



For Immediate Release
Office of the Press Secretary
December 21, 2006

President's Statement on S. 2370, the "Palestinian Anti-Terrorism Act of 2006"

Today I have signed into law S. 2370, the "Palestinian Anti-Terrorism Act of 2006." The Act is designed to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority.

Section 2 of the Act purports to establish U.S. policy with respect to various international affairs matters. My approval of the Act does not constitute my adoption of the statements of policy 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. The executive branch will give section 2 the due weight that comity between the legislative and executive branches should require, to the extent consistent with U.S. foreign policy.

The executive branch shall construe section 3(b) of the Act, which relates to access to certain information by a legislative agent, and section 11 of the Act, which relates to a report on certain assistance by foreign countries, international organizations, or multilateral development banks, 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.

Section 620K(e)(2)(A) and 620L(b)(4)(B)(i) of the Foreign Assistance Act of 1961, as enacted by sections 2(b)(2) and 3(a) of the Act, purport to require the President to consult with committees of the Congress prior to exercising certain authority granted to the President by sections 620K and 620L. Because the constitutional authority of the President to supervise the unitary executive branch and take care that the laws be faithfully executed cannot be made by law subject to a requirement to consult with congressional committees or to involve them in executive decisionmaking, the executive branch shall construe the references in the provisions to consulting to require only notification.

The executive branch shall construe section 7 of the Act, which relates to establishing or maintaining certain facilities or establishments within the jurisdiction of the United States, in a manner consistent with the President's constitutional authority to conduct the Nation's foreign affairs, including the authority to receive ambassadors and other public ministers.

The executive branch shall construe as advisory the provisions of the Act, including section 9, that purport to direct or burden the conduct of negotiations by the executive branch with entities abroad. Such provisions, if construed as mandatory rather than advisory, would impermissibly interfere with the President's constitutional authorities to conduct the Nation's foreign affairs, including protection of American citizens and American military and other Government personnel abroad, and to supervise the unitary executive branch.

GEORGE W. BUSH

THE WHITE HOUSE,

December 21, 2006.

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