

credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations; (B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations; (C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information); (D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade level, with paramilitary organizations, especially in regions where these organizations have a significant presence; (E) The Colombian Armed Forces, and the Colombian Government, are dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

The Department of State has consulted with internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the abovementioned conditions as provided in sections 563(c) and 556(c), of the FY 2004 and FY 2005 FOAAs, respectively.

This Determination shall be published in the **Federal Register** and copies shall be transmitted to the appropriate committees of Congress.

Dated: August 1, 2005.

**Condoleezza Rice,**

*Secretary of State, Department of State.*

[FR Doc. 05-15722 Filed 8-8-05; 8:45 am]

**BILLING CODE 4710-29-P**

## DEPARTMENT OF STATE

### [Public Notice 5153]

#### Statutory Debarment Under the International Traffic in Arms Regulations

##### ACTION: Notice.

**SUMMARY:** Notice is hereby given that the Department of State has imposed statutory debarment pursuant to Section 127.7(c) of the International Traffic in Arms Regulations ("ITAR") (22 CFR parts 120 to 130) on persons convicted of violating or conspiring to violate Section 38 of the Arms Export Control Act ("AECA") (22 U.S.C. 2778).

**DATES:** Date of conviction as specified for each person.

##### FOR FURTHER INFORMATION CONTACT:

David Trimble, Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 663-2700.

**SUPPLEMENTARY INFORMATION:** Section 38(g)(4) of the AECA, 22 U.S.C. 2778, prohibits licenses and other approvals for the export of defense articles or defense services to be issued to persons, or any party to the export, who have been convicted of violating certain statutes, including the AECA.

In implementing this section of the AECA, the Assistant Secretary for Political-Military Affairs is authorized by Section 127.7 of the ITAR to prohibit any person who has been convicted of violating or conspiring to violate the AECA from participating directly or indirectly in the export of defense articles, including technical data or in the furnishing of defense services for which a license or other approval is required. This prohibition is referred to as "statutory debarment."

Statutory debarment is based solely upon conviction in a criminal proceeding, conducted by a United States Court, and as such the administrative debarment proceedings outlined in Section 128 of the ITAR are not applicable.

The period for debarment will be determined by the Assistant Secretary for Political-Military Affairs based on the underlying nature of the violations, but will generally be for three years from the date of conviction. At the end of the debarment period, licensing privileges may be reinstated only at the request of the debarred person following the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns,

as required by Section 38(g)(4) of the AECA. It should be noted, however, that unless licensing privileges are reinstated, the person/entity remains debarred.

Department of State policy permits debarred persons to apply to the Director of Defense Trade Controls Compliance for an exception from the period of debarment beginning one year after the date of the debarment, in accordance with Section 38(g)(4) of the AECA and Section 127.11(b) of the ITAR. Any decision to grant an exception can be made only after the statutory requirements under Section 38(g)(4) of the AECA have been satisfied. Even if the exception is granted, the debarment continues until the end of the three-year period and subsequent reinstatement. In addition, the Department will not consider exceptions for those individuals or entities convicted of serious violations of the AECA and ITAR.

Exceptions may be made to this debarment determination on a case-by-case basis at the discretion of the Directorate of Defense Trade Controls. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with the foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and that do not conflict with law enforcement concerns.

Pursuant to Section 38 of the AECA and Section 127.7 of the ITAR, the Assistant Secretary of State for Political-Military Affairs has statutorily debarred the following persons for a period of three years following the date of their AECA conviction:

(1) Mexpar International, Inc. a/k/a "Pasadena Aerospace" and "Aviation Logistics and Supply," July 30, 2004, U.S. District Court, Central District of California (Los Angeles), Case #: 03-CR-170-ALL.

(2) Ahmad Nahardani a/k/a "Alex Nahardani," August 9, 2004, U.S. District Court, Central District of California (Los Angeles), Case #: 03-170-AHM.

(3) Gabriela de Brea a/k/a "Gabriela Brea" and "Gabriela Lopez-Sosa," September 10, 2004, U.S. District Court, Central District of California (Los Angeles), Case #: 03-170-AHM.

As noted above, at the end of the three-year period, the above named persons/entities remain debarred unless licensing privileges are reinstated.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (see *e.g.*, sections 120.1(c) and (d), and 127.11(a)). The Department of State will not consider applications for licenses or requests for approvals that involve any person who has been convicted of violating or of conspiring to violate the AECA during the period of statutory debarment. Persons who have been statutorily debarred may appeal to the Under Secretary for Arms Control and International Security for reconsideration of the ineligibility determination. A request for reconsideration must be submitted in writing within 30 days after a person has been informed of the adverse decision, in accordance with 22 CFR 127.7(d) and 128.13(a).

This notice is provided for purposes of making the public aware that the persons listed above are prohibited from participating directly or indirectly in any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR. Specific case information may be obtained from the Office of the Clerk for the U.S. District Court, Central District of California (Los Angeles) citing the court case number where provided.

This notice involves a foreign affairs function of the United States encompassed within the meaning of the military and foreign affairs exclusion of the Administrative Procedure Act. Because the exercise of this foreign affairs function is discretionary, it is excluded from review under the Administrative Procedure Act.

**Rose M. Likins,**

*Acting Assistant Secretary for Political-Military Affairs, Department of State.*

[FR Doc. 05-15721 Filed 8-8-05; 8:45 am]

BILLING CODE 4710-25-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Petition Under Section 302 on China's Currency Valuation; Decision Not To Initiate Investigation

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Decision not to initiate investigation.

**SUMMARY:** The United States Trade Representative (USTR) has determined

not to initiate an investigation under section 302 of the Trade Act of 1974 with respect to a petition addressed to China's currency valuation policies because initiation of an investigation would not be effective in addressing the issues raised in the petition.

**DATES:** Effective May 27, 2005.

#### FOR FURTHER INFORMATION CONTACT:

Terrence McCartin, Senior Director of Monitoring and Enforcement for China, (202) 395-3900; or William Busis, Associate General Counsel and Chairman of the Section 301 Committee, (202) 395-3150.

**SUPPLEMENTARY INFORMATION:** On April 20, 2005, the Congressional China Currency Action Coalition filed a petition pursuant to section 302(a)(1) of the Trade Act of 1974, as amended (the Trade Act), alleging that certain acts, policies and practices of the Government of China with respect to the valuation of China's currency deny and violate international legal rights of the United States, are unjustifiable, and burden or restrict U.S. commerce. In particular, the petition alleged that China's acts, policies and practices that maintain a fixed exchange rate vis a vis the U.S. dollar have resulted in a significant undervaluation of China's currency. The petition alleged that these acts, policies and practices amount: To a prohibited export subsidy under the Agreement on Subsidies and Countervailing Measures and articles VI and XVI of the General Agreement on Tariffs and Trade 1994 (GATT 1994); to exchange action under article XV of the GATT 1994 that frustrates the intent of articles I, II, III, and XI of the GATT 1994; and to subsidies that are inconsistent with China's obligations under articles 3, 9, and 10 of the Agreement on Agriculture. The petition also alleged that these acts, policies and practices of China violate international legal rights of the United States under articles IV and VIII of the Articles of Agreement of the International Monetary Fund, and that they burden or restrict U.S. commerce by, among other things, suppressing U.S. manufacturing for domestic consumption and the growth in U.S. exports.

On May 27, 2005, the USTR determined not to initiate an investigation under section 302 of the Trade Act because, among other reasons, an investigation would not be effective in addressing the acts, policies, and practices covered in the petition. The Administration is currently involved in efforts to address with the Government of China the currency valuation issues raised in the petition. The USTR believes that initiation of an

investigation under section 302 would hamper, rather than advance, Administration efforts to address China's currency valuation policies.

**William Busis,**

*Chairman, Section 301 Committee.*

[FR Doc. 05-15674 Filed 8-8-05; 8:45 am]

BILLING CODE 3190-W5-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activity Under OMB Review

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval of the new collection. The ICR describes the nature of the information collection and the expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on April 20, 2004 on page 21179.

**DATES:** Comments must be submitted on or before September 8, 2005. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**FOR FURTHER INFORMATION CONTACT:** Judy Street on (202) 267-9895.

#### SUPPLEMENTARY INFORMATION:

##### Federal Aviation Administration (FAA)

1. *Title:* Survey of Airman Satisfaction with Aeromedical Certification Services.

*Type of Request:* Approval of a new collection.

*OMB Control Number:* 2120-xxxx.

*Form(s):* FAA Pilot Medical Certification Survey.

*Affected Public:* A total of 4,800 airmen.

*Abstract:* This survey assesses airman opinion of key dimensions of service quality. These dimensions, identified by the OMB Statistical Policy Office, are courtesy, competence, reliability, and communication.

*Estimated Annual Burden Hours:* An estimated 1,200 hours annually.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW.,