

NOTE: The President spoke at 11:49 a.m. in the North Club Area Lounge at M&T Bank Stadium. In his remarks, he referred to Lt.

Gov. Steele's wife, Andrea, and his mother, Maebell Steele. A tape was not available for verification of the content of these remarks.

Statement on Signing the Military Quality of Life and Veterans Affairs Appropriations Act, 2006
November 30, 2005

Today, I have signed into law H.R. 2528, the "Military Quality of Life and Veterans Affairs Appropriations Act, 2006." This Act appropriates funds for construction to support the operations of the United States Armed Forces and for military family housing. The Act also provides funds to support the medical care and other needs of our Nation's veterans.

The Constitution requires bicameral passage, and presentment to the President, of all congressional actions governing other branches, as the Supreme Court of the United States recognized in *INS v. Chadha* (1983), and thus prohibits conditioning executive branch action on the approval of congressional committees. Many provisions of the Act conflict with this requirement and therefore shall be construed as calling solely for notification, including the following: "Department of Defense Base Closure Account 2005," "Department of Veterans Affairs, Information Technology Systems," "Department of Veterans Affairs, Construction, Major Projects," and sections 128, 129, 130, 201, 211, 216, 225, 226, 227, and 229.

Several provisions of the Act require notice to the Congress, including sections 107, 110, 113, and 118, which require notice of the relocation of activities between military installations, initiation of a new installation abroad, U.S. military exercises involving \$100,000 in construction costs, and the initiation of certain types of programs. As the Supreme Court of the United States has made clear, the President's authority to classify and control access to information

bearing on national security flows from the Constitution and does not depend upon a legislative grant of authority. Although notice can be provided in most situations as a matter of comity, situations may arise, especially in wartime, in which the President must act promptly under his constitutional grants of executive power and authority as Commander in Chief while protecting sensitive national security information. The executive branch shall construe these sections to require notice at a time and in a manner consistent with the President's constitutional authority.

The Constitution commits to the President the primary responsibility for conducting the foreign relations of the United States, including the exclusive responsibility for formulating the position of the United States in international fora and conducting negotiations with foreign nations. Section 118, which purports, through a reporting requirement, to direct the power of the Department of Defense to conduct the foreign relations of the United States, shall be construed as advisory, consistent with the Constitution's grant of such power to the President.

Section 126 of the Act purports to require Department of Defense officials to respond in writing within 21 days to any question or inquiry from certain legislative subcommittees. The executive branch shall construe this section in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information the disclosure of which could impair foreign relations, the

national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

GEORGE W. BUSH

The White House,

November 30, 2005.

NOTE: H.R. 2528, approved November 30, was assigned Public Law No. 109-114. An original was not available for verification of the content of this statement.

Statement on Signing the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006
November 30, 2005

Today, I have signed into law H.R. 3058, the "Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006." This Act appropriates funds for fiscal year 2006 to these departments and agencies, and for other purposes.

The executive branch shall construe as calling solely for notification those provisions of the Act 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: sections 183, 201, 205, 211, 212, 217, 218, 603, 608, 710, 711, 720, 838, and 841, 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," "High Intensity Drug Trafficking Area Program," "General Services Administration, Federal Buildings Fund," and "National Archive and Records Administration, Electronic Records Archives."

The executive branch shall construe the provisions of the Act in a manner consistent

with the President's authority to supervise the unitary executive branch and take care that the laws be faithfully executed, including the authority to direct which officers in the executive branch shall assist the President in faithfully executing the law. Specific provisions that raise this concern include language under the heading "Office of Management and Budget, Salaries and Expenses" relating to the review of executive branch orders, activities, regulations, transcripts, and testimony, and relating to the 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 Act 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 sections 120, 182, 818, 820, and language under the heading "Operating Subsidy Grants to the National Passenger Railroad Corporation."

Certain provisions in the Act purport to allocate funds for specified purposes as set forth in the joint explanatory statement of managers that accompanied the Act; to