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Week Ending Friday, October 6, 2006

Statement on Signing the Department of Defense Appropriations Act, 2007

September 29, 2006

Today, I have signed into law H.R. 5631, the "Department of Defense Appropriations Act, 2007." The Act appropriates the funds needed to fight the war on terror, advance other United States interests around the world, and support our Armed Forces. The Act also continues funding for Government programs for which the Congress has not yet enacted regular appropriations acts.

Sections 8007, 8084, and 9005 of the Act prohibit the use of funds to initiate a special access program or a new start program, unless the congressional defense committees receive advance notice. The Supreme Court of the United States has stated that the President's authority to classify and control access to information bearing on the national security flows from the Constitution and does not depend upon a legislative grant of authority. Although the advance notice contemplated by sections 8007, 8084, and 9005 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 of the Armed Forces while protecting certain extraordinarily sensitive national security information. The executive branch shall construe these sections in a manner consistent with the constitutional authority of the President.

Section 8050 of the Act provides that, notwithstanding any other provision of law, no funds available to the Department of Defense for fiscal year 2007 may be used to transfer defense articles or services, other than intelligence services, to another nation or an international organization for international peacekeeping, peace enforcement, or humanitarian assistance operations, until 15 days after the executive branch notifies six committees of the Congress of the planned transfer. To the extent that protection of the U.S. Armed Forces deployed for international peacekeeping, peace enforcement, or humanitarian assistance operations might require action of a kind covered by section 8050 sooner than 15 days after notification, the executive branch shall construe the section in a manner consistent with the President's constitutional authority as Commander in Chief.

A proviso in the Act's appropriation for "Operation and Maintenance, Defense-Wide" purports to prohibit planning for consolidation of certain offices within the Department of Defense. Also, sections 8010(b), 8032(b), and 8089 purport to specify the content of portions of future budget requests to the Congress. The executive branch shall construe these provisions relating to planning and making of budget recommendations in a manner consistent with the President's constitutional authority to require the opinions of the heads of departments, to supervise the unitary executive branch, and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.

Section 8005 of the Act, relating to requests to congressional committees for reprogramming of funds, shall be construed as calling solely for notification, as any other construction would be inconsistent with the constitutional principles enunciated by the Supreme Court of the United States in *INS v. Chadha*.

The executive branch shall construe section 8093, relating to integration of foreign intelligence information, in a manner consistent with the President's constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the unitary executive branch.

Also, the executive branch shall construe sections 8095 and 8101 of the Act, which purport to prohibit the President from altering command and control relationships within the Armed Forces, as advisory, as any other construction would be inconsistent with the constitutional grant to the President of the authority of Commander in Chief.

The executive branch shall construe provisions of the Act relating to race, ethnicity, gender, and State residency, such as sections 8013, 8018 and 8048, in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Constitution's Fifth Amendment.

Sections 8039 and 8064 of the Act purport to allocate funds for specified purposes as set forth in the joint explanatory statement of managers that accompanied the Act and to direct compliance with a classified annex which was not incorporated into the Act and for which presentment was not made. The executive branch shall construe all these provisions in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.

George W. Bush

The White House,
September 29, 2006.

NOTE: H.R. 5631, approved September 29, was assigned Public Law No. 109–289. This item was not received in time for publication in the appropriate issue.

Proclamation 8058—National Domestic Violence Awareness Month, 2006

September 29, 2006

By the President of the United States of America

A Proclamation

Domestic violence has no place in our society, and we have a moral obligation to help prevent it. The terrible tragedies that result from it destroy lives and insult the dignity of women, men, and children. National Domestic Violence Awareness Month is an opportunity to underscore our commitment to bringing an end to violence in the home.

A home should be a place of stability, comfort, and love. Domestic violence shatters this important foundation. My Administration is strongly committed to addressing domestic violence and helping those who have been victimized. In January, I was proud to sign legislation reauthorizing the Violence Against Women Act. Since I announced the Family Justice Center Initiative in 2003, we have opened 11 Family Justice Centers across the country. These centers offer services to victims and their families, including legal advice, counseling, and support. In addition, we are continuing to work with faith-based and community organizations to provide training, expertise, and funding to help deliver hope and healing to those who need it most.

During National Domestic Violence Awareness Month and throughout the year, we are grateful for the advocates, counselors, and others who provide care to those affected by these acts of cruelty and for the law enforcement personnel and others who work to bring offenders to justice. We extend our compassion to the victims of domestic violence and urge them to seek assistance through local Family Justice Centers, faith-based and community organizations, and the National Domestic Violence Hotline at 1–800–799–SAFE. By working together, we can build an America where every home honors the value and dignity of its loved ones.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 2006 as National Domestic Violence Awareness Month. I urge all Americans to reach out to victims and help end domestic violence.

In Witness Whereof, I have hereunto set my hand this twenty-ninth day of September, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

George W. Bush

[Filed with the Office of the Federal Register, 8:45 a.m., October 3, 2006]