

critical law enforcement tools that I have called for that will help make America more secure. I look forward to signing this landmark piece of legislation into law.

NOTE: The statement referred to S. 2845.

Statement on the Resignation of Anthony J. Principi as Secretary of Veterans Affairs *December 8, 2004*

As a valuable member of my Cabinet, Tony Principi has served as a tireless advocate for 25 million veterans. He has insisted on results, and he has gotten results. Under Tony's leadership, we have honored our veterans for their service and sacrifice by increasing and improving health care services, working to eliminate the waiting list for medical care, and cutting the disability claims backlog. I appreciate his efforts to improve access to health care for low-income veterans and those with service-related disabilities. As we fight the war on

terror, Tony has played a vital role in helping to streamline the transition from military to civilian status for our newest veterans.

I thank Tony for serving our veterans and our country with integrity and dignity. He is a good man and a good friend. I am grateful to Tony, Liz, and the entire Principi family.

NOTE: The Office of the Press Secretary also made available Secretary Principi's letter of resignation.

Statement on Signing the Consolidated Appropriations Act, 2005 *December 8, 2004*

Today, I have signed into law H.R. 4818, the "Consolidated Appropriations Act, 2005" (CAA). The CAA, consisting of eleven Divisions, consolidates into a single Act several appropriations bills that the Congress normally passes separately each year to fund the operations of the Federal Government, and also several bills that are not normally part of an appropriations bill.

Many provisions of the CAA are inconsistent with the constitutional authority of the President to conduct foreign affairs, command the Armed Forces, protect sensitive information, supervise the unitary executive branch, make appointments, and make recommendations to the Congress. Many other provisions unconstitutionally

condition execution of the laws by the executive branch upon approval by congressional committees.

The executive branch shall construe as advisory provisions of the CAA that purport to direct or burden the Executive's conduct of foreign relations or to limit the President's authority as Commander in Chief. Such provisions include: in the Commerce-Justice-State Appropriations Act, sections 406, 611, 609, 627, and the provision regarding voting in the United Nations Security Council under the heading "Contributions for International Peacekeeping Activities"; in the Foreign Operations Appropriations Act, sections 506, 514, 531, 547, 561,

562, 580, 585, 593, and the provisions entitled “Other Bilateral Economic Assistance, Economic Support Fund” and “Andean Counterdrug Initiative”; as well as in Division J (“Other Matters”), section 3(b)(3) of the 225th Anniversary of the American Revolution Commemoration Act.

The executive branch shall also construe the provisions of the CAA in a manner consistent with the President’s authority to supervise the unitary executive branch, including the authority to direct which officers in the executive branch shall assist the President in faithfully executing the law. Such provisions include in the Transportation-Treasury Appropriations Act, sections 618 and 628, and language relating to review by the Office of Management and Budget (OMB) of executive branch orders, activities, regulations, transcripts, and testimony, particularly language relating to OMB review of certain matters in reports to be submitted to the Congress through the Secretary of the Army.

The executive branch shall construe provisions in the CAA that purport to mandate or regulate submission of information to the Congress, other entities outside the executive branch, or the public, 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. Such provisions include: in the Agriculture Appropriations Act, section 717; in the Commerce-Justice-State Appropriations Act, sections 407, 409, and provisions concerning a budget proposal under the heading “National Intellectual Property Law Enforcement Coordination Council”; in the Energy and Water Appropriations Act, sections 112, 113, and 503; in the Foreign Operations Appropriations Act, section 559; in the Labor-HHS-Education Appropriations Act, a provision under the heading “Department of Health and Human Services, Office of the Secretary”; in the Transportation-Treasury Ap-

propriations Act, sections 522 and 618; in the VA-HUD Appropriations Act, section 210; and in Division J, section 16 of the L-1 Visa and H-1B Visa Reform Act.

The executive branch shall construe provisions of the CAA that purport to make consultation with the Congress a precondition to the execution of the law as calling for, but not mandating, such consultation, as is consistent with the Constitution’s provisions concerning the separate powers of the Congress to legislate and the President to execute the laws. Such provisions include: in the Foreign Operations Appropriations Act, sections 509, 512, 543, 569, 588, and provisions under the heading “International Disaster and Famine Assistance,” “Transition Initiatives,” “Andean Counterdrug Initiative,” and “Debt Restructuring”; and in the Interior and Related Agencies Appropriations Act, provisions under the heading “National Park Service, Historic Preservation Fund,” and “Administrative Provisions, Smithsonian Institution.”

The executive branch shall construe provisions that purport to require or regulate submission by executive branch officials of legislative recommendations to the Congress consistently with the President’s constitutional authority to recommend to the Congress such measures as he judges necessary and expedient. Such provisions include: in the Agriculture Appropriations Act, section 721; in the Commerce-Justice-State Appropriations Act, sections 628 and 902; in the Interior and Related Agencies Appropriations Act, section 102; in the Transportation-Treasury Appropriations Act, section 404; in the VA-HUD Appropriations Act, section 215; and in Division K, section 152 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004.

In section 601 of the Energy and Water Appropriations Act, section 2 of the amended Tennessee Valley Authority Act shall be construed consistently with the President’s

constitutional authority to make nominations and appoint officers. So that section 522 of the Transportation-Treasury Appropriations Act may be faithfully executed, the executive branch shall construe subsection (c), which provides that an agency privacy officer's signature on a report to the agency inspector general shall constitute verification by the officer "that the agency is only using information in identifiable form as detailed in the report" to mean that the signature constitutes verification to the best of the officer's knowledge after diligent inquiry.

The executive branch shall construe as calling solely for notification the provisions of the CAA that are inconsistent with the requirements of bicameral passage and presentment set forth in the Constitution, as construed by the Supreme Court of the United States in 1983 in *INS v. Chadha*. Such provisions include: in the Agriculture Appropriations Act, sections 705, 718, 736, and a provision under the heading "Food and Drug Administration, Salaries and Expenses"; in the Energy and Water Appropriations Act, section 303; in the Interior and Related Agencies Appropriations Act, sections 305, 313, 329, 332, 333, and provisions under the headings "United States Fish and Wildlife Service, Administrative Provisions," "National Park Service, Construction," "Department of the Interior, Departmental Management, Salaries and Expenses," "Natural Resource Damage Assessment and Restoration, Administrative Provisions," "Forest Service, Wildland Fire Management," "Administrative Provisions, Forest Service," "Indian Health Service, Indian Health Facilities," "Administrative Provisions, Indian Health Service," and "Administrative Provisions, Smithsonian Institution"; in the Labor-HHS-Education Appropriations Act, section 208 and a provision under the heading "Pension Benefit Guaranty Corporation"; in the Transportation-Treasury Appropriations Act, sections 201, 211, 212, 217, 218, 403, 510, 511, 614, 623, and 642, and provisions under

the headings "Department of Transportation, Office of the Secretary, Salaries and Expenses," "Department of Transportation, Office of the Secretary, Working Capital Fund," "Federal Transit Administration, Administrative Expenses," "Department of the Treasury, Departmental Offices, Salaries and Expenses," "Internal Revenue Service, Business Systems Modernization," "Office of Administration, Salaries and Expenses," "High Intensity Drug Trafficking Areas Program," and "Real Property Activities, Federal Building Fund, Limitations on Availability of Revenue"; and in the VA-HUD Appropriations Act, section 111 and provisions under the headings "Department of Veterans Affairs, Departmental Administration, Construction, Minor Projects" and "National Aeronautics and Space Administration, Administrative Provisions."

As is consistent with the principle of statutory construction of giving effect to each of two statutes addressing the same subject whenever they can co-exist, the executive branch shall construe the provision in the Energy and Water Appropriations Act under the heading "National Nuclear Security Administration, Weapons Activities" concerning transfer of funds from the Department of Defense to constitute an "express authorization of Congress" to which section 8063 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287) refers.

A number of provisions in the CAA purport to allocate funds for specified projects and amounts set forth in the joint explanatory statement of managers that accompanied the CAA; to make changes in statements of managers that accompanied various appropriations bills reported from conferences in the past; or to direct compliance with a report of one committee of one House of Congress. The executive branch shall construe these provisions in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law. Such

provisions include in the Foreign Operations Appropriations Act, section 595; in the Labor-HHS-Education Appropriations Act, provisions under the headings “Innovation and Improvement,” “Rehabilitation Services and Disability Research,” “Higher Education,” and “Institute of Education Sciences”; in the Transportation-Treasury Appropriations Act, sections 125 and 173; and in the VA-HUD Appropriations Act, provisions under the headings “Community Development Fund” and “Department of Housing and Urban Development, Management and Administration, Salaries and Expenses.”

Several provisions of CAA relate to race, ethnicity, or gender. The executive branch shall construe such provisions in a manner consistent with the requirements that the Federal Government afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.

Section 12 of the Legislative Branch Appropriations Act authorizes overseas travel for members of the U.S. Capitol Police in support of travel by Senators. To ensure consistency with the President’s constitutional authority to conduct the Nation’s foreign affairs, the executive branch shall construe section 12 as authorizing travel for the limited purposes of advance, security, and protective functions in support of the

official travel of Senators. The executive branch shall construe the term “intelligence gathering” in section 1007 of the Legislative Branch Appropriations Act, which relates to activities of the U.S. Capitol Police outside their geographic jurisdiction, as limited to collection of information for law enforcement and protective functions authorized by other laws relating to the U.S. Capitol Police, as any other construction would be inconsistent with the Constitution’s vesting of the executive power in the President.

The executive branch shall construe section 638 of the Transportation-Treasury Appropriations Act, relating to assignment of executive branch employees to perform functions in the legislative branch, in a manner consistent with the President’s constitutional authority to supervise the unitary executive branch and as Commander in Chief, and recognizing that the President cannot be compelled to give up the authority of his office as a condition of receiving the funds necessary to carrying out the duties of his office.

GEORGE W. BUSH

The White House,
December 8, 2004.

NOTE: H.R. 4818, approved December 8, was assigned Public Law No. 108–447.

Letter to Congressional Leaders Concurring on the Designation of Funds
for the African Union Security Force and Construction of a Mail
Irradiation Facility in Washington, DC
December 8, 2004

Dear Mr. Speaker: (Dear Mr. President:)

I hereby concur with the Congress in the designation of two provisions totaling \$100 million provided in the Consolidated Appropriations Act, 2005 (H.R. 4818), as emergency requirements.

These funds are necessary to support the African Union security force in Darfur, as well as to construct a mail irradiation facility in Washington, D.C. Additional information is set forth in the attached letter from the Director of the Office of Management and Budget.