

Message to the Congress of the United States

TO THE CONGRESS OF THE UNITED STATES:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), and section 301 of the National Emergencies Act, 50 U.S.C. 1631, I hereby report that I have issued an Executive Order (order) in which I declared a national emergency with respect to the threat constituted by certain actions of the Government of Syria. Further, in accordance with subsection 5(b) of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (SAA), Public Law 108-175, this message also constitutes the report on my exercise of the waiver authority pursuant to that statute.

On December 12, 2003, I signed into law the SAA in order to strengthen the ability of the United States to effectively confront the threat to U.S. national security posed by Syria's support for terrorism, its military presence in Lebanon, its pursuit of weapons of mass destruction, and its actions to undermine U.S. and international efforts with respect to the stabilization and reconstruction of Iraq. These policies by the Government of Syria directly threaten regional stability and undermine the U.S. goal of a comprehensive Middle East peace. Despite many months of diplomatic efforts to convince the Government of Syria to change its behavior, Syria has not taken significant, concrete steps to address the full range of U.S. concerns, which were clearly conveyed by Secretary of State Powell to Syrian President Asad in May 2003. I find the actions, policies, and circumstances described above sufficiently grave to constitute a threat to the national security, foreign policy, and economy of the United States, and thus have declared a national emergency to address that threat.

In implementation of subsection 5(a) of the SAA, in the order I directed that action be taken to prohibit the export to Syria of products of the United States other than food and medicine, including but not limited to items on the United States Munitions List or Commerce Control List, and I prohibited commercial air services between Syria and the United States by aircraft of any air carrier owned or controlled by Syria, as well as certain non-traffic stops by such aircraft.

It is important to the national security interests of the United States, however, that certain discrete categories of exports continue in order to support activities of the United States Government and United Nations agencies, to facilitate travel by United States persons, for certain humanitarian purposes, to help maintain aviation safety, and to promote the exchange of information. Also, it is important to U.S. national security interests that aviation-related sanctions take into account humanitarian and diplomatic concerns as well as the international obligations of the United States.

Accordingly, I have waived the application of subsections 5(a)(1) and 5(a)(2)(A) of the SAA to permit the export and reexport of: products in support of activities of the United States Government to the extent that such exports would not otherwise fall within my constitutional authority to conduct the Nation's foreign affairs and protect national security; medicines on the Commerce Control List and medical devices; aircraft parts and components for purposes of flight safety; exports and reexports consistent with the 5(a)(2)(D) waiver outlined below; information and informational materials, as well as telecommunications equipment and associated items to promote the free flow of information; certain software and technology; products in support of United Nations operations; and, certain exports and reexports of a temporary nature. These items are further identified in the Department of Commerce's General Order No. 2, as issued consistent with my order. I have also waived the application of subsection 5(a)(2)(D) to permit the following with respect to aircraft of any air carrier owned or controlled by Syria: takeoffs or landings of such aircraft when chartered by the Government of Syria to transport Syrian government officials to the United States on official Syrian government business; takeoffs or landings for non-traffic stops of such aircraft that are not engaged in scheduled international air services; takeoffs and landings associated with an emergency; and overflights of U.S. territory.

GEORGE W. BUSH

THE WHITE HOUSE,
May 11, 2004.

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