

transmittal of legislative recommendations by executive branch officials to the Congress, in a manner consistent with the President's constitutional authority to recommend such measures to the Congress as he deems necessary and expedient.

Several provisions of the bill relate to race or ethnicity. The executive branch shall construe such provisions in a manner consistent with the requirement that the Federal Government afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.

George W. Bush

The White House,
November 10, 2005.

NOTE: H.R. 2744, approved November 10, was assigned Public Law No. 109-97. This item was not received in time for publication in the appropriate issue.

Memorandum on Determinations Under Section 1106(a) of the Omnibus Trade and Competitiveness Act of 1988—Kingdom of Saudi Arabia

November 10, 2005

Memorandum for the United States Trade Representative

Subject: Determinations under Section 1106(a) of the Omnibus Trade and Competitiveness Act of 1988—Kingdom of Saudi Arabia

The Kingdom of Saudi Arabia (Saudi Arabia) is seeking to become a Member of the World Trade Organization (WTO). Saudi Arabia has concluded a bilateral agreement with the United States related to Saudi Arabia's accession to the WTO. Saudi Arabia's commitments under this bilateral agreement with the United States ensure: (1) that all state trading enterprises, as defined in section 1107(6) of the Omnibus Trade and Competitiveness Act of 1988 (the "Act") (19 U.S.C. 2906(6)), will make (a) purchases that are not for government use and (b) sales in international trade, in accordance with commercial considerations, including price, quality, availability, marketability, and transpor-

ation, and (2) that such state trading enterprises will afford U.S. business firms adequate opportunity, in accordance with customary practice, to compete for such purchases and sales.

In accordance with section 1106(a)(1) of the Act (19 U.S.C. 2905(a)(1)), I determine that state trading enterprises account for a significant share of the exports of Saudi Arabia and the goods that compete with imports into Saudi Arabia. Further, I determine that, based on the bilateral agreement that Saudi Arabia has entered into with the United States, information provided and commitments set forth in the Report of the Working Party on the Kingdom of Saudi Arabia's Accession to the WTO, and other information considered in connection with Saudi Arabia's WTO accession negotiations including information in the United States National Energy Policy report, an affirmative determination under section 1106(a)(2) is not warranted.

The determinations under section 1106(a) are intended solely to further the purpose of section 1106 and are not determinative for the purpose of any other statute or regulation.

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

George W. Bush

NOTE: This item was not received in time for publication in the appropriate issue.

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

November 10, 2005

To the Senate of the United States:

I transmit herewith for the advice and consent of the Senate to ratification, a Protocol Amending the Convention Between the Government of the United States of America and the Government of Sweden for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Washington on September 30, 2005 (the "Protocol"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.