

Week Ending Friday, January 13, 2006

**Statement on Signing the National
Defense Authorization Act for Fiscal
Year 2006**

January 6, 2006

Today, I have signed into law H.R. 1815, the “National Defense Authorization Act for Fiscal Year 2006.” The Act authorizes funding for the defense of the United States and its interests abroad, for military construction, and for national security-related energy programs.

Several provisions of the Act, including sections 352, 360, 403, 562, 818, and 2822, call for executive branch officials to submit to the Congress proposals for legislation, including budget proposals for enactment of appropriations, or purport to regulate or require disclosure of the manner in which the President formulates recommendations to the Congress for legislation. The executive branch shall implement these provisions in a manner consistent with the President’s constitutional authority to supervise the unitary executive branch and to recommend for the consideration of the Congress such measures as the President judges necessary and expedient. Also, the executive branch shall construe section 1206(d) of the Act, which purports to regulate formulation by executive branch officials of proposed programs for the President to direct, in a manner consistent with the President’s constitutional authority to supervise the unitary executive branch and to require the opinions of heads of executive departments. In addition, the executive branch shall construe section 1513(d) of the Act, which purports to make consultation with specified Members of Congress a precondition to the execution of the law, as calling for but not mandating 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.

A number of provisions of the Act, including sections 905, 932, 1004, 1212, 1224, 1227, and 1304, call for the executive branch to furnish information to the Congress on various subjects. The executive branch shall construe such provisions in a manner consistent with the President’s constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties.

Section 1222 of the Act refers to a joint explanatory statement of a committee of conference on a bill as if the statement had the force of law. The executive branch shall construe the provision in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.

The provisions in Title XIV in Division A of the Act are identical, except for a punctuation change in section 1405(b)(1)(B) and revisions in section 1406, to the corresponding provisions in Title X of Division A of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (H.R. 2863 of the 109th Congress) (Public Law 109–148). The statement I issued upon signing H.R. 2863 into law on December 30, 2005, is incorporated herein by reference insofar as that statement referred to Title X of Division A of that Act.

George W. Bush

The White House,
January 6, 2006.

NOTE: H.R. 1815, approved January 6, was assigned Public Law No. 109–163. This item was not received in time for publication in the appropriate issue.