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Statement on Signing the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006

August 2, 2005

Today, I have signed into law H.R. 2361, the "Department of Interior, Environment, and Related Agencies Appropriations Act, 2006." This bill appropriates funds for FY 2006 for the Department of the Interior, the Forest Service of the Department of Agriculture, the Indian Health Service of the Department of Health and Human Services, the Environmental Protection Agency, and several smaller agencies.

Provisions of the Act that purport to require congressional committee or individual leaders' approval prior to execution of the law shall be construed as calling solely for notification, as any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in *INS* vs. *Chadha.* These provisions include language under the headings "United States Fish and Wildlife Service, Administrative Provisions," "National Park Service, Construction," "Departmental Management, Salaries and Expenses," "Natural Resources Damage Assessment and Restoration, Administrative Provisions," "Forest Service, Wildland Fire Management," "Administrative Provisions, Forest Service," "Administrative Provisions, Indian Health Service," and "Administrative Provisions, Smithsonian Institution," as well as sections 130, 405, 421, 422, and 435 of the Act.

Provisions of the Act, such as language under the headings "National Park Service, Historic Preservation Fund," "Environmental Protection Agency, State and Tribal Assistance Grants," and "Administrative Provisions, Smithsonian Institution," purport to require execution of the Act in consultation with congressional committees. The executive branch shall construe this requirement in a manner consistent with the Constitution's grant to the President of exclusive authority to faithfully execute the laws and supervise the unitary executive branch. Further, sections 101 and 102 purport to require the President to submit supplemental appropriations requests. The executive branch shall construe these sections in a manner consistent with the President's constitutional authority to recommend for congressional consideration such measures, including requests for appropriations, as he judges necessary and expedient.

Finally, in language under the headings "State and Tribal Assistance Grants," Environmental Protection Agency," and "Department of Health and Human Services, Indian Health Services," the Act purports to require that certain funds be spent consistent with the joint explanatory statement of managers and an instruction in a Senate report. These documents do not satisfy the constitutional requirements of bicameral approval and presentment to the President needed to give them the force of law.

George W. Bush

The White House,
August 2, 2005.

NOTE: H.R. 2361, approved August 2, was assigned Public Law No. 109–54. An original was not available for verification of the content of this statement.

Memorandum Waiving Prohibition on U.S. Military Assistance With Respect to Cambodia

August 2, 2005

Presidential Determination No. 2005–31

Memorandum for the Secretary of State

Subject: Waiving Prohibition on U.S. Military Assistance with respect to Cambodia

Consistent with the authority vested in me by section 2007 of the American Servicemembers' Protection Act of 2002 (the "Act"), title II of Public Law 107–206 (22 U.S.C. 7421 *et seq.*),

I hereby:

- Determine that Cambodia has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such country; and

- Waive the prohibition of section 2007(a) of the Act with respect to this country for as long as such agreement remains in force.

You are authorized and directed to report this determination to the Congress, and to arrange for its publication in the *Federal Register.*

George W. Bush

[Filed with the Office of the Federal Register, 9:05 a.m., August 8, 2005]

NOTE: This memorandum will be published in the *Federal Register* on August 9.

Memorandum on the Tenth Quadrennial Review of Military Compensation

August 2, 2005

Memorandum for the Secretary of Defense

Subject: Tenth Quadrennial Review of Military Compensation

Consistent with section 1008(b) of title 37, United States Code, every 4 years the President directs a complete review of the principles and concepts of the compensation system for members of the uniformed services. You shall conduct the tenth such Quadrennial Review of Military Compensation as my Executive Agent.

The Army, Navy, Marine Corps, and Air Force in the Department of Defense; the Coast Guard in the Department of Homeland Security; the commissioned corps of the National Oceanic and Atmospheric Administration in the Department of Commerce; and the commissioned corps of the Public Health Service in the Department of Health and Human Services perform important roles in the protection of the American people and advancement of their interests at home and abroad. To continue to recruit and retain highly qualified personnel for the uniformed services as they transform themselves to meet new challenges, the departments concerned must offer, in addition to challenging and rewarding duties, compensation appropriate to the services rendered to the Nation. The departments also must apply the substantial taxpayer resources devoted to uniformed services compensation in the most effective manner possible.

In the review of the principles and concepts of the compensation system, particular attention should be paid to:

(1) ensuring that personnel in the uniformed services have the abilities and experience necessary to meet the challenges expected in the future, especially with respect to the War on Terror, defense of the homeland, and public warning and health in emergencies;

(2) maintaining the quality of life for members of the uniformed services and their families;

(3) the potential for consolidation of special pays and bonuses into fewer, broader, and more flexible authorities and for the substantial reduction or elimination of community-specific continuation and career pays in favor of more flexible and effective compensation alternatives;

(4) the potential need for enactment of broader and more flexible authorities for recruitment and retention of uniformed services personnel; and

(5) the implications of changing expectations of present and potential members of the uniformed services relating to retirement.

Please ensure that the Secretaries of Commerce, Health and Human Services, and Homeland Security participate as appropriate in the conduct of the review. I look forward to reviewing your findings and recommendations in this important undertaking.

George W. Bush

Notice—Continuation of Emergency Regarding Export Control Regulations

August 2, 2005

On August 17, 2001, consistent with the authority provided me under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I issued Executive Order 13222. In that order, I declared a national emergency with respect to the unusual