

- (i) authority granted by law to a department or agency or the head thereof; or
- (ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.
- (c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

George W. Bush

The White House,
January 22, 2008.

[Filed with the Office of the Federal Register, 8:57 a.m., January 23, 2008]

NOTE: This Executive order was published in the *Federal Register* on January 24.

Memorandum on Determination on the Proposed Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy

January 22, 2008

Presidential Determination No. 2008-8

Memorandum for the Secretary of State and the Secretary of Energy

Subject: Determination on the Proposed Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy

I have considered the proposed Agreement for Cooperation Between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy, signed at Ankara on July 26, 2000, along with the views, recommendations, and statements of interested agencies.

I approve the proposed Agreement and have determined the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security.

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

George W. Bush

NOTE: This message was released by the Office of the Press Secretary on January 23.

Message to the Congress Transmitting the Turkey-United States Agreement Concerning Peaceful Uses of Nuclear Energy

January 22, 2008

To the Congress of the United States:

I transmit to the Congress, pursuant to sections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b),(d))(the "Act"), the text of the proposed Agreement for Cooperation between the United States of America and the Republic of Turkey Concerning Peaceful Uses of Nuclear Energy (the "Agreement") together with a copy of the unclassified Nuclear Proliferation Assessment Statement (NPAS) and of my approval of the proposed Agreement and determination that the proposed Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. The Secretary of State will submit the classified NPAS and accompanying annexes separately in appropriate secure channels.

The Agreement was signed on July 26, 2000, and President Clinton approved and authorized execution and made the determinations required by section 123 b. of the Act (Presidential Determination 2000-26, 65 FR 44403 (July 18, 2000)). However, immediately after signature, U.S. agencies received information that called into question the conclusions that had been drawn in the required NPAS and the original classified annex, specifically, information implicating Turkish private entities in certain activities directly relating to nuclear proliferation. Consequently, the Agreement was not submitted to the

Congress and the executive branch undertook a review of the NPAS evaluation.

My Administration has completed the NPAS review as well as an evaluation of actions taken by the Turkish government to address the proliferation activities of certain Turkish entities (once officials of the U.S. Government brought them to the Turkish government's attention). The Secretary of State, the Secretary of Energy, and the members of the Nuclear Regulatory Commission are confident that the pertinent issues have been sufficiently resolved and that there is a sufficient basis (as set forth in the classified annexes, which will be transmitted separately by the Secretary of State) to proceed with congressional review of the Agreement and, if legislation is not enacted to disapprove it, to bring the Agreement into force.

In my judgment, entry into force of the Agreement will serve as a strong incentive for Turkey to continue its support for non-proliferation objectives and enact future sound nonproliferation policies and practices. It will also promote closer political and economic ties with a NATO ally, and provide the necessary legal framework for U.S. industry to make nuclear exports to Turkey's planned civil nuclear sector.Q06

This transmittal shall constitute a submittal for purposes of both section 123 b. and 123 d. of the Act. My Administration is prepared to begin immediate consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the period of 30 days of continuous session provided for in section 123 b., the period of 60 days of continuous session provided for in section 123 d. shall commence.

George W. Bush

The White House,
January 22, 2008.

NOTE: This message was released by the Office of the Press Secretary on January 23.

**Message to the Senate Transmitting
the Romania-United States
Extradition Treaty and Protocols on
Mutual Legal Assistance in Criminal
Matters**

January 22, 2008

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and Romania (the "Extradition Treaty" or the "Treaty") and the Protocol to the Treaty between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters (the "Protocol"), both signed at Bucharest on September 10, 2007. I also transmit, for the information of the Senate, the reports of the Department of State with respect to the Extradition Treaty and Protocol.

The Extradition Treaty would replace the outdated Extradition Treaty between the United States and Romania, signed in Bucharest on July 23, 1924, and the Supplementary Extradition Treaty, signed in Bucharest on November 10, 1936. The Protocol amends the Treaty Between the United States of America and Romania on Mutual Legal Assistance in Criminal Matters, signed in Washington on May 26, 1999 (the "1999 Mutual Legal Assistance Treaty"). Both the Extradition Treaty and the Protocol also fulfill the requirements for bilateral instruments (between the United States and each European Union (EU) Member State) that are contained in the Extradition and Mutual Legal Assistance Agreements between the United States and the EU currently before the Senate.

The Extradition Treaty follows generally the form and content of other extradition treaties recently concluded by the United States. It would replace an outmoded list of extraditable offenses with a modern "dual criminality" approach, which would enable extradition for such offenses as money laundering and other newer offenses not appearing on the list. The Treaty also contains a modernized "political offense" clause, and it provides that neither Party shall refuse extradition based on the citizenship of the person sought. Finally, the new Treaty incorporates