

Statement on Signing the Coast Guard and Maritime Transportation Act of 2004

August 9, 2004

Today I have signed into law H.R. 2443, the “Coast Guard and Maritime Transportation Act of 2004.” The Act authorizes appropriations for the United States Coast Guard, facilitates navigation and shipping, and strengthens the security of maritime transportation.

To the extent that provisions of the Act, including sections 217, 708(c)(2), and 803(c)(11), call for submission 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 recommend for the consideration of the Congress such measures as the President shall judge necessary and expedient. Accordingly, the affected departments and agencies shall ensure that any reports or recommendations submitted to the Congress are subjected to appropriate executive branch review and approval before submission.

To ensure consistency with the Appointments Clause of the Constitution, the executive branch shall construe the phrase “if acceptable to the President and the Senate” as used in section 220 of the Act to require nomination by the President and the advise and consent of the Senate for the appointments addressed by that section.

George W. Bush

The White House,
August 9, 2004.

NOTE: H.R. 2443, approved August 9, was assigned Public Law No. 108–293.

**Executive Order 13351—
Establishing an Emergency Board To Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and Its Conductors Represented by the United Transportation Union**

August 9, 2004

A dispute exists between the Southeastern Pennsylvania Transportation Authority and its conductors represented by the United Transportation Union.

The dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended, 45 U.S.C. 151–188 (the “Act”).

A first emergency board to investigate and report on the dispute was established on April 12, 2004, by Executive Order 13334 of April 10, 2004. The emergency board terminated upon issuance of its report. Subsequently, its recommendations were not accepted by the parties.

A party empowered by the Act has requested that the President establish a second emergency board pursuant to section 9A of the Act (45 U.S.C. 159a).

Section 9A(e) of the Act provides that the President, upon such request, shall appoint a second emergency board to investigate and report on the dispute.

Now, Therefore, by the authority vested in me as President by the Constitution and the laws of the United States, including section 9A of the Act, it is hereby ordered as follows:

Section 1. *Establishment of Emergency Board (“Board”).* There is established, effective August 10, 2004, a Board of three members to be appointed by the President to investigate and report on this dispute. No member shall be pecuniarily or otherwise interested in any organization of railroad employees or any carrier. The Board shall perform its functions subject to the availability of funds.