This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

**Emergencies, National Security, and Law Enforcement Activities**

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

**Armed Forces Actions**

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces’ discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes, including, but not limited to, defensive areas and airspace reservations.

The establishment of this monument is subject to valid existing rights.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

**In Witness Whereof,** I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

George W. Bush

[Filed with the Office of the Federal Register, 8:45 a.m., January 9, 2009]

NOTE: This proclamation and its annex were published in the *Federal Register* on January 12.

**Proclamation 8337—Establishment of the Rose Atoll Marine National Monument**

**January 6, 2009**

*By the President of the United States of America*

**A Proclamation**

In the Pacific Ocean approximately 130 nautical miles east-southeast of Pago Pago Harbor, American Samoa, lies Rose Atoll—the easternmost Samoan island and the southernmost point of the United States. This small atoll, which includes the Rose Atoll National Wildlife Refuge with about 20
acres of land and 1,600 acres of lagoon, re- 
mains one of the most pristine atolls in the 
world. The lands, submerged lands, waters, 
and marine environment around Rose Atoll 
support a dynamic reef ecosystem that is 
home to a very diverse assemblage of terres-
trial and marine species, many of which are 
threatened or endangered.

One of the most striking features of Rose 
Atoll is the pink hue of fringing reef caused 
by the dominance of coralline algae, which 
is the primary reef-building species. Though 
there are roughly 100 species of stony corals, 
the shallow reefs are dominated by crustose 
coralline algae, making them distinctive and 
quite different from those found at other Sa-
moan islands. The marine area provides iso-
lated, unmolested nesting grounds for green 
and hawksbill turtles and has the largest 
number of nesting turtles in American 
Samoa. Its waters are frequented by numer-
ous large predators: whitetip reef sharks, 
blacktip reef sharks, gray reef sharks, snap-
pers, jacks, groupers, and barracudas. Spe-
cies that have faced depletion elsewhere, 
some of which have declined worldwide by 
as much as 98 percent, are found in abun-
dance at Rose Atoll, including giant clams, 
Maori wrasse, large parrotfishes, and black-
tip, whitetip, and gray reef sharks. Hump-
back whales, pilot whales, and the porpoise 
genus Stenella have all been spotted at Rose 
Atoll. There are 272 species of reef fish, with 
seven species first described by scientists at 
Rose and dozens more new species discov-
ered on the first deep water dive to 200 me-
ters. Recent submersible dives around Rose 
Atoll have revealed abundant marine life, 
deep sea coral forests, and several new fish 
and invertebrate species.

Rose Atoll supports most of the seabird 
population of American Samoa, including 12 
federally protected migratory shorebirds, five 
species of federally protected shorebirds, and 
a migrant forest bird, the long-tailed cuckoo. 
Rare species of nesting petrels, shearwaters, 
and terns are thriving at Rose Atoll and in-
creasing in number. The atoll is known to 
Samoans, who have periodically visited over 
the past millennium, as “Nu’u O Manu” 
(“Village of seabirds”). It is believed that 
Polynesians have harvested at Rose Atoll for 
millennia and several species, such as the 
giant clam, were used for cultural celebra-
tions and events. Few relatively undisturbed 
islands remain in the world and Rose Atoll 
is one of the last remaining refuges for the 
seabird and turtle species of the Central Pa-
cific. Threatened Pisonia atoll forest trees are 
also found at Rose Atoll.

Whereas the lands, submerged lands, and 
waters of and marine environment around 
Rose Atoll contain objects of historic or sci-
entific interest that are situated upon lands 
owned or controlled by the Government of 
the United States;

Whereas the United States continues to 
act in accordance with the balance of inter-
ests relating to traditional uses of the oceans 
recognizing freedom of navigation and over-
flight and other internationally recognized 
lawful uses of the sea;

Whereas section 2 of the Act of June 8, 
1906 (34 Stat. 225, 16 U.S.C. 431) (the “Ant-
iquities Act”) authorizes the President, in his 
discretion, to declare by public proclamation 
historic landmarks, historic and prehistoric 
structures, and other objects of historic or 
scientific interest that are situated upon lands 
owned or controlled by the Government of 
the United States to be national monuments, 
and to reserve as a part thereof parcels of 
land, the limits of which in all cases shall be 
confined to the smallest area compatible with 
the proper care and management of the ob-
jects to be protected;

Whereas it is in the public interest to pre-
serve the lands, submerged lands and waters 
of, and marine environment around Rose 
Atoll as necessary for the care and manage-
ment of the historic and scientific objects 
therein:

Now, Therefore, I, George W. Bush, 
President of the United States of America, 
by the authority vested in me by section 2 
of the Antiquities Act, do proclaim that there 
are hereby set apart and reserved as the Rose 
Atoll Marine National Monument (the “monument” or “marine national monu-
mement”) for the purpose of protecting the ob-
jects described in the above preceding para-
graphs, all lands and interests in lands owned 
or controlled by the Government of the 
United States within the boundaries that lie 
approximately 50 nautical miles from the 
mean low water line of Rose Atoll as depicted
on the accompanying map entitled “Rose Atoll Marine National Monument” attached to and forming a part of this proclamation. The Federal land and interests in land reserved consists of approximately 13,451 square miles of emergent and submerged lands and waters of and around Rose Atoll in American Samoa, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws to the extent that those laws apply.

Management of the Marine National Monument

The Secretary of the Interior shall have management responsibility for the monument, including Rose Atoll National Wildlife Refuge, in consultation with the Secretary of Commerce, except that the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, shall have the primary management responsibility regarding the management of the marine areas of the monument seaward of mean low water, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and any other applicable authorities. The Secretary of Commerce shall initiate the process to add the marine areas of the monument to the Fagatele Bay National Marine Sanctuary in accordance with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), including its provision for consultation with an advisory council, to further the protection of the objects identified in this proclamation. In developing and implementing any management plans and any management rules and regulations, the Secretary of Commerce shall consult with the Secretary of the Interior and shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of State, the Department of Defense, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of American Samoa, consistent with these authorities.

The Secretary of the Interior shall continue to manage the Rose Atoll National Wildlife Refuge consistent with the protection of the objects identified in this proclamation. The Secretary of the Interior shall, in developing any management plans and any management rules and regulations governing the Rose Atoll National Wildlife Refuge, comply with the National Environmental Policy Act and consult with the Secretary of Commerce.

For the purposes of protecting the objects identified above, the Secretaries of the Interior and Commerce, respectively, shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretary, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

The Secretaries shall prohibit commercial fishing within the monument. Subject to such
terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretaries may permit noncommercial and sustenance fishing or, after consultation with the Government of American Samoa, traditional indigenous fishing within the monument. The Secretaries of the Interior and Commerce, respectively, in consultation with the Government of American Samoa, shall provide for a process to ensure that recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962 of June 7, 1995, as amended, and other applicable law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. The management plan and implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation and overflight and other internationally recognized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Government of American Samoa. The Secretaries of the Interior and Commerce shall, in developing any management plans and any management rules and regulations governing the marine areas of the monument, as described above, consult with the Government of American Samoa.

**Emergencies, National Security, and Law Enforcement Activities**

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

**Armed Forces Actions**

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces’ discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

The establishment of this monument is subject to valid existing rights. This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.
Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

In Witness Whereof, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

George W. Bush

[Filed with the Office of the Federal Register, 8:45 a.m., January 9, 2009]

NOTE: This proclamation and its annex were published in the Federal Register on January 12.

Remarks During a Meeting With Former Presidents and the Incoming President
January 7, 2009

I want to thank the President-elect for joining the ex-Presidents for lunch. I am—one message that I have, and I think we all share, is that we want you to succeed. Whether we’re a Democrat or Republican, we care deeply about this country. And to the extent we can, we look forward to sharing our experiences with you. All of us who have served in this office itself understand that the office transcends the individual. And we wish you all the very best, and so does the country.

NOTE: The President spoke at 12 p.m. in the Oval Office at the White House. Participating in the meeting were former Presidents Jimmy Carter, George H.W. Bush, and William J. Clinton; and President-elect Barack Obama. The transcript released by the Office of the Press Secretary also included the remarks of President-elect Obama. The Office of the Press Secretary also released a Spanish language transcript of these remarks.

Remarks Honoring the Points of Light Institute
January 7, 2009

Thank you all. Mr. President—[laughter]—yes? No—[laughter]. Thank you all for coming. I’m told there is seven speakers. So there’s now about to be six. I thank you for—

I welcome you to the White House. I hope you take advantage of the reception that we have after these seven short speeches. And I want to thank you for your compassion.

The strength of America is not our military, it’s not our wallet; it is—lies in the hearts and souls of our citizens, those who hear the universal call to love a neighbor just like they’d like to be loved themselves.

And so, for those of you who are rallying the armies of compassion, and encouraging the armies of compassion, we thank you.

And now it is my honor to introduce my brother Neil M. Bush.

NOTE: The President spoke at 3:56 p.m. in the East Room at the White House. In his remarks, he referred to former President George H.W. Bush. The transcript released by the Office of the Press Secretary also included the remarks of former President Bush.

Remarks on the No Child Left Behind Act in Philadelphia, Pennsylvania
January 8, 2009

The President. Thank you for the warm welcome. And Laura and I are thrilled to be here at Kearny School. We have come because this is one of the really fine schools in the city of Philadelphia. We bring greetings from the Nation’s Capital, but more importantly, we bring appreciation for those who are working so hard to make sure that every child can learn.

You know, 7 years ago today, I had the honor of signing a bill that forever changed America’s school systems. It was called the No Child Left Behind Act. I firmly believe that thanks to this law, more students are learning, an achievement gap is closing. And on this anniversary, I have come to talk about why we need to keep the law strong. If you find a piece of legislation that is working, it is important to make sure the underpinnings of that law remain strong.

I do want to thank Laura for joining me. She has been an awesome wife and a great First Lady. Our journey together in Washington has been fantastic, and I thank her very much for her love.