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Week Ending Friday, December 24, 2004

Statement on Signing the Intelligence Reform and Terrorism Prevention Act of 2004

December 17, 2004

Today, I have signed into law S. 2845, the "Intelligence Reform and Terrorism Prevention Act of 2004" (the "Act"). The Act strengthens the intelligence and counterterrorism capabilities of the United States, including by appropriate implementation of the recommendations in the Report of the National Commission on Terrorist Attacks Upon the United States, often called the 9/11 Commission.

Many provisions of the Act deal with the conduct of United States intelligence activities and the defense of the Nation, which are two of the most important functions of the Presidency. The executive branch shall construe the Act, including amendments made by the Act, in a manner consistent with the constitutional authority of the President to conduct the Nation's foreign relations, as Commander in Chief of the Armed Forces, and to supervise the unitary executive branch, which encompass the authority to conduct intelligence operations.

The executive branch shall construe provisions in the Act that mandate submission of information to the Congress, entities within or outside the executive branch, or the public, in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Such provisions include sections 1022, 1061, 3001(f)(4), 5201, 5403(e), and 8403, and sections 101A(f) and 102A(c)(7) of the National Security Act of 1947 as amended by sections 1011 and 1031, section 703(b), 704, and 706(f) of the Public Interest Declassification Act of 2000 as amended by section 1102, section 601 of the Foreign Intelligence Surveillance Act of 1978 as amended by section 6002, section 207 of the Afghan Freedom Support Act of 2002 as amended by section 7104, section 112(b) of title 1, United States Code, as amended by section 7120, and section 878 of the Homeland Security Act as amended by section 7407.

To the extent that provisions of the Act purport to require or regulate submission by executive branch officials of legislative recommendations to the Congress, the executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to submit for congressional consideration such measures as the President judges necessary and expedient. Such provisions include sections 1094, 1095, 4012(b), 4019, 5201, 6303, 6403, 7119, 7208, 7213, 7502, 7802, 7803, and 8403(c), section 119B(g) of the National Security Act of 1947 as amended by section 1023, and section 44925 of title 49, United States Code, as amended by section 4013. To the extent that provisions of the Act, including section 3001(g) and section 102A(e) of the National Security Act of 1947 as amended by section 1011, purport to require consultation with the Congress as a condition to execution of the law, the executive branch shall construe such provision as calling for, but not mandating, such consultation.

Several provisions of the Act, including Title III and section 7601, purport to regulate access to classified national security information. The Supreme Court of the United States has stated that the President's authority to classify and control access to information bearing on national security flows from the Constitution and does not depend upon a legislative grant of authority. The executive branch shall construe such provisions in a manner consistent with the Constitution's

commitment to the President of the executive power, the power to conduct the Nation's foreign affairs, and the authority as Commander in Chief.

The executive branch shall construe as advisory provisions of the Act that purport to regulate the means by which the President obtains recommendations or information from subordinates in the executive branch, as is consistent with the constitutional commitment to the President of authority to supervise the unitary executive branch and to require the opinions of principal officers of executive departments. Such provisions include sections 103A(a), 103B(d), 106, 119(h), and 101A of the National Security Act of 1947, as amended by sections 1011, 1014, 1021, and 1031 of the Act.

The executive branch shall construe as advisory provisions of the Act that purport to require the conduct of negotiations with a foreign government or otherwise direct or burden the President's conduct of foreign relations, including sections 4026, 4072(c)(2), 5301 to the extent it involves foreign diplomats and other foreign officials, 7116, 7204, 7210, 7217, 7303(c), and 7703, and sections 104(d) and 206(d)(1) of the Afghanistan Freedom Support Act as amended by section 7104. Further, the executive branch shall construe section 6(j)(5) of the Export Administration Act of 1979 as amended by section 7102(c) of the Act, to identify a non-exclusive factor for the Secretary of State to consider in his discretion in making determinations under subsection 6(j), as is consistent with the use of the non-exclusive term "include" in the provision and the congressional decision reflected in the text of the statute to afford the President substantial latitude in implementation of the provision.

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

George W. Bush

The White House,
December 17, 2004.

NOTE: S. 2845, approved December 17, was assigned Public Law No. 108–458. An original was not available for verification of the content of this statement. This item was not received in time for publication in the appropriate issue.

Letter to Congressional Leaders Transmitting the "U.S. Ocean Action Plan"

December 17, 2004

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

Consistent with section 4 of the Oceans Act of 2000 (Public Law 106–256; 33 U.S.C. 857–19), I transmit herewith the "U.S. Ocean Action Plan," a report and statement of proposals prepared by the Council on Environmental Quality in response to the Commission on Ocean Policy's final recommendations.

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

The President's Radio Address

December 18, 2004

Good morning. This week my administration hosted an important conference on America's economic future. We heard from businessowners, workers, economists, and many other Americans who are seeing hopeful signs throughout our country. Our economy has come through a lot these past 4 years, and now our people are benefiting from solid economic growth, steady gains in new jobs, record homeownership, and rising family incomes.

We also discussed some of the fundamental challenges facing our economy, from junk lawsuits and burdensome regulation to the complicated Tax Code to the need for vital reforms in education, health care, and entitlements. I will work with members of both political parties to confront these problems so we can keep our economy flexible, innovative, and competitive, and so America