

(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102-40) at Schedule 3.

**Sec. 2. Senior Executive Service.** The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5 U.S.C. 5382, as amended by section 1125 of Public Law 108-136, are set forth on Schedule 4 attached hereto and made a part hereof.

**Sec. 3. Executive and Certain Other Salaries.** The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5311-5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), section 140 of Public Law 97-92, and Public Law 108-167) at Schedule 7.

**Sec. 4. Uniformed Services.** Pursuant to section 601(a)-(b) of Public Law 108-136, the rates of monthly basic pay (37 U.S.C. 203) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay are set forth on Schedule 8 attached hereto and made a part hereof.

**Sec. 5. Locality-Based Comparability Payments.**

(a) Pursuant to sections 5304 and 5304a of title 5, United States Code, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the *Federal Register*.

**Sec. 6. Administrative Law Judges.** The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

**Sec. 7. Effective Dates.** Schedule 8 is effective on January 1, 2004. The other sched-

ules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2004.

**Sec. 8. Prior Order Superseded.** Executive Order 13282 of December 31, 2002, as amended by Executive Order 13291 of March 21, 2003, is superseded.

**George W. Bush**

The White House,  
December 30, 2003.

[Filed with the Office of the Federal Register, 11:22 a.m., December 31, 2003]

NOTE: This Executive order and the attached annexes were published in the *Federal Register* on January 2, 2004.

## **Executive Order 13323—Assignment of Functions Relating to Arrivals in and Departures From the United States**

*December 30, 2003*

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 215 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1185), and section 301 of title 3, United States Code, and to strengthen the national security of the United States through procedures and systems to manage and control the arrival and departure of persons from the United States, it is hereby ordered as follows:

**Section 1. Functions of the Secretary of Homeland Security.** The Secretary of Homeland Security is assigned the functions of the President under section 215(a) of the INA with respect to persons other than citizens of the United States. In exercising these functions, the Secretary of Homeland Security shall not issue, amend, or revoke any rules, regulations, or orders without first obtaining the concurrence of the Secretary of State.

**Sec. 2. Functions of the Secretary of State.** The Secretary of State is assigned the functions of the President under section 215(a) and (b) of the INA with respect to citizens of the United States, including those functions concerning United States passports. In

addition, the Secretary may amend or revoke part 46 of title 22, Code of Federal Regulations, which concerns\* persons other than citizens of the United States. In exercising these functions, the Secretary of State shall not issue, amend, or revoke any rules, regulations, or orders without first consulting with the Secretary of Homeland Security.

**Sec. 3. Judicial Review.** This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any other person.

**George W. Bush**

The White House,  
December 30, 2003.

[Filed with the Office of the Federal Register, 11:22 a.m., December 31, 2003]

NOTE: This Executive order was published in the *Federal Register* on January 2, 2004.

**Memorandum on Designation of the Kingdom of Thailand as a Major Non-NATO Ally**

*December 30, 2003*

Presidential Determination No. 2004-16

*Memorandum for the Secretary of State*

*Subject:* Designation of the Kingdom of Thailand as a Major Non-NATO Ally

Consistent with the authority vested in me, by section 517 of the Foreign Assistance Act of 1961, as amended ("the Act"), I hereby designate the Kingdom of Thailand as a Major Non-NATO Ally of the United States for the purposes of the Act and the Arms Export Control Act.

\* White House correction.

You are authorized and directed to publish this determination in the *Federal Register*.

**George W. Bush**

**Memorandum Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court**

*December 30, 2003*

Presidential Determination No. 2004-17

*Memorandum for the Secretary of State*

*Subject:* Waiving Prohibition on United States Military Assistance to Parties to the Rome Statute Establishing the International Criminal Court

Consistent with the authority vested in me by section 2007 of the American Servicemembers' Protection Act of 2002 (the "Act"), title II of Public Law 107-206 (22 U.S.C. 7421 *et seq.*), I hereby:

- Determine that Belize, Former Yugoslav Republic of Macedonia, Panama, and Fiji have each entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such countries; and
- Waive the prohibition of section 2007(a) of the Act with respect to these countries for as long as such agreement remains in force.

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

**George W. Bush**