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Weekly Compilation of

Presidential Documents

Monday, December 6, 2004
Volume 40—Number 49
Pages 2869–2907

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WEEKLY COMPILATION OF

PRESIDENTIAL DOCUMENTS

Published every Monday by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, the *Weekly Compilation of Presidential Documents* contains statements, messages, and other Presidential materials released by the White House during the preceding week.

The *Weekly Compilation of Presidential Documents* is published pursuant to the authority contained in the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (37 FR 23607; 1 CFR Part 10).

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SUPERINTENDENT OF DOCUMENTS
Washington DC 20402

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Week Ending Friday, December 3, 2004

The President's Radio Address

November 27, 2004

Good morning. As Americans gather to celebrate this week, we show our gratitude for the many blessings in our lives. We are grateful for our friends and families who fill our lives with purpose and love. We're grateful for our beautiful country and for the prosperity we enjoy. We're grateful for the chance to live, work, and worship in freedom. And in this Thanksgiving week, we offer thanks and praise to the provider of all these gifts, Almighty God.

We also recognize our duty to share our blessings with the least among us. Throughout the holiday season, schools, churches, synagogues, and other generous organizations gather food and clothing for their neighbors in need. Many young people give part of their holiday to volunteer at homeless shelters or food pantries. On Thanksgiving and on every day of the year, America is a more hopeful nation because of the volunteers who serve the weak and the vulnerable.

The Thanksgiving tradition of compassion and humility dates back to the earliest days of our society. And through the years, our deepest gratitude has often been inspired by the most difficult times. Almost four centuries ago, the pilgrims set aside time to thank God after suffering through a bitter winter. George Washington held Thanksgiving during a trying stay at Valley Forge. And President Lincoln revived the Thanksgiving tradition in the midst of a civil war.

The past year has brought many challenges to our Nation, and Americans have met every one with energy, optimism, and faith. After lifting our economy from a recession, manufacturers and entrepreneurs are creating jobs again. Volunteers from across the country came together to help hurricane victims rebuild. And when the children of Beslan, Russia, suffered a brutal terrorist attack, the world saw America's generous heart in an outpouring of compassion and relief.

The greatest challenges of our time have come to the men and women who protect our Nation. We're fortunate to have dedicated firefighters and police officers to keep our streets safe. We're grateful for the homeland security and intelligence personnel who spend long hours on faithful watch. And we give thanks to the men and women of our military who are serving with courage and skill and making our entire Nation proud.

Like generations before them, today's Armed Forces have liberated captive peoples and shown compassion for the suffering and delivered hope to the oppressed. In the past year, they have fought the terrorists abroad so that we do not have to face those enemies here at home. They've captured a brutal dictator, aided last month's historic election in Afghanistan, and helped set Iraq on the path to democracy.

Our progress in the war on terror has made our country safer, yet it has also brought new burdens to our military families. Many service men and women have endured long deployments and painful separations from home. Families have faced the challenge of raising children while praying for a loved one's safe return. America is grateful to all our military families, and the families mourning a terrible loss this Thanksgiving can know that America will honor their sacrifices forever.

As Commander in Chief, I've been honored to thank our troops at bases around the world, and I've been inspired by the efforts of private citizens to express their own gratitude. This month, I met Shauna Fleming, a 15-year-old from California who coordinated the mailing of a million thank you letters to military personnel. In October, I met Ken Porwoll, a World War II veteran who has devoted years of his retirement to volunteering at a VA medical center in Minneapolis. And we've seen the generosity of

so many organizations like Give2theTroops, a group started in a basement by a mother and son that has sent thousands of care packages to troops in the field.

Thanksgiving reminds us that America's true strength is the compassion and decency of our people. I thank all those who volunteer this season, and Laura and I wish every American a happy and safe Thanksgiving weekend.

Thank you for listening.

NOTE: The address was recorded at 8:30 a.m. on November 26 at the Bush Ranch in Crawford, TX, for broadcast at 10:06 a.m. on November 27. The transcript was made available by the Office of the Press Secretary on November 26 but was embargoed for release until the broadcast. The Office of the Press Secretary also released a Spanish language transcript of this address.

Remarks on the Nomination of Carlos M. Gutierrez To Be Secretary of Commerce

November 29, 2004

The President. Thank you all. I am proud to announce my nomination of Carlos Gutierrez to be America's next Secretary of Commerce. Carlos Gutierrez is one of America's most respected business leaders. He is a great American success story.

As CEO of the Kellogg Company, he has been an effective, visionary executive. He understands the world of business from the first rung on the ladder to the very top. He knows exactly what it takes to help American businesses grow and create jobs. I look forward to having his creativity and expertise in my Cabinet.

Carlos' family came to America from Cuba when he was a boy. He learned English from a bellhop in a Miami hotel and later became an American citizen. When his family eventually settled in Mexico City, Carlos took his first job for Kellogg as a truck driver, delivering Frosted Flakes to local stores. Ten years after he started, he was running the Mexican business, and 15 years after that, he was running the entire company. At every stage of this remarkable story, Carlos motivated others with his energy and optimism and impressed others with his decency.

In his career, Carlos has been sustained by the values taught by his parents, Pedro and Olga, and by the love of his wife, Edi, and his children, Carlos, Erika, and Karina. I know Olga Gutierrez, who lives in Florida, is proud to see the boy she took from Cuba chosen to help strengthen the world's greatest and finest economy.

Carlos will carry on the work of a distinguished leader, Secretary Don Evans. During the past 4 years, our economy has overcome a recession, terrorist attack, corporate scandals, and the uncertainty that comes with war. In all these challenges, Don has been a strong and steady advocate for America's businesses and workers and entrepreneurs. Don has also been my friend for over three decades. I've counted on his wisdom and optimism and character at every step on my journey to the White House. Now Don's own journey leads him back to Texas, where we were young men together. Don is one of the finest people I have ever known. I will miss having him in Washington, and Laura and I wish him and Susie well.

When he's confirmed by the Senate, Carlos Gutierrez will take office at a time of historic opportunity for our changing economy. With Carlos' leadership, we'll help more Americans, especially minorities and women, to start and grow their own small business. We'll reduce the burden of junk lawsuits and regulations on our entrepreneurs. We'll reform our outdated Tax Code to eliminate needless paperwork and encourage savings, investment, and growth. We'll continue our commitment to free and fair trade. Carlos and I know that America's workers can compete with anybody in the world. And in all these policies, we will ensure that the American economy keeps creating jobs and remains dynamic and flexible far into the future.

In Carlos Gutierrez, the Department of Commerce will have an experienced manager and an innovative leader. He will be a strong, principled voice for American business and an inspiration to millions of men and women who dream of a better life in our country. I ask the Senate to confirm this fine nominee as quickly as possible. I look forward to welcoming him into my Cabinet.

Congratulations.

[*At this point, Secretary-Designate Gutierrez made brief remarks.*]

The President. Great job. Thank you. Congratulations.

NOTE: The President spoke at 11:10 a.m. in the Roosevelt Room at the White House. In his remarks, he referred to Susan Evans, wife of Secretary of Commerce Donald L. Evans. The transcript released by the Office of the Press Secretary also included the remarks of Secretary-Designate Gutierrez. The Office of the Press Secretary also released a Spanish language transcript of these remarks.

Statement on the Resignation of Stephen Friedman as Director of the National Economic Council

November 29, 2004

Steve Friedman has been a trusted adviser and vital member of my economic team, working tirelessly to help make sure that America continues to be the best place in the world to do business.

Steve played a valuable role in enacting the Jobs and Growth Act of 2003 that helped move our economy from recession to the robust growth we are experiencing today. As a key member of my White House senior staff, Steve has led efforts to develop the policies that are strengthening our economy and helping to create jobs. Steve has done an excellent job of coordinating the work of my economic team and has played a key role in developing the economic policies for my second-term agenda.

Steve is a good-hearted man who possesses great wisdom and a can-do attitude. I am grateful for his superb work and wish him and Barbara all the best as they fulfill their plan to return home to New York.

NOTE: The Office of the Press Secretary also made available Director Friedman's letter of resignation.

Executive Order 13362—Designation of Additional Officers for the Department of Homeland Security Order of Succession

November 29, 2004

By the authority vested in me as President by the Constitution and the laws of the United States of America and pursuant to the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. During any period when the Secretary of Homeland Security (Secretary), the Deputy Secretary of Homeland Security, and the officers designated to perform the functions and duties of the office of Secretary by section 88 of Executive Order 13286 of February 28, 2003 ("Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security"), have died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary, the following officers of the Department of Homeland Security, in the order listed, shall perform the functions and duties of the office of Secretary, if they are eligible to act as Secretary under the provisions of the Federal Vacancies Reform Act of 1998, until such time as at least one of the officers mentioned above is able to perform the functions and duties of the office of Secretary:

Director, Region V, Federal Emergency Management Agency;
Director, Region VI, Federal Emergency Management Agency;
Director, Region VII, Federal Emergency Management Agency;
Director, Region VIII, Federal Emergency Management Agency; and
Director, Region X, Federal Emergency Management Agency.

Sec. 2. *Exceptions.*

(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this order.

(b) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Secretary.

George W. Bush

The White House,
November 29, 2004.

[Filed with the Office of the Federal Register, 9:47 a.m., December 1, 2004]

NOTE: This Executive order was published in the *Federal Register* on December 2.

Executive Order 13363—Establishing the Afghanistan and Iraq Campaign Medals

November 29, 2004

By the authority vested in me as President by the Constitution and the laws of the United States of America, including my authority as Commander in Chief of the Armed Forces of the United States and Public Law 108–234, it is hereby ordered as follows:

Section 1. *Afghanistan Campaign Medal.* There is hereby established the Afghanistan Campaign Medal with suitable appurtenances. Except as limited in section 3 of this order, and under uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense, or under regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, the Afghanistan Campaign Medal shall be awarded to members of the uniformed services of the United States who serve or have served in Afghanistan or contiguous air space, as defined by such regulations, on or after October 24, 2001, and before a terminal date to be prescribed by the Secretary of Defense.

Sec. 2. *Iraq Campaign Medal.* There is hereby established the Iraq Campaign Medal with suitable appurtenances. Except as limited in section 3 of this order, and under uniform regulations to be prescribed by the Secretaries of the military departments and approved by the Secretary of Defense, or under regulations to be prescribed by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, the Iraq Campaign Medal shall be awarded to members of the uniformed services of the United States who serve or have served in Iraq or contiguous waters or air space, as defined by such regulations, on or after March 19, 2003, and before a terminal date to be prescribed by the Secretary of Defense.

Sec. 3. *Relationship to Other Awards.* Notwithstanding section 1 of Executive Order 13289 of March 12, 2003, establishing the Global War on Terrorism Expeditionary Medal, any member who qualified for that medal by reason of service in Afghanistan between October 24, 2001, and a terminal date to be determined by the Secretary of Defense, or in Iraq between March 19, 2003, and a terminal date to be determined by the Secretary of Defense, shall remain qualified for that medal. Upon application, a member by reason of service may be awarded either the Afghanistan Campaign Medal or the Iraq Campaign Medal in lieu of the Global War on Terrorism Expeditionary Medal. A member may be awarded either the Afghanistan Campaign Medal or the Global War on Terrorism Expeditionary Medal by reason of service in Afghanistan. A member may be awarded either the Iraq Campaign Medal or the Global War on Terrorism Expeditionary Medal by reason of service in Iraq. No member shall be entitled to the award of more than one of these three medals for the same period of service.

Sec. 4. *Posthumous Award.* The Afghanistan Campaign Medal and Iraq Campaign Medal may be awarded posthumously to any person covered by and under regulations prescribed in accordance with this order.

George W. Bush

The White House,
November 29, 2004.

[Filed with the Office of the Federal Register, 9:47 a.m., December 1, 2004]

NOTE: This Executive order was published in the *Federal Register* on December 2.

Executive Order 13364—Modifying the Protection Granted to the Development Fund for Iraq and Certain Property in Which Iraq Has an Interest and Protecting the Central Bank of Iraq

November 29, 2004

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code,

I, George W. Bush, President of the United States of America, hereby modify the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and further modified in Executive Order 13350 of July 29, 2004, to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq. I find that the threat of attachment or other judicial process against the Central Bank of Iraq constitutes one of these obstacles. I further determine that, consistent with United Nations Security Council Resolutions 1483 of May 22, 2003, and 1546 of June 8, 2004, the steps taken in Executive Order 13303 to deal with the national emergency declared therein need to be limited so that such steps do not apply with respect to any final judgment arising out of a contractual obligation entered into by the Government of Iraq, including any agency or instrumentality thereof, after June 30, 2004, and so that, with respect to Iraqi petroleum and petroleum products and interests therein, such steps shall apply only until title passes to the initial purchaser.

I hereby order:

Section 1. Section 1 of Executive Order 13303 is hereby amended to read as follows:

"***Section 1.*** (a) Except as provided in section 1(b) of this order, and unless licensed or otherwise authorized pursuant to this order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is prohibited and shall be deemed null and void with respect to the following:

(i) the Development Fund for Iraq;

(ii) all Iraqi petroleum and petroleum products, and interests therein, but only until title passes to the initial purchaser, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, in which any foreign country or a national thereof has any interest, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons; and

(iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by the Central Bank of Iraq, or held, maintained, or otherwise controlled by any financial institution of any kind in the name of, on behalf of, or otherwise for the Central Bank of Iraq.

(b) The prohibition in section 1(a) of this order shall not apply with respect to any final judgment arising out of a contractual obligation entered into by the Government of Iraq, including any agency or instrumentality thereof, after June 30, 2004."

Sec. 2. (a) The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and the UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United

States Government consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

(b) Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations.

Sec. 3. This order is not intended to, and does not, create any right, benefit, or privilege, 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.

Sec. 4. This order shall be transmitted to the Congress and published in the *Federal Register*.

George W. Bush

The White House,
November 29, 2004.

[Filed with the Office of the Federal Register, 9:47 a.m., December 1, 2004]

NOTE: This Executive order was published in the *Federal Register* on December 2.

Presidential Determination on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia

November 29, 2004

Presidential Determination No. 2005–07

Memorandum for the Secretary of State

Subject: Presidential Determination on Waiver of Conditions on Obligation and Expenditure of Funds for Planning, Design, and Construction of a Chemical Weapons Destruction Facility in Russia

Consistent with the authority vested in me by section 1303 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) (the "Act"), I hereby certify that waiving the conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), as amended, is important to the national security interests of the United States, and include herein, for submission to the Congress, the statement, justification, and plan described in section 1303 of the Act. This waiver shall apply through the remainder of calendar year 2004 and for all of calendar year 2005.

You are authorized and directed to transmit this certification, including the statement, justification, and plan, to the Congress and to arrange for the publication of this certification in the *Federal Register.*

George W. Bush

NOTE: This memorandum was released by the Office of the Press Secretary on November 30.

Memorandum on Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia

November 29, 2004

Presidential Determination No. 2005–08

Memorandum for the Secretary of State

Subject: Waiving Prohibition on United States Military Assistance with Respect to Burundi, Guyana, and Liberia

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 Burundi, Guyana, and Liberia 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

NOTE: This memorandum was released by the Office of the Press Secretary on November 30.

Memorandum on Improving Spectrum Management for the 21st Century

November 29, 2004

Memorandum for the Heads of Executive Departments and Agencies

Subject: Improving Spectrum Management for the 21st Century

In May 2003, I established the Spectrum Policy Initiative to promote the development and implementation of a U.S. spectrum management policy for the 21st century. This initiative will foster economic growth; promote our national and homeland security; maintain U.S. global leadership in communications technology; and satisfy other vital U.S. needs in areas such as public safety, scientific research, Federal transportation infrastructure, and law enforcement.

The existing legal and policy framework for spectrum management has not kept pace with the dramatic changes in technology and spectrum use. Under the existing framework, the Federal Government generally reviews every change in spectrum use. This process is often slow and inflexible and can discourage the introduction of new technologies. Some spectrum users, including Government agencies, have argued that the existing spectrum process is insufficiently responsive to the need to protect current critical uses.

As a result, I directed the Secretary of Commerce to prepare recommendations for improving spectrum management. The Secretary of Commerce then established a Federal Government Spectrum Task Force and initiated a series of public meetings to address improvements in policies affecting spectrum use by the Federal Government, State, and local governments, and the private sector. The recommendations resulting from these activities were included in a two-part series of reports released by the Secretary of Commerce in June 2004, under the title *Spectrum Policy for the 21st Century—The President's Spectrum Policy Initiative* (Reports).

Therefore, to the extent permitted by law and within existing appropriations, I hereby direct the heads of executive departments and agencies (agencies) to implement the recommendations in the Reports as follows:

Section 1. *Office of Management and Budget.*

Within 6 months of the date of this memorandum, the Office of Management and Budget (OMB) shall provide guidance to the agencies for improving capital planning and investment control procedures to better identify spectrum requirements and the costs of investments in spectrum-dependent programs and systems. Within 1 year of the date of this memorandum, agencies shall implement methods for improving capital planning and investment control procedures consistent with the OMB guidance, including making any modifications to agency capital planning procedures necessary to ensure greater consideration of more efficient and cost-effective spectrum use.

Section 2. *Other Executive Departments and Agencies.*

(a) Within 1 year of the date of this memorandum, the heads of agencies selected by the Secretary of Commerce shall provide agency-specific strategic spectrum plans (agency plans) to the Secretary of Commerce that include: (1) spectrum requirements, including bandwidth and frequency location for future technologies or services; (2) the planned uses of new technologies or expanded services requiring spectrum over a period of time agreed to by the selected agencies; and (3) suggested spectrum efficient approaches to meeting identified spectrum requirements. The heads of agencies shall update their agency plans biennially. In addition, the heads of agencies will implement a formal process to evaluate their proposed needs for spectrum. Such process shall include an analysis and assessment of the options available to obtain the associated communications services that are most spectrum-efficient and the effective alternatives available to meet the agency mission requirements. Heads of agencies shall provide their

analysis and assessment to the National Telecommunications and Information Administration (NTIA) for review when seeking spectrum certification from the NTIA.

(b) Within 6 months of the date of this memorandum, the Secretary of Homeland Security, in coordination with the Secretary of Commerce and, as appropriate, the Chairman of the Federal Communications Commission, and considering the views of representatives from: (1) the public safety community, (2) State, local, tribal, and regional governments; and (3) the private sector, shall identify public safety spectrum needs.

(c) Within 1 year of the date of this memorandum, the Secretary of Homeland Security, in consultation with the Secretary of Commerce, the Director of the Office of Science and Technology Policy, the Director of the Office of Management and Budget, the Attorney General, the Secretaries of State, Defense, Transportation, Agriculture, and the Interior, the heads of other appropriate agencies, and, as appropriate, the Chairman of the Federal Communications Commission, shall develop a comprehensive plan, the Spectrum Needs Plan, to address issues related to communication spectrum used by the public safety community, as well as the continuity of Government operations. The Spectrum Needs Plan shall be submitted to the President through the Assistant to the President for Homeland Security, in coordination with the Assistant to the President for Economic Policy and other relevant components of the Executive Office of the President.

Section 3. *Department of Commerce.*

(a) Within 6 months after receiving the agency plans developed in section 2(a) of this memorandum, the Secretary of Commerce shall integrate the agency plans and Spectrum Needs Plan, based upon a Department of Commerce framework, into a Federal Strategic Spectrum Plan and shall assist in the formulation of a National Strategic Spectrum Plan. The Secretary of Commerce, in consultation with the Chairman of the Federal Communications Commission, as appropriate, shall update the National Strategic Spectrum Plan on a biennial basis thereafter.

(b) Within 1 year of the date of this memorandum, the Secretary of Commerce, in coordination with other relevant Federal agencies identified by the Secretary, shall develop a plan for identifying and implementing incentives that promote more efficient and effective use of the spectrum while protecting national and homeland security, critical infrastructure, and Government services.

(c) Within 6 months of the date of this memorandum, the Secretary of Commerce shall establish a plan for the implementation of all other recommendations included in the Reports. Not more than 1 year from the date of this memorandum, the Secretary of Commerce shall provide to the President a report describing the progress on implementing the recommendations in the Reports. The report shall include a section prepared by the Secretary of Homeland Security that describes the progress made with respect to public safety spectrum issues. This report shall be updated on an annual basis, until completion of the actions required by this memorandum. The heads of agencies shall provide the Secretary of Commerce and the Secretary of Homeland Security with any assistance or information required in the preparation of the annual report.

(d) The plans in sections 3(a)–(c) and the annual report developed in section 3(c) of this memorandum shall be submitted to the President through the Assistant to the President for Economic Policy, in coordination with the Assistant to the President for National Security Affairs and other relevant components of the Executive Office of the President.

(e) As appropriate, the Secretary of Commerce and heads of other agencies shall consult with the Chairman of the Federal Communications Commission regarding the implementation of the recommendations in the Reports.

Section 4. *General.*

(a) Nothing in this memorandum shall be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This memorandum is intended only to improve the internal management of the Federal Government and 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, instrumentalities, its officers or employees, or any other person.

(c) This order shall be implemented in a manner consistent with existing statutes, treaties, Executive Agreements, and Executive Orders affecting the operation of any of the departments, agencies, or instrumentalities of the Federal Government.

George W. Bush

NOTE: This memorandum was released by the Office of the Press Secretary on November 30.

Letter to Congressional Leaders Transmitting an Alternative Plan for the Locality Pay Increase for Civilian Federal Employees

November 29, 2004

Dear Mr. Speaker: (Dear Mr. President:)

I am transmitting an alternative plan for the locality pay increase payable to civilian Federal employees covered by the General Schedule (GS) and certain other pay systems in January 2005.

Under title 5, United States Code, civilian Federal employees covered by the GS and certain other pay systems would receive a two-part pay increase in January 2005: (1) a 2.5 percent across-the-board increase in scheduled rates of basic pay derived from Employment Cost Index data on changes in the wages and salaries of private industry workers, and (2) a locality pay increase based on Bureau of Labor Statistics' salary surveys of non-Federal employers in each locality pay area, which would average about 10.6 percent for eligible employees. Including increases for blue-collar and other workers, the total Federal employee pay increase would cost about 11.2 percent of payroll in calendar year 2005. For Federal employees covered by the GS locality pay system, the overall average pay increase would be about 13.1 percent, far higher than the 1.5 percent total pay increase I proposed in my Fiscal Year 2005 budget.

For the reasons described below, I have determined that it is appropriate to exercise my statutory alternative plan authority to limit the January 2005 GS locality pay increase.

A national emergency has existed since September 11, 2001, which now includes Operation Enduring Freedom (in Afghanistan) and Operation Iraqi Freedom. Full statutory civilian locality pay increases averaging 10.6 percent in 2005 would divert resources from and interfere with our Nation's ability to fight the war on terror, with respect to which a national emergency is in effect under the law. Such increases would cost about $9.8 billion in fiscal year 2005 alone and would build in later years.

Accordingly, I have determined that—

Under the authority of section 5304a of title 5, United States Code, the locality pay percentages authorized in 2004 shall remain in effect in 2005.

Finally, the law requires that I include in this report an assessment of the impact of my decision on the Government's ability to recruit and retain well-qualified employees. This decision will not materially affect our ability to continue to attract and retain a quality Federal workforce. To the contrary, since the Congress has not funded the cost of a pay raise in excess of the 1.5 percent increase I proposed, agencies would have to absorb the additional cost and could have to freeze hiring in order to pay the higher rates. Moreover, GS quit rates are at an all-time low of 1.6 percent per year, well below the overall average quit rate in private enterprise. Should the need arise, the Government has many compensation tools, such as recruitment bonuses, retention allowances and special salary rates, to maintain the high quality workforce that serves our Nation so very well.

Sincerely,

George W. Bush

NOTE: Identical letters were sent to J. Dennis Hastert, Speaker of the House of Representatives, and Richard B. Cheney, President of the Senate. This letter was released by the Office of the Press Secretary on November 30.

Letter to Congressional Leaders Reporting on the Issuance of an Executive Order Modifying the Scope of the National Emergency Declared in Earlier Executive Orders Relating to Iraq

November 29, 2004

Dear Mr. Speaker: (Dear Mr. President:)

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b) (IEEPA), I hereby report that I have issued an Executive Order (the "order") in which I modify the scope of the national emergency declared in Executive Order 13303 of May 22, 2003, expanded in Executive Order 13315 of August 28, 2003, and further modified in Executive Order 13350 of July 29, 2004. I have determined that an additional threat exists with respect to which the national emergency was declared and expanded in those Executive Orders. I have also determined that steps taken in Executive Order 13303 to deal with the national emergency declared therein need to be revised in light of United Nations Security Council Resolutions 1483 of May 22, 2003, and 1546 of June 8, 2004, respectively. I have enclosed a copy of the order.

In Executive Order 13303 of May 22, 2003, I found that the threat of attachment or other judicial process against the Development Fund for Iraq, Iraqi petroleum and petroleum products and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, obstructed the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq. I determined that this situation constituted an unusual and extraordinary threat to the national security and foreign policy of the United States, and I declared a national emergency to deal with that threat.

Consistent with IEEPA, as amended, (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, in Executive Order 13303 I ordered, *inter alia*, that unless licensed or otherwise authorized pursuant to that order, any attachment, judgment, decree, lien, execution, garnishment, or other judicial process is prohibited, and shall be deemed null and void, with respect to the following:

(a) the Development Fund for Iraq, and

(b) all Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any other financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, and interests therein, in which any foreign country or a national thereof has any interest, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons.

Consistent with United Nations Security Council Resolutions 1483 and 1546, I have determined that the steps taken in Executive Order 13303 to deal with the emergency declared therein need to be revised so that such steps do not apply with respect to any final judgment arising out of a contractual obligation entered into by the Government of Iraq, including any agency or instrumentality thereof, after June 30, 2004, and so that, with respect to Iraqi petroleum and petroleum products and interests therein, such steps shall apply only until title passes to the initial purchaser.

The new order provides that protections granted by section 1 of Executive Order 13303, as well as the protections granted by this order to the property of the Central Bank of Iraq, do not apply with respect to any final judgment arising out of a contractual obligation entered into by the Government of Iraq, including any agency or instrumentality thereof, after June 30, 2004.

In addition, the order modifies section 1 of Executive Order 13303 to provide that the protections granted therein to all Iraqi petroleum and petroleum products, and interests therein, apply only until title passes to the initial purchaser.

Furthermore, I now find that the threat of attachment or other judicial process against the assets of the Central Bank of Iraq

constitutes one of the obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq. I have determined that the scope of the national emergency declared in Executive Order 13303, as expanded by Executive Order 13315, and modified by Executive Order 13350, be further modified to address this threat.

Consequently, the order modifies the actions taken to address the national emergency declared in Executive Order 13303, as expanded by Executive Order 13315, and further modified in Executive Order 13350, by amending section 1 of Executive Order 13303 to extend the protections granted therein against any attachment, judgment, decree, lien, execution, garnishment, or other judicial process to any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by the Central Bank of Iraq, or held, maintained, or otherwise controlled by any financial institution of any kind in the name of, on behalf of, or otherwise for the Central Bank of Iraq.

I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, to employ all powers granted to the President by IEEPA and the UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States consistent with applicable law. I have directed all agencies of the United States Government to take all appropriate measures within their authority to carry out the provisions of this order.

Sincerely,

George W. Bush

NOTE: Identical letters were sent to J. Dennis Hastert, Speaker of the House of Representatives, and Richard B. Cheney, President of the Senate. This letter was released by the Office of the Press Secretary on November 30. An original was not available for verification of the content of this letter.

The President's News Conference With Prime Minister Paul Martin of Canada in Ottawa, Canada

November 30, 2004

Prime Minister Martin. Good afternoon. The President and I had a very good discussion during the past few hours, both one-on-one and with Cabinet members and officials at the table. The President and I have had a productive meeting.

In fact, we agreed to put forward an agenda in which our two nations will cooperate in a practical way towards common goals. From this work plan, a set of concrete milestones will be established in the new year. Furthermore, while this is a bilateral effort between our two countries, it is trilateral in ambition, and we'll be inviting our Mexican partners to join us, obviously, in this project.

This work plan is aimed at achieving practical results for the people of our countries, enhanced security, greater prosperity, and improved quality of life. And it's about working together to advance democratic values and fundamental freedoms around the world.

To do this, we've identified specific priorities and will task individuals within our respective governments with the responsibility of making these files move. We will bring new energy and tangible goals to this old and deep friendship. The objective is lasting progress and benefits for people in both countries.

Here at home, we will collaborate further to ensure our shared border is closed to terror but open to the safe movement of people and goods, which is so integral to our economic success. We'll focus on ensuring that our businesses have the capacity to compete with entrenched and emerging global competitors. We'll work together to make sure that we apply smart regulation that raise standards in both countries, and reenforce our mutual efforts to protect the environment, to fight crime, to stop traffic in humans and illegal drugs, and enhance our ability to combat infectious disease.

Abroad, we will cooperate in our efforts to foster democracy and help find a path to peace in the Middle East, protect civilian populations from grave threats, and build and protect the democratic institutions that are

so important to the ability of troubled states to recover and to thrive—to multilateral cooperation in the world, and we will be forceful advocates of free trade, whether that be in North America or in the early completion of the Doha round.

At all times, we'll be vigilant in countering and combating terrorism and halting the proliferation of weapons of mass destruction.

Now, given the wide variety of areas that have been encompassed in corresponding the need to ensure direction and focus, I've asked the Deputy Prime Minister and the Minister of Foreign Affairs to work with the relevant ministers to oversee the efforts that we have now laid out before us and to report to me directly on progress in all areas of this work plan no later than next June.

President Bush and I are well aware that the prosperity of our nations, our status as open societies, and the well-being of our democratic institutions are linked now to the integrity of our collective security. And the work plan will be an important step forward toward the mutual protection of our citizens, our values, and our way of life.

Mr. President.

President Bush. Thank you very much, Mr. Prime Minister. Laura and I are so pleased to be here in Canada. We thank you for your warm hospitality. Thank you for the meetings we've had. And I'm proud to be standing with the Prime Minister. He's a strong leader. He's a statesman who's helping to build a better world. I want to thank you for your leadership and friendship.

Canada and the United States share a history, a continent, and a border. We also share a commitment to freedom and a willingness to defend it in times of peril. The United States and Canada fought side by side in two World Wars, in Korea and the Persian Gulf, and throughout the cold war. Today, we're standing together against the forces of terror. Long-term success in this war requires more than military might. It requires the advance of liberty and hope as the great alternatives to hatred and violence.

All free nations appreciate Canada's leadership: leadership of the security and stabilization mission in Afghanistan; leadership which helped make possible the first free nationwide election in that country's history. Afghanistan is a world away from the nightmare of its recent past, Mr. Prime Minister. It is building a decent and democratic future, and I want to thank you for your help.

Once again, people in that part of the world have demonstrated the power of liberty to overcome great challenges. Your vision is clear on that, Mr. Prime Minister, and I can't thank you enough for that.

We're also standing with the brave people of Iraq, who are preparing for elections on January the 30th. Both of our nations have a vital interest in helping the Iraqi people secure their country and build a free and democratic society. I want to thank the Prime Minister's resolve and his support for this great cause. The Canadian Government has pledged more than 200 million U.S. in humanitarian aid and reconstruction assistance and have agreed to relieve more than 450 million U.S. dollars in Iraqi debt. A free and democratic Iraq is rising in the heart of the Middle East. The success of liberty there will be a decisive blow to the ideology of terror and a model to reformers and democrats throughout the region.

As we seek freedom for the Afghan and Iraqi people, America and Canada are working to further the spread of democracy in our own hemisphere. In Haiti, Canada was a leader along with the United States, France, Chile, and other nations in helping to restore order. Canadian police are standing watch in Haiti at this hour, and the Prime Minister just visited the country to further the cause of political reconciliation. I appreciate your briefing on your visit.

Prime Minister Martin and I share a vision of a free and democratic Western Hemisphere in which every nation upholds human dignity, and we will work together to realize that vision.

Prime Minister Martin and I also discussed the situation in Ukraine. I informed the Prime Minister that I talked this morning to President Kwasniewski of Poland. President Kwasniewski will again lead a delegation, which will include a representative of the European Union, to the Ukraine to encourage the parties to reject violence and to urge the parties to engage in dialog toward a political and legal solution to the current crisis. Our common goal is to see the will of the

Ukranian people prevail. The Prime Minister and I want to thank President Kwasniewski for his efforts, and we wish him all the success.

We also discussed ways to strengthen the security partnership that for more than six decades has helped to keep this continent peaceful and secure. We talked about the future of NORAD and how that organization can best meet emerging threats and safeguard our continent against attack from ballistic missiles.

We talked about our common commitment to securing our border. Canadians and Americans benefit from the free movement of people and commerce across the world's longest unfortified border. Yet, we must work to ensure that our ports of entry are closed to terrorists and criminals and deadly weapons. Under the Smart Border Action Plan, our two nations have developed more secure travel documents, increased our intelligence sharing, improved the collection and dissemination of passenger and customs data, and adopted better rules for processing visas. Under the NEXUS program, we're expediting transit for trusted travelers at 11 border crossings.

We discussed the vital links of commerce and trade that unite the Canadian and American people. Today, total trade between our two nations stands at nearly $400 billion; 23 percent of America's exports come into your nation; more than 80 percent of Canada's exports go into my country. Trade is important. America and Canada seek for the world the same open markets that are essential to our own prosperity. We're committed to the success of the Doha development agenda. We will continue to work to reduce agricultural subsidies that distort trade.

Listen, the relationship between Canada and the United States is indispensable to peace and prosperity on the North American Continent. The United States is fortunate to have a neighbor with whom we share so many ties of values and family and friendship. We look forward to even stronger relationships in the years to come.

Thank you for your hospitality.

Prime Minister Martin. I noticed, Mr. President, you seem to draw a larger crowd than I do. [*Laughter*]

President Bush. I don't know if that's good or bad. [*Laughter*] It all depends on who shows up, I guess.

Canada-U.S. Relations

Q. My question is for President Bush. And then, Prime Minister, if you would respond *en Francais, s'il vous plait*?

In the days after September 11th, thousands of Canadians went to Parliament Hill to demonstrate solidarity with the U.S. and, in fact, in cities across the country. Yet, public opinion polls and other evidence suggest that now, today, our peoples are, in fact, diverging, that, in fact, our peoples are drifting apart. Why do you think that is? And do you have any responsibility for it?

President Bush. You know, I haven't seen the polls you looked at, and we just had a poll in our country where people decided that the foreign policy of the Bush administration ought to be—stay in place for 4 more years. And it's a foreign policy that works with our neighbors. Trade between our countries has never been stronger, but it's a foreign policy that also understands that we've got an obligation to defend our security. I made some decisions, obviously, that some in Canada didn't agree with, like, for example, removing Saddam Hussein and enforcing the demands of the United Nations Security Council.

But the agenda that the Prime Minister and I talked about is one that—where most people should agree: that we'll work to fight disease and poverty on the continent of Africa, for example; that we'll work to make sure our hemisphere is—trades as freely as possible; that we'll work to make sure that the Afghan people continue to enjoy the fruits of a democratic and free society; and that it's important for Iraq to become a democratic society, and I think it will be.

Now, look, I fully understand there are some in my country, probably in your country and around the world, that do not believe that Iraq has the capacity of self-government, that they're willing to sign those people up for tyranny. That's not what I think, and that's not what a lot of Americans think. And they believe that democracy is possible in Iraq. That's a legitimate point to debate. But I'm the kind of fellow who does what I think

is right and will continue to do what I think is right. I'll consult with our friends and neighbors, but if I think it's right to remove Saddam Hussein for the security of the United States, that's the course of action I'll take. And some people don't like that. I understand that, but that's the good thing about a democracy, people can express themselves freely.

I, frankly, felt like the reception we received on the way in from the airport was very warm and hospitable, and I want to thank the Canadian people who came out to wave—with all five fingers—for—[*laughter*]—for their hospitality. [*Laughter*]

Prime Minister Martin. I know what you mean, Mr. President. I mentioned to the press who was with us in Chile that I found that we—that Spanish and English and French are three different languages, but that sign language is universal. [*Laughter*]

There is no doubt that, when one examines the values that we share, they are, indeed, the same. When the President was talking about the Ukraine, we have the same ideas about Ukraine; the same goes for Africa.

Obviously, there are disagreements on various questions of foreign policy. There are disagreements in terms of commerce—softwood lumber. We discussed that question. In fact, we discussed BSE. It is quite normal among countries to have this kind of disagreement. But we have common shared values, shared ambitions, and we share optimism also. I think that that is what is fundamental.

Ukraine

Press Secretary Scott McClellan. Scott Lindlaw with the Associated Press.

Q. Mr. President, President Putin said today that the political crisis in the Ukraine must be solved without foreign pressure. I wonder if you took that as some sort of warning toward the United States and whether you think he's lived up to his own words.

President Bush. I haven't seen his comments so I'm hesitant to talk about something that I haven't seen—his quote. But I would tell you that, like I said in my opening statement, I appreciate the efforts of President Kwasniewski of Poland to lead a delegation into the country to help resolve the differences among the parties in a peaceful way. It's very important that violence not break out there, and it's important that the will of the people be heard.

I'm aware of what the Prime Minister of Canada said yesterday about foreign involvement, and he had a very strong statement to—for countries to make sure that the process is fair and open, and that's what we're dedicated to.

And I want to again thank the President of Poland, Kwasniewski, for taking the lead. I—as best I could, I tried to encourage him to continue to play a constructive and useful role. And hopefully, this issue will be solved quickly, and the will of the people will be known.

Prime Minister Martin. Well, I'll just simply pick up. What I said yesterday was that the essence of democracy is that elections be free and open and transparent and that they be elections in which people can have confidence. And if you can't have confidence in the elections, then obviously, that there's a major flaw in your—in their democracy. I also said that I absolutely agree that elections within Ukraine have got to be free from outside influence, and that includes Russia.

Mad Cow Disease/Trade Issues

Q. I'm going to ask my question in French, but it will be for the both of you, so Mr. President, if you could put the translation on. [*Laughter*]

President Bush. Maybe I don't want to know the question. [*Laughter*]

Q. Of course you do. The mad cow crisis has been going on for a year and a half. It has cost millions of dollars to our farmers, and now they are blocking slaughterhouses. Mr. President and you, Mr. Prime Minister, what are you doing to settle the question right now?

Prime Minister Martin. The question—what she said—I'll translate—was, don't you think Canada has a great Government? The—[*laughter*].

President Bush. Yes. [*Laughter*]

Prime Minister Martin. Did you understand the question?

President Bush. Well, yes, I did. I heard the question. Want me to start?

Prime Minister Martin. Sure.

President Bush. Look, the Prime Minister has expressed the—a great deal of frustration that the issue hasn't been resolved yet, and I can understand his level of frustration. There are a series of regulations that are required by U.S. law, and the latest step has been that the Agriculture Department sent over some proposed regulations to handle this issue to what's called the Office of Management and Budget. This is a part of my office. I have sent word over that they need to expedite that request as quickly as possible.

I fully understand the cattle business. I understand the pressures placed upon Canadian ranchers. I believe that, as quickly as possible, young cows ought to be allowed go across our border. I understand the integrated nature of the cattle business, and I hope we can get this issue solved as quickly as possible.

There's a bureaucracy involved, and I readily concede we've got one. I don't know if you've got bureaucracy here in Canada or not, but we've got one in America, and there are a series of rules that have to be met in order for us to be able to allow the trafficking of cows back and forth, particularly those 30 months and younger. So we're working as quickly as we can. And I understand the impact it's had on your industry here.

Prime Minister Martin. I'll just continue, obviously. We discussed a number of contentious issues concerning BSE. As the President has just said, I expressed our frustration. Having said this, last week the President announced a very important step, the reference to the American Agency. And we hope that after a reasonable amount of time—we hope it won't be too long—we hope to obtain a favorable decision.

At the same time, we also discussed the question of softwood lumber. And once again, we expressed our frustration, and we said that a better way will have to be found to solve our differences. The system in place at the present time does not correspond to the reality of exchanges between our two countries. We'll have to find a better way.

On BSE, I believe that the President took a significant step last week in making the reference to the OMB. And one very much hopes that the time delays which are set out can be cut short simply—as a result of the fact that this has been studied to death. And of course, what we're really looking for is a scientifically based answer, and I think that the science has clearly demonstrated that a decision should be taken and a favorable decision to Canada should be taken as quickly as possible.

We discussed other issues as well. Softwood lumber was another one in which we not only raised the issue but also said that there is something the matter with the dispute settlement mechanism that simply allows these kinds of things to go on and on. And we believe that, in fact, we've got to find a better way.

Iran

Press Secretary McClellan. Steve Holland with Reuters.

Q. Thanks, Mr. President. Are you prepared to take Iran to the Security Council over its nuclear program? And are you disappointed the IAEA did not take a harder line yesterday?

President Bush. The Iranians agreed to suspend but not terminate their nuclear weapons program. Our position is, is that they ought to terminate their nuclear weapons program. So I viewed yesterday's decision by the Iranians as a positive step, but it's certainly not a—it's certainly not the final step. And it's very important, for whatever they do, to make sure that the world is able to verify the decision they have made. And so we've obviously got more work to do.

Q. [*Inaudible*]

President Bush. Well, I'm—he said I sound skeptical. It's taken a long time to get to the stage where Iran is willing to suspend. Think about all the hours of negotiations that our friends the French, the Germans, and the Brits have used to get them to suspend a program. What we're interested in is them terminating a nuclear weapons program in a verifiable fashion, and we'll continue to work with our friends.

The Prime Minister and I have discussed this issue. We discussed it at the G–8 in Sea Island, Georgia, and we continue to discuss it. He's got a very clear vision of this as well, and I appreciate his understanding that the

world will be better off if Iran does not have a nuclear weapon.

Prime Minister Martin. Whether it's Iran, whether it's North Korea, I think that the world came to a very important decision many, many years ago, in terms of nuclear proliferation. Canada certainly, given the fact of our natural resources, we could be a nuclear power, and there were wise heads at that time that prevailed. And I would hope that that view would be held universally today by those countries.

Canada-U.S. Border

Q. My question is to President Bush. After September 11th, there were complaints that the Canada-U.S. border was too porous. Since then there have been many changes. But can you please expand on your vision of the border in the future? Does North America need a common security perimeter? And as an aside, how do you think Canada decriminalizing marijuana would affect the border? [*Laughter*]

President Bush. It will probably affect those who use marijuana a lot more than it will affect the border. But the—we've got an obligation to defend our respective countries, and I am impressed by the Prime Minister's commitment to work jointly to share intelligence and to share information so that we can prevent those who would do harm to either the United States or Canada from being able to do so. Now—which presents a challenge. And that is, how do we make sure those who are coming from the United States into Canada are known to both sides and/or vice-versa? And at the same time, how do we make sure that we expedite trade and commerce?

And I think we're making very good progress toward that end. We spent some time talking today about issues in Windsor and Detroit. Believe it or not, the Prime Minister had that on his mind. And the amount of equipment that has been added there is substantial. The management of lanes is productive. The Deputy Prime Minister talked about perhaps the need for an additional bridge, which he asked us to consider.

My point is, is that I believe it is possible to be able to deal with terrorist activity and illegal activity and, at the same time, have a robust commercial relationship. And a lot of it has to do with using technologies in an effective way, and we're making good progress. And obviously, there's more progress to be done, and I'm impressed by the Prime Minister's commitment to work in a very close fashion to deal with somebody who may be willing to do harm to either of our countries. And that really is the first step toward making sure we're secured.

Yes.

Marijuana

Q. [*Inaudible*]—the issue of marijuana——

President Bush. I don't have a comment on what you're doing internally about that.

Prime Minister Martin. I just like doing press conferences with you. You get all the questions. [*Laughter*]

Intelligence Reform Legislation

Press Secretary McClellan. John King with CNN.

President Bush. Yes, King. Why don't you ask the Prime Minister a question. You heard him——

Q. I was just about to apologize for disappointing the Prime Minister. [*Laughter*]

Mr. President, I'd like you to answer critics back home who say that they think you're trying to have it both ways on this intelligence reform bill, that you say you want the legislation, but they don't see a sustained effort, both publicly or privately, to challenge the members of your own party who are blocking the bill, like, say, you have done without hesitation many times when it comes to Democrats blocking your judicial nominees.

President Bush. Yes. Well, I want a bill. Let's see if I can say it as plainly as I can—I am for the intelligence bill. I have spoken with Duncan Hunter, Representative Hunter, about the bill. I spoke with Representative Sensenbrenner about the bill. Vice President Cheney today is meeting with members of the 9/11 Commission about the bill. I am—I believe the bill is necessary and important and hope we can get it done next week and look forward to talking to Speaker Hastert and Leader Frist here before the week is out to express to them why I just told you in public I'm for the bill—again.

Thank you.

Prime Minister Martin. Thank you.

President Bush. Gregory [David Gregory, NBC News], the Prime Minister needs a translator. [*Laughter*]

NOTE: The President's news conference began at 2:13 p.m. at the Lester B. Pearson Building. In his remarks, the President referred to President Aleksander Kwasniewski of Poland; former President Saddam Hussein of Iraq; and President Vladimir Putin of Russia. Prime Minister Martin referred to Deputy Prime Minister Anne McLellan and Minister of Foreign Affairs Pierre Pettigrew of Canada. A portion of the Prime Minister's remarks and some questions from the Canadian press were in French, and an English translation was provided.

Statement on the Resignation of Tom Ridge as Secretary of Homeland Security

November 30, 2004

Tom Ridge has been a key member of my Cabinet, working to help make America safer and stronger. As the Nation's first Assistant to the President for Homeland Security and first Secretary of Homeland Security, he oversaw the most extensive reorganization of the Federal Government in 50 years. His efforts have resulted in safer skies, increased border and port security, and enhanced measures to safeguard our critical infrastructure and the American public. In the fight against terrorism, he has played a vital role in protecting the American people from a real and ongoing threat.

Tom has served America for decades, including as a decorated Army soldier, as a United States Congressman, and as Governor of Pennsylvania. He is a long-time friend, and I thank him for his leadership and dedicated service to our country. America is safer and our Government is better able to protect our people because of his hard work. I wish him and Michele all the best.

NOTE: The Office of the Press Secretary also made available Secretary Ridge's letter of resignation.

Remarks at a Dinner Hosted by Prime Minister Paul Martin of Canada in Gatineau, Canada

November 30, 2004

Thank you all. Thank you very much. Thank you. Thank you all very much. Thank you. The Prime Minister just said, "It's good to be home." I'm here to tell you, it's good to be in Canada. I want to thank you for the warm reception, and I was pleased to see when I opened up the menu that we'll be eating Alberta beef.

Mr. Prime Minister, Madam First Lady, former Prime Ministers, distinguished leaders of Canada, distinguished guests, and ladies and gentlemen, Laura and I are really honored to be here in this great nation. Canada is an old friend. Canada is an honored ally of America.

On this magnificent museum's coat of arms is a motto: Many cultures in one country. In your nation and in mine, people of many cultures, races, and religions embrace a set of ideals that proclaim the liberty and equality of all. These principles are the source of great unity in our diverse lands, and they are the foundation of a close and warm friendship between our two nations.

Our common bond of values and mutual respect have created an alliance that is unsurpassed in strength and depth and potential. Ours is one of the largest trading relationships in the world. We depend on each other to secure the energy resources that help our economies expand. We work together to protect the land and waters of our beautiful continent. Most importantly, our nations work together to protect our people from harm.

For nearly 50 years, the military personnel of your nation and mine have worked together as a single unit at NORAD to monitor the air approaches to North America and to protect us from attack. On September the 11th, it was a Canadian general, holding the chair at NORAD, who gave the order to initiate our defenses. In an era of new threats, American and Canadian law enforcement and intelligence agencies are working more closely than ever before, and our peoples are more secure because of it.

We also share the mission of spreading the blessings of liberty around the world. In October of this year, millions of Afghans, including millions of women, voted peacefully to elect a leader of moderation. We're working together for stability and prosperity in Haiti and the Sudan. With Canada's generous contribution, the reconstruction of Iraq will help that nation become a peaceful democracy.

Our efforts in these troubled regions are driven by our faith, faith in the ability of liberty to unite different cultures, races, and religions and faith in the ability of liberty to lift up people, to offer an alternative to hate and violence, and to change the world for the better.

And so, Mr. Prime Minister, in admiration for all you've done to create a world governed by liberty and justice and friendship, I offer a toast to you, to the people of Canada, and to the friendship of our two peoples.

NOTE: The President spoke at 7:15 p.m. at the Canadian Museum of Civilization. In his remarks, he referred to Sheila Martin, wife of Prime Minister Martin; former Prime Ministers Jean Chretien and John Napier Turner of Canada; Lt. Gen. E.A. Findley, Canadian Forces, deputy commander, North American Aerospace Defense Command; and President Hamid Karzai of Afghanistan. The Canadian Museum of Civilization is located across the Ottawa River from Ottawa, Ontario. The transcript released by the Office of the Press Secretary also included the remarks of Prime Minister Martin.

Statement on Signing the Veterans Health Programs Improvement Act of 2004

November 30, 2004

Today, I have signed into law H.R. 3936, the "Veterans Health Programs Improvement Act of 2004." The Act is designed to strengthen the management and administration of health care facilities and programs for our Nation's veterans.

Section 414(e)(4)(D) of the Act requires the Secretary of Veterans Affairs (Secretary) to include, in a written notice of a mission change for any of several departmental medical facilities, an analysis of any alternatives to the mission change proposed by the Department of Veterans Affairs. The executive branch shall construe this provision in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.

Section 501(c) of the Act purports to require the Secretary to submit to the Congress recommendations for changes in law in certain circumstances. The executive branch shall implement this provision in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to recommend for the consideration of the Congress such measures as the President judges necessary and expedient.

George W. Bush

The White House,
November 30, 2004.

NOTE: H.R. 3936, approved November 30, was assigned Public Law No. 108–422. This statement was released by the Office of the Press Secretary on December 1. An original was not available for verification of the content of this statement.

Remarks in Halifax, Canada

December 1, 2004

Thank you very much. Please be seated. Thank you all very much. Thanks for the warm welcome. Mr. Prime Minister, thank you, and Mrs. Martin, for a fantastic dinner last night in Ottawa. We really loved it. My only regret today is that Laura is not with me. She is—went home to thank those who have been decorating the White House for the great Christmas season that's coming up. I married well. [*Laughter*]

I appreciate the Premiers who are here. Premier Hamm, thank you for your hospitality. Premier Lord, Premier Binns, and Premier Williams, I appreciate you all joining. I want to specifically mention the Premiers because, as an ex-Governor, I feel a special kinship to those who—[*laughter*]—run the provinces here in Canada. But thank you for your service. Ambassador Cellucci, mayors, local officials, distinguished guests, ladies and gentlemen, I am honored to be with you

today to reaffirm America's enduring ties to your country. I am really glad to be in Canada, and I'm really glad to be among friends. I appreciate the warm hospitality we've received.

In the past year, I've come to know your new Prime Minister. We've met in Mexico, in the United States, in Chile, and now in Canada. Paul Martin is a leader who is asserting Canada's good influence in the world. And as I prepare for a second term in office, I look forward to a successful working partnership between our two countries.

Paul and I share a great vision for the future, two prosperous, independent nations joined together by the return of NHL hockey. [*Laughter*]

I told Paul that I really have only one regret about this visit to Canada. There's a prominent citizen who endorsed me in the 2000 election, and I wanted a chance to finally thank him for that endorsement. I was hoping to meet Jean Poutine. [*Laughter*]

I'm proud to stand in this historic place, which has welcomed home so many Canadians who defended liberty overseas and where so many new Canadians began their North American dream. I'm grateful for the hospitality shown by the people of this fine city who have been so very kind to Americans before.

Three years ago, Halifax and other towns and villages, from Newfoundland to Manitoba to the Northwest Territories to British Columbia, welcomed, as the Prime Minister mentioned, more than 33,000 passengers on diverted flights. For days after September the 11th, Canadians came to the aid of men and women and children who were worried and confused and had nowhere to sleep. You opened your homes and your churches to strangers. You brought food, you set up clinics, you arranged for calls to their loved ones, and you asked for nothing in return.

One American declared, "My heart is overwhelmed at the outpouring of Canadian compassion. How does a person say thank you to a nation?" Well, that's something a President can do. And so let me say directly to the Canadian people and to all of you here today who welcomed Americans, thank you for your kindness to America in an hour of need.

That emergency revealed the good and generous heart of this country and showed the true feelings of Canadians and Americans toward each other. The affection that appeared in an instant will always be there, and it runs deep. Beyond the words of politicians and the natural disagreements that nations will have, our two peoples are one family and always will be.

We're united in part by the daily contact of commerce, and both our nations are better off for it. In the 10 years since the North American Free Trade Agreement was enacted, trade between the United States and Canada has nearly doubled. Twenty-three percent of America's exports go directly north, and more than 80 percent of Canadians' exports go to my country. With so much trade, there are bound to be some disagreements. I proudly ate some Alberta beef last night, and—[*laughter*]—I'm still standing. [*Laughter*] With determined efforts and relying on sound science and mutual good will, we can resolve issues. Take, for example, those PEI potatoes. [*Laughter*]

Right, Mr. Premier? [*Laughter*]

Canada represents America's most vital trade relationship in the whole world, and we will do all that is necessary to keep that relationship strong.

Yet, our ties go deeper than trade. Our community of values reaches back centuries. Canada and the U.S. may have disagreed on the wisdom of separating from the Crown, but we've always agreed on the great principles of liberty derived from our common heritage. We believe in the dignity of every human life, and we believe in the right of every person to live in freedom. We believe in free markets, humanized by compassion and fairness. We believe a diverse society can also be united by principles of justice and equality. The values we hold have made us good neighbors for centuries, and they will keep us as strong allies and good friends for the centuries to come.

These shared convictions have also led our great democracies to accept a mission in the wider world. We know it is not possible to live in quiet isolation of our peaceful continent, hoping the problems and challenges of other nations will pass us by. We know there can be no security, no lasting peace

in a world where proliferation and terrorism and genocide and extreme poverty go unopposed.

We know that our own interests are served by an international system that advances human rights and open societies and free trade and the rule of law and the hope that comes from self-government. Both Canada and the United States have accepted important global duties, and we will meet those responsibilities for our own benefit and for the good of mankind.

Canada's leadership is helping to build a better world. Over the past decade, Canadian troops have helped bring stability to Bosnia and Kosovo. Canada's willingness to send peacekeepers to Haiti saved thousands of lives and helped save Haiti's constitutional government. Canadian troops are serving bravely in Afghanistan at this hour. Other Canadians stand on guard for peace in the Middle East, in Cyprus, Sudan, and the Congo.

Just 2 weeks ago, NATO countries showed their esteem for your military by electing General Ray Henault as Chairman of NATO's Military Committee. This admiration for your armed forces goes way back and for good reason. It was said during World War I, "The Canadians never budge." America respects the skill and honor and the sacrifice of Canadians' armed—Canada's armed forces.

Our nations play independent roles in the world, yet our purposes are complementary. We have important work ahead. A new term in office is an important opportunity to reach out to our friends. I hope to foster a wide international consensus among three great goals. The first great commitment is to defend our security and spread freedom by building effective multinational and multilateral institutions and supporting effective multilateral action.

The tasks of the 21st century, from fighting proliferation to fighting the scourge of HIV/AIDS to fighting poverty and hunger, cannot be accomplished by a single nation alone. The United States and Canada participate together in more multilateral institutions than perhaps any two nations on Earth, from NATO in Europe to the OAS in the Western Hemisphere to APEC in the Pacific. Canada and the United States are working with a coalition of nations through the Proliferation Security Initiative to stop and seize shipments of weapons of mass destruction materials and delivery systems on land and at sea and in the air.

America always prefers to act with allies at our side, and we're grateful to Canada for working closely with us to confront the challenges of Iran and North Korea. Multilateral organizations can do great good in the world.

Yet, the success of multilateralism is measured not merely by following a process but by achieving results. The objective of the U.N. and other institutions must be collective security, not endless debate. For the sake of peace, when those bodies promise serious consequences, serious consequences must follow. America and Canada helped create the United Nations, and because we remain committed to that institution, we want it to be more than a League of Nations.

My country is determined to work as far as possible within the framework of international organizations, and we're hoping that other nations will work with us to make those institutions more relevant and more effective in meeting the unique threats of our time.

Our second commitment is to fight global terrorism with every action and resource the task requires. Canada has taken a series of critical steps to guard against the danger of terrorism. You created the Department of Public Safety and Emergency Preparedness. You've toughened your antiterror laws. You're upgrading your intelligence. I want to thank the Government for all those constructive and important decisions.

Our two countries are working together every day—every day—to keep our people safe. That is the most solemn duty I have and the most solemn duty the Prime Minister has. From the Smart Border accord to the Container Security Initiative to the joint command of NORAD, we are working together. I hope we'll also move forward on ballistic missile defense cooperation to protect the next generation of Canadians and Americans from the threats we know will arise.

The energetic defense of our nations is an important duty. Yet, defense alone is not a sufficient strategy. On September the 11th, the people of North America learned that

two vast oceans and friendly neighbors cannot fully shield us from the dangers of the 21st century. There's only one way to deal with enemies who plot in secret and set out to murder the innocent and the unsuspecting: We must take the fight to them. We must be relentless and we must be steadfast in our duty to protect our people.

Both of the countries have learned this lesson. In the early days of World War II, when the United States was still wrestling with isolationism, Canadian forces were already engaging the enemies of freedom from the Atlantic—across the Atlantic. At the time, some Canadians argued that Canada had not been attacked and had no interest in fighting a distant war. Your Prime Minister, McKenzie King, gave this answer: "We cannot defend our country and save our homes and families by waiting for the enemy to attack us. To remain on the defensive is the surest way to bring the war to Canada. Of course, we should protect our coasts and strengthen our ports and cities against attack," but the Prime Minister went on to say, "we must also go out and meet the enemy before he reaches our shores. We must defeat him before he attacks us, before our cities are laid to waste." McKenzie King was correct then, and we must always remember the wisdom of his words today.

In the new era, the threat is different, but our duties are the same. Our enemies have declared their intentions, and so have we. Peaceful nations must keep the peace by going after the terrorists and disrupting their plans and cutting off their funding. We must hold the sponsors of terror equally responsible for terrorist acts. We must prevent outlaw regimes from gaining weapons of mass destruction and providing them to terrorists. We must stay at these efforts with patience and resolve until we prevail.

Our third great commitment is to enhance our own security by promoting freedom and hope and democracy in the broader Middle East. The United States and Canada and all free nations need to look ahead. If, 20 years from now, the Middle East is dominated by dictators and mullahs who build weapons of mass destruction and harbor terrorists, our children and our grandchildren will live in a nightmare world of danger. That must not happen.

By taking the side of reformers and democrats in the Middle East, we will gain allies in the war on terror and isolate the ideology of murder and help to defeat the despair and hopelessness that feeds terror. The world will become a much safer place as democracy advances.

For decades of tyranny and neglect in the broader Middle East, progress toward freedom will not come easily. I know that. Yet, it is cultural condescension to claim that some peoples or some cultures or some religions are destined to despotism and unsuited for self-government.

Today in the Middle East, the doubters and pessimists are being proven wrong. We're seeing movement toward elections and greater rights for women and open discussion of peaceful reform. I believe that people across the Middle East are weary of poverty and oppression and plead in silence for their liberty. I believe this is an historic moment in the broader Middle East, and we must seize this moment by standing with everyone who stands for liberty.

We're standing with the people of Afghanistan, a nation that has gone from a safe haven for terrorists to a steadfast ally in the war on terror in 3½ short years. Canada deployed more than 7,000 troops and much of your navy in support of Operation Enduring Freedom. This year, your country has led the International Security Assistance Force in Kabul. The coalition we share is doing honorable work, yet democracy is taking hold in that country because the Afghan people, like people everywhere, want to live in freedom. They registered by the millions to vote in October. They stood in long lines on election day. An Afghan widow brought all four of her daughters to vote alongside her. She said, "When you see women here lined up to vote, this is something profound. I never dreamed this day would come." But that woman's dream finally arrived, as it will one day across the Middle East. These are unprecedented, historic events that many said would never come, and Canadians can be proud of the part you have played in the advance of human liberty.

We must also stand with the brave people of Iraq, who are preparing for elections on January the 30th. Sometimes, even the closest of friends disagree. And 2 years ago, we disagreed about the best course of action in Iraq. Yet, as your Prime Minister made clear in Washington earlier this year, there is no disagreement at all with what has to be done in going forward. We must help the Iraqi people secure their country and build a free and democratic society. The Canadian Government has pledged more than $200 million in humanitarian aid and reconstruction assistance and agreed to relieve more than $450 million in Iraqi debt. That help is greatly appreciated.

There's more work to be done together. Both Canada and the United States and all free nations have a vital interest in the success of a free Iraq. The terrorists have made Iraq the central front in the war on terror because they know what is at stake. When a free and democratic society is established in Iraq, in the heart of the Middle East, it will be a decisive blow to their aspirations to dominate the region and its people. A free Iraq will be a standing rebuke to radicalism and a model to reformers from Damascus to Tehran.

In Fallujah and elsewhere, our coalition and Iraqi forces are on the offensive, and we are delivering a message: Freedom, not oppression, is the future of Iraq. Freedom is a precious right for every individual, regardless of the color of their skin or the religion they may hold. A long night of terror and tyranny in that region is ending, and a new day of freedom and hope and self-government is on the way.

And we will stand with the Palestinian and Israeli peoples and help end the destructive conflict between them. Prime Minister Martin has expressed the desire of his Government to take a broader role in the quest for peace and democracy, and America welcomes your involvement. It's a time of change and a time of hope in that region.

We seek justice and dignity and a viable independent and democratic state for the Palestinian people. We seek security and peace for the state of Israel, a state that Canada, like America, first recognized in 1948. These are worthy goals in themselves, and by reaching them, we will also remove an excuse for hatred and violence in the broader Middle East.

Achieving peace in the Holy Land is not just a matter of pressuring one side or the other on the shape of a border or the site of a settlement. This approach has been tried before, without success. As we negotiate the details of peace, we must look to the heart of the matter, which is the need for a Palestinian democracy. The Palestinian people deserve a peaceful government that truly serves their interests, and the Israeli people need a true partner in peace.

Our destination is clear, two states, Israel and Palestine, living side by side in peace and security. And that destination can be reached by only one path, the path of democracy and reform and the rule of law. If all parties will apply effort, if all nations who are concerned about this issue will apply good will, this conflict can end and peace can be achieved. And the time for that effort and the time for that good will is now.

The United States and Canada face common threats in our world, and we share common goals that can transform our world. We're bound by history and geography and trade and by our deepest convictions. With so much in common and so much at stake, we cannot be divided. I realize and many Americans realize that it's not always easy to sleep next to the elephant. [*Laughter*] Sometimes, our laws and our actions affect Canada every bit as much as they affect us, and we need to remember that. And when frustrations are vented, we must not take it personally. As a member of Canada's Parliament said in the 1960s, "The United States is our friend, whether we like it or not." [*Laughter*] When all is said and done, we are friends, and we like it.

Three years ago, when the American planes were diverted away from home, passengers knew they were safe and welcome the moment they saw the Maple Leaf flag. One of them later said of the Canadians he met, "They taught me the meaning of the word 'friend.' " For generations, the nation of Canada has defined the word "friend," and my country is grateful.

God has blessed America in many ways. God has blessed us because we have neighbors like you. And today I ask that God continues to bless the people of Canada.

Thank you.

NOTE: The President spoke at noon at Pier 21. In his remarks, he referred to Prime Minister Paul Martin of Canada and his wife, Sheila; Premier John Frederick Hamm of Nova Scotia, Canada; Premier Bernard Lord of New Brunswick, Canada; Premier George Binns of Prince Edward Island, Canada; and Premier Danny Williams of Newfoundland, Canada.

Proclamation 7850—World AIDS Day, 2004

December 1, 2004

By the President of the United States of America

A Proclamation

HIV/AIDS is the greatest health crisis of our time. Its defeat requires the cooperation of the entire global community. On World AIDS Day, people around the world unite to demonstrate our commitment to fighting HIV/AIDS and to offer prayers and support for those living with HIV/AIDS and for their families and caregivers.

America and many nations have great opportunities to improve health, expand prosperity, and extend freedom in our time. My Administration has made turning the tide against HIV/AIDS a priority. In my 2003 State of the Union Address, I was proud to announce the Emergency Plan for AIDS Relief. This plan commits $15 billion over 5 years to fight the HIV/AIDS pandemic in over 100 countries throughout the world, focusing on 15 of the hardest-hit countries in Africa, the Caribbean, and Asia. These funds are already at work and will help prevent 7 million new infections, treat 2 million infected individuals, and care for 10 million individuals, including orphans and vulnerable children infected or affected by this disease.

This year, we also recognize the challenges HIV/AIDS poses to women. Through the Emergency Plan, the United States supports drug therapy and counseling to prevent mother-to-child transmission of HIV/AIDS. In addition, we are working to prevent girls from becoming infected through sexual coercion or exploitation and to increase support and services to help reduce the burden on women who are called upon to care for a sick loved one.

In order to defeat this pandemic, we also must discover new treatments and cures. America joined with other countries at the G–8 Summit in June to announce the Global HIV Vaccine Enterprise, a major commitment from the world's leading scientists to find ways to combat this devastating disease. My Administration also supports efforts to encourage testing because in the United States alone, one-quarter of those infected with HIV each year do not know that they are infected. And, because abstinence is the only sure way to avoid sexually transmitted diseases, my Administration has more than tripled funding for abstinence-only programs since taking office.

Our country and other nations around the world are working to bring new hope to those suffering with HIV/AIDS and contribute to a healthier future for people around the world.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 1, 2004, as World AIDS Day. I urge the Governors of the States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and the American people to join me in remembering those who have lost their lives to this disease and to comfort and support those living with and affected by HIV/AIDS.

In Witness Whereof, I have hereunto set my hand this first day of December, in the year of our Lord two thousand four, and of the Independence of the United States of America the two hundred and twenty-ninth.

George W. Bush

[Filed with the Office of the Federal Register, 8:45 a.m., December 3, 2004]

NOTE: This proclamation was published in the *Federal Register* on December 6.

Remarks Prior to Discussions With President Olusegun Obasanjo of Nigeria and an Exchange With Reporters

December 2, 2004

President Bush. Mr. President, welcome back. It is great to see you. I'm looking forward to working with you over the next years to strengthen our relationship, to work on a prosperous continent of Africa, to work with you on implementing our strategy to help defeat the pandemic of HIV/AIDS. I look forward to our discussion today.

I particularly want to thank the President for his contributions to the peacekeeping forces of the African Union. We have worked together on issues such as Liberia, Sudan, and other important parts of the continent of Africa. I look forward to a fruitful relationship, and I'm glad you're here. I want to welcome you, and thank you for coming, sir.

President Obasanjo. Thank you very much, sir. Mr. President, let me start by congratulating you once again. And let me express our appreciation for receiving me and my delegation so very early in your preparation for the second term. Of course, you are receiving me not only in my capacity as President of Nigeria but also in my capacity as the Chairman of AU, continuing that organization.

I'm looking forward to this meeting to consolidate what we have been able to do together, like you have rightly said, in the area of peace and security and conflict resolution in Africa, in the area of trade and resource flow for Africa, and in the area of fight against terrorism by making the world, particularly Africa, a more peaceful and a more conducive continent to live in, and of course in the area of security, stability, and availability of some of the essential resources for the development of the world, but the—[*inaudible*]—in the Gulf region of our continent. I'm looking forward to being able to work with you.

President Bush. It's good to see you again, sir.

Scott [Scott Lindlaw, Associated Press], a couple of questions.

Secretary-General Kofi Annan of the United Nations

Q. Thank you, Mr. President. Do you think questions of fraud in the U.N.'s Oil for Food Programme have hurt Kofi Annan, and do you think he should resign, as Senator Coleman has urged?

President Bush. Yesterday I spoke about the United Nations. I said the United States participates in multilateral organizations, and we expect those organizations to be effective. You know, when an organization says there's going to be serious consequences if something doesn't happen, it better mean what it says.

And on this issue, it's very important for the United Nations to understand that there ought to be a full and fair and open accounting of the Oil for Food Programme. In order for the taxpayers of the United States to feel comfortable about supporting the United Nations, there has to be an open accounting, and I look forward to that process going forward.

Q. Should he resign, sir?

President Bush. I look forward to the full disclosure of the facts, a good, honest appraisal of that which went on. And it's important for the integrity of the organization to have a full and open disclosure of all that took place with the Oil for Food Programme.

Yes, Steve [Steve Holland, Reuters].

Ukraine

Q. Sir, should there be a new election in Ukraine, and should it be free of Russian influence?

President Bush. Well, I think any election, if there is one, ought to be free from any foreign influence. These elections ought to be open and fair. I appreciate the progress that is being made. I particularly want to again thank my friend the President of Poland, the President of Lithuania, and the EU for its involvement in helping to resolve the Ukrainian election crisis.

The position of our Government is that the will of the people must be known and heard. And therefore, I will—we will continue to monitor and be involved in a process that encourages there to be a peaceful resolution

of this issue. And you know, there are different options on the table, and we're watching very carefully what is taking place. But any election in any country must be—must reflect the will of the people and not that of any foreign government.

Yes, Gregory [David Gregory, NBC News].

Iraq

Q. Mr. President, you're sending more troops to Iraq now. This comes on the heels of reports that Iraqi security forces appear to be underperforming, appear to be unprepared for elections in January. If that's the case, what would be so bad about postponing elections if there's the potential that those elections may be seen as illegitimate?

President Bush. Well, first of all, the elections should not be postponed. It's time for the Iraqi citizens to go the polls, and that's why we are very firm on the January 30th date. Secondly, I have always said that I will listen to the requests of our commanders on the ground. And our commanders requested some troops delay their departure home and the expedition of other troops to help these elections go forward. And I honored their request.

And thirdly, we are working hard to train Iraqis. And we have got certain benchmarks in mind. And General Petraeus is in charge of training the Iraqi troops, and the Iraqi ministers in charge of that are meeting the goals. And the idea, of course, and the strategy, of course, is have the Iraqis defend their own freedom. And we want to help them have their Presidential elections. And at some point in time, when Iraq is able to defend itself against the terrorists who are trying to destroy democracy—as I have said many times—our troops will come home with the honor they have earned.

It's time for those people to vote, and I am looking forward to it. It's one of those moments in history where a lot of people will be amazed that a society has been transformed so quickly from one of tyranny and torture and mass graves to one in which people are actually allowed to express themselves at the ballot.

Thank you all very much.

Q. Mr. President. Mr. President——

President Bush. Yes, sir.

U.S. Role in Africa

Q. As you march into the second term, what will Africa be looking forward to in terms of America's contribution to security, especially in the Gulf of Guinea.

President Bush. No, I appreciate that. First of all, Africa was a very important part of my first term. I have met with the President—four or five times?

President Obasanjo. Four or five——

President Bush. So many times, it's hard to count.

President Obasanjo. And at the G–8, I think about 10 times.

President Bush. Ten times. I have met with other leaders from the continent of Africa a lot. I have traveled to Africa. I have made the—fighting the pandemic of HIV/AIDS a central part of my administration. I helped work to extend AGOA on the full belief that economic trade and the benefits of trade far exceed the benefits of direct aid. I've worked on a Millennium Challenge Account to help encourage the habits of good governance. And I will continue that focus and attention on the continent of Africa. I think it is vital that the continent of Africa be a place of freedom and democracy and prosperity and hope where people can grow up and realize their dreams. It's a continent that has got vast potential, and the United States wants to help the people of Africa realize that potential.

Thank you all.

NOTE: The President spoke at 9:38 a.m. in the Oval Office at the White House. In his remarks, he referred to President Aleksander Kwasniewski of Poland; President Valdas Adamkus of Lithuania; and Lt. Gen. David H. Petraeus, USA, chief, Office of Security Transition—Iraq.

Remarks on the Nomination of Governor Mike Johanns To Be Secretary of Agriculture

December 2, 2004

The President. Thank you all. Good morning.

I am pleased to announce my nomination of Governor Mike Johanns to be the Secretary of Agriculture.

Governor Johanns. Thank you, Mr. President.

The President. Governor Johanns is an experienced public service—servant from America's agricultural heartland. As the son of Iowa dairy farmers, he grew up close to the land. He will bring to this position a lifetime of involvement in agriculture and a long record of a faithful friend to America's farmers and ranchers. He will lead an important agency with the executive skill he has learned as mayor and as a two-term Governor of Nebraska.

I've known Mike for a number of years, going back to my own service as a Governor. I know firsthand his deep commitment to a strong farm economy. He's been a leader on drought relief in Nebraska and throughout the Midwest. He's a strong proponent of alternative energy sources such as ethanol and biodiesel. He's traveled the world to promote American farm exports.

Governor Johanns is a man of action and of complete integrity. He knows how to bring people together to achieve results. He has been a superb leader for the people of Nebraska, and I'm grateful that he's agreed to take on this important new responsibility in my Cabinet.

Governor Johanns. Thank you, Mr. President.

The President. I'm grateful as well to Secretary of Agriculture Ann Veneman for leading the Department of Agriculture these past 4 years. Secretary Veneman has earned the trust of farmers and ranchers across America, and the whole Nation has benefited from her service. Ann played a central role in passing the 2002 farm bill, which has been critical to the success of our farmers.

She's kept our Nation's commitment to fighting hunger and is overseeing major improvements in school nutrition programs. Ann led our efforts to prevent the spread of mad cow disease and worked hard to secure the food supply against the threat of bioterrorism. And she has helped set in motion an incredibly important effort to maintain the health of our forests and protect the lives and property from devastating wildfires.

I chose Ann Veneman for her great expertise, her sound judgment, and her bipartisan spirit, and she has displayed those qualities every day of her tenure. Ann has also carried out her duties while facing serious illness, and for that she's earned my increased admiration and the respect of her fellow citizens. I'm proud to know her, and I thank her for serving our country.

The policies we've pursued over the last 4 years have revived America's economies and have helped our farmers and ranchers earn greater income and to sell record amounts of food and fiber abroad. In a new term, we'll continue policies that are pro-growth, pro-jobs, and pro-farmer. We'll keep working to open new markets to American grain and beef and cotton and corn. We'll enforce trade laws to make sure other countries play by the rules. We will expand conservation programs to help farmers and to protect our soil and water and wildlife.

We will stand behind family farmers by keeping taxes low and ensuring the Federal death tax is repealed permanently. And when confirmed by the Senate, Mike Johanns will lead a Department of 113,000 dedicated public servants and be a champion of the farmers and ranchers who feed America and the world beyond.

I am grateful to Mike and to Stephanie, his wife, for their willingness to come to Washington. I look forward to welcoming Mike to my Cabinet.

Congratulations. I appreciate you.

Governor Johanns. Thank you very much.

The President. You bet, Mike.

[*At this point, Governor Johanns made brief remarks.*]

The President. Good job.

Governor Johanns. Thank you.

NOTE: The President spoke at 11:42 a.m. in the Roosevelt Room at the White House. The transcript released by the Office of the Press Secretary also included the remarks of Governor Johanns.

Remarks on Lighting the National Christmas Tree

December 2, 2004

Thank you all very much. Tonight we begin a joyous season, and the city of Washington is never more beautiful than during

the holidays. At Christmastime, we celebrate good tidings first announced 2,000 years ago and still a source of great joy in our world. Laura and I are always happy to join in the Pageant of Peace, and we thank you all for coming this evening.

I thank our special guests. I want to thank Santa for such good weather. [*Laughter*] I appreciate Peter, the chairman of the Pageant of Peace, and his wife, Nancy. I want to thank John Betchkal, the president of the Christmas Pageant of Peace. I want to thank the members of the board of the Christmas Pageant of Peace for your hard work in putting on this joyous festival. I want to thank Secretary of the Interior Gale Norton. I want to thank other members of my Cabinet who are here tonight. I appreciate the Members of Congress who are here.

I want to thank Fran Mainella, who is the Director of the Parks Service, and all the National Parks Service employees. I thank Dr. Schuller and all the entertainers. Thanks so very much for being here tonight.

The season of Advent is always the season of hope. We think of the patient hope of men and women across the centuries who listened to the words of the prophets and lived in joyful expectation. We think of the hope of Mary, who welcomed God's plan with great faith. We think of the hope of the wise men who set out on a long journey guided only by a slender promise traced in the stars. We are reminded of the hope that the grandest purposes of the Almighty can be found in the humblest places. And we embrace the hope that all the love and gifts that come to us in this life are the signs and symbols of even a greater love and gift that came on a holy night. The old carol speaks of a "thrill of hope, the weary world rejoices, for yonder breaks a new and glorious morn." And every year at this time we feel the thrill of hope as we wait on Christmas Day.

This Christmas, as loved ones come together, some in our military are separated from family by the call of duty a long way from home. We have service men and women celebrating the holidays at bases from Europe to East Asia and on many fronts in the war on terror. Especially for those deployed in Afghanistan and Iraq, the work is dangerous and the mission is urgent. American service men and women are bringing freedom to many and peace to future generations. Their sacrifices defend us all, and all Americans are grateful to them and to our military families.

Across our country, citizens are supporting our people in uniform with their prayers and many acts of kindness. Often the effort is led by children. In Chantilly, Virginia, Brownie Troop 5179, who are here tonight, by the way, collected donations of candy and sun screen, bug spray, and handmade cards to send to our soldiers overseas. They gathered more than 200 pounds of gifts and made sure the packages arrived on time for the holidays. I'm sure those thoughtful gifts were gladly received.

And I thank the Brownies for reminding the good people of our military how much they mean to America. And to show our appreciation to the Brownies of Chantilly, Virginia, and all those who volunteer in our blessed land, we have two representatives of the Troop to help Laura and me light our national Christmas tree.

And so, if Nichole and Clara will come forward, we will turn on the lights. Are you ready? Now will you join me in the countdown? Five, four, three, two, one.

NOTE: The President spoke at 5:56 p.m. on the Ellipse during the annual Christmas Pageant of Peace. In his remarks, he referred to John Betchkal, president, Christmas Pageant of Peace; Peter Nostrand, chairman, Christmas Pageant of Peace, and his wife, Nancy; Dr. Robert H. Schuller, minister, Reformed Church in America; and Nichole Mastracchio and Clara Pitts, members, Brownie Troop 5179, Chantilly, VA.

Proclamation 7851—National Drunk and Drugged Driving Prevention Month, 2004

December 2, 2004

By the President of the United States of America

A Proclamation

As a Nation, we have made great strides in reducing the deadly cost of impaired driving, but driving under the influence of alcohol or drugs still shatters too many lives and

robs too many people of their potential. During National Drunk and Drugged Driving Prevention Month, we continue our work to end impaired driving and urge all Americans to be responsible and safe drivers this holiday season and throughout the year.

My Administration is committed to saving lives and preventing injuries resulting from alcohol- and drug-impaired driving. The NHTSA sponsors public education programs such as the "You Drink & Drive. You Lose." campaign to raise awareness about the dangers of drunk and drugged driving, and works with State and local law enforcement agencies as they conduct sobriety checkpoints and saturation patrols. In addition, the National Youth Anti-Drug Media Campaign has invested millions of dollars to educate Americans about the threat posed by illegal drugs and drugged driving. We are also increasing resources for State enforcement and education programs. My Administration awarded $80.6 million in grants this year to States that have lowered the legal threshold for impaired driving to .08 blood alcohol concentration (BAC). As of this year, all 50 States, the District of Columbia, and the Commonwealth of Puerto Rico have adopted this legal definition of impaired driving.

Individuals across our country can help prevent drunk and drugged driving by encouraging responsible actions, identifying sober designated drivers, and educating young people about safe, substance-free driving behavior. Working together, all Americans can make our roads safer and save lives by preventing drunk and drugged driving.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim December 2004 as National Drunk and Drugged Driving Prevention Month.

In Witness Whereof, I have hereunto set my hand this second day of December, in the year of our Lord two thousand four, and of the Independence of the United States of America the two hundred and twenty-ninth.

George W. Bush

[Filed with the Office of the Federal Register, 8:45 a.m., December 3, 2004]

NOTE: This proclamation was published in the *Federal Register* on December 6.

Remarks on the Nomination of Bernard B. Kerik To Be Secretary of Homeland Security

December 3, 2004

The President. Good morning. I'm proud to announce my nomination of Commissioner Bernard Kerik as the Secretary of Homeland Security.

Bernie Kerik is one of the most accomplished and effective leaders of law enforcement in America. In his career, he has served as an enlisted military police officer in Korea, a jail warden in New Jersey, a beat cop in Manhattan, New York City corrections commissioner, and as New York's 40th police commissioner, an office once held by Teddy Roosevelt. In every position, he has demonstrated a deep commitment to justice, a heart for the innocent, and a record of great success.

I'm grateful he's agreed to bring his lifetime of security experience and skill to one of the most important positions in the Federal Government. Bernie is a dedicated, innovative reformer who insists on getting results. As the head of New York City jails, he cut inmate violence by more than 90 percent. As Mayor Rudy Giuliani's police commissioner, he had great success in reducing crime in New York City. His broad, practical, hands-on experience makes Bernie superbly qualified to lead the Department of Homeland Security.

When confirmed by the Senate, Bernie Kerik will build on the historic accomplishments of Secretary Tom Ridge. As the Department's first leader, Tom oversaw the large reorganization—the largest reorganization of the Government in nearly a half-century. He met urgent challenges with patience and purpose, and because of his service, our country is safer.

Tom also carried out his duties with skill and honesty and decency. He's been my friend for more than 20 years. He is one of the great public servants of our generation. Tom Ridge has our Nation's gratitude; he's

got my gratitude; and I wish he and Michele all the best.

My nominee to succeed Secretary Ridge has the background and the passion that are needed to protect our citizens. As police commissioner on September the 11th, 2001, Bernie Kerik arrived at the World Trade Center minutes after the first plane hit. He was there when the Twin Towers collapsed. He knew the faces of the rescuers who rushed toward danger. He attended the funeral of the officers who didn't come back. Bernie Kerik understands the duties that came to America on September the 11th. The resolve he felt that morning will guide him every day on his job. And every first-responder defending our homeland will have a faithful ally in Bernie Kerik.

As he prepares for new responsibility, Bernie Kerik has the love and support of his family, his wife, Hala; his children, Joseph, Celine, and Angelina and Lisa. He will always be inspired by his father and hero, Donald Kerik, Sr., and his caring stepmother, Clara. Bernard Kerik has devoted his life to protecting his fellow citizens, and his example has led many others to take up that calling. He loves his country. He has gained the trust and admiration of millions. I call on the Senate to promptly confirm his nomination as the Secretary of Homeland Security.

Thank you for serving, Bernie, and congratulations.

Secretary-Designate Kerik. Mr. President, thank you.

The President. Yes, sir.

[*At this point, Secretary-Designate Kerik made brief remarks.*]

The President. Good job. Thank you, sir.

NOTE: The President spoke at 9:54 a.m. in the Roosevelt Room at the White House. In his remarks, he referred to Rudolph W. Giuliani, former mayor of New York City; and Michele Ridge, wife of Homeland Security Secretary Tom Ridge. The transcript released by the Office of the Press Secretary also included the remarks of Secretary-Designate Kerik.

Remarks on Signing the Individuals with Disabilities Education Improvement Act of 2004

December 3, 2004

Thanks for coming. Good morning. I'm proud to be standing up here with friends from both sides of the political aisle who worked together to reauthorize the Individuals with Disabilities Education Act. It's a really good piece of legislation. It took a lot of hard work, and it shows what is possible in our Nation's Capital.

I want to thank Mike Castle for being the sponsor of the bill. I appreciate your hard work, Mike. I also appreciate being here with Senator Ted Kennedy, who has been a longtime advocate for the IDEA legislation. I appreciate you bringing your sister. Welcome. I want to thank Senator Mike Enzi from Wyoming and Senator Pat Roberts from Kansas, Senator Sessions from Alabama, Senator Lamar Alexander from Tennessee, and Congressman Ric Keller for being here as well. Thanks for your good work and your stalwart support.

I appreciate Gene Hickok. Dr. Hickok here is the Deputy Secretary of the U.S. Department of Education. I want to thank Doug Huntt, who is the commissioner of the Ohio Rehabilitation Services Commission, for agreeing to serve on the President's Commission on Excellence in Special Education. I want to thank you for your work on that, Dr. Huntt.

I appreciate Kyle Stevenson being up here today. Kyle, thank you for coming. I first got to meet Kyle at the—[*laughter*]—White House tee-ball game. He's a pretty good player. Thanks for coming. Stephanie, I appreciate you being here. It's good to see you again. I want to thank Isabelle June Bailey for being here. Isabelle June, thank you for being here. We're so proud you're here. Thank you for joining us. [*Laughter*] She's up here with her mom, Carolyn, and her dad and two brothers, Alex and Ben, are with us today as well. Thank you all for coming.

America's schools educate over 6 million children with disabilities. In the past, those students were too often just shuffled through the system with little expectation that they could make significant progress or succeed

like their fellow classmates. Children with disabilities deserve high hopes, high expectations, and extra help.

In the bill I sign today, we're raising expectations for the students. We're giving schools and parents the tools they need to meet them. We're applying the reforms of the No Child Left Behind Act to the Individuals with Disabilities Education Improvement Act so schools are accountable for teaching every single child. All our students deserve excellent teachers, so this law ensures that students with disabilities will have special education teachers with the skills and training to teach special education and their subject area.

Some students with disabilities will need intensive, individualized help. So this law, for the first time, will support tutoring programs to help children in schools that need improvement. When schools are so busy trying to deal with unnecessary and costly lawsuits, they have less time to spend with students. So we're creating opportunities for parents and teachers to resolve problems early. We're making the system less litigious so it can focus on the children and their parents.

The people who care most about the students are, of course, the teachers and especially the parents, who know their needs and know their names. So we're giving more flexibility and control over the students' education to parents and teachers and principals. We'll make sure that parents and schools can change a student's educational program to better meet their needs, without having to attend unnecessary meetings or complete unnecessary paperwork. We trust the local folks to meet high standards for all our kids, and this bill gives them the freedom and flexibility to meet our goals.

All students in America can learn. That's what all of us up here believe. All of us understand we have an obligation to make sure no child is left behind in America. So I'm honored to sign the Individuals with Disabilities Education Improvement Act of 2004, and once again thank the Members for being here.

NOTE: The President spoke at 10:20 a.m. in Room 350 of the Dwight D. Eisenhower Executive Office Building. In his remarks, he referred to Eunice Kennedy Shriver, founder, Special Olympics. At the time of publication, H.R. 1350, approved December 3, had not been received by the Office of the Federal Register for assignment of a Public Law number.

Statement on Signing the Individuals with Disabilities Education Improvement Act of 2004

December 3, 2004

Today, I have signed into law H.R. 1350, the "Individuals with Disabilities Education Improvement Act of 2004." The Act strengthens the ability of the Federal Government to assist States in the education of children with disabilities.

The executive branch shall construe provisions of the Act that require taking account of race, culture, gender, age, region, socioeconomics, ideology, secularity, and partisan politics, including sections 612, 616, 618, 637, 663, 664, and 681 of the Individuals with Disabilities Education Act, as enacted by section 101 of the Act, and section 177(b)(3) of the Education Sciences Reform Act of 2002, as enacted by section 201(a)(2) of the Act, in a manner consistent with the First Amendment and the requirement of the Due Process Clause of the Fifth Amendment to the Constitution to afford equal protection of the laws.

The executive branch shall construe section 615(e)(2)(G) of the Individuals with Disabilities Education Act, as enacted by section 101 of the Act, as establishing a duty for a State to follow the specified statutory exclusionary rule only when that duty is a condition of a Federal grant or contract accepted by or under the authority of that State, as is consistent with the principles governing Federal-State relations enunciated by the Supreme Court of the United States in *Printz* v. *United States*.

George W. Bush

The White House,
December 3, 2004.

NOTE: At the time of publication, H.R. 1350, approved December 3, had not been received by the Office of the Federal Register for assignment of a Public Law number.

Statement on the Resignation of Tommy G. Thompson as Secretary of Health and Human Services

December 3, 2004

I have known Tommy Thompson for many years—first when we served as Governors and then as my Secretary of Health and Human Services. He is a friend and a true public servant who worked every day to make Americans healthier and to help more Americans in need achieve the dream of independence and personal responsibility.

He worked to modernize and add prescription drug coverage to Medicare for the first time in the program's history. He focused on expanding services to seniors, people with disabilities, and low-income Americans. He led the effort to broaden the network of community health centers across our country and to advance the development and use of health information technology. Throughout his career as Governor and as Secretary of Health and Human Services, Tommy has led efforts to reform welfare laws and help more people transition from welfare to work.

Tommy has been a stalwart member of my homeland security team, especially through his contributions to our Nation's response to the threat of bioterrorism. And he has done a superb job in our compassionate mission of helping those here and abroad fight the scourge of the HIV/AIDS virus.

Tommy served as Governor of Wisconsin for 14 years and has served as Secretary of Health and Human Services for 4 years, and I appreciate his desire to tackle new challenges. I wish Tommy and Sue Ann all the best.

NOTE: The Office of the Press Secretary also made available Secretary Thompson's letter of resignation.

Statement on the Resignation of John C. Danforth as United States Ambassador to the United Nations

December 3, 2004

Jack Danforth has served with distinction as United States Ambassador to the United Nations. He represented our Nation ably and well during a time when we are waging a global war on terror. Because of his tireless efforts as Special Envoy to the Sudan, the world is closer than ever to seeing an end to the Sudanese North-South conflict. Throughout his life, including as a distinguished United States Senator and as Attorney General of Missouri, Jack Danforth has been a man of strong convictions and deep integrity who has made our country better and stronger. I understand his desire to return home to Missouri, and I thank Jack for his superb service and his friendship. I wish Sally and him all the best.

Executive Order 13365—2004 Amendments to the Manual for Courts-Martial, United States

December 3, 2004

By the authority vested in me as President by the Constitution and the laws of the United States of America, including chapter 47 of title 10, United States Code (Uniform Code of Military Justice, 10 U.S.C. 801–946), and in order to prescribe amendments to the Manual for Courts-Martial, United States, prescribed by Executive Order 12473, as amended, it is hereby ordered as follows:

Section 1. (a) Paragraph 4 of the Preamble to Part I of the Manual for Courts-Martial, United States, is amended by adding a third subparagraph to read as follows:

"The Department of Defense Joint Service Committee (JSC) on Military Justice reviews the Manual for Courts-Martial and proposes amendments to the Department of Defense for consideration by the President on an annual basis. In conducting its annual review, the JSC is guided by DoD Directive 5500.17, "The Roles and Responsibilities of the Joint Service Committee (JSC) on Military Justice." DoD Directive 5500.17 includes provisions allowing public participation in the annual review process."

(b) Department of Defense Directive 5500.17 shall be included as Appendix 26 to the Manual for Courts-Martial, United States.

Sec. 2. Part II of the Manual for Courts-Martial, United States, is amended as follows:

(a) R.C.M. 307(c)(3) is amended to read as follows:

"*Specification.* A specification is a plain, concise, and definite statement of the essential facts constituting the offense charged. A specification is sufficient if it alleges every element of the charged offense expressly or by necessary implication. Except for aggravating factors under R.C.M. 1003(d) and R.C.M. 1004, facts that increase the maximum authorized punishment must be alleged in order to permit the possible increased punishment. No particular format is required."

(b) R.C.M. 707(b)(3)(D) is amended to read as follows:

"*Rehearings.* If a rehearing is ordered or authorized by an appellate court, a new 120-day time period under this rule shall begin on the date that the responsible convening authority receives the record of trial and the opinion authorizing or directing a rehearing. An accused is brought to trial within the meaning of this rule at the time of arraignment under R.C.M. 904 or, if arraignment is not required (such as in the case of a sentence-only rehearing), at the time of the first session under R.C.M. 803."

(c) R.C.M. 707(c) is amended to read as follows:

"(c) *Excludable delay.* All periods of time during which appellate courts have issued stays in the proceedings, or the accused is absent without authority, or the accused is hospitalized due to incompetence, or is otherwise in the custody of the Attorney General, shall be excluded when determining whether the period in subsection (a) of this rule has run. All other pretrial delays approved by a military judge or the convening authority shall be similarly excluded."

(d) R.C.M. 707(d) is amended to read as follows:

"(d) *Remedy.* A failure to comply with this rule will result in dismissal of the affected charges, or, in a sentence-only rehearing, sentence relief as appropriate.

"(1) *Dismissal.* Dismissal will be with or without prejudice to the government's right to reinstitute court-martial proceedings against the accused for the same offense at a later date. The charges must be dismissed with prejudice where the accused has been deprived of his or her constitutional right to a speedy trial. In determining whether to dismiss charges with or without prejudice, the court shall consider, among others, each of the following factors: the seriousness of the offense; the facts and circumstances of the case that lead to dismissal; the impact of a re-prosecution on the administration of justice; and any prejudice to the accused resulting from the denial of a speedy trial.

"(2) *Sentence relief.* In determining whether or how much sentence relief is appropriate, the military judge shall consider, among others, each of the following factors: the length of the delay, the reasons for the delay, the accused's demand for speedy trial, and any prejudice to the accused from the delay. Any sentence relief granted will be applied against the sentence approved by the convening authority."

(e) R.C.M. 806(b) is amended to read as follows:

"(b) *Control of spectators and closure.*

"(1) *Control of spectators.* In order to maintain the dignity and decorum of the proceedings or for other good cause, the military judge may reasonably limit the number of spectators in, and the means of access to, the courtroom, and exclude specific persons from the courtroom. When excluding specific persons, the military judge must make findings on the record establishing the reason for the exclusion, the basis for the military judge's belief that exclusion is necessary, and that the exclusion is as narrowly tailored as possible.

"(2) *Closure.* Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure."

(f) R.C.M. 916(k)(2) is amended to read as follows:

"(2) *Partial mental responsibility.* A mental condition not amounting to a lack of mental responsibility under subsection (k)(1) of this rule is not an affirmative defense."

(g) R.C.M. 1103(f)(2) is amended to read as follows:

"(2) Direct a rehearing as to any offense of which the accused was found guilty if the finding is supported by the summary of the evidence contained in the record, provided that the convening authority may not approve any sentence imposed at such a rehearing more severe than or in excess of that adjudged by the earlier court-martial."

(h) The following subsection (iv) is inserted after R.C.M. 1107(e)(1)(B)(iii) to read as follows:

"(iv) *Sentence reassessment.* If a superior authority has approved some of the findings of guilty and has authorized a rehearing as to other offenses and the sentence, the convening authority may, unless otherwise directed, reassess the sentence based on the approved findings of guilty and dismiss the remaining charges. Reassessment is appropriate only where the convening authority determines that the accused's sentence would have been at least of a certain magnitude had the prejudicial error not been committed and the reassessed sentence is appropriate in relation to the affirmed findings of guilty."

(i) R.C.M. 1108(b) is amended to read as follows:

"(b) *Who may suspend and remit.* The convening authority may, after approving the sentence, suspend the execution of all or any part of the sentence of a court-martial, except for a sentence of death. The general court-martial convening authority over the accused at the time of the court-martial may, when taking the action under R.C.M. 1112(f), suspend or remit any part of the sentence. The Secretary concerned and, when designated by the Secretary concerned, any Under Secretary, Assistant Secretary, Judge Advocate General, or commanding officer may suspend or remit any part or amount of the unexecuted part of any sentence other than a sentence approved by the President or a sentence of confinement for life without eligibility for parole that has been ordered executed. The Secretary concerned may, however, suspend or remit the unexecuted part of a sentence of confinement for life without eligibility for parole only after the service of a period of confinement of not less than 20 years. The commander of the accused who has the authority to convene a court-martial of the kind that adjudged the sentence may suspend or remit any part of the unexecuted part of any sentence by summary court-martial or of any sentence by special court-martial that does not include a bad-conduct discharge regardless of whether the person acting has previously approved the sentence. The "unexecuted part of any sentence" is that part that has been approved and ordered executed but that has not actually been carried out."

(j) R.C.M. 1305(c) is amended to read as follows:

"(c) *Authentication.* The summary court-martial shall authenticate the record by signing the original record of trial."

(k) R.C.M. 1306(b)(1) is amended to read as follows:

"(1) *Who shall act.* Except as provided herein, the convening authority shall take action in accordance with R.C.M. 1107. The convening authority shall not take action before the period prescribed in R.C.M. 1105(c)(2) has expired, unless the right to submit matters has been waived under R.C.M. 1105(d)."

Sec. 3. Part III of the Manual for Courts-Martial, United States, is amended as follows:

(a) Mil. R. Evid. 103(a)(2) is amended to read as follows:

"(2) *Offer of proof.* In case the ruling is one excluding evidence, the substance of the evidence was made known to the military judge by offer or was apparent from the context within which questions were asked. Once the military judge makes a definitive ruling on the record admitting or excluding evidence, either at or before trial, a party need not renew an objection or offer of proof to preserve a claim of error for appeal. The standard provided in this subdivision does not apply to errors involving requirements imposed by the Constitution of the United States as applied to members of the armed forces except insofar as the error arises under these rules and this subdivision provides a standard that is more advantageous to the accused than the constitutional standard."

(b) Mil. R. Evid. 404(a) is amended to read as follows:

"(a) *Character evidence generally.* Evidence of a person's character or a trait of character is not admissible for the purpose of proving action in conformity therewith on a particular occasion, except:

"(1) *Character of accused.* Evidence of a pertinent trait of character offered by an accused, or by the prosecution to rebut the same, or if evidence of a pertinent trait of character of the alleged victim of the crime is offered by an accused and admitted under Mil. R. Evid. 404(a)(2), evidence of the same trait of character, if relevant, of the accused offered by the prosecution;

"(2) *Character of alleged victim.* Evidence of a pertinent trait of character of the alleged victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the alleged victim offered by the prosecution in a homicide or assault case to rebut evidence that the alleged victim was an aggressor;

"(3) *Character of witness.* Evidence of the character of a witness, as provided in Mil. R. Evid. 607, 608, and 609."

(c) Mil. R. Evid. 701 is amended to read as follows:

"If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences that are (a) rationally based on the perception of the witness, (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue, and (c) not based in scientific, technical, or other specialized knowledge within the scope of Rule 702."

(d) Mil. R. Evid. 702 is amended to read as follows:

"If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education may testify thereto in the form of an opinion or otherwise if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case."

(e) Mil. R. Evid. 703 is amended to read as follows:

"The facts or data in the particular case upon which an expert bases an opinion or inference may be those perceived by or made known to the expert, at or before the hearing. If of a type reasonably relied upon by experts in the particular field in forming opinions or inferences upon the subject, the facts or data need not be admissible in evidence in order for the opinion or inference to be admitted. Facts or data that are otherwise inadmissible shall not be disclosed to the members by the proponent of the opinion or inference unless the military judge determines that their probative value in assisting the members to evaluate the expert's opinion substantially outweighs their prejudicial effect."

(f) Mil. R. Evid. 803(6) is amended to read as follows:

"*Records of regularly conducted activity.* A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnoses, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, or by certification that complies with Mil. R. Evid. 902(11) or any other statute permitting certification in a criminal proceeding in a court of the United States, unless the source of the information or the method or circumstances of preparation indicate a lack of trustworthiness. The term "business" as used in this paragraph includes the armed forces, a business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit. Among those memoranda, reports, records, or data compilations normally admissible pursuant to this paragraph are enlistment papers, physical examination papers, outline-figure and fingerprint cards, forensic laboratory reports, chain of custody documents, morning reports and other personnel accountability documents, service records, officer and enlisted qualification records, logs, unit personnel diaries, individual equipment records, daily strength

records of prisoners, and rosters of prisoners."

(g) The following subsection (11) is inserted after Mil. R. Evid. 902(10) to read as follows:

"(11) *Certified domestic records of regularly conducted activity.* The original or a duplicate of a domestic record of regularly conducted activity that would be admissible under Mil. R. Evid. 803(6) if accompanied by a written declaration of its custodian or other qualified person, in a manner complying with any Act of Congress or rule prescribed by the Supreme Court pursuant to statutory authority, certifying that the record (A) was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person with knowledge of those matters; (B) was kept in the course of the regularly conducted activity; and (C) was made by the regularly conducted activity as a regular practice. A party intending to offer a record into evidence under this paragraph must provide written notice of that intention to all adverse parties, and must make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge them."

(h) Mil. R. Evid. 1102 is amended to read as follows:

"(a) Amendments to the Federal Rules of Evidence shall apply to the Military Rules of Evidence 18 months after the effective date of such amendments, unless action to the contrary is taken by the President.

"(b) *Rules Determined Not To Apply.* The President has determined that the following Federal Rules of Evidence do not apply to the Military Rules of Evidence: Rules 301, 302, 415, and 902(12)."

Sec. 4. Part IV of the Manual for Courts-Martial, United States, is amended as follows:

(a) Paragraph 45(b)(2) is amended by deleting paragraph 45(b)(2)(c) and inserting the following after paragraph 45(b)(2)(b):

"(c)(1) That at the time of the sexual intercourse the person was under the age of 12; or

"(2) That at the time of the sexual intercourse the person had attained the age of 12 but was under the age of 16."

(b) Paragraph 45(f) is amended to read as follows:

"f. *Sample specifications.*

"(1) *Rape.*

"In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20____, rape _____, (a person under the age of 12) (a person who had attained the age of 12 but was under the age of 16).

"(2) *Carnal Knowledge.*

"In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20____, commit the offense of carnal knowledge with _____, (a person under the age of 12) (a person who attained the age of 12 but was under the age of 16)."

(c) Paragraph 51(b) is amended to read as follows:

"(1) That the accused engaged in unnatural carnal copulation with a certain other person or with an animal.

"(Note: Add any of the following as applicable)

"(2) That the act was done with a child under the age of 12.

"(3) That the act was done with a child who had attained the age of 12 but was under the age of 16.

"(4) That the act was done by force and without the consent of the other person."

(d) Paragraph 51(f) is amended to read as follows:

"f. *Sample specification.*

"In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20____, commit sodomy with _____, (a child under the age of 12) (a child who had attained the age of 12 but was under the age of 16) (by force and without the consent of the said _____)."

(e) Paragraph 57(c)(2)(b) is amended to read as follows:

"(b) *Material matter.* The false testimony must be with respect to a material matter, but that matter need not be the main issue in the case. Thus, perjury may be committed by giving false testimony with respect to the

credibility of a material witness or in an affidavit in support of a request for a continuance, as well as by giving false testimony with respect to a fact from which a legitimate inference may be drawn as to the existence or nonexistence of a fact in issue."

(f) Paragraph 100a(c)(1) is amended to read as follows:

"(1) *In general.* This offense is intended to prohibit and therefore deter reckless or wanton conduct that wrongfully creates a substantial risk of death or grievous bodily harm to others."

(g) Paragraph 100a(f) is amended to read as follows:

"f. *Sample specification.*

"In that _____ (personal jurisdiction data), did, (at/on board—location) (subject-matter jurisdiction data, if required), on or about _____ 20____, wrongfully and (recklessly) (wantonly) engage in conduct, to wit: (describe conduct), conduct likely to cause death or grievous bodily harm to _____."

Sec. 5. These amendments shall take effect 30 days from the date of this order.

(a) Nothing in these amendments shall be construed to make punishable any act done or omitted prior to the effective date of this order that was not punishable when done or omitted.

(b) Nothing in these amendments shall be construed to invalidate any nonjudicial punishment proceeding, restraint, investigation, referral of charges, trial in which arraignment occurred, or other action begun prior to the effective date of this order, and any such nonjudicial proceeding, restraint, investigation, referral of charges, trial, or other action may proceed in the same manner and with the same effect as if these amendments had not been prescribed.

George W. Bush

The White House,
December 3, 2004.

[Filed with the Office of the Federal Register, 8:45 a.m., December 7, 2004]

NOTE: This Executive order will be published in the *Federal Register* on December 8.

Digest of Other White House Announcements

The following list includes the President's public schedule and other items of general interest announced by the Office of the Press Secretary and not included elsewhere in this issue.

November 27

In the morning, at the Bush Ranch in Crawford, TX, the President had an intelligence briefing.

November 28

In the morning, the President and Mrs. Bush returned to Washington, DC, arriving in the afternoon.

November 29

In the morning, the President had an intelligence briefing.

In the afternoon, in the Oval Office, the President met with King Hamad bin Isa Al Khalifa of Bahrain.

The White House announced that the President will welcome President Pervez Musharraf of Pakistan to the White House on December 4.

The White House announced that the President will welcome President Abdoulaye Wade of Senegal to the White House on December 6.

The President announced his intention to nominate Carlos M. Gutierrez to be Secretary of Commerce.

November 30

In the morning, the President had an intelligence briefing. Later, he and Mrs. Bush traveled to Ottawa, Canada, where, upon arrival at Ottawa MacDonald-Cartier International Airport, they were met by Governor General Adrienne Clarkson of Canada.

Later in the morning, the President and Mrs. Bush went to Parliament Hill, where they were met by Prime Minister Paul Martin of Canada and his wife, Sheila. Later, they signed a guest book and met with Parliament officials. The President then met with Prime Minister Martin.

In the afternoon, in the Lester B. Pearson Building, the President had a working lunch

with Prime Minister Martin. Later, he and Mrs. Bush traveled to Gatineau, Canada, where they participated in a tour of the National Archives Preservation Centre.

Later in the afternoon, the President and Mrs. Bush returned to Ottawa. Then, in the Government Conference Centre, the President met with leader of the Official Opposition Stephen Harper. Later, in the Main Hall, he and Mrs. Bush, who joined him after his meeting with Mr. Harper, greeted embassy staff.

In the evening, the President and Mrs. Bush went to the Canadian Museum of Civilization in Gatineau, where, in the Grand Hall, they participated in an official dinner hosted by Prime Minister and Mrs. Martin.

Later in the evening, the President and Mrs. Bush returned to Ottawa.

December 1

In the morning, the President traveled to Halifax, Canada. While en route aboard Air Force One, he had an intelligence briefing.

In the afternoon, the President returned to Washington, DC. Later, in the Oval Office, he met with 2004 Nobel Laureates Linda Buck, Finn Kydland, Edward Prescott, Frank Wilczek, David Gross, and Richard Axel.

In the evening, on the State Floor, the President hosted a holiday reception.

The White House announced that the President will meet with King Abdullah II of Jordan at the White House on December 6.

December 2

In the morning, the President had an intelligence briefing. Later, in Room 450 of the Dwight D. Eisenhower Executive Office Building, he made remarks to the American Legislative Exchange Council.

In the afternoon, the President had separate telephone conversations with Senate Majority Leader Bill Frist and Speaker of the House of Representatives J. Dennis Hastert to discuss legislative priorities.

In the evening, on the State Floor, the President hosted a holiday reception.

The President announced his intention to nominate Gov. Mike Johanns of Nebraska to be Secretary of Agriculture.

The President announced his designation of the following individuals as members of the Presidential delegation to the inauguration of President Hamid Karzai of Afghanistan: Vice President Dick Cheney (head of delegation), Lynne Cheney, Donald H. Rumsfeld, Zalmay Khalilzad, Christina B. Rocca, and Karen Hughes.

December 3

In the morning, the President had an intelligence briefing.

In the afternoon, in Room 350 of the Dwight D. Eisenhower Executive Office Building, the President participated in a signing ceremony for the Internet Tax Nondiscrimination Act.

In the evening, the President hosted a holiday reception.

The White House announced that the President will welcome President Ghazi al-Ujayl al-Yawr of the Iraqi Interim Government to the White House on December 6.

The President announced his intention to nominate Bernard B. Kerik to be Secretary of Homeland Security.

The President announced his intention to nominate James William Carr, George M. Dennison, and Andrew J. McKenna, Jr., to be members of the National Security Education Board.

The President announced his intention to appoint Rebecca F. Denlinger, Gregory A. Peters, and Bruce Rohde as members of the National Infrastructure Advisory Council.

The President announced his intention to appoint Randall L. Stephenson as a member of the President's National Security Telecommunications Advisory Committee.

The President announced his intention to nominate Harry Robinson, Jr., to be a member of the Museum and Library Services Board.

Nominations Submitted to the Senate

NOTE: No nominations were submitted to the Senate during the period covered by this issue.

Checklist of White House Press Releases

The following list contains releases of the Office of the Press Secretary that are neither printed as items nor covered by entries in the Digest of Other White House Announcements.

Released November 29

Transcript of a press briefing by Press Secretary Scott McClellan

Statement by the Press Secretary on the upcoming visit of President Pervez Musharraf of Pakistan

Statement by the Press Secretary on the upcoming visit of President Abdoulaye Wade of Senegal

Released November 30

Transcript of a press gaggle by Press Secretary Scott McClellan

Statement by the Press Secretary announcing that the President signed H.R. 1113, H.R. 1284, H.R. 1417, H.R. 1446, H.R. 1964, H.R. 3936, H.R. 4516, H.R. 4593, H.R. 4794, H.R. 5163, H.R. 5213, and H.R. 5245

Joint Communique: Common Security, Common Prosperity: A New Partnership in North America

Released December 1

Transcript of a press gaggle by Press Secretary Scott McClellan

Statement by the Press Secretary on the upcoming visit of King Abdullah II of Jordan

Released December 2

Transcript of a press briefing by Press Secretary Scott McClellan

Statement by the Press Secretary on continued U.S. support for Nobel Peace Prize winner Aung San Suu Kyi and the Burmese people

Statement by the Press Secretary announcing that the President will award the Presidential Medal of Freedom to L. Paul Bremer III, Tommy R. Franks, and George J. Tenet

Released December 3

Transcript of a press briefing by Press Secretary Scott McClellan

Statement by the Press Secretary on the upcoming visit of President Ghazi al-Ujayl al-Yawr of the Iraqi Interim Government

Statement by the Press Secretary announcing that the President signed H.J. Res. 110, H.J. Res. 111, H.J. Res. 115, H.R. 1047, H.R. 1630, H.R. 2912, S. 150, S. 434, S. 1146, S. 1241, S. 1727, S. 2042, S. 2214, S. 2302, S. 2484, S. 2693, S. 2640, and S. 2965

Acts Approved by the President

Approved November 30

H.R. 1113 / Public Law 108–417
To authorize an exchange of land at Fort Frederica National Monument, and for other purposes

H.R. 1284 / Public Law 108–418
To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project

H.R. 1417 / Public Law 108–419
Copyright Royalty and Distribution Reform Act of 2004

H.R. 1446 / Public Law 108–420
California Missions Preservation Act

H.R. 1964 / Public Law 108–421
Highlands Conservation Act

H.R. 3936 / Public Law 108–422
Veterans Health Programs Improvement Act of 2004

H.R. 4516 / Public Law 108–423
Department of Energy High-End Computing Revitalization Act of 2004

H.R. 4593 / Public Law 108–424
Lincoln County Conservation, Recreation, and Development Act of 2004

H.R. 4794 / Public Law 108–425
To amend the Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000 to extend the authorization of appropriations, and for other purposes

H.R. 5163 / Public Law 108–426
Norman Y. Mineta Research and Special Programs Improvement Act

H.R. 5213 / Public Law 108–427
Research Review Act of 2004

H.R. 5245 / Public Law 108–428
To extend the liability indemnification regime for the commercial space transportation industry