

Statement on Signing the Energy Policy Act of 2005

August 8, 2005

Today, I have signed into law H.R. 6, the “Energy Policy Act of 2005.” This legislation promotes dependable, affordable, and environmentally sound production and distribution of energy for America’s future.

The executive branch shall construe section 365(e)(2) of the Act, which purports to require disclosure of an internal executive branch recommendation, in a manner consistent with the President’s constitutional authority to supervise the unitary executive branch and preserve the confidentiality of its deliberations.

The executive branch shall construe the statement in section 110(d) of the Act, that the Congress reserves the right to revert to previous schedules for daylight savings time, as referring to reversion by enactment of a law in accordance with the bicameral passage and presentment requirements specified in the Constitution.

The executive branch shall construe the amendments to section 211 of the Energy Reorganization Act made by section 629 of the Act, as they relate to dissemination of official information by employees of the Department of Energy and the Nuclear Regulatory Commission, in a manner consistent with the President’s constitutional authority to supervise the unitary executive branch.

The executive branch shall construe provisions of the Act that purport to direct the conduct of communications, negotiations, and other relations with foreign governments and international organizations, including sections 643(c)(2), 795(d), 814, 972, and 985 of the Act, and sections 732, 734(a)(2), 736, and 737 of the Global Environmental Protection Assistance Act as contained in section 1611 of the Act, in a manner consistent with the Constitution’s commitment to the President of authority to conduct the Nation’s foreign relations.

Provisions of the Act, including sections 342(j), 351(h)(3), 704(c), 706(e)(5), 957(a)(2)(C), 1221(b), 1234(c), 1272(2), 1509(b)(2), 1541(c)(6), 1831(c), 1835, and 1836(b)(2), section 543(a)(3) of the National Energy Conservation Policy Act contained in

section 102(b), and section 170H(f)(3)(B) of the Atomic Energy Act of 1954 contained in section 651(d)(1), purport to require executive branch officials to submit legislative recommendations to the Congress. The executive branch shall construe such provisions in a manner consistent with the Constitution’s commitment to the President of the authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient and to supervise the unitary executive branch.

The executive branch shall construe the reference in section 631(b) of the Act, to awaiting action by the Congress, as providing for the Congress a reasonable period of time to consider the information furnished under section 631, as it is plain from the text and structure of section 631 that the reference is not intended to function as a prohibition.

The executive branch shall construe section 9007 of the Solid Waste Disposal Act, contained in section 1528 of the Act, in a manner consistent with the various legal immunities conferred by the Constitution on members of the legislative, executive, and judicial branches of the Federal Government to protect the effective functioning of the three branches.

The executive branch shall construe provisions of the Act that make legislative classifications based on race, ethnicity, or gender in a manner consistent with the requirement of the Due Process Clause of the Fifth Amendment to afford equal protection of the laws.

George W. Bush

The White House,
August 8, 2005.

NOTE: At the time of publication, H.R. 6, approved August 8, had not been received by the Office of the Federal Register for assignment of a Public Law number.

The President’s News Conference in Crawford, Texas

August 9, 2005

The President. Thank you all for coming. As you can see, my economic team has come to Crawford, and we’ve just finished a very