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## OTHER PRESIDENTIAL DOCUMENTS

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### Subchapter B— Administrative Orders

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#### Notice of January 5, 2004

#### **Continuation of the National Emergency With Respect to Libya**

On January 7, 1986, by Executive Order 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 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 crisis between the United States and Libya that led to the declaration of a national emergency on January 7, 1986, has not been fully resolved, although there have been some positive developments.

On September 12, 2003, the United Nations Security Council adopted Resolution 1506 (UNSCR 1506), ending the United Nations sanctions against Libya. These U.N. sanctions were imposed in 1992 and 1993 as a result of Libyan involvement in the terrorist bombings of Pan Am 103 in 1988 and UTA 772 in 1989, and included travel restrictions, an arms embargo, and financial sanctions. The UNSCR 1506 lifted these sanctions after Libya addressed the requirements of the relevant UNSC Resolutions, including accepting responsibility for the actions of its officials in the Pan Am 103 attack and arranging to compensate the families of the victims. The United

### Title 3—The President

States abstained from voting on the lifting of U.N. sanctions, and it made clear that it continued to have serious concerns about other Libyan policies and actions, including Libya's pursuit of weapons of mass destruction, Libya's role with respect to terrorism, and Libya's poor human rights record.

On December 19, 2003, Prime Minister Blair and I announced separately that Libya's leader, Colonel Muammar Qadhafi, had agreed to eliminate all elements of Libya's chemical and nuclear weapons program, declare all nuclear activities to the International Atomic Energy Agency (IAEA), accept international inspections to ensure Libya's complete adherence to the Nuclear Nonproliferation Treaty and sign the IAEA Additional Protocol, accede to the Chemical Weapons Convention, eliminate ballistic missiles beyond 300 kilometer range, and immediately and unconditionally allow inspectors from international organizations to enter Libya. Libya's declaration of December 19, 2003, marks an important and welcome step toward addressing the concerns of the world community. As Libya takes tangible steps to address those concerns, the United States will in turn take reciprocal tangible steps to recognize Libya's progress. Libya's agreement marks the beginning of a process of rejoining the community of nations, but its declaration of December 19, 2003, must be followed by verification of concrete steps.

Therefore, consistent 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.

GEORGE W. BUSH

THE WHITE HOUSE,  
*January 5, 2004.*

#### **Presidential Determination No. 2004–20 of January 5, 2004**

#### **Eligibility of the Regional Security System (RSS) to Receive Defense Articles and Services under the Foreign Assistance Act and the Arms Export Control Act**

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

Consistent with the provisions of 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 RSS 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**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*January 5, 2004.*

## Other Presidential Documents

Presidential Determination No. 2004–21 of January 15, 2004

### Designation of the State of Kuwait as a Major Non-NATO Ally

*Memorandum for the Secretary of State*

Consistent with the authority vested in me by section 517 of the Foreign Assistance Act of 1961, as amended (the “Act”), I hereby designate the State of Kuwait as a Major Non-NATO Ally of the United States for the purposes of the Act and the Arms Export Control Act.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, January 15, 2004.*

Notice of January 16, 2004

### Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process

On January 23, 1995, by Executive Order 12947, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) 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 who threaten to disrupt the Middle East peace process. On August 20, 1998, by Executive Order 13099, the President modified the Annex to Executive Order 12947 to identify four additional persons, including Usama bin Laden, who threaten to disrupt the Middle East peace process.

Because these terrorist activities continue to threaten the Middle East peace process and 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 January 23, 1995, as expanded on August 20, 1998, and the measures adopted on those dates to deal with that emergency must continue in effect beyond January 23, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year 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.

GEORGE W. BUSH

THE WHITE HOUSE,  
*January 16, 2004.*

### Title 3—The President

**Presidential Determination No. 2004–22 of February 5, 2004**

#### **Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended**

*Memorandum for the Secretary of State*

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest of the United States that up to \$12 million be made available from the U.S. Emergency Refugee and Migration Assistance Fund to address unexpected urgent refugee and migration needs, including those of refugees, displaced persons, conflict victims, and other persons at risk from the Sudanese refugee crisis in Chad and to prepare for refugee repatriations to Sudan. These funds may be used, as appropriate, to provide contributions to international, governmental, and nongovernmental organizations.

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 arrange for the publication of this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, February 5, 2004.*

**Notice of February 13, 2004**

#### **Notice of Intention To Enter Into a Free Trade Agreement With Australia**

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, I have notified the Congress of my intention to enter into a free trade agreement with the Government of Australia.

Consistent with section 2105(a)(1)(A) of that Act, this notice shall be published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*February 13, 2004.*

## Other Presidential Documents

Notice of February 20, 2004

### **Notice of Intention To Enter Into a Free Trade Agreement With Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua (the “CAFTA Countries”)**

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, I have notified the Congress of my intention to enter into a Free Trade Agreement with the Governments of the CAFTA countries.

Consistent with section 2105(a)(1)(A) of that Act, this notice shall be published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*February 20, 2004.*

Memorandum of February 23, 2004

### **Delegation of Certain Authority Under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003**

*Memorandum for the Secretary of State*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by sections 202(c), 305, and 313 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), to provide the specified reports to the Congress. In addition, I delegate to you the authority vested in the President by section 101 of Public Law 108–25 to establish a comprehensive, integrated, 5-year strategy to combat global HIV/AIDS and to submit to the appropriate congressional committees a report setting forth the strategy.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, February 23, 2004.*

### Title 3—The President

Presidential Determination No. 2004–23 of February 25, 2004

#### **Determination Consistent with the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106), to Make Available Assistance for Liberia**

*Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[, and] the Administrator, United States Agency for International Development*

Consistent with the authority vested in me by the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106), under the heading “International Disaster and Famine Assistance,” I hereby determine that it is in the national interest of the United States and essential to efforts to reduce international terrorism to furnish \$114 million in assistance for Liberia from funds made available under that heading.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, February 25, 2004.*

Presidential Determination No. 2004–24 of February 25, 2004

#### **Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended**

*Memorandum for the Secretary of State*

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to \$20 million be made available from the U.S. Emergency Refugee and Migration Assistance Fund as a contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to address unexpected, urgent refugee needs in the West Bank and Gaza.

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 arrange for the publication of this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, February 25, 2004.*

## Other Presidential Documents

Notice of February 26, 2004

### **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, a national emergency was declared to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Cuban government of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. In July 1996 and on subsequent occasions, the Cuban Government 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 flotilla or peaceful protest. Since these events, the Cuban government 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.

GEORGE W. BUSH

THE WHITE HOUSE,  
*February 26, 2004.*

**Presidential Determination No. 2004–25 of February 26, 2004**

### **Determination that the Government of Pakistan is Cooperating with the United States in the Global War on Terrorism**

*Memorandum for the Secretary of State*

Consistent with the authority vested in me by the Constitution and laws of the United States, including the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106)(the “Act”), I hereby determine for the purposes of that Act that the Government of Pakistan is cooperating with the United States in the Global War on Terrorism.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, February 26, 2004.*

### **Title 3—The President**

**Memorandum of March 1, 2004**

#### **Delegation of Certain Reporting Authority**

*Memorandum for the United States Trade Representative*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), to provide the specified report to the Congress.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, March 1, 2004.*

**Notice of March 2, 2004**

#### **Continuation of the National Emergency Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe**

On March 6, 2003, by Executive Order 13288, I declared a national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe's democratic processes or institutions, thus contributing to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation in that country, and to political and economic instability in the southern African region.

Because the actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on March 6, 2003, and the measures adopted on that date to deal with that emergency must continue in effect beyond March 6, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency blocking the property of persons undermining democratic processes or institutions in Zimbabwe.

### Other Presidential Documents

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

GEORGE W. BUSH

THE WHITE HOUSE,

March 2, 2004.

**Memorandum of March 3, 2004**

### **Presidential Determination on Imports of Certain Ductile Iron Waterworks Fittings from the People's Republic of China**

*Memorandum for the United States Trade Representative*

Consistent with section 421 of the Trade Act of 1974, as amended (19 U.S.C. 2451), I have determined the action I will take with respect to the affirmative determination of the United States International Trade Commission (USITC Investigation TA-421-4) regarding imports of certain ductile iron waterworks fittings (pipe fittings) from China. After considering all relevant aspects of the investigation, I have determined that providing import relief for the U.S. pipe fittings industry is not in the national economic interest of the United States. In particular, I find that the import relief would have an adverse impact on the United States economy clearly greater than the benefits of such action.

The facts of this case indicate that imposing the USITC's recommended tariff-rate quota remedy or any other import relief available under section 421 would be ineffective because imports from third countries would likely replace curtailed Chinese imports. The switch to third country imports could occur quickly because the major U.S. importers already import substantial quantities from countries such as India, Brazil, Korea, and Mexico. Because importers' existing inventories of imports will likely cover demand for approximately 6 to 12 months from the imposition of import relief, a switch from China to alternative import sources would not likely lead to significant additional demand for domestically produced pipe fittings, even accounting for a time lag in making that switch. Under these circumstances, import relief would provide no meaningful benefit to domestic producers.

In addition, import relief would cost U.S. consumers substantially more than the increased income that could be realized by domestic producers. Indeed, the USITC estimated that its recommended remedy would generate a negative net domestic welfare effect of between \$2.3 million and \$3.7 million in the first year alone.

While not necessary in reaching my determination that imposing import relief would have an adverse impact on the United States economy clearly greater than the benefits, it is also worth noting two additional points:

### Title 3—The President

- First, evidence suggests that domestic producers enjoy a strong competitive position in the U.S. market, and in fact the largest domestic producer recently announced price increases nationwide ranging from 8 to 35 percent. The two smaller domestic producers and the major U.S. importers have publicly indicated that they would follow these price increases.
- Second, in 2002 and 2003, imports of this product have been relatively stable in volume terms and have shown a slight decline in value terms.

The circumstances of this case make clear that the U.S. national economic interest would not be served by the imposition of import relief under section 421. I remain fully committed to exercising the important authority granted to me under section 421 when the circumstances of a particular case warrant it.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, March 3, 2004.*

#### Memorandum of March 5, 2004

### Delegation of Certain Reporting Authority

*Memorandum for the Administrator of the National Aeronautics and Space Administration*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476), to provide the specified report to the Congress. Nothing in this delegation shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, and legislative proposals.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, March 5, 2004.*

## Other Presidential Documents

Notice of March 8, 2004

### Notice of Intention To Enter Into a Free Trade Agreement With Morocco

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, I have notified the Congress of my intention to enter into a free trade agreement with the Kingdom of Morocco.

Consistent with section 2105(a)(1)(A) of that Act, this notice shall be published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*March 8, 2004.*

Notice of March 10, 2004

### Continuation of the National Emergency With Respect to Iran

On March 15, 1995, by Executive Order 12957, the President 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 unusual and extraordinary 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, the President issued Executive Order 12959 imposing more comprehensive sanctions to further respond to this threat, and on August 19, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

Because the actions and policies of the Government of Iran 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 March 15, 1995, must continue in effect beyond March 15, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year 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 November 2003. This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,  
*March 10, 2004.*

**Title 3—The President**

**Memorandum of March 18, 2004**

**Delegation of Certain Authority Under the National Defense Authorization Act for Fiscal Year 2004, Public Law 108–136**

*Memorandum for the Secretary of Homeland Security*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by section 1034 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) to provide the specified report to the Congress. In addition, I direct you to coordinate with the Secretary of Defense and the Secretary of Transportation regarding the contents of this report.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, March 18, 2004.*

**Notice of March 24, 2004**

**Notice of Intention To Enter Into a Free Trade Agreement With the Dominican Republic**

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, I have notified the Congress of my intention to enter into a free trade agreement with the Government of the Dominican Republic.

In accordance with section 2105(a)(1)(A) of that Act, this notice shall be published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, March 24, 2004.*

## Other Presidential Documents

Presidential Determination No. 2004–26 of March 24, 2004

### **Determination to Waive Military Coup-Related Provision of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, with Respect to Pakistan**

*Memorandum for the Secretary of State*

Pursuant to the authority vested in me by the Constitution and laws of the United States, including Public Law 107–57, as amended by section 2213 of Public Law 108–106, I hereby determine that, with respect to Pakistan, a waiver of any provision of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (section 508 of Public Law 108–199, Division D), that prohibits direct assistance to the government of any country whose duly elected head of government was deposed by decree or military coup:

- would facilitate the transition to democratic rule in Pakistan; and
- is important to United States efforts to respond to, deter, or prevent acts of international terrorism.

Accordingly, I hereby waive, with respect to Pakistan, any such provision.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, March 24, 2004.*

Presidential Determination No. 2004–27 of April 6, 2004

### **Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court**

*Memorandum for the Secretary of State*

Consistent with the authority vested in me by section 2007 of the American Servicemembers' Protection Act of 2002 (the "Act"), title II of Public Law 107–206 (22 U.S.C 7421 *et seq.*) I hereby:

- Determine that the Central African Republic and Guinea have each entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such countries; and
- Waive the prohibition of section 2007 (a) of the Act with respects to these countries for as long as such agreement remains in force.

### **Title 3—The President**

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, April 6, 2004.*

#### **Presidential Determination No. 2004–28 of April 14, 2004**

#### **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 534(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, Public Law 108–199, I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, April 14, 2004.*

#### **Presidential Determination No. 2004–29 of April 21, 2004**

#### **Presidential Determination on the Sudan Peace Act**

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

Consistent with section 6(b)(1)(A) of the Sudan Peace Act (Public Law 107–245), I hereby determine and certify that the Government of Sudan and the Sudan People’s Liberation Movement are negotiating in good faith and that negotiations should continue.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, April 21, 2004.*

## Other Presidential Documents

Presidential Determination No. 2004–30 of April 23, 2004

### Determination and Certification under Section 8(b) of the Iran and Libya Sanctions Act

*Memorandum for the Secretary of State*

Pursuant to section 8(b) of the Iran and Libya Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note), as amended (Public Law 107–24), I hereby determine and certify that Libya has fulfilled the requirements of United Nations Security Council Resolution 731, adopted January 21, 1992, United Nations Security Council Resolution 748, adopted March 31, 1992, and United Nations Security Council Resolution 883, adopted November 11, 1993.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
Washington, April 23, 2004.

Notice of May 17, 2004

### Continuation of the National Emergency With Respect to Burma

On May 20, 1997, the President issued Executive Order 13047, certifying to the Congress under section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208), that the Government of Burma has committed large-scale repression of the democratic opposition in Burma after September 30, 1996, thereby invoking the prohibition on new investment in Burma by United States persons contained in that section. The President also declared a national emergency to deal with the threat posed to the national security and foreign policy of the United States by the actions and policies of the Government of Burma, invoking the authority, *inter alia*, of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* On July 28, 2003, I issued Executive Order 13310 taking additional steps with respect to that national emergency by putting in place an import ban required by the Burmese Freedom and Democracy Act of 2003 and prohibiting exports of financial services to Burma and the dealing in property in which certain designated Burmese persons have an interest.

Because actions and policies of the Government of Burma continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 20, 1997, and the measures adopted on that date to deal with that emergency must continue in effect beyond May 20, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Burma.

### **Title 3—The President**

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

GEORGE W. BUSH

THE WHITE HOUSE,

*May 17, 2004.*

#### **Notice of May 20, 2004**

### **Continuation of the National Emergency Protecting the Development Fund for Iraq and Certain Other Property in Which Iraq Has an Interest**

On May 22, 2003, by Executive Order 13303, I declared a national emergency protecting the Development Fund for Iraq and certain other property in which Iraq has an interest, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq constituted by the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof.

On August 28, 2003, in Executive Order 13315, I expanded the scope of this national emergency to block the property of the former Iraqi regime, its senior officials and their family members as the removal of Iraqi property from that country by certain senior officials of the former Iraqi regime and their immediate family members constitutes an obstacle to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

Because these obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on May 22, 2003, and the measures adopted on that date and on August 28, 2003, to deal with that emergency, must continue in effect beyond May 22, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency protecting the Development Fund for Iraq and certain other property in which Iraq has an interest.

### Other Presidential Documents

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

GEORGE W. BUSH

THE WHITE HOUSE,

*May 20, 2004.*

#### Presidential Determination No. 2004–31 of May 25, 2004

### Waiving Prohibition on United States Military Assistance With Respect to Burkina Faso and Dominica

*Memorandum for the Secretary of State*

Consistent with the authority vested in me by section 2007 of the American Servicemembers' Protection Act of 2002 (the "Act"), title II of Public Law 107–206 (22 U.S.C. 7421 *et seq.*), I hereby:

- Determine that Burkina Faso and Dominica have each entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from processing against U.S. personnel present in such countries; and
- Waive the prohibition of section 2007(a) of the Act with respect to these countries for as long as such agreement remains in force.

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

GEORGE W. BUSH

THE WHITE HOUSE,

*Washington, May 25, 2004.*

#### Memorandum of June 3, 2004

### Command and Control of National Guard for 2004 Group of Eight ("G8") Summit

*Memorandum for the Secretary of Defense*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority of the President contained in section 325 of title 32, United States Code, with respect to activities related to the G8 Summit.

### **Title 3—The President**

You are further authorized and directed to make necessary arrangements to fund this activity from the proper appropriation and to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 3, 2004.*

#### **Memorandum of June 3, 2004**

#### **Secret Service Protection for Distinguished Foreign Visitors to the 2004 Group of Eight (“G8”) Summit**

*Memorandum for the Secretary of Homeland Security*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority of the President contained in section 3056 of title 18, United States Code, with respect to protecting distinguished foreign visitors to the 2004 Group of Eight (“G8”) Summit.

You are further authorized and directed to make necessary arrangements to fund this activity from the proper appropriation and to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 3, 2004.*

#### **Presidential Determination No. 2004–32 of June 3, 2004**

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

*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 section 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to Turkmenistan will substantially promote the objectives of section 402 of the Act.

### Other Presidential Documents

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 3, 2004.*

#### Presidential Determination No. 2004–33 of June 3, 2004

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

#### *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 section 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by section 402 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 Republic of Belarus will substantially promote the objectives of section 402 of the Act.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 3, 2004.*

#### Presidential Determination No. 2004–34 of June 3, 2004

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

#### *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 section 402 of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to Vietnam will substantially promote the objectives of section 402 of the Act.

### **Title 3—The President**

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 3, 2004.*

#### **Presidential Determination No. 2004–35 of June 3, 2004**

### **Designation of the Kingdom of Morocco as a Major Non-NATO Ally**

*Memorandum for the Secretary of State*

Consistent with the authority vested in me by section 517 of the Foreign Assistance Act of 1961, as amended (the “Act”), I hereby designate the Kingdom of Morocco as a Major Non-NATO Ally of the United States for the purposes of the Act and the Arms Export Control Act.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 3, 2004.*

#### **Memorandum of June 14, 2004**

### **Certification Concerning U.S. Participation in the United Nations Stabilization Mission in Haiti Consistent with Section 2005 of the American Servicemembers’ Protection Act**

*Memorandum for the Secretary of State*

Consistent with section 2005 of the American Servicemembers’ Protection Act of 2002 (Public Law 107–206; 22 U.S.C. 7421 *et seq.*), concerning the participation of members of the Armed Forces of the United States in certain U.N. peacekeeping and peace enforcement operations, I hereby certify that members of the U.S. Armed Forces participating in the United Nations Stabilization Mission in Haiti (MINUSTAH) are without risk of criminal prosecution or other assertion of jurisdiction by the International Criminal Court because Haiti has entered into an agreement in accordance with Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against members of the Armed Forces of the United States present in that country.

### Other Presidential Documents

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 14, 2004.*

### Notice of June 15, 2004

#### **Notice of Intention To Enter Into a Free Trade Agreement With Bahrain**

Consistent with section 2105(a)(1)(A) of the Trade Act of 2002, I have notified the Congress of my intention to enter into a free trade agreement with the Kingdom of Bahrain.

Consistent with section 2105(a)(1)(A) of that Act, this notice shall be published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*June 15, 2004.*

### Presidential Determination No. 2004–36 of June 15, 2004

#### **Suspension of Limitations Under the Jerusalem Embassy Act**

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

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the “Act”), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the **Federal Register**.

This suspension shall take effect after transmission of this determination and report to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 15, 2004.*

### Title 3—The President

Notice of June 16, 2004

#### **Continuation of the National Emergency With Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Usable Fissile Material in the Territory of the Russian Federation**

On June 21, 2000, the President issued Executive Order 13159 (the “Order”) blocking property and interests in property of the Government of the Russian Federation that are in the United States, that hereafter come within the United States, or that are or hereinafter come within the possession or control of United States persons that are directly related to the implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993, and related contracts and agreements (collectively, the “HEU Agreements”). The HEU Agreements allow for the downblending of highly enriched uranium derived from nuclear weapons to low enriched uranium for peaceful commercial purposes. The Order invoked the authority, *inter alia*, of the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.*, and declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation.

A major national security goal of the United States is to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses (such as downblending to low enriched uranium for peaceful commercial uses), subject to transparency measures, and protected from diversion to activities of proliferation concern. Pursuant to the HEU Agreements, weapons-grade uranium extracted from Russian nuclear weapons is converted to low enriched uranium for use as fuel in commercial nuclear reactors. The Order blocks and protects from attachment, judgment, decree, lien, execution, garnishment, or other judicial process the property and interests in property of the Government of the Russian Federation that are directly related to the implementation of the HEU Agreements and that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons.

The national emergency declared on June 21, 2000, must continue beyond June 21, 2004, to provide continued protection from attachment, judgment, decree, lien, execution, garnishment, or other judicial process for the property and interests in property of the Government of the Russian Federation that are directly related to the implementation of the HEU Agreements and subject to U.S. jurisdiction. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to weapons-usable fissile material

### Other Presidential Documents

in the territory of the Russian Federation. This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,  
*June 16, 2004.*

### Presidential Determination No. 2004–37 of June 16, 2004

#### **Designation of the Islamic Republic of Pakistan as a Major Non-NATO Ally**

*Memorandum for the Secretary of State*

Consistent with the authority vested in me by section 517 of the Foreign Assistance Act of 1961, as amended (the “Act”), I hereby designate the Islamic Republic of Pakistan as a Major Non-NATO Ally of the United States for the purposes of the Act and the Arms Export Control Act.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 16, 2004.*

### Notice of June 24, 2004

#### **Continuation of the National Emergency With Respect to the Western Balkans**

On June 26, 2001, by Executive Order 13219, I declared a national emergency with respect to the Western Balkans pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the former Yugoslav Republic of Macedonia, and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo. Subsequent to the declaration of the national emergency, the actions of persons obstructing implementation of the Ohrid Framework Agreement of 2001 in the former Yugoslav Republic of Macedonia also became a pressing concern. I amended Executive Order 13219 on May 28, 2003, in Executive Order 13304 to address this concern and to take additional steps with respect to the national emergency. Because the actions of persons threatening the peace and international stabilization efforts in the Western Balkans continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on June 26, 2001, and the measures adopted on that

### **Title 3—The President**

date and thereafter to deal with that emergency, must continue in effect beyond June 26, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Western Balkans.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*June 24, 2004.*

#### **Presidential Determination No. 2004–38 of June 24, 2004**

#### **Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended**

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

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to \$34 million be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet unexpected urgent refugee and migration needs, including those of refugees, displaced persons, conflict victims, and other persons at risk, from the crises in the West Bank and Gaza, Sudan, and Chad. These funds may be used, as appropriate, to provide contributions to international, governmental, and nongovernmental organizations, and, as necessary, for administrative expenses of the Bureau of Population, Refugees, and Migration.

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 arrange for the publication of this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 24, 2004.*

#### **Presidential Determination No. 2004–39 of June 25, 2004**

#### **Imposition and Waiver of Sanctions Under Section 604 of the FY 2003 Foreign Relations Authorization Act (Public Law 107–228)**

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

Consistent with the authority contained in section 604 of the FY 2003 Foreign Relations Authorization Act (Public Law 107–228) (the “Act”), and with reference to the determinations set out in the report to Congress transmitted herewith, consistent with section 603 of that Act, regarding non-

## Other Presidential Documents

compliance by the PLO and the Palestinian Authority with certain commitments, I hereby impose the sanction set out in section 604(a)(2) "Downgrade in Status of the PLO Office in the United States." This sanction is imposed for a period of 180 days from the date hereof or until such time as the next report required by section 603 of the Act is transmitted to the Congress, whichever is later.

You are authorized and directed to transmit to the appropriate Congressional committees the initial report described in section 603 of the Act.

Furthermore, I hereby determine that it is in the national security interest of the United States to waive that sanction, pursuant to section 604 of the Act. This waiver shall be effective for a period of 180 days from the date hereof or until such time as the next report required by section 603 of the Act is transmitted to the Congress, whichever is later. You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
Washington, June 25, 2004.

### Memorandum of June 29, 2004

#### Administration of Certain Appropriations Relating to Iraq

*Memorandum for the Secretary of State[,] the Secretary of Defense[, and] the Director of the Office of Management and Budget*

By the authority vested in me by the Constitution and the laws of the United States of America, including section 632 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2392), I hereby direct as follows:

1. The unobligated balances as of the end of June 30, 2004, of the funds appropriated to the President under the heading, "Operating Expenses of the Coalition Provisional Authority," in the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106) and any funds appropriated to the President under that heading in any Act enacted subsequent to Public Law 108-106 are transferred to the Secretary of State. Such amounts shall exclude those made available to the Inspector General of the Coalition Provisional Authority, and the amount reapportioned to "Operating Expenses of the Coalition Provisional Authority" on June 25, 2004. The Secretary of State shall ensure use of such funds in a manner consistent with Presidential guidance concerning United States Government operations in Iraq.

2. Effective at the end of June 30, 2004, this memorandum supersedes paragraph 1 of the Presidential Memorandum entitled, "Transfer of Funds Appropriated to the President under the heading Operating Expenses of the Coalition Provisional Authority, and Delegation of the Functions of the President under the heading Iraq Relief and Reconstruction Fund, in the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004" (December 5, 2003).

### **Title 3—The President**

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, June 29, 2004.*

#### **Memorandum of July 2, 2004**

#### **Delegation of Certain Reporting Authority**

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

By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by section 4 of the Authorization for Use of Military Force Against Iraq Resolution of 2002, Public Law 107–243, and by section 3 of the Authorization for Use of Military Force Against Iraq Resolution, Public Law 102–1, to make the specified reports to the Congress.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, July 2, 2004.*

#### **Memorandum of July 5, 2004**

#### **Delegation of Authority Under Section 517(a) of the National Defense Authorization Act for Fiscal Year 2004**

##### *Memorandum for the Secretary of Defense*

By the authority vested in me the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the authority vested in the President under section 517(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136).

The authority delegated by this memorandum may be redelegated in writing no lower than the Under Secretary of Defense level.

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

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is the same or substantially the same as such provision. You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, July 5, 2004.*

#### Memorandum of July 8, 2004

### **Delegation of Responsibility under Section 1523 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, As Amended**

*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, United States Code, I hereby delegate to you the functions conferred upon the President by section 1523 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), as amended (the “Act”).

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 publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, July 8, 2004.*

#### Presidential Determination No. 2004–40 of July 21, 2004

### **Eligibility of Iraq to Receive Defense Articles and Services Under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended**

*Memorandum for the Secretary of State*

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, as amended, I hereby find that the furnishing of defense articles and services to Iraq will strengthen the security of the United States and promote world peace.

### **Title 3—The President**

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, July 21, 2004.*

#### **Memorandum of July 23, 2004**

### **National Guard Support for 2004 Democratic and Republican National Conventions and Other Appropriate Events**

*Memorandum for the Secretary of Defense*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority of the President contained in section 325 of title 32, United States Code, with respect to activities related to the 2004 Democratic and Republican National Conventions, and other appropriate events as you determine from time to time in consultation with the Assistant to the President for Homeland Security.

You are further authorized and directed to make necessary arrangements to fund this activity from the proper appropriations and to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, July 23, 2004.*

#### **Notice of August 6, 2004**

### **Continuation of Emergency Regarding Export Control Regulations**

On August 17, 2001, consistent with the authority provided me under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I issued Executive Order 13222. 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 17,

### Other Presidential Documents

2001, and renewed on August 14, 2002, and on August 7, 2003, must continue in effect beyond August 17, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13222.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, August 6, 2004.*

#### Presidential Determination No. 2004–41 of August 6, 2004

### Waiving Prohibition on United States Military Assistance with Respect to the Republic of the Congo

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

Consistent with the authority vested in me by section 2007 of the American Servicemembers' Protection Act of 2002 (the "Act"), title II of Public Law 107–206 (22 U.S.C. 7421 *et seq.*), I hereby:

- Determine that the Republic of the Congo has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such countries; and
- Waive the prohibition of section 2007(a) of the Act with respect to this country for as long as such agreement remains in force.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, August 6, 2004.*

#### Presidential Determination No. 2004–42 of August 17, 2004

### Continuation of U.S. Drug Interdiction Assistance to the Government of Colombia

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

Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Colombia, that: (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country's airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and

### **Title 3—The President**

(2) that country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, August 17, 2004.*

#### **Presidential Determination No. 2004–43 of August 20, 2004**

#### **Determination to Make Available Assistance for Liberia**

*Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of the Treasury[, and] the Administrator, United States Agency for International Development*

Consistent with the authority vested in me under the Act Making Emergency Supplemental Appropriations for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106), under the heading “International Disaster and Famine Assistance,” I hereby determine that it is in the national interest and essential to efforts to reduce international terrorism to furnish \$86 million in assistance for Liberia from funds made available under that heading.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, August 20, 2004.*

#### **Notice of September 10, 2004**

#### **Continuation of the National Emergency With Respect to Certain Terrorist Attacks**

Consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency I declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks at the World Trade Center, New York, New York, and the Pentagon, and the continuing and immediate threat of further attacks on the United States.

By Executive Order 13223 of September 14, 2001, and Executive Order 13253 of January 16, 2002, I delegated authority to the Secretary of Defense

### Other Presidential Documents

and the Secretary of Transportation to order members of the Reserve Components to active duty and to waive certain statutory military personnel requirements. By Executive Order 13235 of November 16, 2001, I delegated authority to the Secretary of Defense to exercise certain emergency construction authority. By Executive Order 13286 of February 28, 2003, I transferred the authority delegated to the Secretary of Transportation in Executive Order 13223 to the Secretary of Homeland Security.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the measures taken on September 14, 2001, November 16, 2001, and January 16, 2002, to deal with that emergency, must continue in effect beyond September 14, 2004. Therefore, I am continuing in effect for an additional year the national emergency I declared on September 14, 2001, with respect to the terrorist threat.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 10, 2004.*

### Presidential Determination No. 2004–44 of September 10, 2004

#### **Presidential Determination and Certification Concerning Libya Under Section 101 and 102(b) of the Arms Export Control Act and Determination on Export-Import Bank Support for U.S. Exports to Libya**

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

Pursuant to section 101 of the Arms Export Control Act, I hereby determine that Libya received nuclear enrichment equipment, material, or technology after August 4, 1977. I hereby determine and certify that the continued termination of assistance, as required by this section, would have a serious adverse effect on vital United States interests and that I have received reliable assurances that Libya will not acquire or develop nuclear weapons or assist other nations in doing so.

Pursuant to section 102(b) of the Arms Export Control Act, I hereby determine that Libya, a non-nuclear weapon state, sought and received design information that I determine to be important to, and intended by Libya for use in, the development or manufacture of a nuclear explosive device. I hereby determine and certify that the application of sanctions, as required by this section, would have a serious adverse effect on vital United States interests.

Pursuant to section 2(b)(4) of the Export-Import Bank Act of 1945, as amended, I hereby determine and certify that it is in the national interest for the Export-Import Bank to guarantee, insure, or extend credit, or participate in the extension of credit in support of United States exports to Libya.

You are directed to report this determination to the Congress and to provide copies of the justification explaining the basis for this determination.

### **Title 3—The President**

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 10, 2004.*

#### **Presidential Determination No. 2004–45 of September 10, 2004**

#### **Continuation 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 on September 12, 2003 (68 *Fed. Reg.* 54325), the exercise of certain authorities under the Trading with the Enemy Act is scheduled to terminate on September 14, 2004.

I hereby determine that the continuation 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 continue for 1 year, until September 14, 2005, the exercise of those authorities with respect to countries affected by:

- (1) the Foreign Assets Control Regulations, 31 C.F.R. part 500;
- (2) the Transaction Control Regulations, 31 C.F.R. part 505; and
- (3) the Cuban Assets Control Regulations, 31 C.F.R. part 515.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 10, 2004.*

#### **Presidential Determination No. 2004–46 of September 10, 2004**

#### **Presidential Determination with Respect to Foreign Governments' Efforts Regarding Trafficking in Persons**

*Memorandum for the Secretary of State*

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106–386), as amended, (the “Act”), I hereby:

Make the determination provided in section 110(d)(1)(A)(i) of the Act, with respect to Equatorial Guinea and Venezuela, not to provide certain funding for those countries' governments for fiscal year 2005, until such government complies with the minimum standards or makes significant efforts to

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bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(1)(A)(ii) of the Act, with respect to Burma, Cuba, Sudan, and North Korea, not to provide certain funding for those countries' governments for fiscal year 2005, until such government complies with the minimum standards or makes significant efforts to bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(3) of the Act, concerning the determinations of the Deputy Secretary of State with respect to Bangladesh, Ecuador, Guyana, and Sierra Leone;

Determine, consistent with section 110(d)(4) of the Act, with respect to Equatorial Guinea, for the implementation of programs, projects, or activities regarding police professionalization, business responsibility, and promotion of the rule of law, that provision to Equatorial Guinea of the assistance described in section 110(d)(1)(A)(i) of the Act for such programs, projects, or activities would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Sudan, for all programs, projects, or activities of assistance as may be necessary to implement a North/South peace accord and to address the crisis in Darfur, that provision to Sudan of the assistance described in section 110(d)(1)(B) of the Act for such programs, projects, or activities would promote the purposes of the Act or is otherwise in the national interest of the United States; and

Determine, consistent with section 110(d)(4) of the Act, with respect to Venezuela, for all programs, projects, or activities designed to strengthen the democratic process, including strengthening of political parties and supporting electoral observation and monitoring, that provision to Venezuela of the assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) of the Act for such programs, projects, or activities would promote the purposes of the Act or is otherwise in the national interest of the United States.

The certification required by section 110(e) of the Act is provided herewith.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 10, 2004.*

### Title 3—The President

Presidential Determination No. 2004–47 of September 15, 2004

#### Presidential Determination on Major Drug Transit or Major Illicit Drug Producing Countries for FY05

*Memorandum for the Secretary of State*

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) (FRAA), I hereby identify the following countries as major drug-transit or major illicit drug producing countries: Afghanistan, The Bahamas, Bolivia, Brazil, Burma, China, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Venezuela, and Vietnam.

The Majors List applies by its terms to “countries.” The United States Government interprets the term broadly to include entities that exercise autonomy over actions or omissions that could lead to a decision to place them on the list and, subsequently, to determine their eligibility for certification. A country’s presence on the Majors List is not necessarily an adverse reflection of its government’s counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug-transit or drug-producing country set forth in section 481(e)(5) of the Foreign Assistance Act of 1961, as amended (FAA), one of the reasons that major drug-transit or illicit drug producing countries are placed on the list is the combination of geographical, commercial, and economic factors that allow drugs to transit or be produced despite the concerned government’s most assiduous enforcement measures.

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Burma as a country that has failed demonstrably during the previous 12 months to adhere to its obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Attached to this report is a justification (statement of explanation) for the determination on Burma, as required by section 706(2)(B).

I have removed Thailand from the list of major drug-transit or major illicit drug producing countries. Thailand’s opium poppy cultivation is well below the levels specified in the FRAA; no heroin processing laboratories have been found in Thailand for several years, and Thailand is no longer a significant direct source of illicit narcotic or psychotropic drugs or other controlled substances significantly affecting the United States; nor is it a country through which such drugs or substances are transported.

In contrast to the Government of Haiti’s dismal performance last year under the Aristide regime, the new Interim Government of Haiti (IGOH), headed by Prime Minister Latortue, has taken substantive—if limited—counternarcotics actions in the few months it has been in office. Nevertheless, we remain deeply concerned about the ability of Haitian law enforcement to reorganize and restructure sufficiently to carry out sustained counternarcotics efforts.

The decreased use of MDMA (Ecstasy) among young people in the United States is a hopeful sign, but we continue to place priority on stopping the threat of club drugs, including MDMA, of which The Netherlands continues to be the dominant source country. The Government of The Netherlands is an enthusiastic and capable partner, and we commend its efforts.

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We continue to be concerned, however, by obstacles to mutual legal assistance and extradition from The Netherlands. There is a need to work more deliberately to disrupt the criminal organizations responsible for the production and trafficking of synthetic drugs. Specifically, we urge enhanced use of financial investigation, including full exploitation of anti-money laundering statutes and financial investigators to identify and dismantle trafficking organizations, and to seize and forfeit the assets acquired from the drug trade.

While the vast majority of illicit drugs entering the United States continue to come from South America and Mexico, we remain concerned about the substantial flow of illicit drugs from Canada. I commend Canada for its successful efforts to curb the diversion of precursor chemicals used in methamphetamine production. We are now working intensively with Canadian authorities to address the increase in the smuggling of Canadian-produced marijuana into the United States; however we are concerned the lack of significant judicial sanctions against marijuana producers is resulting in greater involvement in the burgeoning marijuana industry by organized criminal groups. Canada has expressed concern to us about the flow of cocaine and other illicit substances through the United States into Canada. United States and Canadian law enforcement personnel have collaborated on a number of investigations that have led to the dismantling of several criminal organizations. The two governments will continue to work closely in the year ahead to confront these shared threats.

Nigeria put measures in place to increase the effectiveness of the National Drug Law Enforcement Agency, and also arrested a trafficker wanted by the United States, which met the agreed-upon interdiction targets. However, Nigeria must take significant and decisive action to investigate and prosecute political corruption, which continues to undermine the transparency of its government. President Obasanjo took steps to address corruption at the G-8 meetings in Sea Island, Georgia, by entering into a Compact to Promote Transparency and Combat Corruption. Positive transparent measures will in turn benefit Nigeria's anti-narcotics efforts, the rule of law, and all democratic institutions.

Despite good faith efforts on the part of the central Afghanistan government, we are concerned about increased opium crop production in the provinces.

We are deeply concerned about heroin and methamphetamine linked to North Korea being trafficked to East Asian countries. We consider it highly likely that state agents and enterprises in North Korea are involved in the narcotics trade. While we know that some opium poppy is cultivated in North Korea, reliable information confirming the extent of opium production is currently lacking. There are also clear indications that North Koreans traffic in, and probably manufacture, methamphetamine. In recent years, authorities in the region have routinely seized shipments of methamphetamine and/or heroin that had been transferred to traffickers' ships from North Korean vessels. The April 2003 seizure of 125 kilograms of heroin smuggled to Australia aboard the North Korean-owned vessel "Pong Su" is the latest and largest seizure of heroin pointing to North Korean complicity in the drug trade. Although there is no evidence that narcotics originating in or transiting North Korea reach the United States, we are

### **Title 3—The President**

working closely with our partners in the region to stop North Korean involvement in illicit narcotics production and trafficking.

We appreciate the efforts of China, Hong Kong, Taiwan, and others in the region to stop the diversion of pseudoephedrine and ephedrine used to manufacture methamphetamine. However, considering the growing methamphetamine problem in North America and Asia, additional collaborative efforts to control these precursor chemicals are necessary.

You are hereby authorized and directed to submit this report under section 706 of the FRAA, transmit it to the Congress, and publish it in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 15, 2004.*

#### **Presidential Determination No. 2004–48 of September 20, 2004**

#### **Intention to Grant Waiver of the Application of Section 901(j) of the Internal Revenue Code with Respect to Libya**

*Memorandum for the Secretary of the Treasury*

By virtue of the authority vested in me by the Constitution and the laws of the United States, including section 901(j)(5) of the Internal Revenue Code (the “Code”) and section 301 of title 3, United States Code:

(a) I hereby determine that the waiver of the application of section 901(j)(1) of the Code with respect to Libya is in the national interest of the United States and will expand trade and investment opportunities for U.S. companies in Libya;

(b) I intend to grant such a waiver with respect to Libya; and

(c) I authorize and direct you to report to the Congress in accordance with section 901(j)(5)(B) of the Code my intention to grant the waiver and the reason for this determination and to arrange for publication of this determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 20, 2004.*

## Other Presidential Documents

Presidential Determination No. 2004–49 of September 20, 2004

### **Determination and Waiver of Application of Section 908(a)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 with Respect to Libya**

*Memorandum for the Secretary of State[,] the Secretary of Agriculture[, and] the Secretary of Commerce*

By virtue of the authority vested in me by the Constitution and laws of the United States, including section 908(a)(3) of the Trade Sanctions Reform and Export Enhancement Act of 2000, title IX, Public Law 106–387 (TSRA), I hereby determine that waiver of the application of section 908(a)(1) of TSRA with respect to Libya is in the national security interest of the United States and hereby waive the application of that section with respect to Libya.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 20, 2004.*

Notice of September 21, 2004

### **Continuation of the National Emergency With Respect to Persons Who Commit, Threaten To Commit, or Support Terrorism**

On September 23, 2001, by Executive Order 13224, I declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). I took this action to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, in Pennsylvania, and against the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks against United States nationals or the United States. Because the actions of these persons who commit, threaten to commit, or support terrorism 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 September 23, 2001, and the measures adopted on that date to deal with that emergency, must continue in effect beyond September 23, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism.

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

GEORGE W. BUSH

THE WHITE HOUSE,

*Washington, September 21, 2004.*

#### **Presidential Determination No. 2004–50 of September 24, 2004**

#### **Presidential Determination on Eligibility of the African Union to Receive Defense Articles and Services Under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended**

*Memorandum for the Secretary of State*

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, as amended, I hereby find that the furnishing of defense articles and services to the African Union 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**.

GEORGE W. BUSH

THE WHITE HOUSE,

*Washington, September 24, 2004.*

#### **Presidential Determination No. 2004–51 of September 24, 2004**

#### **Determination to Make Available Assistance for Sudan**

*Memorandum for the Secretary of State[,] the Secretary of the Treasury[,] the Secretary of Defense[, and] the Administrator, United States Agency for International Development*

Consistent with the authority vested in me by the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106), under the heading “International Disaster and Famine Assistance,” I hereby determine that it is in the national interest of the United States and essential to efforts to reduce international terrorism to furnish \$20 million in assistance for Sudan from funds made available under that heading.

### Other Presidential Documents

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 24, 2004.*

#### Presidential Determination No. 2004–52 of September 24, 2004

### Certification Permitting Rescission of Iraq as a Sponsor of Terrorism

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

On September 13, 1990, Acting Secretary of State Eagleburger designated Iraq as a state sponsor of terrorism (55 *Fed. Reg.* 37793–01).

Consistent with section 6(j)(4)(A) of the Export Administration Act of 1979, Public Law 96–72, as amended, and as continued in effect by Executive Order 13222 of August 17, 2001, 66 *Fed. Reg.* 44025, I hereby certify that:

- (1) There has been a fundamental change in the leadership and policies of the Government of Iraq;
- (2) Iraq's government is not supporting acts of international terrorism; and
- (3) Iraq's government has provided assurances that it will not support acts of international terrorism in the future.

Accordingly, the prerequisites for your determination to rescind Iraq's designation as a state sponsor of terrorism will be satisfied once you have transmitted this certification to the Congress.

This certification shall also satisfy the provisions of section 620A(c)(1) of the Foreign Assistance Act of 1961, Public Law 87–195, as amended, and section 40(f)(1)(A) of the Arms Export Control Act, Public Law 90–629, as amended.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, September 24, 2004.*

**Title 3—The President**

**Presidential Determination No. 2004–53 of September 30, 2004**

**Presidential Determination on FY 2005 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 consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 70,000 refugees to the United States during FY 2005 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 2005 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 70,000 admissions numbers 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 2005 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	20,000
East Asia	13,000
Europe and Central Asia	9,500
Latin America/Caribbean	5,000
Near East/South Asia	2,500
Unallocated Reserve	20,000

The 20,000 unallocated refugee numbers shall be allocated to regional ceilings as needed. Upon providing notification to the Judiciary Committees of the Congress, you are hereby authorized to use unallocated numbers in regions where the need for additional numbers arises.

Additionally, upon notification to the Judiciary Committees of the Congress, you are further authorized to transfer unused numbers allocated to a particular region to one or more other regions, if there is a need for greater numbers for the region or regions to which the numbers are being transferred. Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the

### Other Presidential Documents

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 2005 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) of the Act (8 U.S.C. 1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2005, 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
- b. Persons in Cuba
- c. Persons in the former Soviet Union
- d. In exceptional circumstances, persons identified by a U.S. Embassy in and location

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

GEORGE W. BUSH

THE WHITE HOUSE,

*Washington, September 30, 2004.*

### Presidential Determination No. 2004-54 of September 30, 2004

#### Transfer of Funds under Section 610 of the Foreign Assistance Act

*Memorandum for the Secretary of State*

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 610 of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby determine it necessary for the purposes of the Act that \$24,852,500 made available under Chapter 3 of Part I of the Act for Fiscal Year 2004 be transferred to, and consolidated with, funds made available under Chapter 4 of Part II of the Act, and such funds are hereby transferred and consolidated.

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

GEORGE W. BUSH

THE WHITE HOUSE,

*Washington, September 30, 2004.*

### Title 3—The President

Presidential Determination No. 2005–01 of October 7, 2004

#### Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

*Memorandum for the Secretary of State*

Pursuant to section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that up to \$8 million be made available from the U.S. Emergency Refugee and Migration Assistance Fund to meet unexpected urgent refugee and migration needs related to the Burundi refugee repatriation and reintegration. These funds may be used, as appropriate, to provide contributions to international, governmental, and nongovernmental organizations, and, as necessary, for administrative expenses of the Bureau of Population, Refugees, and Migration.

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 arrange for the publication of this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, October 7, 2004.*

Presidential Determination No. 2005–02 of October 14, 2004

#### Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization

*Memorandum for the Secretary of State*

Pursuant to the authority and conditions contained in section 534(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004, Public Law 108–199, as provided for in the Joint Resolution Making Continuing Appropriations for the Fiscal Year 2005, and for other Purposes (Public Law 108–309), I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, October 14, 2004.*

## Other Presidential Documents

Presidential Determination No. 2005-03 of October 16, 2004

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

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

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

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

GEORGE W. BUSH

THE WHITE HOUSE,  
Washington, October 16, 2004.

Notice of October 19, 2004

### **Continuation of the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia**

On October 21, 1995, by Executive Order 12978, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) 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 narcotics traffickers centered in Colombia, and the extreme level of violence, corruption, and harm such actions cause in the United States and abroad.

The order blocks all property and interests in property that are in the United States or within the possession or control of United States persons or foreign persons listed in an annex to the order, as well as of foreign persons determined to play a significant role in international narcotics trafficking centered in Colombia. The order similarly blocks all property and interests in property of foreign persons determined to materially assist in, or provide financial or technological support for or goods or services in support of, the narcotics trafficking activities of persons designated in or pursuant to the order, or persons determined 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.

### **Title 3—The President**

Because the actions of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause an extreme level of 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, 2004. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to significant narcotics traffickers centered in Colombia. This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, October 19, 2004.*

#### **Presidential Determination No. 2005–04 of October 20, 2004**

#### **Presidential Determination on Use of Cooperative Threat Reduction Funds in Albania under Section 1308 of the National Defense Authorization Act for Fiscal Year 2004**

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

Pursuant to the authority vested in me by section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136) (the “Act”), I hereby determine that the obligation and expenditure of Cooperative Threat Reduction (CTR) funds for the destruction of chemical warfare agents stockpiled in Albania, will permit the United States to take advantage of an opportunity to achieve long-standing nonproliferation goals. I also determine that this project to destroy the chemical warfare agents stockpiled in Albania will be completed within a short period of time and that the Department of Defense is the entity of the Federal Government that is most capable of carrying out this project.

You are authorized and directed to transmit this determination, along with the justification and project description required by section 1308(d)(2) of the Act, to the Congress no later than 10 days after the obligation of funds for this project and to arrange for the publication of this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, October 20, 2004.*

**Other Presidential Documents**

**Presidential Determination No. 2005-05 of October 20, 2004**

**Presidential Determination Relating to Obligation of Cooperative Threat Reduction Funds in Albania under Section 1308 of the National Defense Authorization Act for Fiscal Year 2004**

*Memorandum for the Secretary of State*

Pursuant to section 1308(e) of the National Defense Authorization Act for Fiscal Year 2004 (Title XIII of Public Law 108-136) and the authority vested in me by section 1203(d) of the Cooperative Threat Reduction Act of 1993 (Title XII of Public Law 103-160), as amended (CTR Act), I hereby certify that Albania is committed to the courses of action enumerated in section 1203(d) of the CTR Act.

I have also enclosed the justification for this certification.

You are authorized and directed to transmit this certification and justification to the Congress and to arrange for the publication of this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, October 20, 2004.*

**Memorandum of October 21, 2004**

**Delegation of Certain Functions Related to the Sudan Peace Act**

*Memorandum for the Secretary of State*

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the determination, certification, and reporting functions conferred upon the President by sections 6(b)(1) and 6(c) of the Sudan Peace Act (Public Law 107-245).

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, October 21, 2004.*

### Title 3—The President

Memorandum of October 21, 2004

#### Designation and Authorization to Perform Functions Under Section 319F-2 of the Public Health Service Act

*Memorandum for the Director of the Office of Management and Budget*

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby direct you to perform the functions vested in the President under section 319F-2(c)(6) of the Public Health Service Act, 42 U.S.C. 247d-6b(c)(6).

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 publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
Washington, October 21, 2004.

Presidential Determination No. 2005-06 of October 22, 2004

#### Drawdown of Commodities and Services from the Department of Defense to Support African Union Peacekeeping in Darfur, Sudan

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

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 552(c)(2) of the Foreign Assistance Act of 1961, as amended (FAA), I hereby determine that:

- (1) as a result of an unforeseen emergency, the provision of assistance under Chapter 6 of Part II of the Act in amounts in excess of funds otherwise available for such assistance is important to the national interests of the United States; and
- (2) such unforeseen emergency requires the immediate provision of assistance under Chapter 6 of Part II of the Act.

I therefore direct the drawdown of up to \$2,500,000 in commodities and services from the Department of Defense to support the transportation of African Union forces to Darfur, Sudan.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
Washington, October 22, 2004.

## Other Presidential Documents

Notice of November 1, 2004

### **Continuation of the National Emergency With Respect to Sudan**

On November 3, 1997, by Executive Order 13067, the President declared a national emergency with respect to Sudan pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) 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 Sudan. Because the actions and policies of the Government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on November 3, 1997, and the measures adopted on that date to deal with that emergency must continue in effect beyond November 3, 2004. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Sudan.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, November 1, 2004.*

Notice of November 4, 2004

### **Continuation of Emergency Regarding Weapons of Mass Destruction**

On November 14, 1994, by Executive Order 12938, President Clinton 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. On July 28, 1998, the President issued Executive Order 13094 to amend Executive Order 12938 to respond more effectively to the worldwide threat of proliferation of 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 continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency first declared on November 14, 1994, must continue in effect beyond November 14, 2004. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, November 4, 2004.*

#### **Notice of November 9, 2004**

### **Continuation of the National Emergency With Respect to Iran**

On November 14, 1979, by Executive Order 12170, the President 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 unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. 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, 2004. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year this national emergency with respect to Iran.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, November 9, 2004.*

#### **Presidential Determination No. 2005–07 of November 29, 2004**

### **Presidential Determination on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia**

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

Consistent with the authority vested in me by section 1303 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) (the “Act”), I hereby certify that waiving the conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), as amended, is important to the national security interests of the United States, and include herein, for submission to the Congress, the statement, justification, and plan described in section 1303 of the Act. This waiver shall apply through the remainder of calendar year 2004 and for all of calendar year 2005.

### Other Presidential Documents

You are authorized and directed to transmit this certification, including the statement, justification, and plan, to the Congress and to arrange for the publication of this certification in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, November 29, 2004.*

#### Presidential Determination No. 2005–08 of November 29, 2004

### Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia

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

Consistent with the authority vested in me by section 2007 of the American Servicemembers' Protection Act of 2002 (the "Act"), title II of Public Law 107–206 (22 U.S.C. 7421 *et seq.*), I hereby:

- Determine that Burundi, Guyana, and Liberia have each entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such countries; and
- Waive the prohibition of section 2007(a) of the Act with respect to these countries for as long as such agreement remains in force.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, November 29, 2004.*

#### Presidential Determination No. 2005–09 of December 6, 2004

### Waiver of Restrictions on Assistance to Russia under the Cooperative Threat Reduction Act of 1993 and Title V of the FREEDOM Support Act

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

Consistent with the authority vested in me by section 1306 of the national Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), I hereby certify that waiving the restrictions contained in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952), as amended, and the requirements contained in section 502 of the FREEDOM Support Act (22 U.S.C. 5852) during Fiscal Year 2005 with respect to the Russian Federation is important to the national security interests of the United States.

You are authorized and directed to transmit to the Congress this certification and the associated report (including its classified annex) that has

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been prepared by my Administration consistent with section 1306(b) of Public Law 107–314. You are further authorized and directed to arrange for the publication of this certification in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 6, 2004.*

#### Memorandum of December 8, 2004

#### Assignment of Functions Implementing the HELP Commission Act

*Memorandum for the Secretary of State [and] the Administrator of the United States Agency for International Development*

By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code:

1. The functions of the President under subsection 637(k) of the Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (Division B, Public Law 108–199)(22 U.S.C. 2394b(k))(the “Act”) are assigned to the Secretary of State (Secretary).
2. The Administrator of the United States Agency for International Development shall provide support to assist the Secretary in the performance of functions assigned by this memorandum, and the heads of executive departments and agencies with information concerning assistance programs shall furnish promptly to the Secretary, consistent with applicable law, such information as the Secretary may request to assist in fulfillment of these responsibilities for the preparation of the report to which subsection 637 (k) refers.
3. The Secretary shall coordinate the receipt by departments and agencies of requests from the HELP Commission under section 637(e) of the Act for information and their responses to such requests. Such departments and agencies shall provide relevant information and responses promptly. The Secretary shall ensure that such responses occur in a manner consistent with the President’s constitutional authority to withhold information that could impair foreign relations, national security, the deliberate processes of the Executive, or the performance of the Executive’s constitutional duties.
4. Heads of executive departments and agencies shall assist the Secretary in the implementation of this memorandum.
5. The Secretary is authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 8, 2004.*

## Other Presidential Documents

**Memorandum of December 8, 2004**

### **Delegation of Certain Reporting Authority**

*Memorandum for the Chairman of the Federal Labor Relations Authority*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to the member who has been designated by the President as Chairman the functions conferred upon the President by 5 U.S.C. 7104(e) to provide the specified report to the Congress.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 8, 2004.*

**Memorandum of December 8, 2004**

### **Delegation of Certain Reporting Authority**

*Memorandum for the Chairperson of the National Endowment for the Arts*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President in the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)) to provide the specified report relating to the National Endowment for the Arts to the Congress.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 8, 2004.*

**Memorandum of December 8, 2004**

### **Delegation of Certain Reporting Authority**

*Memorandum for the Chairperson of the National Endowment for the Humanities*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code,

### **Title 3—The President**

I hereby delegate to you the functions conferred upon the President in the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(d)) to provide the specified report relating to the National Endowment for the Humanities to the Congress.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 8, 2004.*

#### **Memorandum of December 8, 2004**

#### **Delegation of Certain Reporting Authority**

*Memorandum for the Secretary of Agriculture*

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the President by section 13 of Public Law 806, 80th Congress (15 U.S.C. 714k), to provide the specified report to the Congress.

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

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 8, 2004.*

#### **Presidential Determination No. 2005–10 of December 8, 2004**

#### **Waiver of Restrictions on Providing Funds to the Palestinian Authority**

*Memorandum for the Secretary of State*

Pursuant to the authority vested in me as President by the Constitution and laws of the United States, including section 552(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Div. D, Public Law 108–199) (the “Act”), as carried forward under Public Law 108–309, as amended, I hereby certify that it is important to the national security interests of the United States to waive the provisions of section 552(a) of the Act, as carried forward, in order to provide funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of

### Other Presidential Documents

1961 to the Ministry of Finance of the Palestinian Authority for budget support.

You are authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 552(d) of the Act, and to publish the determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,

*Washington, December 8, 2004.*

#### **Presidential Determination No. 2005–11 of December 10, 2004**

### **Renewal of Trade Agreement with the Socialist Republic of Vietnam**

*Memorandum for the United States Trade Representative*

Pursuant to my authority under subsection 405(b)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2435(b)(1)(B)), I have determined that actual or foreseeable reductions in U.S. tariffs and nontariff barriers to trade resulting from multilateral negotiations are being satisfactorily reciprocated by the Socialist Republic of Vietnam. I have further found that a satisfactory balance of concessions in trade and services has been maintained during the life of the Agreement on Trade Relations between the United States of America and the Socialist Republic of Vietnam.

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

GEORGE W. BUSH

THE WHITE HOUSE,

*Washington, December 10, 2004.*

#### **Presidential Determination No. 2005–12 of December 10, 2004**

### **Presidential Determination to Waive the Application of Section 901(j) of the Internal Revenue Code with Respect to Libya**

*Memorandum for the Secretary of the Treasury*

By virtue of the authority vested in me by the Constitution and the laws of the United States, including section 901(j)(5) of the Internal Revenue Code (the “Code”), I hereby waive the application of section 901(j)(1) of the Code with respect to Libya.

### **Title 3—The President**

I hereby authorize and direct you to arrange for publication of this determination in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 10, 2004.*

#### **Presidential Determination No. 2005–13 of December 14, 2004**

### **Waiver of Restrictions on Assistance to the Republic of Uzbekistan under the Cooperative Threat Reduction Act of 1993 and Title V of the FREEDOM Support Act**

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

Consistent with the authority vested in me by section 1306 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), I hereby certify that waiving the restrictions contained in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952), as amended, and the requirements contained in section 502 of the FREEDOM Support Act (22 U.S.C. 5852) during Fiscal Year 2005 with respect to the Republic of Uzbekistan is important to the national security interests of the United States.

You are authorized and directed to transmit to the Congress this certification and the associated report (including its classified annex) that has been prepared by my Administration consistent with section 1306(b) of Public Law 107–314. You are further authorized and directed to arrange for the publication of this certification in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 14, 2004.*

#### **Presidential Determination No. 2005–14 of December 15, 2004**

### **Suspension of Limitations Under the Jerusalem Embassy Act**

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

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the “Act”), I hereby determine that it is necessary to protect the national security interests of the United States to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act. My Administration remains committed to beginning the process of moving our embassy to Jerusalem.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the **Federal Register**.

### Other Presidential Documents

This suspension shall take effect after transmission of this determination and report to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 15, 2004.*

### Presidential Determination No. 2005–15 of December 21, 2004

### Provision of Aviation Insurance Coverage for Commercial Air Carrier Service in Domestic and International Operations

*Memorandum for the Secretary of Transportation*

By the authority vested in me by 49 U.S.C. 44302, *et seq.*, I hereby:

1. determine that continuation of U.S.-flag commercial air service is necessary in the interest of air commerce, national security, and the foreign policy of the United States.
2. approve provision by the Secretary of Transportation of insurance or reinsurance to U.S.-flag air carriers against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided in Chapter 443 of 49 U.S.C.:
  - (a) until August 31, 2005;
  - (b) after August 31, 2005, but no later than December 31, 2005, when he determines that such insurance or reinsurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States; and
3. delegate to the Secretary of Transportation the authority, vested in me by 49 U.S.C. 44306(c), to extend this determination for additional periods beyond August 31, 2005, but no later than December 31, 2005, when he finds that the continued operation of aircraft to be insured or reinsured is necessary in the interest of air commerce or the national security, or to carry out the foreign policy of the United States Government.

You are directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102(2), and to arrange for its publication in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,  
*Washington, December 21, 2004.*



## CHAPTER I—EXECUTIVE OFFICE OF THE PRESIDENT

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