

**Statement on Signing the
Department of the Interior,
Environment, and Related Agencies
Appropriations Act, 2006**

August 2, 2005

Today, I have signed into law H.R. 2361, the “Department of Interior, Environment, and Related Agencies Appropriations Act, 2006.” This bill appropriates funds for FY 2006 for the Department of the Interior, the Forest Service of the Department of Agriculture, the Indian Health Service of the Department of Health and Human Services, the Environmental Protection Agency, and several smaller agencies.

Provisions of the Act that purport to require congressional committee or individual leaders’ approval prior to execution of the law shall be construed as calling solely for notification, as any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in *INS vs. Chadha*. These provisions include language under the headings “United States Fish and Wildlife Service, Administrative Provisions,” “National Park Service, Construction,” “Departmental Management, Salaries and Expenses,” “Natural Resources Damage Assessment and Restoration, Administrative Provisions,” “Forest Service, Wildland Fire Management,” “Administrative Provisions, Forest Service,” “Administrative Provisions, Indian Health Service,” and “Administrative Provisions, Smithsonian Institution,” as well as sections 130, 405, 421, 422, and 435 of the Act.

Provisions of the Act, such as language under the headings “National Park Service, Historic Preservation Fund,” “Environmental Protection Agency, State and Tribal Assistance Grants,” and “Administrative Provisions, Smithsonian Institution,” purport to require execution of the Act in consultation with congressional committees. The executive branch shall construe this requirement in a manner consistent with the Constitution’s grant to the President of exclusive authority to faithfully execute the laws and supervise the unitary executive branch. Further, sections 101 and 102 purport to require the President to submit supplemental appropriations requests. The executive branch

shall construe these sections 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.

Finally, in language under the headings “State and Tribal Assistance Grants,” “Environmental Protection Agency,” and “Department of Health and Human Services, Indian Health Services,” the Act purports to require that certain funds be spent consistent with the joint explanatory statement of managers and an instruction in a Senate report. These documents do not satisfy the constitutional requirements of bicameral approval and presentment to the President needed to give them the force of law.

George W. Bush

The White House,
August 2, 2005.

NOTE: H.R. 2361, approved August 2, was assigned Public Law No. 109–54. An original was not available for verification of the content of this statement.

**Memorandum Waiving Prohibition
on U.S. Military Assistance With
Respect to Cambodia**

August 2, 2005

Presidential Determination No. 2005–31

Memorandum for the Secretary of State

Subject: Waiving Prohibition on U.S. Military Assistance with respect to Cambodia

Consistent with the authority vested in me by section 2007 of the American Servicemembers’ Protection Act of 2002 (the “Act”), title II of Public Law 107–206 (22 U.S.C. 7421 *et seq.*),

I hereby:

- Determine that Cambodia has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against U.S. personnel present in such country; and