

submitted to the Congress are subjected to appropriate executive branch review.

Section 518 of the Act purports to direct the conduct of security and suitability investigations. To the extent that section 518 relates to access to classified national security information, the executive branch shall construe this provision in a manner consistent with the President's exclusive constitutional authority, as head of the unitary executive branch and as Commander in Chief, to classify and control access to national security information and to determine whether an individual is suitable to occupy a position in the executive branch with access to such information.

To the extent that section 522 of the Act purports to allow an agent of the legislative branch to prevent implementation of the law unless the legislative agent reports to the Congress that the executive branch has met certain conditions, the executive branch shall construe such section as advisory, in accordance with the constitutional principles enumerated in the *Chadha* decision.

As is consistent with the text of the Act, the executive branch shall construe section 528 as relating to the integrity and supervision of the United States Secret Service only within the Department of Homeland Security. The executive branch therefore shall construe section 528 neither to affect the functions and supervision of personnel of the Secret Service assigned or detailed to duty outside the Department of Homeland Security nor to limit participation by the Secret Service in cooperative command and other arrangements with other governmental entities for the conduct of particular operations.

George W. Bush

The White House,
October 18, 2004.

NOTE: H.R. 4567, approved October 18, was assigned Public Law No. 108-334.

Statement on Signing the District of Columbia Appropriations Act, 2005

October 18, 2004

Today, I have signed into law H.R. 4850, the "District of Columbia Appropriations Act, 2005." The bill appropriates funds for the Government of the District of Columbia and other activities chargeable against the revenues of the District.

The provision of the Act relating to the Federal payment to the office of the District's Chief Financial Officer makes funds available for the projects and in the amounts specified in the statement of managers accompanying the conference report on the Act. While the specifications of projects and amounts in the statement of managers cannot satisfy the constitutional requirements of bicameral approval and presentment to the President needed to give them the force of law, the executive branch shall treat the specifications in a manner reflecting the comity between the executive and legislative branches on such matters.

Section 309 of the Act purports to require the use of particular revenue estimates in the budget request for fiscal year 2006. The executive branch shall construe section 309 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.

Section 331(5) of the Act purports to require congressional committee approval prior to obligation or expenditure of appropriated funds. The executive branch shall construe this provision to require only prior notification to the congressional committees, as any other construction would be contrary to the constitutional principles set forth by the Supreme Court of the United States in 1983 in *INS v. Chadha*.

George W. Bush

The White House,
October 18, 2004.

NOTE: H.R. 4850, approved October 18, was assigned Public Law No. 108-335.