

**In Witness Whereof**, I have hereunto set my hand this twelfth day of October, 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, 8:51 a.m., October 16, 2006]

NOTE: This proclamation will be published in the *Federal Register* on October 17.

### **Statement on Signing the Rio Grande Natural Area Act**

*October 12, 2006*

Today, I have signed into law S. 56, the “Rio Grande Natural Area Act.” The Act establishes the Rio Grande Natural Area in Colorado to help protect natural resources on Federal and non-Federal lands.

The Act establishes a commission to perform specified functions relating to the Natural Area. The Commission consists of nine individuals appointed by the Secretary of the Interior, of whom one must represent the Colorado State Director of the Bureau of Land Management, one must be a specified Federal employee, three must be appointed on the recommendation of the Governor of Colorado to represent various Colorado governmental entities, and four must be knowledgeable, experienced local citizens to represent the general public. Thus, the Act limits the qualifications of the pool of persons from whom the Secretary may select appointees to the Commission in a manner that rules out a large portion of those persons best qualified by experience and knowledge to fill the positions, which the Appointments Clause of the Constitution does not permit if the appointees exercise significant governmental authority. To faithfully execute the Act to the maximum extent consistent with the Appointments Clause, the executive branch shall construe the provisions of the Act specifying functions for the Commission as specifying functions that are advisory only.

**George W. Bush**

The White House,  
October 12, 2006.

NOTE: This statement was released by the Office of the Press Secretary on October 13. S. 56, approved October 12, was assigned Public Law No. 109–337.

### **Statement on Signing the National Heritage Areas Act of 2006**

*October 12, 2006*

Today, I have signed into law S. 203, the “National Heritage Areas Act of 2006.” The Act establishes national heritage areas and reduces the royalty rate on certain minerals.

A number of provisions of the Act purport to give to management entities or local coordinating entities, composed of individuals who are not officers of the United States appointed in accordance with the Appointments Clause of the Constitution, significant governmental authority, such as authority to make grants from Federal appropriated funds to implement management plans for heritage areas. As is consistent with the Appointments Clause and with requirements in the Act concerning approval by the Secretary of the Interior of the management plans, the executive branch shall construe the provisions to require exercise by the Secretary of the Interior of the significant governmental authority given by the provisions, specifically including the exercise by the Secretary of final authority over any disbursement of Federal appropriated funds by a management entity or local coordinating entity.

**George W. Bush**

The White House,  
October 12, 2006.

NOTE: This statement was released by the Office of the Press Secretary on October 13. S. 203, approved October 12, was assigned Public Law No. 109–338.

### **Remarks on Signing the SAFE Port Act**

*October 13, 2006*

Thank you all. Please be seated. Thank you, and welcome. I’m pleased to have you here as I sign a bill that will help protect the American people and our ports. The SAFE Port Act will make this Nation more

prepared, more prosperous, and more secure.

I want to thank the Congress for its good work. I'm pleased that key Members of the Senate and the House have joined me here today, and I want to thank you for being here. I first want to thank the Secretary of Homeland Security, Michael Chertoff, for his service to the country. I appreciate that Senate Majority Leader Bill Frist has joined us. I'm pleased that Senator Susan Collins, who is the chairman of the Senate Homeland Security and Governmental Affairs Committee, has joined us. She is one of the sponsors of the bill, as is Peter King, who's the chairman of the House Homeland Security Committee. These two Members are strong, strong chairmen, and they're doing a fine job to help us protect this country. I appreciate very much Senator Bob Bennett and Senator Patty Murray and Senator Norm Coleman for joining us, as well as Congressman Dan Lungren.

The most solemn responsibility of the Federal Government is to protect the American people. And since September the 11th, the administration and the Congress have worked together, and we've led an unprecedented effort to safeguard our homeland. In other words, we learned the lessons of that attack. We've more than tripled spending on homeland security. We've created a Federal Department of Homeland Security with a single mission, to protect the American people. We've trained and equipped hundreds of thousands of State and local first-responders. We've worked with public agencies and private companies to improve security at airports and aboard commercial airliners. We've strengthened protections at bridges and tunnels and other critical infrastructure. We have a responsibility to protect the homeland, and we're meeting that responsibility.

Protecting our homeland requires protecting our borders. Since I took office, we more than doubled funding for border security, from \$4.6 billion in 2001 to 9.5 billion in 2006. We've increased the number of Border Patrol agents from around 9,000 to a little more than 12,000. We've upgraded technology and infrastructure along the border. We've apprehended and sent home more than 6 million people entering America ille-

gally. This is important progress, but we've got a lot of more work to do.

Last week in Arizona, I signed a bill that will allow us to hire 1,500 more Border Patrol agents, deploy advanced technology like ground-based radar and infrared cameras, add beds in our detention facilities so we can work to end catch-and-release. Congress also passed a bill that will authorize the construction of about 700 miles of double-layered fencing along our Southern border. I'm going to sign that bill into law. I'll continue to work with Congress to pass comprehensive immigration reform that protects our country, enforces our laws, and upholds our values.

Protecting our homeland also requires protecting our seaports. Our seaports are a gateway to commerce, a source of opportunity, and a provider of jobs. Our ports could also be a target of a terrorist attack, and we're determined to protect them.

Since September the 11th, we've launched a series of new efforts to improve port security. We worked with Congress to pass the Maritime Transportation Security Act, which required American ports and vessels to adopt strict new security measures. We made wider use of intelligence to screen cargo and target suspicious containers for inspection. We've worked with foreign partners to improve their security procedures. And with the bill I sign today, we renew a clear commitment: We will work tirelessly to keep our Nation safe and our ports open for business.

The SAFE Port Act will build on progress and help us protect our ports in three key ways. First, the SAFE Port Act will strengthen physical security measures at our ports by helping us harness the power of technology. The bill authorizes the development of 21st century inspection equipment, so that Customs agents can check inside cargo containers for dangerous materials without having to open them. The bill also requires radiation detection technology at our 22 busiest ports by the end of next year. America has the best technology in the world, and with this bill, we will apply that technology to make our ports the safest in the world.

Second, the SAFE Port Act provides legislative authority for key elements of our port security strategy. The bill codifies into law the Container Security Initiative, which we

launched in 2002. Through this initiative, we have deployed American inspectors to dozens of foreign ports on five continents where they are screening cargo before it leaves for our country.

The bill also codifies into law the Customs Trade Partnership Against Terrorism, a joint effort between the public and private sectors to improve cargo security. Under this partnership, private shippers agree to improve their own security measures, and in return, they can receive benefits, including expedited clearance through our ports.

And the bill provides additional authority for the Domestic Nuclear Detection Office, which we established to guard against the threat of terrorists smuggling a nuclear device into our country.

All these efforts are smart. They're working. And with this bill, they're here to stay.

Finally, the SAFE Port Act requires the Department of Homeland Security to establish a plan to speed the resumption of trade in the event of a terrorist attack on our ports or waterways. This bill makes clear that the Federal Government has the authority to clear waterways, identify cleanup equipment, and reestablish the flow of commerce following a terrorist attack. We'll do everything we can to prevent an attack, but if the terrorists succeed in launching an attack, we'll be ready to respond.

We take these steps to improve our port security, and as we do so, we thank the hard-working Americans who protect our people day in and day out. We're grateful to the Coast Guard's men and women, the Customs and Border Protection officers, our port workers and managers, State and local law enforcement officers, and all those in the private sector who do their part to keep America safe. We're going to protect our ports. We're going to defend this homeland. And we're going to win the war on terror.

With that, I'm now pleased to sign the SAFE Port Act into law.

NOTE: The President spoke at 10 a.m. in Room 350 of the Dwight D. Eisenhower Executive Office Building. At the time of publication, H.R. 4954, approved October 13, had not been received by the Office of the Federal Register in time for assignment of a Public Law number.

## **Statement on Signing the SAFE Port Act**

*October 13, 2006*

Today, I have signed into law H.R. 4954, the "Security and Accountability For Every Port Act of 2006," or the "SAFE Port Act" (the "Act"). The Act strengthens the Government's ability to protect the Nation's seaports and maritime commerce from attack by terrorists.

The executive branch shall construe provisions of the Act that purport to require executive branch officials to submit recommendations for legislation to the Congress, including section 201, in a manner consistent with the President's constitutional authority to recommend for the consideration of the Congress such measures as the President judges necessary and expedient and to supervise the unitary executive branch.

The executive branch shall construe provisions of the Act, including subsection 401(c) and subsection 2(d) of the Act of March 3, 1927, as amended by section 402 of the Act, that purport to make consultation with congressional committees a precondition to execution of the law, to call for but not mandate such consultation, as is 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 subsection 301(h)(2) of the Customs Procedural Reform and Simplification Act of 1978, as amended by section 403 of the Act, which purports to give a subordinate official within the executive branch authority to prevent an action by the superior official to whom the subordinate official reports, in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.

The executive branch shall construe section 709 of the Act, which purports to direct the President to perform the President's duties "acting through" a particular officer, in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch.

The executive branch shall construe as advisory provisions of the Act that purport to direct or burden the conduct of negotiations