

articles or defense services in the amount of \$50,000,000 or more.

The transaction contained in the attached certification involves the export of defense services, technical data and defense articles to Taiwan to support the manufacture and maintenance of GRC-171, RT-1272F and/or RT 1272H Ultra High Frequency Receiver Transmitters for Taiwan's Ministry of National Defense.

The United States Government is prepared to license the export of these items having taken into account political, military, economic, human rights and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,
Paul V. Kelly,

Assistant Secretary, Legislative Affairs.

Enclosure: Transmittal No. DDTC 083-03.

[FR Doc. 03-21678 Filed 8-22-03; 8:45 am]

BILLING CODE 4710-25-M

DEPARTMENT OF STATE

[Public Notice 4457]

Determination: Imposing Conditions and Restrictions on the Cuban Interests Section and Its Personnel with Respect to Acquisition and Disposition of Motor Vehicles in the United States

Summary

The United States Interests Section of the Embassy of Switzerland in Havana, Cuba ("the U.S. Interests Section") is the mission through which the U.S. communicates with the Government and people of Cuba. The Cuban Government's counterpart mission in the United States is the Cuban Interests Section of the Embassy of Switzerland in Washington. For some time, the Cuban Government has imposed a series of impediments, obstructions, denials of service, and unjustifiable costs upon the functioning of the U.S. Interests Section and living conditions of the Interests Section's employees and dependents. The Foreign Missions Act of 1982 as amended (22 U.S. Code 4301, *et. seq.*) provides the domestic legal authority for responding to these restrictions by imposing reciprocal measures such as those set out in this Determination.

Among the many areas in which Cuban authorities impose undue restrictions on the U.S. Interests Section and its personnel is that of motor vehicles. Specifically, Cuban authorities impose a variety of restrictions and impediments which have the net effect of making it inordinately difficult, if not

altogether impossible to either purchase a new vehicle or resell a used one in Cuba.

To enable the U.S. Government to respond effectively to the situation described above, as well as to create for the Government of Cuba an incentive to improve the conditions it imposes upon the U.S. Interests Section, the Department of State is hereby invoking its authorities under the Foreign Missions Act to impose a series of reciprocal terms and conditions on the Cuban Interests Section in Washington, DC with respect to motor vehicles. The primary effect of these terms and conditions, which are spelled out in the text below, is to restrict the ability of the Cuban Interests Section and its personnel to purchase, lease, or sell any vehicle in the United States.

It should be noted that, upon publication of this Determination in the **Federal Register**, or upon actual notice to any party, whichever is the earlier, it will be unlawful for any person or business subject to the jurisdiction of the United States to act in a manner contrary to the terms and conditions specified below.

Persons Affected by This Action

This Determination applies primarily to the Cuban Interests Section of the Embassy of Switzerland in Washington, DC, its personnel, and the family members thereof. However, it also applies to any person subject to the jurisdiction of the United States, whether natural person, business, or other entity of any sort, that intends to sell or lease a motor vehicle to, or purchase a motor vehicle from the Cuban Interests Section or its personnel.

Legal Authority

The terms and conditions promulgated by this Determination are done so pursuant to the Foreign Missions Act of 1982, as amended, 22 U.S.C. 4301 *et seq.* ("the Act"). The Act at section 4304 authorizes the Secretary to provide "benefits" to foreign missions in the United States and to impose certain terms and conditions upon the provision of such benefits, if such action is reasonably necessary to achieve a statutory purpose identified in the act, including the interests of diplomatic reciprocity. The term "benefits" is defined in the Act at section 4302 to include any of a number of specifically enumerated goods and services, as well as "any other benefits as the Secretary may designate." 22 U.S.C. 4302(a)(1).

Pursuant to Department of State Delegation of Authority No. 214, section 14 (September 20, 1994), the authorities

that the Act vests in the Secretary of State were delegated by the Secretary to the Assistant Secretary of State for Diplomatic Security, who also functions as Director of the Office of Foreign Missions.

Designation of Benefits, Findings, and Specific Determinations

Pursuant to the authority vested in me by and through the above-cited provisions of law and Designation of Authority, I hereby find and determine as follows:

(1) *Definitions:* Pursuant to the authorities contained in the Act, including the discretion contained at 22 U.S.C. 4302(b) to determine the meaning and applicability of the terms used in section 4301(a), I hereby determine that, for the purposes of this Determination, the following definitions shall apply:

(a) "Cuban Interests Section" shall mean the Cuban Interests Section of the Embassy of Switzerland in Washington, DC, including its personnel, and any dependent of such personnel, forming part of the household thereof;

(b) "motor vehicle" shall mean any motorized device intended for the purpose of transporting individuals on public streets and highways;

(c) U.S. person shall mean any natural or corporate person or entity physically present within the United States, regardless of nationality or immigration status, *except for* accredited members of foreign diplomatic or consular missions in the United States, and their accredited dependents forming parts of their households, *provided that* the foregoing exclusion shall *not* apply to any employee of such a foreign mission, or any dependent thereof, who is a U.S. citizen, permanent resident alien, or a person regarded as permanently resident" in the U.S., pursuant to the policies of the Department of State in implementing the Vienna Convention on Diplomatic Relations or the Vienna Convention on Consular Relations;

(d) "acquisition" shall mean the transfer by any U.S. person whatsoever to the Cuban Interests Section of any interest in a motor vehicle, by any method or means including, but not limited, to purchase, lease, loan, gift, hypothecation, or devise; and

(e) "disposition" shall mean the transfer by the Cuban Interests Section to any U.S. person whatsoever of any interest in a motor vehicle by any method or means including, but not limited to, sale, lease, loan, gift, hypothecation, or devise, including sale for scrap or salvage.

(2) *Designation of Benefits:* Pursuant to 22 U.S.C. 4302(a)(1), which authorizes the Secretary, or his