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

February 5, 2004

Presidential Determination No. 2004–22

Memorandum for the Secretary of State

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

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

Remarks Announcing the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

February 6, 2004

Good afternoon. Today, by Executive order, I am creating an independent commission, chaired by Governor and former Senator Chuck Robb, Judge Laurence Silberman, to look at American intelligence capabilities, especially our intelligence about weapons of mass destruction.

Last week, our former chief weapons inspector, David Kay, reported that Saddam Hussein's regime had weapons programs and activities in violation of United Nations Security Council resolutions and was a gathering threat to the world. Dr. Kay also stated that some prewar intelligence assessments by America and other nations about Iraq's weapons stockpiles have not been confirmed. We are determined to figure out why. We're also determined to make sure that American intelligence is as accurate as possible for every challenge in the future.

The proliferation of weapons of mass destruction poses the most serious of dangers to the peace of the world. Chemical, biological, and nuclear weapons in the hands of terrorists or terror regimes could bring catastrophic harm to America and to our friends. It is the policy of the United States Government to oppose that threat by any means necessary. Our efforts against proliferation begin with and depend upon accurate and thorough intelligence.

The men and women of our intelligence community and intelligence officers who work for our friends and allies around the world are dedicated professionals engaged in difficult and complex work. America's enemies are secretive. They are ruthless, and they are resourceful. And in tracking and disrupting their activities, our Nation must bring to bear every tool and advantage at our command.

In Iraq, America and our coalition enforced the clearly stated demands of the world, that a violent regime prove its own disarmament. In the aftermath of September the 11th, 2001, I will not take risks with the lives and security of the American people by assuming the good will of dictators.

And now, as we move forward in our efforts to prevent the spread of weapons of mass destruction, we must stay ahead of constantly changing intelligence challenges. The stakes for our country could not be higher, and our standard of intelligence gathering and analysis must be equal to that of the challenge.

The commission I have appointed today will examine intelligence on weapons of mass destruction and related 21st century threats

and issue specific recommendations to ensure our capabilities are strong. The commission will compare what the Iraq Survey Group learns with the information we had prior to our Operation Iraqi Freedom. It will review our intelligence on weapons programs in countries such as North Korea and Iran. It will examine our intelligence on the threats posed by Libya and Afghanistan before recent changes in those countries. Members of the commission will issue their report by March 31st, 2005.

I've ordered all departments and agencies, including our intelligence agencies, to assist the commission's work. The commission will have full access to the findings of the Iraq Survey Group.

In naming this commission—these men as Cochairmen of the commission, I'm also naming today Senator John McCain; Lloyd Cutler, former White House Counsel to Presidents Carter and Clinton; Rick Levin, the president of Yale University; Admiral Bill Studeman, the former Deputy Director of the Central Intelligence Agency; Judge Pat Wald, a former judge on the DC Court of Appeals. Those are seven members named. The commission calls for up to nine members. As we vet and find additional members to fill out the nine, we will let you know.

Thank you for your attention.

NOTE: The President spoke at 1:32 p.m. in the James S. Brady Briefing Room at the White House. In his remarks, he referred to David Kay, former CIA Special Advisor for Strategy Regarding Iraqi Weapons of Mass Destruction Programs; and former President Saddam Hussein of Iraq.

Executive Order 13328—Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction

February 6, 2004

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Establishment.* There is established, within the Executive Office of the President for administrative purposes, a Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (Commission).

Sec. 2. *Mission.* (a) The Commission is established for the purpose of advising the President in the discharge of his constitutional authority under Article II of the Constitution to conduct foreign relations, protect national security, and command the Armed Forces of the United States, in order to ensure the most effective counterproliferation capabilities of the United States and response to the September 11, 2001, terrorist attacks and the ongoing threat of terrorist activity. The Commission shall assess whether the Intelligence Community is sufficiently authorized, organized, equipped, trained, and resourced to identify and warn in a timely manner of, and to support United States Government efforts to respond to, the development and transfer of knowledge, expertise, technologies, materials, and resources associated with the proliferation of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century and their employment by foreign powers (including terrorists, terrorist organizations, and private networks, or other entities or individuals). In doing so, the Commission shall examine the capabilities and challenges of the Intelligence Community to collect, process, analyze, produce, and disseminate information concerning the capabilities, intentions, and activities of such foreign powers relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of Weapons of Mass Destruction, related means of delivery, and other related threats of the 21st Century.

(b) With respect to that portion of its examination under paragraph 2(a) of this order that relates to Iraq, the Commission shall specifically examine the Intelligence Community's intelligence prior to the initiation of Operation Iraqi Freedom and compare it with the findings of the Iraq Survey Group and other relevant agencies or organizations concerning the capabilities, intentions, and activities of Iraq relating to the design, development, manufacture, acquisition, possession, proliferation, transfer, testing, potential or threatened use, or use of Weapons of Mass Destruction and related means of delivery.