

ous statutes that now apply to the private sector and/or the executive branch should also apply to the United States Senate.

This is not the sort of complex, difficult question that requires deliberation by a blue-ribbon panel. The Congress need not look beyond James Madison's warning in *Federalist Paper No. 57* that "[i]f [the American] spirit shall ever be so far debased as to tolerate a law not obligatory on the Legislature as well as on the people, the people will be prepared to tolerate anything but liberty." Rather than "study" the issue, the Congress should quickly eliminate this unseemly practice by passing the Accountability in Government Act that I proposed in April.

I would also note the limitations placed on the Task Force's authority to take even the small step of examining this issue. Although the bill mentions several statutes by name, it ignores the Civil Rights Act of 1964, the Rehabilitation Act, and other civil rights laws. The current "coverage" of the Congress by these laws is a sham, since it denies congressional employees the same rights to trial before a judge or jury enjoyed by other Americans. The bill also excludes consideration of whether the Congress should be covered by the Independent Counsel provision of the Ethics in Govern-

ment Act, if that statute is reauthorized. And even as to the small number of laws remaining for consideration by the Task Force, the Task Force's mandate reaches only the Senate, not the House.

Second, provisions establishing the Commission on the Bicentennial of the United States Capitol present constitutional concerns. Even though the voting members of the Commission will all be Members of Congress, section 324(a) of the bill, if broadly construed, could be interpreted to allow the exercise of significant governmental authority by the Commission. So construed, this provision would be unconstitutional under the Appointments Clause of Article II, section 2, and the Incompatibility Clause of Article I, section 6. To avoid this constitutional infirmity, I will interpret section 324(a) of the bill as authorizing the Commission to perform only ceremonial and advisory functions within the legislative branch.

GEORGE BUSH

The White House,
October 6, 1992.

Note: H.R. 5427, approved October 6, was assigned Public Law No. 102-392.

Statement on Signing the Treasury, Postal Service, and General Government Appropriations Act, 1993

October 6, 1992

I have signed into law H.R. 5488, the Treasury, Postal Service, and General Government Appropriations Act, 1993.

This Act provides funding for several Administration priorities, including programs that address the crisis of drugs in our country. These include drug interdiction activities in the United States Customs Service and drug rehabilitation and treatment programs financed through the Office of National Drug Control Policy.

I am pleased that the Congress has provided the funding I requested for my efforts to control unnecessary and burdensome

Federal regulations through the regulatory review process headed by the Council on Competitiveness. Reviewing Federal regulations is an essential part of the President's constitutional responsibility to take care that the laws be faithfully executed. Regulatory review ensures that regulations issued by the executive branch protect the health and safety of the American people while taking into consideration the economic interests of American consumers.

In implementing this regulatory review process, the Council on Competitiveness, the Office of Management and Budget, and

the agencies take great care to ensure that the public participation provisions, as well as all other elements of the Administrative Procedure Act, are carried out in all respects. My advisers, including the Council members, the Office of Management and Budget, and the agencies, also ensure that agency rule-making decisions are supported by the public record maintained by the relevant agency pursuant to the Administrative Procedure Act.

I note that the Conference Report suggests certain operating procedures for the Council on Competitiveness. This report language is not legally binding, and the procedures it suggests would inappropriately interfere with my duty to oversee the executive branch. As previously stated, current procedures ensure that the regulatory process includes public participation and that decisions are based on the public record.

It is also essential that the President, the Cabinet, and other advisers be provided frank, candid advice about issues that may be raised in the regulatory process. The procedures proposed in the Conference Report would interfere with my ability to obtain such advice by requiring internal discussions among my Cabinet and my advisers to be reduced to writing and put on the public record. Such restrictions on the President's Cabinet or advisers, if imposed by the Congress, would be unprecedented and unconstitutional. I am, therefore, directing the Council on Competitiveness to continue to implement the regulatory re-

view process in a manner that is consistent with current law and with my constitutional responsibilities.

I also note that, certain provisions in the bill—those concerning regulatory review by the Office of Management and Budget (OMB) and the management of the Postal Service—could be interpreted to interfere with my authority under the Constitution to supervise the decision-making process within and management of the executive branch. In order to avoid this constitutional difficulty, and without recognizing the Congress's authority to impose these restrictions, I will interpret them to permit such supervision through other means.

A number of provisions in the Act condition the President's authority, and the authority of affected executive branch officials, to use funds otherwise appropriated by this Act on the approval of various congressional committees. These provisions constitute legislative vetoes similar to those declared unconstitutional by the Supreme Court in *INS v. Chadha*. Accordingly, I will treat them as having no legal force or effect in this or any other legislation in which they appear.

GEORGE BUSH

The White House,
October 6, 1992.

Note: H.R. 5488, approved October 6, was assigned Public Law No. 102-393.

Statement on Signing the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 October 6, 1992

I have signed into law H.R. 5678, the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993."

During the past few years, I have continually sought increased resources for Federal law enforcement. While we have achieved substantial progress in this area, the Congress has been unwilling to support fully

my efforts to combat violent crime and drugs, placing public safety at greater risk. Once again, I am disappointed that this Act cuts more than \$500 million from my request to support the fight against crime and drugs. Obviously, this will hamper the Justice Department's efforts to combat violent crime. Additional funding could have been provided to fight crime if the Congress had