

Week Ending Friday, December 19, 2003

Statement on Signing the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003

December 12, 2003

Today, I have signed into law H.R. 1828, the “Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.” The Act is intended to strengthen the ability of the United States to conduct an effective foreign policy.

Section 5 of the Act purports to impose upon the President requirements to take certain actions against Syria unless the President either determines and certifies to the Congress that the Government of Syria has taken specific actions, or determines that it is in the national security interest of the United States to waive such requirements and reports the reasons for that determination to the Congress. A law cannot burden or infringe the President’s exercise of a core constitutional power by attaching conditions precedent to the use of that power. The executive branch shall construe and implement section 5 in a manner consistent with the President’s constitutional authority to conduct the Nation’s foreign affairs and as Commander in Chief, in particular with respect to the conduct of foreign diplomats in the United States, the conduct of United States diplomats abroad, and the exportation of items and provision of services necessary to the performance of official functions by United States Government personnel abroad.

Section 6 of the Act requires an officer in the executive branch to furnish information to the Congress on various subjects involving Syria and terrorism. The executive branch shall construe section 6 in a manner consistent with the President’s constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes

of the Executive, or the performance of the Executive’s constitutional duties.

My approval of the Act does not constitute my adoption of the various statements of policy in the Act as U.S. foreign policy. Given the Constitution’s commitment to the Presidency of the authority to conduct the Nation’s foreign affairs, the executive branch shall construe such policy statements as advisory, giving them the due weight that comity between the legislative and executive branches should require, to the extent consistent with U.S. foreign policy.

George W. Bush

The White House,
December 12, 2003.

NOTE: H.R. 1828, approved December 12, was assigned Public Law No. 108-175. This item was not received in time for publication in the appropriate issue.

Statement on Signing the Vision 100—Century of Aviation Reauthorization Act

December 12, 2003

Today, I have signed into law H.R. 2115, the “Vision 100—Century of Aviation Reauthorization Act.” The Act is designed to strengthen America’s aviation sector, provide needed authority to the Federal Aviation Administration (FAA), and enhance the safety of the traveling public.

Subtitle A of title II of the Act amends section 106 of title 49 of the United States Code to abolish the Air Traffic Services Subcommittee of the Federal Aviation Management Advisory Council and creates, separate from the Council, an Air Traffic Services Committee (ATSC). Section 106 as amended vests in the ATSC substantial governmental authority, including the power to approve the FAA’s strategic plan for the air traffic control

system, certain large procurements, appointment and pay of the FAA Chief Operating Officer, FAA major reorganizations, and the FAA cost accounting and financial management structure. Under section 106(p)(6)(C), as amended, the members of the abolished Air Traffic Services Subcommittee of the Council automatically become the members of the ATSC, but only to "serve in an advisory capacity," with the ATSC beginning to exercise non-advisory authority when the ATSC members have been appointed by the President by and with the advice and consent of the Senate. Accordingly, in light of section 106(p)(6)(C), the executive branch shall construe the provisions of section 106(p) and 106(r) that refer to approval or other non-advisory functions of the ATSC to require, from the date of enactment of the Act through the date on which the last Senate-confirmed Presidential appointment is made to the ATSC, only notice to the ATSC and an opportunity for the ATSC to express its views.

Section 106(p)(7)(B)(iii) of title 49, as enacted by section 202 of the bill, purports to limit the qualifications of the pool of persons from whom the President may select ATSC members in a manner that rules out a large portion of those persons best qualified by experience and knowledge to fill the office. Congressional participation in such appointments is limited by the Appointments Clause of the Constitution to the Senate's provision of advice and consent with respect to Presidential nominees. The executive branch shall construe the provisions concerning qualifications in section 106(p)(7)(B)(iii) as advisory, as is consistent with the Appointments Clause.

Section 47171 of title 49, as enacted by section 304(a) of the Act, purports to mandate the process for cooperation among agencies in the executive branch in conducting environmental reviews for certain airport projects. In particular, section 47171(i) purports to require one part of the executive branch to report to committees of Congress when a second part of the executive branch has not met the first part's deadlines for action on certain environmental reviews, and then requires the second part to explain to the committees why it did not meet the

deadline and what actions it intends to take to complete the relevant matter. The executive branch shall implement section 47171 in a manner and to the extent consistent with the President's constitutional authority to supervise the unitary executive branch.

The executive branch shall construe and implement section 323(b)(2) of the Act, relating to certain disputes, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch.

The executive branch shall construe the provisions of section 411(i) of the Act, concerning the provision of executive branch information and records to the National Commission on Small Community Air Service, in a manner consistent with the President's constitutional authority to withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

The executive branch shall construe and implement section 46111 of title 49, as enacted by section 601(a) of the Act, relating to access to and use of classified information, in a manner consistent with the President's constitutional authority to classify and control access to information bearing on the national security.

The executive branch shall implement sections 702 and 703 of the Act, which relate to the award of certain government scholarships, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

Section 44511(f) of title 49, as enacted by section 712 of the Act, requires the Secretary of Transportation to appoint "an independent governing board" for a 4-year airport cooperative research pilot program. The executive branch shall construe the reference to the board as "independent" to mean independence within the Department of Transportation from the FAA, while the board remains subject to the statutory authority of the Secretary as the head of the Department and the President's constitutional authority to supervise the unitary executive branch.

Moreover, the executive branch shall construe the provisions for nomination of candidates for the board by particular officials or organizations as advisory, as is consistent with the Appointments Clause of the Constitution.

The executive branch shall construe as advisory the provisions of section 812(a) of the Act that purport to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations, or other entities abroad. Such provisions, if construed as mandatory rather than advisory, would impermissibly interfere with the President's constitutional authority to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.

George W. Bush

The White House,
December 12, 2003.

NOTE: H.R. 2115, approved December 12, was assigned Public Law No. 108-176. This item was not received in time for publication in the appropriate issue.

The President's Radio Address

December 13, 2003

Good morning. This week I was honored to sign the Medicare Act of 2003, the greatest advance in health coverage for America's seniors since Medicare was founded nearly four decades ago. This new law will give seniors better choices and more control over their health care and provide a prescription drug benefit.

Beginning in 2006, most seniors now without prescription coverage can expect to see their current drug bills cut roughly in half in exchange for a monthly premium of about \$35. And for the first time, seniors will have peace of mind that they will not face unlimited expenses for their Medicare.

These and other major improvements in Medicare came about because Republicans and Democrats in Congress were willing to work together for the interests of our senior citizens. We were able to pass this law because we listened to the people, set the right

priorities, and worked hard until we finished the job.

The reform and modernization of Medicare was one milestone in a year of accomplishment. We worked with Congress to take action in a number of areas on behalf of the American people. Last May, the House and Senate passed my jobs-and-growth package into law, delivering substantial tax relief to 91 million Americans. We reduced taxes for everyone who pays income taxes, increased the child tax credit, cut the taxes on dividends and capital gains, and gave 23 million small-business owners incentives to invest for the future.

And now we are seeing the results. In the third quarter, the economy grew at the fastest pace in almost 20 years. Productivity, manufacturing, and housing construction are expanding, and we have added over 300,000 jobs since August. The tax relief we passed is working, and our economy is gaining strength.

Legislation passed this year also showed the compassion and the good heart of America. We created the American Dream Downpayment Fund to help low-income citizens afford the downpayment on homes of their own. We defended children from the violence of partial birth abortion and passed new incentives to promote the adoption of children in foster care. And we acted to fight the global spread of AIDS by launching a multiyear emergency effort to prevent millions of new infections in Africa and the Caribbean and to provide medicine and humane care to millions more who suffer.

This year we took important action to protect the environment. Our whole Nation saw the devastation left by wildfires in the West, and we passed healthy forest legislation to thin the underbrush that fuels catastrophic blazes.

Our Government also took urgent action on every front in the war on terror. Congress appropriated more than \$31 billion for the Department of Homeland Security to prepare first-responders and safeguard our ports and infrastructure and help scientists develop vaccines against dangerous biological threats. Our country stood behind the men and women of our Armed Forces as they liberated Iraq and helped carry out the work of