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National Security Council - Legal Adviser
General Files

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**COLLECTION TITLE:**
National Security Council - Legal Adviser

**SERIES:**
General Files

**FOLDER TITLE:**
Binder - Presidential Emergency Action Documents [1]

**FRC ID:**
38583

**RESTRICATION CODES**

- **Presidential Records Act - [44 U.S.C. 2204(a)]**
  - P1 National Security Classified Information [(a)(1) of the PRA]
  - P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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- **PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).**

- **Deed of Gift Restrictions**
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  - B. Closed by statute or by the agency which originated the document.
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- **Freedom of Information Act - [5 U.S.C. 552(b)]**
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National Security Council - Legal Adviser

### SERIES:
General Files

### FOLDER TITLE:
Binder - Presidential Emergency Action Documents [1]

### FOIA ID and Segment:
2015-0067-F

### RESTRICTION CODES

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FRC ID:
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OA Num.:
4332

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**COLLECTION:**
National Security Council - Legal Adviser

**SERIES:**
General Files

**FOLDER TITLE:**
Binder - Presidential Emergency Action Documents [1]

**FRC ID:**
38583

**OA Num.:**
4332

**NARA Num.:**

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FOLDER TITLE:
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FOIA ID and Segment:
2015-0067-F

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**FRC ID:**
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**OA Num.:**
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**NARA Num.:**

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2015-0067-F

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Sadoff, David A.

From: Bellinger, John B.
Sent: Monday, December 06, 2004 4:07 PM
To: Sadoff, David A.
Cc: Moore, Holly T.
Subject: FW: PEADS
Importance: High

-----Original Message-----
From: Moore, Holly T.
Sent: Thursday, December 02, 2004 12:35 PM
To: Bellinger, John B.
Subject: FW: PEADS
Importance: High

John --
We have received 3 PEADs from OLC for review. If possible, I would like to turn this over to the proper person. Would it be David or Him? thanks, htm

-----Original Message-----
From: Mitnick, John M.
Sent: Wednesday, December 01, 2004 10:06 AM
To: Moore, Holly T.
Subject: FW: PEADS
Importance: High

Holly,

Here's the latest status chart on PEADs. Have you had a chance to review the first three that came over?

Thanks,

John

-----Original Message-----
From: Trissell, David [mailto:David.Trissell@dhs.gov]
Sent: Tuesday, November 30, 2004 5:01 PM
To: Mitnick, John M.; McNally, Edward
Subject: FW: PEADS
Importance: High

Ed/John:

In advance of our mtg. tomorrow where this will inevitably appear as an agenda item, wanted to get you the most updated chart I have on where we are - looks like most everything is at least being addressed/discussed, even if they're not already w/ us for transmission to DOJ for final review and/or already w/ DOJ. Give me a call if you need anything else on this. Thanks.

<<11-30-04SubmissionList04.xls>>
This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.
**CLASSIFIED DOCUMENT RECEIPT**

<table>
<thead>
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<th>TO</th>
<th>POSTAL NUMBER</th>
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| Holly Moore  
NSC  
385 EEOB |               |

<table>
<thead>
<tr>
<th>FROM</th>
<th>POSTAL NUMBER</th>
</tr>
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</table>
| Stan Sokol  
OSTP  
Room 5236-A, NEOB |               |

<table>
<thead>
<tr>
<th>DESCRIPTION (MUST BE UNCLASSIFIED)</th>
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<th>DATE OF DOCUMENT</th>
<th>COPY NUMBER AND SERIES</th>
<th>CLASSIFICATION</th>
</tr>
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<td>Secret</td>
</tr>
</tbody>
</table>

**INSTRUCTIONS**

1. Verify addressee's classified mailing address.
2. Describe document by subject, or title and originator. List Secret and accountable Confidential enclosures. Indicate type of document e.g. Ltr., Rpt., or Dwg.
3. Show classification and extra markings.
4. Forward original and duplicate to addressee.
5. Retain copy pending return of signed original by addressee.

**UNCLASSIFIED UPON REMOVAL OF ATTACHED DOCUMENTS**

I have received the document(s) listed above and assume responsibility for safeguarding in accordance with security regulations.

Signature of addressee or name of addressee and signature of recipient.  

Date

Received for addressee by __________________________  
(to be used only by mail rooms)  

Date
To: Holly Moore
NSC
385 EEOB
From: Stan Suva
OSTP
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**Deed of Gift Restrictions**
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- B. Closed by statute or by the agency which originated the document.
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This Document was withdrawn on 9/11/2017 by ShH
War Powers of President under Section 706 of the Communications Act
47 U.S.C. § 606

(a) Priority communications

During the continuance of a war in which the United States is engaged, the President is authorized, if he finds it necessary for the national defense and security, to direct that such communications as in his judgment may be essential to the national defense and security shall have preference or priority with any carrier subject to this chapter. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them and for any such purpose he is authorized to issue orders directly, or through such person or persons as he designates for the purpose, or through the Commission. Any carrier complying with any such order or direction for preference or priority herein authorized shall be exempt from any and all provisions in existing law imposing civil or criminal penalties, obligations, or liabilities upon carriers by reason of giving preference or priority in compliance with such order or direction.

(b) Obstruction of interstate or foreign communications

It shall be unlawful for any person during any war in which the United States is engaged to knowingly or willfully, by physical force or intimidation by threats of physical force, obstruct or retard or aid in obstructing or retarding interstate or foreign communication by radio or wire. The President is authorized, whenever in his judgment the public interest requires, to employ the armed forces of the United States to prevent any such obstruction or retardation of communication: Provided, That nothing in this section shall be construed to repeal, modify, or affect either section 17 of title 15 or section 52 of title 29.

(c) Suspension or amendment of rules and regulations applicable to certain emission stations or devices

Upon proclamation by the President that there exists war or a threat of war, or a state of public peril or disaster or other national emergency, or in order to preserve the neutrality of the United States, the President, if he deems it necessary in the interest of national security or defense, may suspend or amend, for such time as he may see fit, the rules and regulations applicable to any or all stations or devices capable of emitting electromagnetic radiations within the jurisdiction of the United States as prescribed by the Commission, and may cause the closing of any station for radio communication, or any device capable of emitting electromagnetic radiations between 10 kilocycles and 100,000 megacycles, which is suitable for use as a navigational aid beyond five miles, and the removal therefrom of its apparatus and equipment, or he may authorize the use or control of any such station or device and/or its apparatus and equipment, by any department of the Government under such regulations as he may prescribe upon just compensation to the owners. The authority granted to the President, under this subsection, to cause the closing of any station or device and the removal therefrom of its
apparatus and equipment, or to authorize the use or control of any station or device and/or its apparatus and equipment, may be exercised in the Canal Zone.

(d) **Suspension or amendment of rules and regulations applicable to wire communications; closing of facilities; Government use of facilities**

Upon proclamation by the President that there exists a state or threat of war involving the United States, the President, if he deems it necessary in the interest of the national security and defense, may, during a period ending not later than six months after the termination of such state or threat of war and not later than such earlier date as the Congress by concurrent resolution may designate, (1) suspend or amend the rules and regulations applicable to any or all facilities or stations for wire communication within the jurisdiction of the United States as prescribed by the Commission, (2) cause the closing of any facility or station for wire communication and the removal therefrom of its apparatus and equipment, or (3) authorize the use or control of any such facility or station and its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

(e) **Compensation**

The President shall ascertain the just compensation for such use or control and certify the amount ascertained to Congress for appropriation and payment to the person entitled thereto. If the amount so certified is unsatisfactory to the person entitled thereto, such person shall be paid only 75 per centum of the amount and shall be entitled to sue the United States to recover such further sum as added to such payment of 75 per centum will make such amount as will be just compensation for the use and control. Such suit shall be brought in the manner provided by section 1346 or section 1491 of title 28.

(f) **Affect on State laws and powers**

Nothing in subsection (c) or (d) of this section shall be construed to amend, repeal, impair, or affect existing laws or powers of the States in relation to taxation or the lawful police regulations of the several States, except wherein such laws, powers, or regulations may affect the transmission of Government communications, or the issue of stocks and bonds by any communication system or systems.

(g) **Limitations upon Presidential power**

Nothing in subsection (c) or (d) of this section shall be construed to authorize the President to make any amendment to the rules and regulations of the Commission which the Commission would not be authorized by law to make; and nothing in subsection (d) of this section shall be construed to authorize the President to take any action the force and effect of which shall continue beyond the date after which taking of such action would not have been authorized.
(h) **Penalties**

Any person who willfully does or causes or suffers to be done an act prohibited pursuant to the exercise of the President's authority under this section, or who willfully fails to do any act which he is required to do pursuant to the exercise of the President's authority under this section, or who willfully causes or suffers such failure, shall, upon conviction thereof, be punished for such offense by a fine of not more than $1,000 or by imprisonment for not more than one year, or both, and, if a firm, partnership, association, or corporation, by fine of not more than $5,000, except that any person who commits such an offense with intent to injure the United States, or with intent to secure an advantage to any foreign nation, shall, upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.
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## PEADS Submission List Continued

**12/6/2004**

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* = Core PEADS

** = Newly Developed PEADS

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**Notes:**

- **DOD (Co-primary)**: Department of Defense (Co-primary)
- **DHS (Co-primary)**: Department of Homeland Security (Co-primary)
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FORM | SUBJECT/TITLE | PAGES | DATE | RESTRICTION(S)
---|---|---|---|---
Email | FW: NSC Legal PoC on PEADs? - To: David Sadoff, et al - From: John Bellinger | 1 | 12/03/2004 | P1/b1;

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COLLECTION:
National Security Council - Legal Adviser

SERIES:
General Files

FOLDER TITLE:
Binder - Presidential Emergency Action Documents [1]

FRC ID: 38583
OA Num.: 4332
NARA Num.: 

FOIA ID and Segment: 2015-0067-F

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]
P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions
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C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]
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**PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).**

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4332

NARA Num.:

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

A. Closed by Executive Order 13526 governing access to national security information.
B. Closed by statute or by the agency which originated the document.
C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(5) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(5) of the FOIA]
b(6) Release would disclose information compiled for law enforcement purposes [(b)(6) of the FOIA]
b(7) Release would disclose information concerning the regulation of financial institutions [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]
This marker identifies the original location of the withdrawn item listed above. For a complete list of items withdrawn from this folder, see the Withdrawal/Redaction Sheet at the front of the folder.

| COLLECTION: | National Security Council - Legal Adviser |
| SERIES: | General Files |
| FOLDER TITLE: | Binder - Presidential Emergency Action Documents [1] |
| FRC ID: | 38583 |
| OA Num.: | 4332 |
| NARA Num.: | FOIA ID and Segment: 2015-0067-F |

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