim government has been accused of narcotics-related corruption. Sufficient legislation exists to control and punish public corruption but it is seldom enforced. The interim government in November initiated a comprehensive process for holding public officials accountable for corrupt practices.

The interim government in November and December 1996 promulgated changes to the Narcotics Substances Act as suggested by UNDCP, restored some funds to the ANF, conducted two major raids on heroin laboratories in NWFP, extradited to the United States accused trafficker Nasrullah

Other Presidential Documents

Henjrah, and arrested another individual on the U.S. extradition request list, Nasir Ali Khan.

During the course of the year, the Government of Pakistan froze \$3.5 million in assets from 21 traffickers and seized 5.4 metric tons of opium and 2.0 metric tons of heroin. These figures represent declines from those of 1995.

Pakistan is a party to the 1988 UN Drug Convention, which it ratified in October 1991, but implementing legislation on money laundering has not yet been drafted. The revisions to the Narcotic Substances Act approved by the interim government bring asset seizure and controlled delivery standards to the levels demanded by the Convention.

Vital U.S. national interests could be damaged if Pakistan, under the newly-elected government of Nawaz Sharif, were to be denied certification. Pakistan is a moderate Islamic state with a nuclear weapons capability. Pakistan is the largest contributor of troops for UN peacekeeping operations and has provided key cooperation in the international fight against terrorism. Denial of certification would be viewed in Pakistan as abandonment of a loyal ally and would endanger U.S.-Pakistani dialogue on vital issues. Denial of certification could also bring to a halt the counternarcotics momentum started in November by the caretaker government, and could negatively prejudice the newly elected government against counternarcotics cooperation with the United States.

Denial of certification would further endanger U.S. interests by requiring the United States to vote against Pakistan in multilateral development banks (MDBs). The United States has an interest in seeing that the MDBs continue their support of activities such as the GOP's Social Action Program and its Financial Sector Reform Project, which are essential to Pakistan's human and economic development. Pakistan is one of the largest beneficiaries of World Bank and Asian Development Bank programs.

These risks to vital U.S. interests outweigh any potential gain from denying certification to Pakistan. Pakistan is a primary conduit for opium and morphine base from Afghanistan, the second largest opium producer in the world. With continuing conflict and no central government in Afghanistan, Pakistan's cooperation is particularly important in stopping Southwest Asian drugs.

During the period of vital national interests certification, the United States will strive to work with senior officials of the new government to achieve the goals of the UN Drug Convention.

STATEMENTS OF EXPLANATION

Afghanistan

Afghanistan is second only to Burma as a producer of illicit opium, producing approximately 30 percent of the world illicit supply. Production flattened in 1996, after steep annual increases earlier in the decade. U.S. satellite surveys indicated a very small decrease in both cultivation and production, to 37,950 hectares and 1230 metric tons, respectively.

Title 3—The President

Civil war not only continued but intensified in Afghanistan during 1996. Between September and December, the Taliban, a movement started by religious students, expanded the territory it controls. The Taliban now control 90 percent of the land on which opium poppy is cultivated. The Taliban have now controlled the province producing the greatest quantity of opium for over two years. Both USG and UN Drug Control Program (UNDCP) surveys indicate that there were no concerted eradication efforts in 1996.

Law enforcement actions were virtually non-existent. None of the factions controlling territory made a serious attempt to disrupt narcotics trafficking. Granted that none of the factions has an effective law enforcement bureaucracy, the ease with which narcotics caravans and refineries continued open operations was nevertheless remarkable. In the few instances the USG knows of where arrests were made, most suspects were released upon payment of a bribe.

Taliban leaders, in particular, expressed a desire to cooperate on counter-narcotics with U.S. and UNDCP officials. However, the major opium refining operations are located in Taliban-controlled territory, and the Taliban appear to have done nothing to date to discourage cultivation of opium poppy. The leaders state they cannot do so until international donors provide crop substitution and other assistance.

Many sources have reported that all major factions require farmers to pay a tax on their opium production. Some reports also indicate that deeper involvement in trafficking is also common among Afghan leaders.

The USG strongly promotes the UN Special Mission to Afghanistan's efforts to develop a broad-based national government that can address the problems of narcotics, terrorism and humanitarian concerns. We assist the peoples of Afghanistan, subject to resource availability, primarily through UN programs aimed at humanitarian relief, reconstruction, and counter-narcotics.

Inasmuch as legislation makes special allowance for continuation of such assistance generally and of assistance for Afghanistan specifically, notwithstanding any other provision of law, denying certification to Afghanistan would have minimal effect in terms of implementation of this policy.

The continued large-scale cultivation and trafficking in Afghanistan, combined with the failure to initiate law enforcement actions, preclude a determination that Afghanistan has taken adequate counter-narcotics steps on its own or that it has sufficiently cooperated with the USG in counter-narcotics efforts, although Afghanistan is a party to the 1988 UN Drug Convention. Accordingly, denial of certification is appropriate.

Burma

Burma produced 84% of the opium cultivated in Asia in 1996 and remains the world's largest producer of opium and heroin. Continuing lack of resources and commitment to effective drug control policies led to near record levels of opium cultivation, totaling 163,000 hectares with a potential yield of 2,560 metric tons of opium gum, or enough to produce 250 tons of heroin. While the State Law and Order Restoration Council (SLORC) claimed an improvement in its record with regard to drug and precursor chemical seizures, these efforts were marginal, both in terms of results and in view of the overall level of opium production and trafficking

Other Presidential Documents

in Burma. The drug lord Khun Sa continues to be exempt from prosecution or extradition. Ethnic drug trafficking armies such as the United Wa State Army (UWSA) and the Myanmar National Democratic Alliance Army (MNDAA), having negotiated ceasefires with the SLORC which permit them limited autonomy, remain armed and heavily involved in the heroin trade. Their leaders have used their relationship with Rangoon to increase their wealth, but prosperity has not filtered down to the ordinary people in the areas they control. Lack of enforcement against money laundering and an underdeveloped banking system have created an economic environment increasingly conducive to the use of drug profits in legitimate commerce. While there is no evidence that the government per se encourages or is involved in the drug trade, drug money is beginning to permeate the economy.

The SLORC announced no new drug control policy initiatives in 1996. It did conduct some counternarcotics activities in areas controlled by the Kachin Defense Army, the Kokang Army, the MNDAA and the UWSA, seizing a total of 493 kilos of heroin, over three tons of ephedrine, 5,677,525 amphetamine tablets and 2668.4 gallons of acetic anhydride. These actions did not seriously threaten the drug trafficking activities of the organizations in question. The unprecedented chemical precursor and amphetamine seizures, however, have alarmed Burmese authorities because they signal a possible future stimulants problem for the Burmese.

Negotiations involving the Burmese Government, UNDCP, and Wa leaders on the "Drug Control and Development in the Wa Region of Shan State" project concluded in November. The goal is to bring about a gradual reduction of opium cultivation in the Wa area. The Burmese Cabinet has not yet formally approved the project. While the project is designed to incorporate a monitoring and evaluation component, donors have concerns about implementation.

USG engagement of the Burmese government on counternarcotics issues remains limited. DEA maintains a liaison operation with Burmese police and military units involved in drug enforcement activities. The Burmese have also invited USG participation in a third joint opium yield survey in the Shan State. The U.S. will consider further assistance only upon the Burmese Government's demonstration of a strong commitment to narcotics control, the rule of law and significant political reform.

Colombia

In 1996, as in previous years, Colombia remained the world's leading producer and distributor of cocaine and an important supplier of heroin and marijuana. In the same year, coca cultivation in the country increased by approximately 30 percent.

As in 1995, the Colombian Government made only limited progress in 1996 against the pervasive, narcotics-related corruption from which it suffers. In a process which can only be described as flawed, President Samper was exonerated of charges of corruption by the Colombian Congress. Moreover, Samper remained unwilling to confront fully the drug interests that contributed heavily to his Presidential campaign.

President Samper pledged to push for stricter sentencing laws in 1994, but there was only limited progress in 1996 to advance Congressional passage of legislation which would increase sentences for traffickers and

Title 3—The President

money launderers. As an apparent consequence, the Rodriguez Orejuela brothers—the notorious Cali drug leaders—received very light prison sentences which were not commensurate with their crimes. The Colombian government did not respond to the USG's request for extradition of four major drug traffickers and for most of the year it took no action in response to reliable USG information that narcotics traffickers continue to run their operations from prison. Troubling also was Samper's promotion and public praise for a drug-tainted military general—behavior which reinforces USG concern about the credibility of his stated commitment to serious narcotics control for Colombia.

On the eradication front, the Colombian Government's strong opposition to testing more than one granular herbicide—in an effort to replace less effective liquid herbicides—is especially problematic in light of the significant expansion in coca cultivation.

On the positive side, the serious work on the part of the Colombian National Police (CNP) as well as select elements of the military to confront drug trafficking must be highlighted. Government agreement to expand coca and opium eradication was taken on with determination by the CNP despite significant challenges including physical threats and lack of proper resources. In this regard, the USG was encouraged by evidence of increased cooperation from the Colombian military for the CNP in support of illegal crop eradication. The CNP and military also worked closely to counter narco- and guerrilla-sponsored public demonstrations against eradication.

There were signs that newly appointed members of the cabinet are determined and committed to advance important counternarcotics objectives. A noteworthy achievement—pushed also by private Colombian citizens—was pressure on the Congress which resulted in passage, with retroactivity, of an asset forfeiture law. However, its constitutionality is already being challenged by those who would be affected by its implementation. In November, bilateral agreement was reached to expedite shipboarding procedures and a maritime agreement was signed in February 1997. The CNP and the Prosecutor General continued their efforts against corruption by firing corrupt police and prosecutors and by continuing investigations targeted against official corruption. However, without determined and committed leadership, much-needed legal reform and a supportive political environment, real drug control successes by the CNP and other entities will be thwarted.

Progress observed in some areas holds promise for serious drug control efforts in Colombia in the future. Nevertheless, because of high-level corruption, the privileged treatment accorded to major traffickers currently in jail, light sentencing of traffickers and the government's continued stand against extradition, the USG cannot certify Colombia as fully cooperating with the United States on drug control, or as having taken adequate steps on its own to meet the goals and objectives of the 1988 UN Drug Convention.

Iran

Iran remains an important transit country for opiates from Afghanistan and Pakistan destined primarily for processing in Turkey. The USG has no recent surveys of opium poppy cultivation in Iran, but other sources be-

Other Presidential Documents

lieve cultivation has decreased, possibly as a result of the influx of cheap Afghan opium.

The Government of Iran (GOI) has ratified the 1988 UN Drug Convention, but the USG remains unaware of the passage of implementing legislation that would bring Iran into compliance with the requirements of the Convention. According to UN Drug Control Program (UNDCP) and International Narcotics Control Board (INCB) missions that have visited the country, and reports received from countries with embassies in Iran, the GOI is attempting to meet at least some of the goals and objectives of the Convention. The USG cannot evaluate Iranian claims as we do not have diplomatic relations. There is no bilateral narcotics agreement or cooperation and Iran's performance is measured solely against the standards of the 1988 UN Drug Convention.

The GOI has, according to reports by other nations, begun reaching out to Western countries in a very tentative fashion, seeking to establish a working counternarcotics relationship. There are, however, countervailing pressures and we know of no working law enforcement relationship. The GOI, Pakistan and UNDCP participate in a tripartite UNDCP law enforcement project, to which Iran contributes important resources according to UNDCP. In 1995, the latest year on which Iran reported, it claims to have seized 126 mt of opium, 2 mt of heroin and 11 mt of morphine, as well as lost 133 citizens in battles against traffickers. The USG cannot verify these claims. The level of narcotics arriving in Turkey does not appear to have diminished according to USG sources.

Credible reports have been received that corruption remains a problem. There have been accusations of corruption against individuals with access to very high levels of power. Low-level corruption remains a problem judging by the number of caravans that successfully evade massive physical barriers at Iran's eastern border. We do not know how extensively or how equitably Iran administers its anti-corruption program.

Sentences imposed for narcotics trafficking are very harsh and 1,000 people have been executed for trafficking since 1989.

Nigeria

Nigeria is the focal point of West African narcotics trafficking. Narcotics producing and trafficking organizations in Asia, South America and, increasingly, Nigeria itself either use Nigeria as a transshipment point or rely on Nigerian courier networks to transport Asian heroin and South American cocaine destined for U.S. or European markets. Nigerian trafficking organizations are among the leading carriers of Southeast and Southwest Asian heroin into the United States. In addition, Nigerian traffickers ship cannabis—the only illicit drug produced in Nigeria—to Europe and other West African countries. The Government of Nigeria (GON) has failed to address corruption adequately among law enforcement and other government agencies, hindering counternarcotics efforts.

Although the Nigerian Drug Law Enforcement Agency (NDLEA), the one positive internal agency working against drug trafficking in Nigeria, has attempted to combat trafficking and corruption, the GON has left it woefully underfunded. Lack of coordination among police, intelligence and other law enforcement agencies also prevents effective progress against narco-traffickers.

Title 3—The President

Nigerian trafficking organizations operate sophisticated money laundering operations in addition to controlling courier networks. These organizations have been quick to adapt in response to vigorous international law enforcement, as well as to efforts made by the NDLEA within Nigeria. They have found new ways to evade detection and to alter and expand their narcotics smuggling routes and markets; as GON counternarcotics efforts have effectively reduced the amount of drugs shipped through international airports within Nigeria, courier networks have increasingly relied on overland shipments to transport narcotics. Nigerian trafficking organizations actively recruit couriers of diverse nationalities, backgrounds and ages.

Perhaps the most glaring omission by the GON is its failure to provide funding for its law enforcement employees, thus making them ever more vulnerable to bribery and related forms of corruption, and to provide funding for implementation of its laws and strategies. Most law enforcement employees are paid far less than is sufficient to feed, clothe and house their families. In addition, the GON has taken no meaningful steps towards cooperation with the United States on extraditions, information sharing or prosecution of arrested fraud suspects; nor has it moved significantly towards meeting the goals and objectives of the 1988 UN Drug Convention.

Syria

For several years, Syria has been an important transit country for drugs flowing into and out of Lebanon and, in many cases, on to Europe and the United States. The increase in seizures in 1996 over 1995 (especially of hashish) points to increased vigilance by Syrian authorities, but could imply as well that the total flow of drugs across Syria is increasing. Additionally, the presence of approximately 25,000 Syrian troops in the Lebanese Bekaa Valley makes Syrian cooperation with Lebanese officials a substantial element in the fight against drug production and trafficking there. Allegations of corruption against Syrian military officials stationed in Lebanon continued in 1996.

The Government of Syria (SARG) restructured its Syrian National Police force in 1996, thus creating a separate and independent Counter-Narcotics Division. The SARG continued to assist anti-narcotics efforts in Lebanon during 1996, donating more than a million fruit trees for the Lebanese crop substitution program. Though widespread reports claim that Syrian military and security personnel continue to profit from the drug trade, the SARG neither initiated corruption investigations nor brought anti-narcotics charges against any of these individuals in 1996.

Syria is a party to the 1988 UN Drug Convention. Though Syria made significant progress in some anti-narcotics efforts in 1996, including more aggressive seizures of hashish and various types of amphetamines, it did not meet some of the other goals and objectives of the 1988 UN Drug Convention; specifically, the SARG did not move aggressively enough against narcotics transiting Syrian territory, especially to and from Lebanon, it did not take sufficient action towards locating and dismantling drug laboratories in Syrian-controlled areas of Lebanon, and it ignored serious allegations against Syrian officials of involvement with drug traffickers. Syria does not have a bilateral narcotics agreement with the United States.

Other Presidential Documents

Notice of March 5, 1997

Continuation of Iran Emergency

On March 15, 1995, by Executive Order 12957, I declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine the Middle East peace process, and acquisition of weapons of mass destruction and the means to deliver them. On May 6, 1995, I issued Executive Order 12959 imposing more comprehensive sanctions to further respond to this threat.

Because the actions and policies of the Government of Iran continue to threaten the national security, foreign policy, and economy of the United States, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iran. Because the emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170, this renewal is distinct from the emergency renewal of October 1996. This notice shall be published in the **Federal Register** and transmitted to the Congress.

WILLIAM J. CLINTON

THE WHITE HOUSE,
March 5, 1997.

Presidential Determination No. 97–19 of March 11, 1997

Eligibility of NIS Countries: Georgia, Kazakstan, Kyrgyzstan, Moldova, Russia, Turkmenistan, Ukraine, and Uzbekistan To Be Furnished Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, I hereby find that the furnishing of defense articles and services to the Governments of Georgia, Kazakstan, Kyrgyzstan, Moldova, Turkmenistan, Russia, Ukraine, and Uzbekistan will strengthen the security of the United States and promote world peace.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, March 11, 1997.

Title 3—The President

Presidential Determination No. 97-20 of March 18, 1997

U.S. Contribution to KEDO: Certification Under the Heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs” in Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as Enacted in Public Law 104-208)

Memorandum for the Secretary of State

Pursuant to the requirements set forth under the heading “Nonproliferation, Anti-Terrorism, Demining and Related Programs” in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as enacted in Public Law 104-208), I certify that:

(1)(A) the United States is taking steps to assure that progress is made on the implementation of the January 1, 1992, Joint Declaration on the Denuclearization of the Korean Peninsula and the implementation of the North-South dialogue, and (B) North Korea is complying with the other provisions of the Agreed Framework between North Korea and the United States and with the Confidential Minute;

(2) North Korea is cooperating fully in the canning and safe storage of all spent fuel from its graphite-moderated nuclear reactors and that such canning and safe storage is scheduled to be completed by the end of fiscal year 1997; and

(3) North Korea has not significantly diverted assistance provided by the United States for purposes for which it was not intended.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, March 18, 1997.

Other Presidential Documents

Memorandum of March 27, 1997

Strengthened Protections for Human Subjects of Classified Research

Memorandum for the Secretary of Defense, the Attorney General, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Secretary of Energy, the Secretary of Education, the Secretary of Veterans Affairs, the Director of Central Intelligence, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for International Development, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Chair of the Nuclear Regulatory Commission, the Director of the Office of Science and Technology Policy, [and] the Chair of the Consumer Product Safety Commission

I have worked hard to restore trust and ensure openness in government. This memorandum will further our progress toward these goals by strengthening the Federal Government's protections for human subjects of classified research.

In January 1994, I established the Advisory Committee on Human Radiation Experiments (the "Advisory Committee") to examine reports that the government had funded and conducted unethical human radiation experiments during the Cold War. I directed the Advisory Committee to uncover the truth, recommend steps to right past wrongs, and propose ways to prevent unethical human subjects research from occurring in the future. In its October 1995 final report, the Advisory Committee recommended, among other things, that the government modify its policy governing classified research on human subjects ("Recommendations for Balancing National Security Interests and the Rights of the Public," Recommendation 15, Final Report, Advisory Committee on Human Radiation Experiments). This memorandum sets forth policy changes in response to those recommendations.

The Advisory Committee acknowledged that it is in the Nation's interest to continue to allow the government to conduct classified research involving human subjects where such research serves important national security interests. The Advisory Committee found, however, that classified human subjects research should be a "rare event" and that the "subjects of such research, as well as the interests of the public in openness in science and in government, deserve special protections." The Advisory Committee was concerned about "exceptions to informed consent requirements and the absence of any special review and approval process for human research that is to be classified." The Advisory Committee recommended that in all classified research projects the agency conducting or sponsoring the research meet the following requirements:

- obtain informed consent from all human subjects;
- inform subjects of the identity of the sponsoring agency;
- inform subjects that the project involves classified research;

Title 3—The President

—obtain approval by an “independent panel of nongovernmental experts and citizen representatives, all with the necessary security clearances” that reviews scientific merit, risk-benefit tradeoffs, and ensures subjects have enough information to make informed decisions to give valid consent; and

—maintain permanent records of the panel’s deliberations and consent procedures.

This memorandum implements these recommendations with some modifications. For classified research, it prohibits waiver of informed consent and requires researchers to disclose that the project is classified. For all but minimal risk studies, it requires researchers to inform subjects of the sponsoring agency. It also requires permanent recordkeeping.

The memorandum also responds to the Advisory Committee’s call for a special review process for classified human subjects research. It requires that institutional review boards for secret projects include a nongovernmental member, and establishes an appeals process so that any member of a review board who believes a project should not go forward can appeal the boards’ decision to approve it.

Finally, this memorandum sets forth additional steps to ensure that classified human research is rare. It requires the heads of Federal agencies to disclose annually the number of secret human research projects undertaken by their agency. It also prohibits any agency from conducting secret human research without first promulgating a final rule applying the Federal Policy for the Protection of Human Subjects, as modified in this memorandum, to the agency.

These steps, set forth in detail below, will preserve the government’s ability to conduct any necessary classified research involving human subjects while ensuring adequate protection of research participants.

1. *Modifications to the Federal Policy for the Protection of Human Subjects as it Affects Classified Research.* All agencies that may conduct or support classified research that is subject to the 1991 Federal Policy for the Protection of Human Subjects (“Common Rule”) (56 Fed. Reg. 28010–28018) shall promptly jointly publish in the **Federal Register** the following proposed revisions to the Common Rule as it affects classified research. The Office for Protection from Research Risks in the Department of Health and Human Services shall be the lead agency and, in consultation with the Office of Management and Budget, shall coordinate the joint rulemaking.

(a) The agencies shall jointly propose to prohibit waiver of informed consent for classified research.

(b) The agencies shall jointly propose to prohibit the use of expedited review procedures under the Common Rule for classified research.

(c) The joint proposal should request comment on whether all research exemptions under the Common Rule should be maintained for classified research.

(d) The agencies shall jointly propose to require that in classified research involving human subjects, two additional elements of information be provided to potential subjects when consent is sought from subjects:

(i) the identity of the sponsoring Federal agency. Exceptions are allowed if the head of the sponsoring agency determines that provid-

Other Presidential Documents

ing this information could compromise intelligence sources or methods and that the research involves no more than minimal risk to subjects. The determination about sources and methods is to be made in consultation with the Director of Central Intelligence and the Assistant to the President for National Security Affairs. The determination about risk is to be made in consultation with the Director of the White House Office of Science and Technology Policy.

- (ii) a statement that the project is “classified” and an explanation of what classified means.
- (e) The agencies shall jointly propose to modify the institutional review board (“IRB”) approval process for classified human subjects research as follows:
 - (i) The Common Rule currently requires that each IRB “include at least one member who is not otherwise affiliated with the institution and who is not part of the immediate family of a person who is affiliated with the institution.” For classified research, the agencies shall define “not otherwise affiliated with the institution,” as a nongovernmental member with the appropriate security clearance.
 - (ii) Under the Common Rule, research projects are approved by the IRB if a “majority of those (IRB) members present at a meeting” approved the project. For classified research, the agencies shall propose to permit any member of the IRB who does not believe a specific project should be approved by the IRB to appeal a majority decision to approve the project to the head of the sponsoring agency. If the agency head affirms the IRB’s decision to approve the project, the dissenting IRB member may appeal the IRB’s decisions to the Director of OSTP. The Director of OSTP shall review the IRB’s decision and approve or disapprove the project, or, at the Director’s discretion, convene an IRB made up of nongovernmental officials, each with the appropriate security clearances, to approve or disapprove the project.
 - (iii) IRBs for classified research shall determine whether potential subjects need access to classified information to make a valid informed consent decision.

2. *Final Rules.* Agencies shall, within 1 year, after considering any comments, promulgate final rules on the protection of human subjects of classified research.

3. *Agency Head Approval of Classified Research Projects.* Agencies may not conduct any classified human research project subject to the Common Rule unless the agency head has personally approved the specific project.

4. *Annual Public Disclosure of the Number of Classified Research Projects.* Each agency head shall inform the Director of OSTP by September 30 of each year of the number of classified research projects involving human subjects underway on that date, the number completed in the previous 12-month period, and the number of human subjects in each project. The Director of OSTP shall report the total number of classified research projects and participating subjects to the President and shall then report to the congressional armed services and intelligence committees and further shall publish the numbers in the **Federal Register**.

Title 3—The President

5. *Definitions.* For purposes of this memorandum, the terms “research” and “human subject” shall have the meaning set forth in the Common Rule. “Classified human research” means research involving “classified information” as defined in Executive Order 12958.

6. *No Classified Human Research Without Common Rule.* Beginning one year after the date of this memorandum, no agency shall conduct or support classified human research without having proposed and promulgated the Common Rule, including the changes set forth in this memorandum and any subsequent amendments.

7. *Judicial Review.* This memorandum is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any other persons.

8. The Secretary of Health and Human Services shall publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, March 27, 1997.

Memorandum of April 1, 1997

Delegation of Authority on Rates of Compensation for U.S. Representatives to the United Nations

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions vested in the President by section 2(g) of the United Nations Participation Act of 1945 (Public Law 79-264, 22 U.S.C. 287(g)).

You are authorized and directed to publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, April 1, 1997.

Memorandum of April 14, 1997

Delegation of Responsibilities Concerning FBI Employees Under the Civil Service Reform Act of 1978

Memorandum for the Attorney General

By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Attorney General the functions concerning employ-

Other Presidential Documents

ees of the Federal Bureau of Investigation vested in the President by section 101(a) of the Civil Service Reform Act of 1978 (Public Law 95-454), as amended by the Whistleblower Protection Act of 1989 (Public Law 101-12), and codified at section 2303(c) of title 5, United States Code, and direct the Attorney General to establish appropriate processes within the Department of Justice to carry out these functions. Not later than March 1 of each year, the Attorney General shall provide a report to the President stating the number of allegations of reprisal received during the preceding calendar year, the disposition of each allegation resolved during the preceding calendar year, and the number of unresolved allegations pending as of the end of the calendar year.

All of the functions vested in the President by section 2303(c) of title 5, United States Code, and delegated to the Attorney General, may be redelegated, as appropriate, provided that such functions may not be redelegated to the Federal Bureau of Investigation.

You are authorized and directed to publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, April 14, 1997.

Memorandum of April 24, 1997

Delegation to the Secretary of State of the Responsibilities Vested in the President by Section 564 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), as Amended

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you the functions vested in the President by section 564 of the Anti-Economic Discrimination Act of 1994 (AEDA) (title V of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Public Law 103-236, as amended).

Any reference in this memorandum to section 564 of the AEDA shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such section.

The functions delegated by this memorandum may be redelegated as appropriate.

You are authorized and directed to publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, April 24, 1997.

Title 3—The President

Presidential Determination No. 97-21 of April 24, 1997

Use of Nonproliferation, Anti-Terrorism, Demining and Related Programs Account Funds for the U.S. Contribution to the Korean Peninsula Energy Development Organization (KEDO)

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 614(a)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2364(a)(1), I hereby determine that it is important to the security interests of the United States to furnish up to \$25 million in funds made available under heading “Non-proliferation, Anti-Terrorism, Demining and Related Programs” in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as enacted in Public Law 104-208) for the United States contribution to the Korean Peninsula Energy Development Organization without regard to any provision of law within the scope of section 614(a)(1). I hereby authorize this contribution.

You are hereby authorized and directed to transmit this determination to the Congress and to arrange for its publication in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,

Washington, April 24, 1997.

Presidential Determination No. 97-22 of May 5, 1997

Bosnian Compliance on Withdrawal of Foreign Forces and Terminating Intelligence Cooperation With Iran

Memorandum for the Secretary of State

Pursuant to Public Law 104-208, I hereby determine and certify that the Federation of Bosnia and Herzegovina has complied with Article III of Annex 1-A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces; and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has been terminated.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,

Washington, May 5, 1997.

Other Presidential Documents

Presidential Determination No. 97-23 of May 5, 1997

Assistance Program for the New Independent States of the Former Soviet Union

Memorandum for the Secretary of State

Pursuant to subsection (o) under the heading "Assistance for the New Independent States of the Former Soviet Union" in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, for Fiscal Year 1996 (Public Law 104-107) and Fiscal Year 1997 (Public Law 104-208), I hereby determine that it is important to the national security interest of the United States to make available funds appropriated under the heading without regard to the restriction in that subsection.

You are authorized and directed to notify the Congress of this determination and to arrange for its publication in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, May 5, 1997.

Presidential Determination No. 97-24 of May 23, 1997

Waiver of Statutory Restrictions To Permit Assistance to Turkey

Memorandum for the Secretary of State

Pursuant to subsection (b) of section 620I of the Foreign Assistance Act of 1961, as amended, I hereby determine that it is in the national security interest of the United States that assistance be furnished to Turkey without regard to the restriction in subsection (a) of section 620I.

You are authorized and directed to transmit this determination and justification to the Congress and to arrange for its publication in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, May 23, 1997.

MEMORANDUM OF JUSTIFICATION REGARDING DETERMINATION UNDER SECTION 620I OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED

The Administration fully supports the goal of maintaining open humanitarian aid corridors and has actively worked through diplomatic channels to encourage the speedy and efficient flow of humanitarian goods. The application of section 620I requires a careful consideration of the circumstances in each case. This is particularly true with respect to Turkey.

Title 3—The President

Strong feelings of ethnic kinship exist between the Turks and Azerbaijanis, and the Turkish government has resisted public pressures to become directly involved in the Nagorno-Karabakh conflict. Until March, 1993, Turkey permitted U.S. humanitarian and other non-military shipments destined for Yerevan to transit Turkish territory in response to the grave situation in Armenia. However, Turkey closed its land borders to Armenia in 1993 when local Armenian forces seized large areas of Azerbaijan despite UN Security Council resolutions calling for the withdrawal of all occupying forces and cessation of hostilities.

Since 1994, Turkey has taken several unilateral steps to improve its bilateral ties with Armenia while balancing its relations with Azerbaijan and supporting the OSCE's Minsk Group talks on resolving the Nagorno-Karabakh conflict. Most notably, Turkey reopened an air corridor to Armenia in 1995. In another positive step, in March, 1996 Turkish Prime Minister Yilmaz publicly expressed willingness to reopen the land border with Armenia once Armenia and Azerbaijan agree upon a statement of principles for a settlement of the conflict. Turkey's land border with Armenia, however, remains closed for the present. A large volume of assistance—mostly food and oil—as well as an increasing volume of commercial traffic flow by ship through the Turkish Straits to Georgian ports for shipment by rail to Armenia. Should the border be reopened, we are likely to continue to ship most assistance to Armenia through Georgia to take advantage of its more developed rail network.

It is very much in our national security interests not to terminate U.S. assistance programs for Turkey. Such a termination would create significant difficulties in our bilateral relations, affecting a broad range of national security interests. Such a termination would also reduce prospects for the successful resolution of the Nagorno-Karabakh conflict.

Turkey is at the nexus of a number of issues that are critical for the U.S. on the Eurasian continent: securing peace in the Balkans, advancing a settlement in Cyprus and resolution of Aegean issues, containing Iraq and Iran, bringing stability to the Caucasus, implementing the CFE treaty, addressing the future of NATO and bringing Caspian Basin oil to the West. Turkey hosts the continuing U.S.-led coalition effort to protect the Kurdish populations of northern Iraq, and has increasingly important and useful relationships with Israel and the moderate Arab states of the Middle East. Finally, Turkey is important for U.S. trade and investment, and has been designated as one of the ten big emerging markets for U.S. companies by the Department of Commerce.

There are over 3,000 uniformed military and civilian DoD personnel (excluding dependents) stationed in Turkey, a democratic, secular nation in a region with weak democratic traditions, and widespread political instability. Incirlik, the easternmost NATO Air Base, and other NATO-dedicated bases in Turkey are essential for the projection of U.S./NATO power into an unstable region having critical oil resources. Some 2,700 sorties were flown out of Incirlik during the Gulf War.

Other Presidential Documents

Notice of May 28, 1997

Continuation of Emergency With Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro) by Executive Orders 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively. On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro), and prohibiting trade-related transactions by United States persons involving those areas of the Republic of Bosnia and Herzegovina controlled by Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 25, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuing Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On December 27, 1995, I issued Presidential Determination No. 96-7, directing the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief, in conformity with United Nations Security Council Resolution 1022 of November 22, 1995 (hereinafter the "Resolution"), was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995, and signed in Paris on December 14, 1995 (hereinafter the "Peace Agreement"). The sanctions imposed on the Federal Republic of Yugoslavia (Serbia and Montenegro) were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, also in conformity with the Peace Agreement and the Resolution. Sanctions against both the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serbs were subsequently terminated by United Nations Security Council Resolution 1074 of October 1, 1996. This termination, however, did not end the requirement of the Resolution that blocked funds and assets that are subject to claims and encumbrances remain blocked, until unblocked in accordance with applicable law.

Title 3—The President

In the last year, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. Elections occurred in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement, and the Bosnian Serb forces have continued to respect the zones of separation as provided in the Peace Agreement. The ultimate disposition of the various remaining categories of blocked assets is now being addressed, beginning with the unblocking of five Yugoslav vessels located in various United States ports effective May 19, 1997.

Until the status of all remaining blocked property is resolved, the Peace Agreement implemented, and the terms of the Resolution met, the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and the measures adopted pursuant thereto to deal with that emergency must continue beyond May 30, 1997.

Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Bosnian Serb forces and those areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. This notice shall be published in the **Federal Register** and transmitted to the Congress.

WILLIAM J. CLINTON

THE WHITE HOUSE,
May 28, 1997.

Presidential Determination No. 97-25 of May 29, 1997

Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93-618, 88 Stat. 1978 (hereinafter “the Act”), I determine, pursuant to subsection 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to the People’s Republic of China will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, May 29, 1997.

Other Presidential Documents

Presidential Determination No. 97-26 of May 30, 1997

Presidential Certification to Waive Prohibition on Assistance to the Federal Republic of Yugoslavia (Serbia and Montenegro)

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the laws of the United States, including section 1511 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) and section 540 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (contained in Public Law 104-208 (the "Act")), I hereby certify to the Congress that I have determined that the waiver of the application of the prohibition in section 1511(b) of Public Law 103-160 and of the application of section 540(a) of the Act is necessary to achieve a negotiated settlement of the conflict in Bosnia and Herzegovina that is acceptable to the parties, to the extent that such provisions apply to the furnishing of assistance to facilitate destruction of military equipment.

Therefore, I hereby waive the application of these provisions with respect to such assistance.

You are authorized and directed to transmit a copy of this determination to the Congress and arrange for its publication in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, May 30, 1997.

Presidential Determination No. 97-27 of June 3, 1997

Presidential Determination Under Subsections 402(a) and 409(a) of the Trade Act of 1974, as Amended—Emigration Policies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine

Memorandum for the Secretary of State

Pursuant to the authority vested in me by subsections 402(a) and 409(a) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2439(a) (the "Act")), I determine that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine are not in violation of paragraph (1), (2), or (3) of subsection 402(a) of the Act, or paragraph (1), (2), or (3) of subsection 409(a) of the Act.

You are authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, June 3, 1997.

Title 3—The President

Presidential Determination No. 97-28 of June 3, 1997

Presidential Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (the “Act”), I determine that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to Albania, Belarus, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,

Washington, June 3, 1997.

Presidential Determination No. 97-29 of June 13, 1997

Report to Congress Regarding Conditions in Burma and U.S. Policy Toward Burma

Memorandum for the Secretary of State

Pursuant to the requirements set forth under the heading “Policy Toward Burma” in section 570(d) of the FY 1997 Foreign Operations Appropriations Act, as contained in the Omnibus Consolidated Appropriations Act (P.L. 104-208), a report is required every six months following enactment concerning:

- 1) progress toward democratization in Burma;
- 2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and
- 3) progress made in developing a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Law and Order Restoration Council (SLORC) and democratic opposition groups within Burma.

Other Presidential Documents

You are hereby authorized and directed to transmit the attached report fulfilling this requirement to the appropriate committees of the Congress and to arrange for publication of this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, June 13, 1997.

Memorandum of July 16, 1997

Implementation of Revised Air Quality Standards for Ozone and Particulate Matter

Memorandum for the Administrator of the Environmental Protection Agency

I have approved the issuance of new air quality standards to provide important new health protection for all Americans by further controlling pollution from ozone and particulate matter. These new standards promise to improve the lives of millions of Americans in coming years.

Consistent with my Administration's approach to regulatory decision making, I also want to ensure that these new standards are implemented in a common sense, cost-effective manner. It is critically important that these standards be implemented in the most flexible, reasonable, and least burdensome manner, and that the Federal Government work with State and local governments and other interested parties to this end.

I have determined that there are certain essential elements of an approach to implementation that will accomplish these goals. I direct you to use the following elements when implementing the new air quality standards:

1. Implementation of the air quality standards is to be carried out to maximize common sense, flexibility, and cost effectiveness;
2. Implementation shall ensure that the Nation continues its progress toward cleaner air by respecting the agreements already made by States, communities, and businesses to clean up the air, and by avoiding additional burdens with respect to the beneficial measures already underway in many areas. Implementation also shall be structured to reward State and local governments that take early action to provide clean air to their residents; and to respond to the fact that pollution travels hundreds of miles and crosses many State lines;
3. Implementation shall ensure that the Environmental Protection Agency ("Agency") completes its next periodic review of particulate matter, including review by the Clean Air Scientific Advisory Committee, within 5 years of issuance of the new standards, as contemplated by the Clean Air Act. Thus, by July 2002, the Agency will have determined, based on data available from its review, whether to revise or maintain the standards. This determination will have been made before any areas have been designated as "nonattainment" under the PM_{2.5} standards and before imposition of any new controls related to the PM_{2.5} standards; and

Title 3—The President

4. Implementation is to be accomplished with the minimum amount of paperwork and shall seek to reduce current paperwork requirements wherever possible.

Excellent preliminary work on the strategy for carrying out these implementation principles has been accomplished by an interagency Administration group and I commend that group for these important efforts. The group's work is set out in the attached plan, which is hereby incorporated by reference.

In order for the implementation of these standards to proceed in accordance with the goals I have established, I hereby direct you, in consultation with all affected agencies and parties, to undertake the steps appropriate under law to carry out the attached plan and to complete all necessary guidance and rulemaking no later than December 31, 1998.

This memorandum is for the purposes of internal Administration management only, and is not judicially reviewable.

You are authorized and directed to publish this determination and plan in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE
Washington, July 16, 1997.

IMPLEMENTATION PLAN FOR REVISED AIR QUALITY STANDARDS

An interagency Administration group has discussed and evaluated approaches for the common sense, flexible, and cost effective implementation of the revised National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM). This document reflects the preliminary work by that group on a strategy for implementing these health-based standards consistent with the principles discussed by President Clinton in his announcement of the standards. The Environmental Protection Agency (EPA) will continue to work with other Federal agencies, State and local governments, small businesses, industry, and environmental and public health groups to fully develop and implement this strategy.

This implementation plan provides a road map for areas to attain the standards and protect public health without sacrificing economic growth. The goals of the plan are to: 1) maintain the progress currently being made toward cleaner air and respect the agreements and technological progress already made by communities and businesses to pursue clean air; 2) reward State and local governments and businesses that take early action to reduce air pollution levels through cost-effective approaches; 3) respond to the fact that pollution can travel hundreds of miles and cross many State lines; 4) work with the States to develop control programs which employ regulatory flexibility to minimize economic impacts on businesses large and small to the greatest possible degree consistent with public health protection; 5) minimize planning and regulatory burdens for State and local governments and businesses where air quality problems are regional, not local, in nature; 6) ensure that air quality planning and related Federal, State, and local planning are coordinated; and 7) recognize the substantial lead time necessary for State and local governments and businesses to plan for and meet standards for a new indicator of PM.

Other Presidential Documents

The Clean Air Act (CAA) requires the EPA to set air quality standards to protect the public health and the environment without consideration of costs. The 1997 revisions to the NAAQS for ground level ozone and PM fulfill this requirement. However, the Act recognizes that the EPA and the States must work together to develop cost-effective, flexible, and fair implementation plans if the standards are to be met as expeditiously as practicable.

There are a number of important linkages between these pollutants. There is also a linkage between these pollutants and their precursors and regional haze problems. Promulgation of the two standards simultaneously provides a more complete description of the health and environmental effects associated with two of the major components of air pollution. It can help States and local areas better manage their air quality by focusing on the common precursors of both pollutants and provides the opportunity to work jointly with industry to address common sources of multiple air pollutants in a comprehensive manner. This will lead to more effective and efficient protection of public health and the environment.

In addition to the interagency process, the EPA has been soliciting other input. While the review of the ozone and PM NAAQS was underway, the EPA convened a group of air quality experts representing industry, environmental, and public health groups; State and local governments; other Federal agencies; and academia under the Federal Advisory Committee Act (FACA). This group was charged by the Administrator of the EPA to develop innovative, flexible, and cost-effective implementation strategies that utilize a mix of control measures to address ozone, PM, and regional haze. This group will continue working with the EPA to further develop this strategy.

In addition, all Federal agencies will continue to do their part in carrying out the Federal responsibilities in the State/Federal partnership that has been so successful in improving air quality in the United States. In addition, the EPA, in partnership with the other Federal agencies, has developed an interagency research program that is described in Appendix 1 for the coordination of future research on both ground level ozone and PM.

IMPLEMENTATION OF OZONE STANDARD

Phase-out of 1-hour standard

The revised ozone standard is intended to replace the current 1-hour standard with an 8-hour standard. However, the 1-hour standard will continue to apply to areas not attaining it for an interim period to ensure an effective transition to the new 8-hour standard.

Subpart 2 of part D of Title I of the CAA addresses the requirements for different classifications of nonattainment areas that do not meet the current 1-hour standard (i.e., marginal, moderate, serious, and severe). These requirements include such items as mandatory control measures, annual rate of progress requirements for emission reductions, and offset ratios for the emissions from new or modified stationary sources. These requirements have contributed significantly to the improvements in air quality since 1990. Although the EPA initially offered an interpretation of the CAA in

Title 3—The President

the proposed Interim Implementation Policy (IIP) (61 FR 65764, December 13, 1996) under which the provisions of Subpart 2 would not apply to existing ozone nonattainment areas once a new ozone NAAQS is promulgated, the EPA has reconsidered that interpretation after receiving comments on the proposed IIP. Based on EPA's legal review, the Agency has concluded that Subpart 2 should continue to apply as a matter of law for the purpose of achieving attainment of the current 1-hour standard. Once an area attains the 1-hour standard, those provisions will no longer apply and the area's implementation of the new 8-hour standard would be governed only by the provisions of Subpart 1 of Part D of Title I.

To streamline the process and minimize the burden on existing nonattainment areas, the 1-hour standard will cease to apply to an area upon a determination by the EPA that an area has attained air quality that meets the 1-hour standard. In light of the implementation of the new 8-hour standard, which is more stringent than the existing 1-hour standard, States will not have to prepare maintenance plans for those areas that attain the 1-hour standard. Within 90 days, the EPA will publish an action identifying existing nonattainment areas and maintenance areas to which the 1-hour standard will cease to apply because they have attained the 1-hour standard.

For areas where the air quality does not currently attain the 1-hour standard, the 1-hour standard will continue in effect. The provisions of Subpart 2 would also apply to designated nonattainment areas until such time as each area has air quality meeting the 1-hour standard. At that time, the EPA will take action so that the 1-hour standard no longer applies to such areas. In any event, the "bump-up" provisions of Subpart 2, which require areas not attaining the standard by the applicable attainment date to be reclassified to the next higher classification, will not be triggered by the failure of any area to meet the new 8-hour standard. The purpose of retaining the current standard is to ensure a smooth legal and practical transition to the new standard.

Implementation of New 8-hour Ozone standard

This section discusses the general timeline for implementing the 8-hour standard, the importance of regional approaches to address ozone and options for classifying and designating areas relative to the 8-hour ozone NAAQS.

General Timeline

Following promulgation of a revised NAAQS, the Clean Air Act provides up to 3 years for State governors to recommend and the EPA to designate areas according to their most recent air quality. In addition, States will have up to 3 years from designation to develop and submit State Implementation Plans (SIPs) to provide for attainment of the new standard. Under this approach, areas would be designated as nonattainment for the 8-hour standard by 2000 and would submit their nonattainment SIPs by 2003. The Act allows up to 10 years plus two 1-year extensions from the date of designation for areas to attain the revised NAAQS.

Regional Strategy

Ozone is a pollutant that travels great distances and it is increasingly clear that it must be addressed as a regional problem. For the past 2 years the EPA has been working with the 37 most eastern States through the Ozone Transport Assessment Group (OTAG) in the belief that reducing interstate

Other Presidential Documents

pollution will help all areas in the OTAG region attain the NAAQS. A regional approach can reduce compliance costs and allow many areas to avoid most traditional nonattainment planning requirements. The OTAG was sponsored by the Environmental Council of States, with the objective of evaluating ozone transport and recommending strategies for mitigating interstate pollution. The OTAG completed its work in June 1997 and forwarded recommendations to the EPA. Based on these recommendations, in September 1997, the EPA will propose a rule requiring States in the OTAG region that are significantly contributing to nonattainment or interfering with maintenance of attainment in downwind States to submit SIPs to reduce their interstate pollution. The EPA will issue the final rule by September 1998.

If the States choose to establish a regional emission cap-and-trade system, modeled on the current acid rain program, reductions can be obtained at a lower cost. The EPA will encourage and assist the States to develop and implement such a program. Most important, based on the EPA's review of the latest modeling, a regional approach, coupled with the implementation of other already existing State and Federal Clean Air Act requirements, will allow the vast majority of areas that currently meet the 1-hour standard but would not otherwise meet the new 8-hour standard to achieve healthful air quality without additional local controls.

Areas in the OTAG region that would exceed the new standard after the adoption of the regional strategy, including areas that do not meet the current 1-hour standard, will benefit as well because the regional NO_x program will reduce the extent of additional local measures needed to achieve the 8-hour standard. In many cases these regional reductions may be adequate to meet CAA progress requirements for a number of years, allowing areas to defer additional local controls.

Transitional Classification

For areas that attain the 1-hour standard but not the new 8-hour standard, the EPA will follow a flexible implementation approach that encourages cleaner air sooner, responds to the fact that ozone is a regional as well as local problem, and eliminates unnecessary planning and regulatory burdens for State and local governments. A primary element of the plan will be the establishment under Section 172(a)(1) of the CAA of a special "transitional" classification for areas that participate in a regional strategy and/or that opt to submit early plans addressing the new 8-hour standard. Because many areas will need little or no additional new local emission reductions to reach attainment, beyond those reductions that will be achieved through the regional control strategy, and will come into attainment earlier than otherwise required, the EPA will exercise its discretion under the law to eliminate unnecessary local planning requirements for such areas. The EPA will revise its rules for new source review (NSR) and conformity so that States will be able to comply with only minor revisions to their existing programs in areas classified as transitional. During this rulemaking, the EPA will also reexamine the NSR requirements applicable to existing nonattainment areas, in order to deal with issues of fairness among existing and new nonattainment areas. The transitional classification will be available for any area attaining the 1-hour standard but not attaining the 8-hour standard as of the time the EPA promulgates designa-

Title 3—The President

tions for the 8-hour standard. Areas will follow the approaches described below based on their status.

(1) Areas attaining the 1-hour standard, but not attaining the 8-hour standard, that would attain the 8-hour standard through the implementation of the regional NO_x transport strategy for the East.

Based on the OTAG analyses, areas in the OTAG region that can reach attainment through implementation of the regional transport strategy would not be required to adopt and implement additional local measures. When the EPA designates these areas under section 107(d), it will place them in the new transitional classification if they would attain the standard through implementation of the regional transport strategy and are in a State that by 2000 submits an implementation plan that includes control measures to achieve the emission reductions required by the EPA's rule for States in the OTAG region. This is 3 years earlier than an attainment SIP would otherwise be required. The EPA anticipates that it will be able to determine whether such areas will attain based on the OTAG and other regional modeling and that no additional local modeling would be required.

(2) Areas attaining the 1-hour standard but not attaining the 8-hour standard for which a regional transport strategy is not sufficient for attainment of the 8-hour standard.

To encourage early planning and attainment for the 8-hour standard, the EPA will make the transitional classification available to areas not attaining the 8-hour standard that will need additional local measures beyond the regional transport strategy, as well as to areas that are not affected by the regional transport strategy, provided they meet certain criteria. To receive the transitional classification, these areas must submit an attainment SIP prior to the designation and classification process in 2000. The SIP must demonstrate attainment of the 8-hour standard and provide for the implementation of the necessary emissions reductions on the same time schedule as the regional transport reductions. The EPA will work with affected areas to develop a streamlined attainment demonstration. By submitting these attainment plans earlier than would have otherwise been required, these areas would be eligible for the transitional classification and its benefits and would achieve cleaner air much sooner than otherwise required.

(3) Areas not attaining the 1-hour standard and not attaining the 8-hour standard

The majority of areas not attaining the 1-hour standard have made substantial progress in evaluating their air quality problems and developing plans to reduce emissions of ozone-causing pollutants. These areas will be eligible for the transitional classification provided that they attain the 1-hour standard by the year 2000 and comply with the appropriate provisions of section (1) or (2) above depending upon which conditions they meet.

Areas not Eligible for the Transitional Classification

For these areas, their work on planning and control programs to meet the 1-hour standard by their current attainment date (e.g., 2005 for Philadelphia and 2007 for Chicago) will take them a long way toward meeting the 8-hour standard. While the additional local reductions that they will need to achieve the 8-hour standard must occur prior to their 8-hour attainment date (e.g., 2010), for virtually all areas the additional reductions needed to achieve the 8-hour standard can occur after the 1-hour attainment date.

Other Presidential Documents

This approach allows them to make continued progress toward attaining the 8-hour standard throughout the entire period without requiring new additional local controls for attaining the 8-hour standard until the 1-hour standard is attained. These areas, however, will need to submit an implementation plan within 3 years of designation as nonattainment for the new standard for achieving the 8-hour standard. Such a plan can rely in large part on measures needed to attain the 1-hour standard. For virtually all of these areas, no additional local control measures beyond those needed to meet the requirements of Subpart 2 and needed in response to the regional transport strategy would be required to be implemented prior to their applicable attainment date for the 1-hour standard. Nonattainment areas that do not attain the 1-hour standard by their attainment date would continue to make progress in accordance with the requirements of Subpart 2; the control measures needed to meet the progress requirements under Subpart 2 would generally be sufficient for meeting the control measure and progress requirements of Subpart 1 as well.

IMPLEMENTATION OF PARTICULATE MATTER STANDARDS

As required under the Act, within the next 5 years the EPA will complete the next periodic review of the PM criteria and standards, including review by the CASAC. As with all NAAQS reviews, the purpose is to update the pertinent scientific and technical information and to determine whether it is appropriate to revise the standards in order to protect the public health with an adequate margin of safety or to protect the public welfare. Although the EPA has concluded that the current scientific knowledge provides a strong basis for the revised PM₁₀ and new PM_{2.5} standards, there remain scientific uncertainties associated with the health and environmental effects of PM and the means of reducing them.

The following steps discussed below and in Appendix 1, Interagency Research Program, will address these concerns. First, recognizing the importance of developing a better understanding of the effects of fine particles on human health, including their causes and mechanisms, as well as the species and sources of PM_{2.5}, the EPA will continue to sponsor research, particularly in these areas. Second, the Administrator of the EPA will promptly initiate a new review of the scientific criteria on the effects of airborne particles on human health and the environment. Within 90 days, the EPA will develop and provide to CASAC a plan and proposed schedule for this review to assure that the review is completed within 5 years. The plan and schedule will be published in the **Federal Register**. Thus, by July 2002, the Agency will have determined, based on data available from its review, whether to revise or maintain the standards. This determination will have been made before any areas have been designated nonattainment under the PM_{2.5} standards and before imposition of any new controls related to the PM_{2.5} standards.

Implementation of New PM_{2.5} NAAQS

As set forth in the EPA's final action regarding PM, the EPA is establishing a new indicator for fine particles (i.e., PM_{2.5}) and promulgating new PM_{2.5} standards. Monitoring and planning will be required before control measures to address these standards would be required. Therefore, the first pri-

Title 3—The President

ority for implementing them is establishment of a comprehensive monitoring network to determine ambient fine particle concentrations across the country. The monitoring network will help the EPA and the States determine which areas do not meet the new air quality standards, what are the major sources of PM_{2.5} in various regions, and what action is needed to clean up the air. The EPA and the States will consult with affected stakeholders on the design of the network and will then establish the network, which will consist of approximately 1,500 monitors. All monitors will provide for limited speciation, or analysis of the chemical composition, of the particles measured. At least 50 of the monitors will provide for a more comprehensive speciation of the particles. The EPA will work with states to deploy the PM_{2.5} monitoring network. Based on the ambient monitoring data we have seen to date, these would generally not include agricultural areas. The EPA will fund the cost of purchasing the monitors, as well as the cost of analyzing particles collected at the monitors to determine their chemical composition.

Because the EPA is establishing standards for a new indicator for PM (i.e., PM_{2.5}), it is critical to develop the best information possible before attainment and nonattainment designation decisions are made. Three calendar years of Federal reference method monitoring data will be used to determine whether areas meet or do not meet the PM_{2.5} standards. Three years of data will be available from the earliest monitors in the spring of 2001, and 3 years of data will be available from all monitors in 2004. Following this monitoring schedule and allowing time for data analysis, Governors and the EPA will not be able to make the first determinations as to which areas should be designated nonattainment until at least 2002, 5 years from now. The Clean Air Act, however, requires that the EPA make designation determinations (i.e., attainment, nonattainment, or unclassifiable) within 2 to 3 years of revising a NAAQS. To fulfill this requirement, in 1999 the EPA will issue “unclassifiable” designations for PM_{2.5}. These designations will not trigger the planning or control requirements of part D of Title I of the Act.

When the EPA designates PM_{2.5} nonattainment areas pursuant to the Governors’ recommendations beginning in 2002, areas will be allowed 3 years to develop and submit to the EPA pollution control plans showing how they will meet the new standards. Areas will then have up to 10 years from their redesignation to nonattainment to attain the PM_{2.5} standards with the possibility of two 1-year extensions.

In developing strategies for attaining the PM_{2.5} standards, it is important to focus on measures that decrease emissions that contribute to regional pollution. Available information indicates that nearly one-third of the areas projected not to meet the new PM_{2.5} standards, primarily in the Eastern United States, could come into compliance as a result of the regional SO₂ emission reductions already mandated under the Clean Air Act’s acid rain program, which will be fully implemented between 2000 and 2010. Similarly, the Grand Canyon Visibility Transport Commission, consisting of Western States and tribes, committed to reducing regional emissions of PM_{2.5} precursors (sulfates, nitrates, and organics) to improve visibility across the Colorado Plateau.

As detailed PM_{2.5} air quality data and data on the chemical composition of PM_{2.5} in different areas become available, the EPA will work with the

Other Presidential Documents

States to analyze regional strategies that could reduce PM_{2.5} levels. If further cost-effective regional reductions will help areas meet the new standard, the EPA will encourage States to work together to use a cap-and-trade approach similar to that used to curb acid rain. This acid rain program delivered environmental benefits at a greatly reduced cost.

Given the regional dimensions of the PM_{2.5} problem, local governments and local businesses should not be required to undertake unnecessary planning and local regulatory measures when the problem requires action on a regional basis. Therefore, as long as the States are doing their part to carry out regional reduction programs, the areas that would attain the PM_{2.5} standards based on full implementation of the acid rain program would not face new local requirements. Early identification of other regional strategies could also assist local areas in completing their programs to attain the PM_{2.5} standards after those areas have been designated nonattainment.

The EPA will also encourage States to coordinate their PM_{2.5} control strategy development and efforts to protect regional visibility. Visibility monitoring and data analysis will support both PM_{2.5} implementation and the visibility program.

Implementation of Revised PM₁₀ NAAQS

In its rule, the EPA is revising the current set of PM₁₀ standards. Given that health effects from coarse particles are still of concern, the overall goal during this transition period is to ensure that PM₁₀ control measures remain in place to maintain the progress that has been achieved toward attainment of the current PM₁₀ NAAQS (and which provides benefits for PM_{2.5}) and protection of public health.

To ensure that this goal is met, the existing PM₁₀ NAAQS will continue to apply until certain critical actions by the EPA, and by States and local agencies, have been taken to sustain the progress already made. For areas not attaining the existing PM₁₀ NAAQS when the revised standards go into effect, those standards remain in effect until the EPA has completed a section 172(e) rulemaking to prevent backsliding. The EPA will propose this rulemaking in the Fall of 1997. For areas attaining the existing PM₁₀ NAAQS, the EPA will retain the existing PM₁₀ NAAQS until the State submits and the EPA approves the section 110 SIP which States are required to submit within 3 years of a NAAQS revision. Once those areas have an approved SIP, the EPA will take action so the standard no longer applies. In addition, the EPA will take action within 3 years to designate areas for the revised PM₁₀ standards.

COST-EFFECTIVE IMPLEMENTATION STRATEGIES

There is a strong desire to drive the development of new technologies with the potential of greater emission reduction at less cost. It was agreed that \$10,000 per ton of emission reduction is the high end of the range of reasonable cost to impose on sources. Consistent with the State's ultimate responsibility to attain the standards, the EPA will encourage the States to design strategies for attaining the PM and ozone standards that focus on getting low cost reductions and limiting the cost of control to under \$10,000 per ton for all sources. Market-based strategies can be used to re-

Title 3—The President

duce compliance costs. The EPA will encourage the use of concepts such as a Clean Air Investment Fund, which would allow sources facing control costs higher than \$10,000 a ton for any of these pollutants to pay a set annual amount per ton to fund cost-effective emissions reductions from non-traditional and small sources. Compliance strategies like this will likely lower the costs of attaining the standards through more efficient allocation, minimize the regulatory burden for small and large pollution sources, and serve to stimulate technology innovation as well.

ADDITIONAL FUTURE ACTIVITIES AND COORDINATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES

The approaches outlined above for implementation of the current and new ozone standards will be developed in the future in much greater detail. In order to ensure that the final details are practical, incorporate common sense, and provide the appropriate steps toward cleaning the air, input is needed from many stakeholders such as representatives of State and local governments, industry, environmental groups, and Federal agencies. The EPA will continue seeking such advice from a range of stakeholders and, after evaluating their input, propose the necessary guidance to make these approaches work. Moreover, the EPA will continue to work with a number of Federal agencies to ensure that those agencies comply with these new standards in cost-effective, common sense ways. The guidance and rules (e.g., revisions to NSR and conformity) will be completed by the end of 1998.

The EPA will continue to work with the Small Business Administration (SBA) because small businesses are particularly concerned about the potential impact resulting from future control measures to meet the revised PM and ozone standards. The EPA, in partnership with SBA, will work with the States to include in their SIPs flexible regulatory alternatives that minimize the economic impact and paperwork burden on small businesses to the greatest possible degree consistent with public health protection.

The EPA and the Department of Defense will continue to work towards assuring that the CAA's general conformity provisions are applied appropriately so as to maintain the air quality benefits of this requirement consistent with the Department's goals for cost-saving consolidation of the defense infrastructure and the economic viability for civilian use of former military bases, in support of base realignment and closure activities.

In addition, understanding that critical training using smoke and obscurants must continue to ensure the training and readiness of the military, the EPA will work with the Department of Defense to develop a policy that ensures that a local area will not be redesignated to nonattainment solely on the basis of the use of obscurants or smoke for such purposes. While there is a need to keep the public informed of violations of air quality standards, if any were to occur, there is no need to curtail the training or limit it to certain weather conditions.

The EPA will also work closely with the Department of Agriculture and the Agriculture Air Quality Task Force on any agricultural issues associated with the ozone and PM standards. By establishing new standards for particulate matter smaller than 2.5 micrometers in diameter (PM_{2.5}), as opposed

Other Presidential Documents

to tightening the existing standards for particles smaller than 10 micrometers (PM_{10}), the EPA is actually focusing regulatory attention away from farming and tilling issues. Indeed, soils and agriculture comprise a much smaller portion of the $PM_{2.5}$ problem than they do of the PM_{10} problem. The EPA will issue guidance to the States to ensure that in meeting the $PM_{2.5}$ standards they focus their control strategies on sources of fine particles, rather than coarse particles (those particles larger than $PM_{2.5}$).

Finally, the EPA will continue to work with the interagency group addressing fire and air quality issues. The EPA recognizes the inevitability of fire, and the important role of fire in natural systems. The interagency group will develop policies and practices to assure compatibility between fire and air quality programs consistent with public health, safety, and environmental protection.

Appendix 1

Interagency Research Program

The EPA has concluded that the current scientific knowledge provides a strong basis for the revised ozone and PM_{10} standards and the new $PM_{2.5}$ standards. However, for both pollutants there exist uncertainties about the health effects and their causes that can benefit from further study. The complex chemistry of their formation and the potential for the regional transport of their precursor pollutants and ozone and PM also needs to be better understood to design effective control strategies to reduce their concentrations in the ambient air. The research program is structured to prioritize those projects that ensure research activities are focused on high-priority topics and that the research carried out by various agencies is both complementary and timely. The EPA will reach out to form partnerships with the private sector and State and local governments in performing the research wherever possible.

Particulate Matter Research

As discussed elsewhere, the EPA will complete another full scientific and technical review of the PM standards by 2002. Simultaneous with the planning for the current criteria review in 1993, the EPA began a process of increasing emphasis on PM research. As discussed above, commenters on the proposed PM NAAQS also expressed significant concerns about the science. The steps discussed below are intended to address the concerns raised by the commenters.

Based on the recently completed comprehensive scientific review, the EPA is again reassessing its research priorities to address the most recent understanding of these uncertainties with the development of two documents, entitled PM Research Needs for Human Health Risk Assessment and ORD PM Research Program Strategy. These documents are designed to highlight significant health research needs and EPA/ORD's strategy to address a subset of those needs as well as research needs for implementing the standards. Both documents were reviewed by the Clean Air Scientific Advisory Committee (CASAC) in a November 1996 meeting, and are currently undergoing revisions to address CASAC comments.

These documents, in turn, will help to guide an expansion of an ongoing government-wide effort to target and coordinate Federal research on particulate matter. The EPA, in partnership with other Federal agencies, will de-

Title 3—The President

velop a greatly expanded coordinated interagency PM research program. The program will contribute to expanding the science associated with particulate matter health effects, as well as developing improved monitoring methods and cost-effective mitigation strategies. For example, the Department of Health and Human Services is conducting research on respiratory disease and could undertake surveillance of PM-related health effects. Significant emphasis will be placed on coordinating research on health effects, biological mechanism causing effects, monitoring, source-receptor relationships, speciation of PM, identification of sources, control technologies and regional transport for particulate matter with corresponding research on ozone and other related pollutants including regional haze. To assist State and local efforts in completing planning requirements and reducing PM, the EPA will work cooperatively with the Department of Agriculture, Department of Defense, Department of Energy, Department of Transportation, and other affected Federal agencies to refine existing, limited analytical models for PM₁₀ and to develop new reliable predictive models for PM_{2.5}.

Tropospheric (Ground Level) Ozone Research

To ensure that the ozone NAAQS and their implementation continue to be based on the best available science, the EPA will continue its research efforts on tropospheric or ground level ozone. As with the setting and implementation of virtually all health-based environmental standards, there remain scientific uncertainties associated with the effects of ozone and the means of reducing them. The EPA has participated in an intergovernmental public/private partnership called the North American Research Strategy for Tropospheric Ozone (NARSTO) that involves a coordinated effort to identify and address key issues in the emissions, transport, and mitigation of photochemical pollutants. Further, with the completion of the ozone Criteria Document, the EPA has reassessed the uncertainties and research needs on the health and ecological effects of ozone at workshops held in March and May 1997, respectively. The EPA is currently developing a health and ecological effects research needs document for ozone, which will be submitted for review by CASAC.

In addition, the EPA will continue broader efforts to coordinate Federal research on tropospheric ozone. The public/private NARSTO partnership is a model cooperative effort already begun in the area of atmospheric processes and risk management. NARSTO's membership spans government, utilities and other industries, and the academic community—all following a single national research agenda. The EPA will also work in partnership with other Federal agencies to address research needs on ozone health and ecological effects. For example, the Department of Health and Human Services is conducting research on respiratory disease and could undertake surveillance of ozone-related health effects. These research efforts will be coordinated to ensure research activities are focused on high-priority topics and that the research carried out by various agencies is complementary. Significant emphasis will be placed on coordinating both health effects, monitoring, source-receptor, and control technologies for ozone with corresponding research on particulate matter and other related pollutants subject to significant regional transport.

Other Presidential Documents

Memorandum of July 24, 1997

Delegation of Authority Under Section 1424 of the National Defense Authorization Act for Fiscal Year 1997

Memorandum for the Secretary of Defense

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to you, in consultation with the Secretary of State, the authority vested in the President under section 1424(c) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201).

You are authorized and directed to publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, July 24, 1997.

Notice of July 31, 1997

Continuation of Iraqi Emergency

On August 2, 1990, by Executive Order 12722, President Bush declared a national emergency to deal with the unusual and extraordinary threat to national security and foreign policy of the United States constituted by the actions and policies of the Government of Iraq. By Executive Orders 12722 of August 2, 1990, and 12724 of August 9, 1990, the President imposed trade sanctions on Iraq and blocked Iraqi government assets. Because the Government of Iraq has continued its activities hostile to United States interests in the Middle East, the national emergency declared on August 2, 1990, and the measures adopted on August 2 and August 9, 1990, to deal with that emergency must continue in effect beyond August 2, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Iraq.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
July 31, 1997.

Title 3—The President

Memorandum of August 5, 1997

Delegation of Authority Under Section 803(a) of the Intelligence Authorization Act for Fiscal Year 1997

Memorandum for Director of Central Intelligence

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate the functions conferred upon the President by section 803(a) of the Intelligence Authorization Act for Fiscal Year 1997, 50 U.S.C. section 404d, to the Director of Central Intelligence.

You are authorized and directed to publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, August 5, 1997.

Presidential Determination No. 97-30 of August 7, 1997

Creation of a Middle East Peace and Stability Fund Using Current- and Prior-Year Economic Support Funds Appropriated for Egypt

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 614(a)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2364(a)(1) (the "Act"), I hereby determine that it is important to the security interests of the United States to furnish up to \$50 million in current- and prior-year funds to Jordan under chapter 4 of part II of the Act without regard to any provision of the law within the scope of section 614(a)(1). I hereby authorize the furnishing of such assistance.

You are hereby authorized and directed to transmit this determination to the Congress and to arrange for its publication in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, August 7, 1997.

Notice of August 13, 1997

Continuation of Emergency Regarding Export Control Regulations

On August 19, 1994, consistent with the authority provided me under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I

Other Presidential Documents

issued Executive Order 12924. In that order, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*). Because the Export Administration Act has not been renewed by the Congress, the national emergency declared on August 19, 1994, must continue in effect beyond August 19, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency declared in Executive Order 12924.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,

August 13, 1997.

Presidential Determination No. 97-31 of August 16, 1997

Use of Section 614 To Provide Assistance to Colombia

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 614(a)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2364(a)(2) (the "Act"), I hereby determine that it is vital to the national security interests of the United States to make sales and extend credits to Colombia of up to \$30 million in Foreign Military Financing under the Arms Export Control Act, without regard to any provision of the law within the scope of section 614. I hereby authorize such making of sales and extensions of credit, including the expenditure of previously obligated Foreign Military Financing funds needed to finance such sales.

Pursuant to the authority vested in me by section 614(a)(1) of the Act, 22 U.S.C. 2364(a)(1), I hereby determine that it is important to the security interests of the United States to furnish up to \$600,000 in Fiscal Year 1997 funds under Chapter 5 of part II of the Act for Colombia, without regard to any provision of the law within the scope of section 614. I hereby authorize the furnishing of such assistance.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,

Washington, August 16, 1997.

Title 3—The President

Memorandum of August 20, 1997

Determination Under Section 610(a) of the Foreign Assistance Act of 1961, as Amended, To Transfer \$17.5 Million to the Operating Expenses Appropriation

Memorandum for the Administrator of the Agency for International Development

Pursuant to the authorities vested in me by sections 109 and 610(a) of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby determine that it is necessary for the purposes of the Act that \$17.5 million appropriated for fiscal year 1997 to carry out chapter 1 of part I of the Act be transferred to, and consolidated with, appropriations made to carry out section 667(a) of the Act. I hereby authorize such transfer and consolidation.

This determination shall be effective immediately, and you are authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, August 20, 1997.

Presidential Determination No. 97-32 of September 12, 1997

Extension of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State [and] the Secretary of the Treasury

Under section 101(b) of Public Law 95-223 (91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination made by me on August 27, 1996 (61 Fed. Reg. 46529), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 1997.

I hereby determine that the extension for 1 year of the exercise of those authorities with respect to the applicable countries is in the national interest of the United States.

Therefore, pursuant to the authority vested in me by section 101(b) of Public Law 95-223, I extend for 1 year, until September 14, 1998, the exercise of those authorities with respect to countries affected by:

- (1) the Foreign Assets Control Regulations, 31 CFR Part 500;
- (2) the Transaction Control Regulations, 31 CFR Part 505; and
- (3) the Cuban Assets Control Regulations, 31 CFR Part 515.

Other Presidential Documents

The Secretary of the Treasury is authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 12, 1997.

Presidential Determination No. 97-33 of September 22, 1997

Presidential Determination To Permit U.S. Contributions to the International Fund for Ireland With Fiscal Year 1996 and 1997 Funds

Memorandum for the Secretary of State

Pursuant to section 5(c) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415), I hereby certify that I am satisfied that: (1) the Board of the International Fund for Ireland as established pursuant to the Anglo-Irish Agreement of November 15, 1985, is, as a whole, broadly representative of the interests of the communities in Ireland and Northern Ireland; and (2) disbursements from the International Fund for Ireland (a) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation, and (b) will address the needs of both communities in Northern Ireland.

You are authorized and directed to transmit this determination, together with the attached statement setting forth a detailed explanation of the basis for this certification, to the Congress.

This determination shall be effective immediately and shall be published in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 22, 1997.

Presidential Determination No. 97-34 of September 22, 1997

Transfer of \$4 Million in FY 1997 Economic Support Funds to the Peacekeeping Operations Account To Support the African Crisis Response Initiative

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 610(a) of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby determine that it is necessary for the purposes of the Act that \$4 million of funds made available under Chapter 4 of Part II of the Act for fiscal year 1997 be transferred to, and consolidated with, funds made available under Chapter 6 of Part II of the Act.

Title 3—The President

I hereby authorize the use in fiscal year 1997 of the aforesaid \$4 million in funds made available under Chapter 4 of Part II of the Act to provide peacekeeping assistance to support countries participating in the African Crisis Response Initiative.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 22, 1997.

Notice of September 24, 1997

Continuation of Emergency With Respect to UNITA

On September 26, 1993, by Executive Order 12865, I declared a national emergency to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of the National Union for the Total Independence of Angola (“UNITA”), prohibiting the sale or supply by United States persons or from the United States, or using U.S.-registered vessels or aircraft, of arms and related material of all types, and petroleum and petroleum products to the territory of Angola, other than through designated points of entry. The order also prohibits the sale or supply of such commodities to UNITA. Because of our continuing international obligations and because of the prejudicial effect that discontinuation of the sanctions would have on the Angolan peace process, the national emergency declared on September 26, 1993, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond September 26, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to UNITA.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
September 24, 1997.

Other Presidential Documents

Presidential Determination No. 97-35 of September 26, 1997

Presidential Determination on Classified Information Concerning the Air Force's Operating Location Near Groom Lake, Nevada

*Memorandum for the Administrator of the Environmental Protection
Agency [and] the Secretary of the Air Force*

I find that it is in the paramount interest of the United States to exempt the United States Air Force's operating location near Groom Lake, Nevada (the subject of litigation in *Kasza v. Browner* (D. Nev. CV-S-94-795-PMP) and *Frost v. Perry* (D. Nev. CV-S-94-714-PMP)), from any applicable requirement for the disclosure to unauthorized persons of classified information concerning that operating location. Therefore, pursuant to 42 U.S.C. 6961(a), I hereby exempt the Air Force's operating location near Groom Lake, Nevada, from any Federal, State, interstate, or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person. This exemption shall be effective for the full one-year statutory period.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Resource Conservation and Recovery Act (RCRA) or any other provision of law permits or requires disclosure of classified information to unauthorized persons; or (b) limit the applicability or enforcement of any requirement of law applicable to the Air Force's operating location near Groom Lake, Nevada, except those provisions, if any, that would require the disclosure of classified information.

The Secretary of the Air Force is authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 26, 1997.

Notice of September 30, 1997

Continuation of Iran Emergency

On November 14, 1979, by Executive Order 12170, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Notices of the continuation of this national emergency have been transmitted annually by the President to the Congress and the **Federal Register**. The most recent notice appeared in the **Federal Register** on October 31, 1996. Because our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C.

Title 3—The President

1622(d)), I am continuing the national emergency with respect to Iran. This notice shall be published in the **Federal Register** and transmitted to the Congress.

WILLIAM J. CLINTON

THE WHITE HOUSE,
September 30, 1997.

Presidential Determination No. 97-36 of September 30, 1997

Presidential Determination on Ex-Im Loan to China for Shanghai Metro

Memorandum for the Secretary of State

Pursuant to section 2(b)(2)(D)(ii) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to extend a loan in the approximate amount of \$60 million to the People's Republic of China to finance the export of U.S. goods and services for the construction of Shanghai Metro Phase II, Line I, located in the city of Shanghai, China.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 30, 1997.

Presidential Determination No. 97-37 of September 30, 1997

Presidential Determination on FY 1998 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended

Memorandum for the Secretary of State

In accordance with section 207 of the Immigration and Nationality Act ("the Act") (8 U.S.C. 1157), as amended, and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 83,000 refugees to the United States during FY 1998 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY

Other Presidential Documents

1998 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 83,000 admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1998 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100-202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa	7,000
East Asia	14,000
Europe	51,000
Latin America/Caribbean	4,000
Near East/South Asia	4,000
Unallocated	3,000

Within the Europe ceiling are 5,000 unfunded reserve numbers allocated to the former Soviet Union for use as needed provided that resources within existing appropriations are available to fund the cost of their admission. The 3,000 unfunded unallocated numbers shall be allocated as needed if resources within existing appropriations are available to fund the cost of their admission. Unused admissions numbers allocated to a particular region within the 75,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such use of the unallocated numbers or reallocation of numbers from one region to another.

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b)(2), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 1998 for the adjustment to permanent resident status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with section 101(a)(42)(B) of the Act (8 U.S.C. 1101(a)(42)) and after appropriate consultation with the Congress, I also specify that, for FY 1998, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- a. Persons in Vietnam

Title 3—The President

- b. Persons in Cuba
- c. Persons in the former Soviet Union

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 30, 1997.

Presidential Determination No. 97-38 of September 30, 1997

Drawdown Under Section 506(2) of the Foreign Assistance Act To Provide Counternarcotics Assistance to Colombia, Venezuela, Peru, and the Countries of the Eastern Caribbean

Memorandum for the Secretary of State, the Secretary of Defense [and] the Secretary of Transportation

Pursuant to the authority vested in me by section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C. 2318(a)(2) ("the Act"), I hereby determine that it is in the national interest of the United States to draw down articles and services from the inventory and resources of the Department of Defense, military education and training from the Department of Defense, and articles and services from the inventory and resources of the Department of Transportation for the purpose of providing international narcotics assistance to Colombia, Venezuela, Peru, and the countries of the Eastern Caribbean Regional Security System (RSS), including: Antigua and Barbuda, Barbados, Dominica, Grenada, St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.

Therefore, I direct the drawdown of up to \$20 million of articles and services from the inventory and resources of the Departments of Defense and Transportation, and military education and training from the Department of Defense, for the Governments of Colombia, Venezuela, Peru, and the countries of the RSS, for the purposes and under the authorities of chapter 8 of part I of the Act.

The Secretary of State is authorized and directed to report this determination to the Congress immediately and to arrange for its publication in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 30, 1997.

Other Presidential Documents

Presidential Determination No. 97-39 of September 30, 1997

**Delegation of Authority Under Section 1322(c) of the
National Defense Authorization Act for Fiscal Year 1996
(Public Law 104-106)**

Memorandum for the Secretary of Defense

By the authority vested in me by the Constitution and laws of the United States of America, I hereby delegate to the Secretary of Defense the duties and responsibilities vested in the President by section 1322(c) of the National Defense Authorization Act for Fiscal Year 1996 ("the Act") (Public Law 104-106, 110 Stat. 478-479 (1996)).

The reporting requirement delegated by this memorandum may be redelegated not lower than the Under Secretary level. The Department of Defense shall obtain concurrence on the report from the following agencies: the Department of Commerce, the Department of State, the Department of the Treasury, and the Director of Central Intelligence on behalf of the intelligence community prior to submission to the Congress.

Any reference in this memorandum to the provisions of any Act shall be deemed to be a reference to such Act or its provisions as may be amended from time to time.

The Secretary of Defense is authorized and directed to publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, September 30, 1997.

Presidential Determination No. 98-1 of October 8, 1997

**Presidential Determination on the Proposed Agreement for
Cooperation Between the Government of the United States of
America and the Swiss Federal Council Concerning Peaceful
Uses of Nuclear Energy**

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Swiss Federal Council Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed agreement and authorize you to arrange for its execution.

Title 3—The President

The Secretary of State is authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, October 8, 1997.

Presidential Determination No. 98-2 of October 9, 1997

Presidential Determination on the Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Federative Republic of Brazil Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed agreement and authorize you to arrange for its execution.

The Secretary of State is authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, October 9, 1997.

Notice of October 17, 1997

Continuation of Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia

On October 21, 1995, by Executive Order 12978, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant foreign narcotics traffickers centered in Colombia, and the unparalleled violence, corruption, and harm that they cause in the United States and abroad. The order blocks all property and interests in property of foreign persons listed in an Annex to the order, as well as foreign persons determined to play a significant role in international narcotics trafficking centered in Colombia, to materially assist in, or provide financial or technological support for or goods or services in support of, the nar-

Other Presidential Documents

cotics trafficking activities of persons designated in or pursuant to the order, or to be owned or controlled by, or to act for or on behalf of, persons designated in or pursuant to the order. The order also prohibits any transaction or dealing by United States persons or within the United States in such property or interests in property. Because the activities of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause unparalleled violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency for 1 year with respect to significant narcotics traffickers centered in Colombia.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
October 17, 1997.

Memorandum of November 4, 1997

Authorization To Redelegate Certain Responsibilities Vested in the President and Delegated to the Secretary of State

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and laws of the United States, including section 301 of Title 3 of the United States Code, to the extent that you consider doing so appropriate to facilitate the consolidation of the Arms Control and Disarmament Agency and the Department of State, I hereby authorize you to redelegate to any officer of the executive branch any or all authorities vested in the President that are delegated to the Secretary of State by any act, order, determination, delegation of authority, regulation, or Executive order heretofore or hereinafter enacted or issued and that have been or may be redelegated to the Under Secretary of State for Arms Control and International Security Affairs.

You are authorized and directed to publish this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, November 4, 1997.

Title 3—The President

Notice of November 12, 1997

Continuation of Emergency Regarding Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (“weapons of mass destruction”) and the means of delivering such weapons. Because the proliferation of weapons of mass destruction and the means of delivering them continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on November 14, 1994, and extended on November 14, 1995 and November 14, 1996, must continue in effect beyond November 14, 1997. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency declared in Executive Order 12938.

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
November 12, 1997.

Presidential Determination No. 98-4 of November 14, 1997

Assistance Program for the New Independent States of the Former Soviet Union

Memorandum for the Secretary of State

Pursuant to subsection (o) under the heading “Assistance for the New Independent States of the Former Soviet Union” in Title II of the Foreign Operations, Export Financing and Related Programs Appropriations Act, for fiscal year 1996 (Public Law 104-107) and fiscal year 1997 (Public Law 104-208), I hereby determine that it is important to the national security interest of the United States to make available funds appropriated under that heading without regard to the restriction in that subsection.

You are authorized and directed to notify the Congress of this determination and to arrange for its publication in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, November 14, 1997.

Other Presidential Documents

Presidential Determination No. 98-5 of November 17, 1997

Presidential Determination on the Proposed Agreement for Cooperation Between the Government of the United States of America and the Republic of Kazakhstan Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Republic of Kazakhstan Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed agreement and authorize you to arrange for its execution.

The Secretary of State is authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, November 17, 1997.

Presidential Determination No. 98-6 of December 2, 1997

Report to Congress Regarding Conditions in Burma and U.S. Policy Toward Burma

Memorandum for the Secretary of State

Pursuant to the requirements set forth under the heading "Policy Toward Burma" in section 570(d) of the FY 1997 Foreign Operations Appropriations Act, as contained in the Omnibus Consolidated Appropriations Act (Public Law 104-208), a report is required every 6 months following enactment concerning:

- 1) progress toward democratization in Burma;
- 2) progress on improving the quality of life of the Burmese people, including progress on market reforms, living standards, labor standards, use of forced labor in the tourism industry, and environmental quality; and
- 3) progress made in developing a comprehensive, multilateral strategy to bring democracy to and improve human rights practices and the quality of life in Burma, including the development of a dialogue between the State Law and Order Restoration Council (SLORC) and democratic opposition groups in Burma.

Title 3—The President

You are hereby authorized and directed to transmit the attached report fulfilling this requirement to the appropriate committees of the Congress and to arrange for publication of this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,

Washington, December 2, 1997.

Presidential Determination No. 98-7 of December 5, 1997

Presidential Determination Under Subsections 402(a) and 409(a) of the Trade Act of 1974, as Amended—Emigration Policies of Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan

Memorandum for the Secretary of State

Pursuant to the authority vested in me by subsections 402(a) and 409(a) of the Trade Act of 1974 (19 U.S.C. 2432(a) and 2439(a) (the “Act”)), I determine that Albania, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are not in violation of paragraph (1), (2), or (3) of subsection 402(a) of the Act, or paragraph (1), (2), or (3) of subsection 409(a) of the Act.

You are authorized and directed to publish this determination in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,

Washington, December 5, 1997.

Presidential Determination No. 98-8 of December 5, 1997

Presidential Determination on Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization

Memorandum for the Secretary of State

Pursuant to the authority vested in me under section 539(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1998, Public Law 105-118, 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, through June 4, 1998.

Other Presidential Documents

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

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, December 5, 1997.

Memorandum of December 19, 1997

Delegation of Authority Under Section 1212 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85)

Memorandum for the Secretary of Commerce

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate the functions and authorities conferred upon the President by section 1212 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) to the Secretary of Commerce, who is authorized to redelegate these functions and authorities consistent with applicable law.

Any reference in this memorandum to the provision of any Act shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to published this memorandum in the **Federal Register**.

WILLIAM J. CLINTON

THE WHITE HOUSE,
Washington, December 19, 1997.

APPENDICES—OTHER PRESIDENTIAL DOCUMENTS

EDITORIAL NOTE: The following tables include documents issued by the Executive Office of the President and published in the *Federal Register* but not included in title 3 of the *Code of Federal Regulations*.

Appendix A—List of Messages to Congress Transmitting Budget Rescissions and Deferrals

<i>Date of Message</i>	<i>62 FR</i> <i>Page</i>
February 10, 1997	8045
March 19, 1997	14478

Appendix B—List of Messages to Congress Transmitting Cancellations Under the Line Item Veto Act

<i>Date of Message</i>	<i>62 FR</i> <i>Page</i>
August 11, 1997	43262
	43265
October 6, 1997	52452
October 14, 1997	53704
October 16, 1997	54338
October 17, 1997	54564
November 1, 1997	59766
November 20, 1997	62682
December 2, 1997	64130

CHAPTER I—EXECUTIVE OFFICE OF THE PRESIDENT

<i>Part</i>		<i>Page</i>
100	Standards of conduct	326
101	Public information provisions of the Administrative Procedures Act	337
102	Enforcement of nondiscrimination on the basis of handicap in programs or activities conducted by the Executive Office of the President	338