



For Immediate Release
Office of the Press Secretary
November 6, 2003

Statement on H.R. 3289

Statement by the President

Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004." The Act supports our mission and our troops deployed in Iraq, Afghanistan, and elsewhere, which will better secure the safety of America and the world.

Sections 1108 and 1113 of the Act prohibit the use of appropriated funds for certain activities unless the congressional defense committees receive advance notice. Although such advance notice can be provided in most situations as a matter of comity, situations may arise in which the President must act promptly pursuant to his constitutional responsibilities while protecting certain extraordinarily sensitive national security information. The executive branch shall construe these sections in a manner consistent with the constitutional authority of the President to classify and control access to information bearing on the national security.

The Act incorrectly refers to the Coalition Provisional Authority (CPA) as if it were established pursuant to U.N. Security Council resolutions. The executive branch shall construe the provision to refer to the CPA as established under the laws of war for the occupation of Iraq.

Section 2203(b)(2)(C) requires executive agency heads to furnish certain reports to the chairman and ranking minority member of "[e]ach committee that the head of the executive agency determines has legislative jurisdiction for the operations of such department or agency to which the information related." The executive branch shall, as a matter of comity and for the very narrow purpose of determining to whom an agency will submit the report under this provision, determine the legislative jurisdiction of congressional committees.

Section 2215(b)(4) of the Act calls for a report on "the progress being made toward indicting and trying leaders of the former Iraqi regime for" specified crimes. The executive branch shall construe the provision as calling for a report on the activities of the relevant systems of justice, and not on whether any given individual has committed any of the enumerated crimes, which is a matter to be determined by an appropriate tribunal according to applicable law.

Title III of the Act creates an Inspector General (IG) of the CPA. Title III shall be construed in a manner consistent with the President's constitutional authorities to conduct the Nation's foreign affairs, to supervise the unitary executive branch, and as Commander in Chief of the Armed Forces. The CPA IG shall refrain from initiating, carrying out, or completing an audit or investigation, or from issuing a subpoena, which requires access to sensitive operation plans, intelligence matters, counterintelligence matters, ongoing criminal investigations by other administrative units of the Department of Defense related to national security, or other matters the disclosure of which would constitute a serious threat to national security. The Secretary of Defense may make exceptions to the foregoing direction in the public interest.

Provisions of the Act that require disclosure of information, including section 3001(h)(4)(B) of the Act, shall be construed in a manner consistent with the President's constitutional authority 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.

GEORGE W. BUSH

THE WHITE HOUSE,

November 6, 2003.

###

Return to this article at:

<http://www.whitehouse.gov/news/releases/2003/11/20031106-12.html>

 [CLICK HERE TO PRINT](#)