



THE WHITE HOUSE  
PRESIDENT  
GEORGE W. BUSH

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For Immediate Release  
Office of the Press Secretary  
October 18, 2004

## **Statement on H.R. 4567, the Department of Homeland Security Appropriations Act, 2005**

Today, I have signed into law H.R. 4567, the "Department of Homeland Security Appropriations Act, 2005." The Act provides funds to protect the United States against terrorism and to carry out other departmental functions.

The executive branch shall construe as calling solely for notification the provisions of the Act that purport to require congressional committee approval for the execution of a law. Any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in *INS v. Chadha*. Such provisions include the purported approval requirements in the appropriations for expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project; customs and border protection automated systems; immigration and customs enforcement automated systems; operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program; United States Secret Service protective travel; and in sections 504 relating to unobligated balances, 508 relating to training facilities, and 510 relating to prospectuses.

Under the heading "Customs and Border Protection," the Act purports to require the Bureau of Customs and Border Protection to relocate its tactical checkpoints in the Tucson, Arizona, sector at least an average of once every 14 days. Decisions on deployment and redeployment of law enforcement officers in the execution of the laws are a part of the executive power vested in the President by Article II of the Constitution. Accordingly, the executive branch shall construe the relocation provision as advisory rather than mandatory.

The executive branch shall construe the provision relating to the Coast Guard under the heading "Acquisition, Construction, and Improvements" that purports to require inclusion of an amount for a particular purpose in the President's proposed budget for fiscal year 2006, in a manner consistent with the President's exclusive authority under the Constitution to recommend for the consideration of the Congress such measures, including proposals for appropriations, as the President judges necessary and expedient.

To the extent that provisions of the Act, including section 514, call for submission of legislative recommendations to the Congress, the executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to recommend for the consideration of the Congress such measures as the President shall judge necessary and expedient. Accordingly, the affected departments and agencies shall ensure that any reports or recommendations 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.

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