

Title 3—The President

This notice shall be published in the **Federal Register** and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,
November 9, 2006.

Memorandum of November 14, 2006

Assignment of Reporting Function Under the Intelligence Reform and Terrorism Prevention Act of 2004

Memorandum for the Director of National Intelligence

By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code, the reporting function of the President under section 1016(e) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458, 118 Stat. 3638) is hereby assigned to the Director of National Intelligence (Director).

The Director shall perform such function in a manner consistent with the President's constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

Any reference in this memorandum to the provision of any Act shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
Washington, November 14, 2006.

Order of November 17, 2006

Regarding the Proposed Merger of Alcatel and Lucent Technologies, Inc.

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 721 of the Defense Production Act of 1950 (section 721), 50 U.S.C. App. 2170,

Section 1. Findings.

I hereby make the following findings:

Other Presidential Documents

(1) there is credible evidence that leads me to believe that Alcatel, a *societe anonyme* organized under the laws of France, through exercising control of Lucent Technologies, Inc. (Lucent), a corporation organized under the laws of the State of Delaware, might take action that threatens to impair the national security of the United States; and

(2) provisions of law, other than section 721 and the International Emergency Economic Powers Act (50 U.S.C. 1701*et seq.*), do not in my judgment provide adequate and appropriate authority for me to protect the national security in this matter.

Sec 2. Actions Ordered and Authorized.

On the basis of the findings set forth in section 1 of this order and pursuant to my authority under applicable law, including section 721, I hereby order that:

(1) any merger of Lucent and Alcatel that does not meet the following conditions within the timeframes specified is prohibited:

(a) Lucent, Alcatel, and Alcatel USA Inc., a wholly-owned subsidiary of Alcatel, execute, on or before the closing date of the transaction, a National Security Agreement (NSA) with the Departments of Defense (DOD), Justice, Commerce, and Homeland Security, that is materially identical to the draft NSA negotiated with those agencies as of November 6, 2006;

(b) Lucent and Alcatel execute, by a date to be determined by the Secretary of Defense, a Special Security Agreement (SSA) with the DOD that is materially identical to the draft SSA negotiated with the DOD as of November 6, 2006; and

(c) the Secure Subsidiary, which is defined in the draft SSA and which will be a subsidiary of Lucent, execute the two documents described in (a) and (b) above, by a date to be determined by the Secretary of Defense;

(2) the Attorney General is authorized to take any steps necessary to enforce this order.

Sec 3. Reservation.

I hereby reserve my authority until such time as the NSA and SSA are executed as required by this order, or, if the NSA and SSA are not so executed, until such time as the prohibition of the merger required by this order has been fully enforced, to issue further orders with respect to the parties as shall in my judgment be necessary to protect the national security.

Sec 4. Publication.

This order shall be published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,

Washington, November 17, 2006.