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

September 28, 2005

Presidential Determination No. 2005–40

Memorandum for the Secretary of State

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

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

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

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

George W. Bush

Message to the Senate Transmitting the Protocol Amending the France-United States Taxation Convention

September 28, 2005

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (the "Convention"), signed at Washington on December 8, 2004 (the "Protocol"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol was negotiated to address certain technical issues that have arisen since the Convention entered into force. The Protocol was concluded in recognition of the importance of U.S. economic relations with France.

The Protocol clarifies the treatment of investments made in France by U.S. investors through partnerships located in the United States, France, or third countries. It also modifies the provisions of the treaty dealing with pensions and pension contributions in order to achieve parity given the two countries' fundamentally different pension systems. The Protocol makes other changes to the Convention to reflect more closely current U.S. tax treaty policy.

I recommend that the Senate give early and favorable consideration to this Protocol and that the Senate give its advice and consent to ratification.

George W. Bush

The White House,
September 28, 2005.

Remarks at a Swearing-In Ceremony for John G. Roberts, Jr., as Chief Justice of the Supreme Court of the United States

September 29, 2005

The President. Good afternoon and welcome to the White House. Laura and I are pleased that all of you could join us in witnessing a very meaningful event in the life of our Nation. It's a rare privilege to welcome seven current Justices of the Supreme Court. Thank you all for coming. We also welcome Mrs. Thurgood Marshall and Mrs. Potter Stewart.

It was 19 years ago, almost to the day, that Chief Justice William Rehnquist took the oath of office in this very room with President Ronald Reagan as a witness. Each gathering of this kind is an historic occasion for our country and gives eloquent testimony to the wisdom and continuity of the system created by the Framers.

In a few moments, John Roberts will take his place in a distinguished line that began in 1789, when President Washington appointed Chief Justice John Jay. This is a proud day for John Roberts' family. We extend a special welcome to his wife, Jane, their daughter Josie, and son Jack—[*laughter*]—a fellow who is comfortable with the cameras. [*Laughter*] Also with us are the Judge's mom and dad, Rosemary and Jack Roberts; two of his sisters, Peggy and Barbara, as well as other members of the Roberts family. We're so pleased you'd be with us today.

I appreciate the Vice President being here, Attorney General Al Gonzales. I thank Harriet Miers, Counsel to the President, and members of my administration who worked on the nomination and confirmation. I particularly want to thank former Senator Fred Thompson for his leadership. I thank the members of my Cabinet who are here.

I appreciate the Members of the United States Senate who are here, Majority Leader Bill Frist, Senate President Pro Tem Ted Stevens, and Majority Whip Mitch McConnell. Thank you all for coming. I thank the members of the Judiciary Committee who are here, starting with the chairman, Arlen Specter, ranking member Pat Leahy. Thank you all for coming. I appreciate Senators Grassley, Hatch, Brownback, Kyl, Sessions, Cornyn, and Graham. I also want to thank all the other Senators here with us. I really want to say something about Senator Dick Lugar from Indiana, who introduced the Chief to the Senate. I appreciate very much all of you taking time out of your day to witness this historic event.

Today we complete a process set forth in Article II of the Constitution, which provides that the President shall nominate and by and with the advice and consent of the Senate shall appoint the judges of the Supreme Court. The nomination power is one of the most serious responsibilities of a President. When a President chooses a Supreme Court Justice, he is placing in human hands the full authority and majesty of the law.

Each member of our highest court holds a position of extraordinary influence and respect, and can hold it for a lifetime. The office of Chief Justice has added responsibilities as leader of the Court and as presiding officer of the Judicial Conference of the United States. To carry out all these duties, I submitted to the Senate a nominee of integrity, deep humility, and uncommon talent.

During the confirmation hearings this month, Members of the Senate and American people saw far more than the intellectual gifts and broad experience of Judge John Roberts. They witnessed as well the character of the man, his reverence for the Constitution and laws of our country, his impartiality and devotion to justice, his modesty and great personal decency.

Across the Nation, Americans have grown in respect and admiration for this good man. From the day of Judge Roberts' nomination, the Judiciary Committee and Senators of both parties have received him with courtesy and fair mindedness. The civility of the confirmation process has served the interests of the Nation and reflected very well on the United States Senate.

And I appreciate the majority leader and the chairman and their colleagues for setting a tone of dignity and goodwill. The Senate has confirmed a man with an astute mind and kind heart. As a member of the Federal judiciary, John Roberts has carried out his duties with discernment and humanity and without fear or favor.