

The executive branch shall construe provisions of the Act, including section 4005(b) in Division D and section 213A(f) of the Caribbean Basin Economic Recovery Act as amended by section 5002 in Division D, that purport to make consultation with committees of Congress a precondition to execution of the law, to call for but not mandate such consultation, as is consistent with the Constitution's provisions con-

cerning the separate powers of the Congress to legislate and the President to execute the laws.

GEORGE W. BUSH

The White House,
December 20, 2006.

NOTE: H.R. 6111, approved December 20, was assigned Public Law No. 109-432.

Statement on Signing the Postal Accountability and Enhancement Act *December 20, 2006*

Today I have signed into law H.R. 6407, the "Postal Accountability and Enhancement Act." The Act is designed to improve the quality of postal service for Americans and to strengthen the free market for delivery services.

The executive branch shall construe sections 3662 and 3663 of title 39, United States Code, as enacted by section 205 of the Act, not to authorize an officer or agency within the executive branch to institute proceedings in Federal court against the Postal Regulatory Commission, which is another part of the executive branch, as is consistent with the constitutional authority of the President to supervise the unitary executive branch and the constitutional limitation of Federal courts to deciding cases or controversies.

The executive branch shall construe subsection 409(h) of title 39, as enacted by section 404 of the Act, which relates to legal representation for an element of the executive branch, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and to take care that the laws be faithfully executed.

The executive branch shall construe section 407 of title 39, as enacted by section 405 of the Act, in a manner consistent with the President's constitutional authority to

conduct the Nation's foreign affairs, including the authority to determine which officers shall negotiate for the United States and toward what objectives, to make treaties by and with the advice and consent of the Senate, and to supervise the unitary executive branch.

The executive branch shall construe subsections 202(a) and 502(a) of title 39, as enacted by subsections 501(a) and 601(a) of the Act, which purport to limit the qualifications of the pool of persons from whom the President may select appointees in a manner that rules out a large portion of those persons best qualified by experience and knowledge to fill the positions, in a manner consistent with the Appointments Clause of the Constitution. The executive branch shall also construe as advisory the purported deadline in subsection 605(c) for the making of an appointment, as is consistent with the Appointments Clause.

The executive branch shall construe subsection 404(c) of title 39, as enacted by subsection 1010(e) of the Act, which provides for opening of an item of a class of mail otherwise sealed against inspection, in a manner consistent, to the maximum extent permissible, with the need to conduct searches in exigent circumstances, such as to protect human life and safety against hazardous materials, and the need

for physical searches specifically authorized by law for foreign intelligence collection.

The executive branch shall construe provisions of the Act that call for executive branch officials to submit legislative recommendations to the Congress in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and to recommend for congressional consideration such measures as the President shall judge necessary and expedient. Such provisions include sub-

section 504(d) and section 2009 of title 39, as amended by section 603 of the Act, and sections 701(a)(2), 702(b), 703(b), 708(b), and 709(b)(2) of the Act.

GEORGE W. BUSH

The White House,
December 20, 2006.

NOTE: H.R. 6407, approved December 20, was assigned Public Law No. 109–435.

Statement on Signing the National Transportation Safety Board Reauthorization Act of 2006

December 21, 2006

Today I have signed into law H.R. 5076, the “National Transportation Safety Board Reauthorization Act of 2006.” The Act authorizes funding for the Board and makes adjustments to its authority and duties.

Section 2(a)(2) of the Act requires the Board to develop an operating plan for the National Transportation Safety Board Academy, obtain and respond to comments from a legislative agent regarding that plan, submit the plan to congressional committees with a description of modifications made in response to comments from the legislative agent, and then implement the plan within 2 years. The executive branch shall construe the provision in a manner consistent with the Constitution’s provisions concerning the separate powers of the Congress to legislate and the President to execute the laws.

The executive branch shall construe section 1113(c) of title 49, United States Code, as amended by section 9(f) of the Act, which relates to the Board’s review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress, in a manner consistent with the constitutional authority of the President to su-

pervise the unitary executive branch and to recommend for the consideration of the Congress such measures as the President shall judge necessary and expedient.

The executive branch shall construe section 11(c) of the Act, relating to executive branch reports to the Congress concerning investigations of alleged criminal and fraudulent activities in connection with a specified project, in a manner consistent with the constitutional authorities of the President to supervise the unitary executive branch and to withhold information the disclosure of which could impair the performance of the Executive’s constitutional duties, including the conduct of investigations and prosecutions to take care that the laws be faithfully executed.

GEORGE W. BUSH

The White House,
December 21, 2006.

NOTE: H.R. 5076, approved December 21, was assigned Public Law No. 109–443. An original was not available for verification of the content of this statement.