

Statement on Signing the Consolidated Appropriations Resolution, 2003
February 20, 2003

Today I have signed into law H.J. Res. 2, the “Consolidated Appropriations Resolution, 2003,” which contains the remaining 11 annual appropriations acts for fiscal year 2003. The funds appropriated by this bill will provide valuable resources for priorities such as homeland security, military operations, and education.

I am very concerned that the Congress failed to provide over \$1 billion in funds that my Administration requested for State and local law enforcement and emergency personnel, and that much of the funding that the Congress did provide is heavily earmarked for lower-priority programs that are not best designed to protect Americans against terrorism. As a result, the shortfall for homeland security First Responder programs is more than \$2.2 billion. Funds that should have been made available to the Department of Homeland Security are being diverted to programs unrelated to higher-priority terrorism preparedness and prevention efforts. My Administration will use all the tools at its disposal to ensure that as much of this funding as possible is directed toward terrorism preparedness and prevention.

Further, although the funding level in the bill is largely consistent with the agreed upon top line level that I urged the Congress to adopt, the bill is not fully consistent with the agreed upon non-defense discretionary funding levels due to the expanded use of budgetary mechanisms, such as advance appropriations. This bill includes an increase in advance appropriations of \$2.2 billion, which should not be used to evade top line agreements on total discretionary funding.

Therefore, the FY 2004 congressional budget allocations should be reduced accordingly and the device should not be repeated in FY 2005. Finally, the bill includes \$3.3 billion for unrequested drought aid

and other assistance that is only partially offset by spending reductions in the recently enacted Farm Bill.

In addition, a number of provisions of H.J. Res. 2 are inconsistent with the constitutional authority of the President to conduct foreign affairs, command the Armed Forces, supervise the unitary executive branch, protect sensitive information, and make recommendations to the Congress. Other provisions unconstitutionally condition execution of the laws by the executive branch upon approval by congressional committees.

Thus, the executive branch shall construe as advisory the provisions of the bill that purport to: direct or burden the Executive’s conduct of international negotiations, such as sections 514, 556, 576, and 577 in the Foreign Operations Appropriations Act; limit the President’s authority as Commander in Chief, such as language under the heading “Andean Counterdrug Initiative” in the Foreign Operations Appropriations Act and section 609 of the Commerce Appropriations Act; or limit the President’s authority to supervise the unitary executive branch, such as section 718 of the Agriculture Appropriations Act and the provisions relating to Office of Management and Budget review of executive branch orders, activities, regulations, transcripts and testimony in the Treasury Appropriations Act.

In addition, the executive branch shall construe provisions that mandate, regulate, or prohibit submission of information to the Congress or the public, such as sections 561(a), 568(a), and 574(d) of the Foreign Operations Appropriations Act and sections 620 and 622 of the Treasury Appropriations Act, 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. Also, the executive branch shall construe provisions that mandate or prohibit submission of recommendations to the Congress, such as section 723 of the Agriculture Appropriations Act and the provisions purporting to require submission of a request for a supplemental appropriation in the Interior Appropriations Act, in a manner consistent with the President's constitutional authority to submit for congressional consideration such measures as the President judges necessary and expedient.

Also, the executive branch shall construe as advisory, or as calling solely for notification, the provisions of this bill that purport to require congressional committee approval for the execution of a law. Any other construction would be inconsistent with the principles enunciated by the United States Supreme Court in *INS v. Chadha*. Such provisions include: provisions relating to the "Working Capital Fund," Food and Drug Administration fund transfers, and sections 704 and 719 relating to fund transfers in the Agriculture Appropriations Act; the provision relating to an expenditure plan for the entry-exit system in the Commerce Appropriations Act; and the provisions on transfer of United States Customs Service aircraft, automated commercial environment, business systems modernization, funds transfers within and among Treasury entities, Secret Service protective mission travel, museum construction, high-intensity drug trafficking area and other funding levels, building prospectus funding levels, use

of the Federal building fund for emergency repairs and transfers with the fund, unobligated balances for salaries and expenses, office improvements, and law enforcement training facilities in the Treasury Appropriations Act.

Furthermore, the duty of the President under section 586 of the Foreign Operations Appropriations Act to issue and provide copies of an order relating to consideration of the release of information is assigned to the Attorney General, who shall ensure that the section is implemented 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.

Finally, to ensure proper respect for the distinct powers of the executive and legislative branches and to ensure effective coordination between them in emergencies, the Attorney General shall serve as the single officer within the executive branch authorized to receive requests from the Chief of the Capitol Police and to approve action by the executive branch in the implementation of section 1017 of the legislative branch Appropriations Act.

GEORGE W. BUSH

The White House,
February 20, 2003.

NOTE: H.J. Res. 2, approved February 20, was assigned Public Law No. 108-7.

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Today I signed into law H.J. Res. 2, an Omnibus appropriations bill funding the remaining 11 appropriations bills for FY 2003. The funds provided in this resolution

will provide important and long overdue resources for our Nation's priorities, including fighting the war on terrorism and educating our most vulnerable children.