

For Immediate Release  
Office of the Press Secretary  
November 30, 2005

**President's Statement on H.R. 2528, the "Military Quality of Life and Veterans Affairs Appropriations Act, 2006"**

Today, I have signed into law H.R. 2528, the "Military Quality of Life and Veterans Affairs Appropriations Act, 2006." This Act appropriates funds for construction to support the operations of the United States Armed Forces and for military family housing. The Act also provides funds to support the medical care and other needs of our Nation's veterans.

The Constitution requires bicameral passage, and presentment to the President, of all congressional actions governing other branches, as the Supreme Court of the United States recognized in *INS v. Chadha* (1983), and thus prohibits conditioning executive branch action on the approval of congressional committees. Many provisions of the Act conflict with this requirement and therefore shall be construed as calling solely for notification, including the following: "Department of Defense Base Closure Account 2005," "Department of Veterans Affairs, Information Technology Systems," "Department of Veterans Affairs, Construction, Major Projects," and sections 128, 129, 130, 201, 211, 216, 225, 226, 227, and 229.

Several provisions of the Act require notice to the Congress, including sections 107, 110, 113, and 118, which require notice of the relocation of activities between military installations, initiation of a new installation abroad, U.S. military exercises involving \$100,000 in construction costs, and the initiation of certain types of programs. As the Supreme Court of the United States has made clear, the President's authority to classify and control access to information bearing on national security flows from the Constitution and does not depend upon a legislative grant of authority. Although notice can be provided in most situations as a matter of comity, situations may arise, especially in wartime, in which the President must act promptly under his constitutional grants of executive power and authority as Commander in Chief while protecting sensitive national security information. The executive branch shall construe these sections to require notice at a time and in a manner consistent with the President's constitutional authority.

The Constitution commits to the President the primary responsibility for conducting the foreign relations of the United States, including the exclusive responsibility for formulating the position of the United States in international fora and conducting negotiations with foreign nations. Section 118, which purports, through a reporting requirement, to direct the power of the Department of Defense to conduct the foreign relations of the United States, shall be construed as advisory, consistent with the Constitution's grant of such power to the President.

Section 126 of the Act purports to require Department of Defense officials to respond in writing within 21 days to any question or inquiry from certain legislative subcommittees. The executive branch shall construe this section in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

GEORGE W. BUSH  
THE WHITE HOUSE,  
November 30, 2005.