

Control and Reclamation Act of 1977 as amended by section 207 in Division C and section 311(d) in Division C, as is consistent with the Constitution's vesting in the President of the executive power and the duty to take care that the laws be faithfully executed.

The executive branch shall construe provisions of the Act, including section 4005(b) in Division D and section 213A(f) of the Caribbean Basin Economic Recovery Act as amended by section 5002 in Division D, that purport to make consultation with committees of Congress 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.

George W. Bush

The White House,
December 20, 2006.

NOTE: H.R. 6111, approved December 20, was assigned Public Law No. 109-432.

**Statement on Signing the Postal
Accountability and Enhancement Act**
December 20, 2006

Today I have signed into law H.R. 6407, the "Postal Accountability and Enhancement Act." The Act is designed to improve the quality of postal service for Americans and to strengthen the free market for delivery services.

The executive branch shall construe sections 3662 and 3663 of title 39, United States Code, as enacted by section 205 of the Act, not to authorize an officer or agency within the executive branch to institute proceedings in Federal court against the Postal Regulatory Commission, which is another part of the executive branch, as is consistent with the constitutional authority of the President to supervise the unitary executive branch and the constitutional limitation of Federal courts to deciding cases or controversies.

The executive branch shall construe subsection 409(h) of title 39, as enacted by section 404 of the Act, which relates to legal representation for an element of the executive branch, in a manner consistent with the

constitutional authority of the President to supervise the unitary executive branch and to take care that the laws be faithfully executed.

The executive branch shall construe section 407 of title 39, as enacted by section 405 of the Act, in a manner consistent with the President's constitutional authority to conduct the Nation's foreign affairs, including the authority to determine which officers shall negotiate for the United States and toward what objectives, to make treaties by and with the advice and consent of the Senate, and to supervise the unitary executive branch.

The executive branch shall construe subsections 202(a) and 502(a) of title 39, as enacted by subsections 501(a) and 601(a) of the Act, which purport to limit the qualifications of the pool of persons from whom the President may select appointees in a manner that rules out a large portion of those persons best qualified by experience and knowledge to fill the positions, in a manner consistent with the Appointments Clause of the Constitution. The executive branch shall also construe as advisory the purported deadline in subsection 605(c) for the making of an appointment, as is consistent with the Appointments Clause.

The executive branch shall construe subsection 404(c) of title 39, as enacted by subsection 1010(e) of the Act, which provides for opening of an item of a class of mail otherwise sealed against inspection, in a manner consistent, to the maximum extent permissible, with the need to conduct searches in exigent circumstances, such as to protect human life and safety against hazardous materials, and the need for physical searches specifically authorized by law for foreign intelligence collection.

The executive branch shall construe provisions of the Act that call for executive branch officials to submit legislative recommendations to the Congress in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and to recommend for congressional consideration such measures as the President shall judge necessary and expedient. Such provisions include subsection 504(d) and section 2009 of title 39, as amended by section

603 of the Act, and sections 701(a)(2), 702(b), 703(b), 708(b), and 709(b)(2) of the Act.

George W. Bush

The White House,
December 20, 2006.

NOTE: H.R. 6407, approved December 20, was assigned Public Law No. 109-435.

Executive Order 13419—National Aeronautics Research and Development

December 20, 2006

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 204 of the National Science and Technology Policy, Organization, and Priorities Act of 1976, as amended (42 U.S.C. 6613), section 101(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109-155), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *National Aeronautics Research and Development Policy.* Continued progress in aeronautics, the science of flight, is essential to America's economic success and the protection of America's security interests at home and around the globe. Accordingly, it shall be the policy of the United States to facilitate progress in aeronautics research and development (R&D) through appropriate funding and activities of the Federal Government, in cooperation with State, territorial, tribal, local, and foreign governments, international organizations, academic and research institutions, private organizations, and other entities, as appropriate. The Federal Government shall only undertake roles in supporting aeronautics R&D that are not more appropriately performed by the private sector. The National Aeronautics Research and Development Policy prepared by the National Science and Technology Council should, to the extent consistent with this order and its implementation, guide the aeronautics R&D programs of the United States through 2020.

Sec. 2. *Functions of the Director of the Office of Science and Technology Policy.* To implement the policy set forth in section 1 of this order, the Director of the Office of Science and Technology Policy (the "Director") shall:

(a) review the funding and activities of the Federal Government relating to aeronautics R&D;

(b) recommend to the President, the Director of the Office of Management and Budget, and the heads of executive departments and agencies, as appropriate, such actions with respect to funding and activities of the Federal Government relating to aeronautics R&D as may be necessary to

- (i) advance United States technological leadership in aeronautics;
- (ii) support innovative research leading to significant advances in aeronautical concepts, technologies, and capabilities;
- (iii) pursue and develop advanced aeronautics concepts and technologies, including those for advanced aircraft systems and air transportation management systems, to benefit America's security and effective and efficient national airspace management;
- (iv) maintain and advance United States aeronautics research, development, test and evaluation infrastructure to provide effective experimental and computational capabilities in support of aeronautics R&D;
- (v) facilitate the educational development of the future aeronautics workforce as needed to further Federal Government interests;
- (vi) enhance coordination and communication among executive departments and agencies to maximize the effectiveness of Federal Government R&D resources; and
- (vii) ensure appropriate Federal Government coordination with State, territorial, tribal, local, and foreign governments, international organizations, academic and research institutions, private organizations, and other entities.

Sec. 3. *Implementation of National Aeronautics Research and Development Policy.*