

to continue to address the ever-changing foreign policy challenges we face.

The Act does not interfere with our policies regarding bilateral international family planning assistance, and ensures that U.S. funds are not made available to organizations supporting or participating in the management of a program of coercive abortion or involuntary sterilization. The Act provides additional discretion to determine the appropriate level of funding for the United Nations Population Fund.

Several provisions of the Act purport to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations, or other entities abroad, or otherwise interfere with the President's constitutional authority to conduct the Nation's foreign affairs. These include sections 514, 560, and 581(a), and the appropriations heading related to the International Development Association, which purport to direct the Secretary of the Treasury to require the U.S. representatives to take particular positions for the United States in international organizations or require the Secretary to accord priority to a particular objective in negotiations with such an organization. Another such provision is section 567(b), which purports to direct the Secretary of State to consult certain international organizations in determining the state of events abroad. These provisions shall be construed consistent with my constitutional authorities to conduct foreign affairs, participate in international negotiations, and supervise the executive branch.

Section 573 of the Act calls for the Department of State to provide regular and detailed briefings to congressional committees on any discussions between the executive branch and a particular government abroad on any potential purchase of defense articles or defense services by that government. This provision shall be construed as advisory only, given the constitutional powers of the President to supervise the executive branch and to conduct the Nation's foreign affairs, which includes the authority to determine what information about international negotiations may, in the public interest, be made available to the Congress and when such disclosure should occur. The Secretary of State will,

however, as a matter of comity between the executive and legislative branches, keep the Congress appropriately informed of the matters addressed by section 573.

Finally, section 577 requires that the President direct executive agencies possessing information relevant to specified deaths abroad to declassify and release that information. I will direct the Attorney General to coordinate the implementation of this section within the executive branch, so as to produce the requested information in a manner consistent with my constitutional and statutory responsibilities to protect various kinds of sensitive information.

Many provisions of the Act make funds available for particular purposes subject to, in accordance with, or under "the regular notification procedures of the Committee on Appropriations." The executive branch shall construe the reference to the "regular notification procedures" to be a reference to the procedures in section 515 of the Act.

George W. Bush

The White House,
January 10, 2002.

NOTE: H.R. 2506, approved January 10, was assigned Public Law No. 107-115.

**Statement on Signing the
Departments of Labor, Health and
Human Services, and Education, and
Related Agencies Appropriations
Act, 2002**

January 10, 2002

Today I have signed into law H.R. 3061, the "Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act, 2002." The legislation provides funding for key domestic programs, including the important education initiatives that have been a top priority of my Administration.

I appreciate the bipartisan effort that has gone into producing this Act. The bill abides by the agreed-upon aggregate funding level for Fiscal Year 2002 of \$686 billion and supports several of my Administration's key initiatives with:

- \$10.4 billion for title I grants to close the achievement gap between rich and poor students;
- \$1 billion for Reading First and Early Reading First to help schools meet the goal of ensuring that all students can read fluently by third grade;
- \$2.9 billion for State grants for improving teacher quality;
- \$7.5 billion for State Grants for Special Education, an increase of \$1.2 billion over FY 2001;
- \$23.2 billion for the National Institutes of Health to support biomedical research to help prevent, detect, diagnose, and treat disease and disability;
- full funding for the Consolidated Health Centers to provide quality health care to millions of uninsured and underserved Americans;
- additional resources for Drug Abuse Treatment services to help narrow the treatment gap between those in need of treatment and those with access to it; and
- full funding for Global HIV/AIDS activities to reduce the impact of HIV/AIDS in developing countries, including a further U.S. contribution to the global trust fund to combat HIV/AIDS, malaria, and tuberculosis.

While I am supportive of the overall bill, I have strong concerns that this bill creates a serious fiscal problem for 2002 by underfunding the Pell Grant program, which provides critical financial assistance to low-income students seeking higher education. The bill mandates a Pell Grant maximum award of \$4,000, but provides only enough funding to pay for a maximum award of \$3,600, creating a shortfall of nearly \$1.3 billion. The Congress disregarded my requests to provide resources for the Pell Grant program commensurate with the maximum award. My Administration will ask the Congress to correct this shortfall in the FY 2003 Budget. I am committed to maintaining a strong Pell Grant program that ensures qualified students have access to college, and budgeting responsibly for its full costs.

I am pleased that the final version of the bill retains the prohibition against research in which human embryos are destroyed, and

reinforces my determination on August 9, 2001, to support federally funded stem cell research in an ethical manner.

I am also pleased that the final version of the bill retains current law regarding funding for needle exchange programs.

The first proviso of section 207 of the Act purports to make certain transfers between appropriations for the Department of Health and Human Services subject to approval by the congressional appropriations committees. Under the principles enunciated by the U.S. Supreme Court in *INS v. Chadha*, the Congress cannot by law make transfers of appropriations subject to the approval of committees of the Congress. At the same time, the intention of the Congress that the executive branch have flexibility to transfer funds among appropriations for the Department of Health and Human Services is plain from the language of the Act. Accordingly, the executive branch shall treat the portion of the proviso of section 207 that purports to provide for congressional committee approval of transfers as having no force and severable from the remainder of the proviso of section 207 and the Act.

Also, section 217, addressing the Acting Director of NIH, and section 622, amending the Multifamily Assisted Housing Reform and Affordability Act of 1997, shall be implemented in a manner consistent with the Appointments Clause of the Constitution.

Several provisions of the Act purport to make funding available for particular projects “in the amounts specified in the statement of the managers on the conference report accompanying this Act.” Although specifications of projects and amounts in a statement of managers cannot satisfy the constitutional requirements of bicameral approval and presentment to the President needed to give them the force of law, my Administration will treat these specifications in a manner reflecting the comity between the executive and legislative branches on such matters.

George W. Bush

The White House,
January 10, 2002.

NOTE: H.R. 3061, approved January 10, was assigned Public Law No. 107–116.