**Signed Under Protest:
A Database of Presidential Signing Statements, 2001-2009**

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Neil J. Kinkopf* and Peter M. Shane**

Introduction

This paper updates, *Signed Under Protest: A Database of Presidential Signing Statements, 2001-2006*, which we compiled and published in 2007. We would like to thank Professor Shane's research assistant, Craig Witherell, Ohio State '11, for his work in completing the record of the Bush 43 Administration. We were also fortunate, while completing this work, to receive correspondence from Frank Tallman, a Dartmouth masters student, who had independently compiled a roster of signing statements to update our 2007 compilation. When we had completed our own survey, we used Mr. Tallman's data as a basis for comparison and found our results to be nearly identical. Mr. Tallman thus furnished us a valuable quality check on our work, for which we are grateful.

Reprinted below is the introductory prose that accompanied our 2007 report. Rather than rewrite it, we would just like to note that one of us has since published an extended discussion of the signing statement phenomenon.¹ Future researchers may also want to take advantage of the work of Joyce Green, who has now created an online

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¹ PETER M. SHANE, *MADISON'S NIGHTMARE: HOW EXECUTIVE POWER THREATENS AMERICAN DEMOCRACY* 132-142 (2009).

database of her own including both Bush Administration signing statements and Obama Administration signing statements, going forward.² Hers is a feature-rich presentation that appears to include all signing statements, whether or not they make objections to the law being signed.

Introduction to the 2007 Compilation

Presidents signing bills into law have long followed a practice of accompanying the fact of their signature with a signing statement reflecting on each law they are approving. Perhaps most often, such statements tend to trumpet what the law being signed will accomplish in the public interest. In the spring of 2006, however, a now-Pulitzer Prize-winning series of stories by Boston Globe reporter Charlie Savage³ focused public attention on an extraordinary legal phenomenon. President George W. Bush has exploded the use of such statements to register constitutional objections to provisions of the bills he has signed into law – most often, objections to the potential impact of the bills on what the President regards as his inherent constitutional powers. Such statements often indicate the President’s intention to construe or implement the law in question in some unspecified way, but in light of his constitutional objections. Although other writers, both scholarly and journalistic, had taken note of the signing statement phenomenon,⁴ it was Mr. Savage’s reporting that most successfully alerted a

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² Her work appears at <http://www.coherentbabble.com>

³ Charlie Savage, *Bush challenges hundreds of laws, President cites powers of his office*, BOSTON GLOBE, Apr. 30, 2006, available at http://www.boston.com/news/nation/washington/articles/2006/04/30/bush_challenges_hundreds_of_laws/.

mass audience to the unprecedented scope of the Bush signing statement practice and the extraordinary constitutional doctrines they appeared to embody.

Preparing for a February, 2007 presidential signing statements symposium to be staged by the William and Mary Bill of Rights Journal, both of us felt that our own research – and the research of other scholars and journalists – would be assisted if there were a publicly available data set that chronicled the Bush Administration's unique signing statement campaign. With a team of research assistants, we set about creating the table that follows. We have tried to locate every piece of legislation enacted during the 107th-109th Congresses that elicited a presidential signing statement objection, and then to catalogue all the statutory provisions objected to, as well as the bases for the President's objections.

One matter our table helps to clarify is the uncertainty about describing the Bush signing statement campaign in quantitative terms. With regard to laws enacted between 2001 and 2006, President Bush objected to 1047 provisions⁵ embodied in 118 statutes. Objections to a number of these provisions were stated on multiple grounds. If one counts as an "objection" each precise ground on which the President registered concern about a provision of law, then the 1047 or so provisions at issue elicited 1430 objections.

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⁴ See, e.g., Phillip J. Cooper, *BY ORDER OF THE PRESIDENT: THE USE AND ABUSE OF EXECUTIVE DIRECT ACTION* (2002); Christopher S. Kelley, *The Unitary Executive and the Presidential Signing Statement* (Unpublished Doctoral Dissertation 2003), available at <http://www.ohiolink.edu/etd/send-pdf.cgi/Kelley%2C%20Christopher%20S.pdf?miami1057716977>; Dahlia Lithwick, *Sign Here: Presidential signing statements are more than just executive branch lunacy*, SLATE, Jan. 30, 2006, available at <http://www.slate.com/id/2134919/>.

⁵ It is impossible to give a more definitive number because some signing statements offer objections to "some," "other," or "a number of" provisions of the bill in question, but do not actually enumerate the disputed provisions. We have not tried in these cases to identify retrospectively the particular provisions we might imagine to have elicited the President's objections.

To help in the analysis of the President's objections, we have identified 23 general bases upon which such objections were stated. These are plainly overlapping, especially with regard to objections based on "the unitary executive," "Article II," and "the separation of powers." We have tried to reflect, however, as many distinctions as appear in the signing statements themselves, although scholars using our table may find it preferable to combine certain of our categories in order to make different points.

We have furnished the material that follows to the American Constitution Society, which we hope will construct a manipulable and regularly updated online version that will help future researchers even more. In his first major story on the subject, Charlie Savage wrote: "Legal scholars say the scope and aggression of Bush's assertions that he can bypass laws represent a concerted effort to expand his power at the expense of Congress, upsetting the balance between the branches of government."⁶ We share that assessment and trust that this initiative may assist the legal community and our fellow citizens more generally to understand the scope of the current assault on checks and balances and what the Administration takes to be its constitutional basis.

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⁶ Savage, *supra* note 1.

Statute Signed	Cite to Signing Statement	Objection Number	Provision Objected To	Reason for Objection	Intended Response	Category of Objection
Animal Disease Risk Assessment, Prevention and Control Act of 2001	37 Weekly Comp. Pres. Doc. 804 (S. 700, P.L. 107-9, May 24, 2001)	1.	Sec. 3 – requires the Secretary of Agriculture to submit preliminary and final reports concerning need for legislative authority, appropriations and recommendations for legislation.	Interferes with the President’s constitutional authority to recommend to the Congress such measures as the President shall judge necessary and expedient		1
The Department of the Interior and Related Agencies Appropriations Act, 2002 Energy and Water Development Appropriations Act, 2002	37 Weekly Comp. Pres. Doc. 1601 (H.R. 2217, P.L. 107-63, November 5, 2001) 37 Weekly Comp. Pres. Doc. 1650 (H.R. 2311, P.L. 107-66, November 12, 2001)	2.	Several provisions purport to require congressional approval before executive branch execution of aspects of the bill	Could be inconsistent with <i>INS v. Chadha</i> .	will construe to require notification only	2
		3.	Sec. 303 – purports to require congressional approval before executive branch execution of aspects of the bill	Could be inconsistent with <i>INS v. Chadha</i> .	will construe to require notification only	2
		4.	Other provisions which purport to remove presidential authority to oversee the activities of the Army Corps of Engineers	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch	(where they contradict, they will be interpreted as advisory only)	3
Departments of Veterans Affairs and Housing and	37 Weekly Comp. Pres. Doc. 1714 (H.R. 2620,	5.	Several provisions purport to require congressional approval before executive branch execution of aspects of the bill	Could be inconsistent with <i>INS v. Chadha</i> .	will construe to require notification only	2

Urban Development, and Independent Agencies Appropriations Act, 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 Departments of Commerce, Justice and State, the Judiciary, and Related Agencies Appropriations Act, 2002	P.L. 107-73, November 26, 2001)				
	37 Weekly Comp. Pres. Doc. 1723 (H.R. 2330, P.L. 107-76, November 28, 2001)	6.	A number of provisions purport to restrict executive branch execution of programs that are funded in the bill	Some provisions contradict <i>INS v. Chadha</i> .	2
	37 Weekly Comp. Pres. Doc. 1723 (H.R. 2500, P.L. 107-77, November 28, 2001)	7.	Sec. 612 - sets forth certain requirements regarding the organization of the Department of Justice's efforts to combat terrorism	Violates Presidential authority to direct the actions of the Executive Branch and its employees	15
		8.	Sec. 630 – prohibits the use of appropriated funds for cooperation with, or assistance or other support to, the International Criminal Court or its Preparatory Commission	Could be inconsistent with the President's constitutional authority in the area of foreign affairs, which enable him to take actions to protect U.S. nationals from purported jurisdiction under the treaty	4
		9.	Other provisions	Constrain Presidential authority	4,5

Department of Transportation and Related Agencies Appropriations Act, 2002	37 Weekly Comp. Pres. Doc. 1802 (H.R. 2299, P.L. 107-87, December 18, 2001)	10.	Several provisions purport to require congressional approval before executive branch execution of aspects of the bill	regarding the conduct of diplomacy and authority as Commander-in-Chief Will be interpreted to require notification only, or else inconsistent with <i>INS v. Chadha</i> .	2
Zimbabwe Democracy and Economic Recovery Act of 2001	37 Weekly Comp. Pres. Doc. 1820 (S. 494, P.L. 107-99, December 21, 2001)	11.	Sec. 4(c) – purports to direct the executive branch to oppose and vote against the extension of loans or the cancellation of debt in international finance institutions unless and until the President makes a certification or national interest determination	Burdens the President’s constitutional authority to conduct negotiations and cast votes in international organizations. (subject to exclusive auth. to negotiate or vote in int’l finance institutions)	4
National Defense Authorization Act for Fiscal Year 2002	37 Weekly Comp. Pres. Doc. 1834 (S. 1438, December 28, 2001)	12.	Sec. 1605 – requires State Governors, in certain circumstances, to provide reports to the Secretary of Defense concerning the Secretary’s recommendations on State voting laws.	Need proper regard for the role of States, and their legislatures and Governors, in our federal system.	10
		13.	Sec. 525(c) – calls for executive branch officials to submit to the Congress proposals for legislation.	Might violate the President’s constitutional authority to supervise the unitary executive branch and to recommend to the Congress such measures as he judges necessary and expedient.	1, 3
		14.	Sec. 546 – calls for executive branch officials to submit to the Congress proposals for legislation.	“	1, 3
		15.	Sec. 705 – calls for executive	“	1, 3

		16.	branch officials to submit to the Congress proposals for legislation. Sec. 3152 – calls for executive branch officials to submit to the Congress proposals for legislation.	“		1, 3
		17.	Sec. 1404 – vests in the Secretary of Defense authority to appoint a chief operating officer for the Armed Forces Retirement Home, but purports to limit the qualifications of the pool of persons he may select	Could be inconsistent with the requirements of the Appointments Clause	shall read as having no legal force.	6
		18.	Sec. 305 – amends section 502 of the National Security Act of 1947. Purports to require that reports submitted to the congressional intelligence committees on intelligence activities always be in written form.	Violates the President’s constitutional authority 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.		7
Intelligence Authorization Act for Fiscal Year 2002	37 Weekly Comp. Pres. Doc. 1834 (H.R. 2883, December 28, 2001)					
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002	38 Weekly Comp. Pres. Doc. 50 (H.R. 3061, P.L. 107-116, January 10, 2002)	19.	Sec. 207 – purports to make certain transfers between appropriations for the Dept. of Health and Human Services subject to approval by the congressional appropriations committees	Violates <i>INS v. Chadha</i> ; Congress cannot make transfers of appropriations subject to the approval of committees of the Congress.	shall read as having no legal force	2
		20.	Sec. 217 – says that an acting director of the NIH may serve until	Could be inconsistent with the Appointments Clause of the		6

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002	38 Weekly Comp. Pres. Doc. 49 (H.R. 2506, P.L. 107-115, January 10, 2002)		a new Director is confirmed by the Senate	Constitution		
		21.	Sec. 622 – amends the Multifamily Assisted Housing Reform and Affordability Act of 1997 regarding appointment of a Director	Could be inconsistent with the Appointments Clause of the Constitution		6
		22.	Other provisions purport to make funding available for particular projects in specified amounts	Does not satisfy the constitutional requirements of bicameral approval and presentment to the President	to reflect the comity btw. the exec. and legis. branches.	2
		23.	Sec. 514 – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations or other entities abroad	Interferes with the President’s constitutional authority to conduct the Nation’s foreign affairs		4
		24.	Sec. 560 – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations or other entities abroad			4
		25.	Sec. 567(b) – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations or other entities abroad		will construe as advisory only	4
		26.	Sec. 581(a) – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international			4

**Department of
Defense and
Emergency
Supplemental
Appropriation
s for
Recovery
from and
Response to
Terrorist
Attacks on
the United
States, 2002**

38 Weekly
Comp. Pres.
Doc. 46 (H.R.
3338, P.L. 107-
117, January
10, 2002)

	organizations or other entities abroad		
27.	Sec. 573 – calls for the Dept. of State to provide briefings to congressional committees on discussions between the executive branch and a particular government abroad on any potential purchase of defense articles or defense services by that government	Interferes with the constitutional powers of the President to supervise the executive branch and to conduct the Nation's foreign affairs, including the authority to determine what information about international negotiations may, in the public interest, be made available to the Congress and when such disclosure should occur.	4
28.	Sec. 577 – requires that the President direct executive agencies possessing information relevant to specified deaths abroad to declassify and release that information.	Could interfere with Presidential constitutional and statutory responsibilities to protect various kinds of sensitive information	7
29.	Sec. 8007 – prohibits use of funds to initiate a special access program until 30 calendar days of congressional session have elapsed after the executive branch has notified the congressional defense committees of initiation of the program	Interferes with the President's constitutional authority to classify and control information access to information bearing on national security.	if possible 7
30.	Sec. 8072 – provides that no funds	Could be inconsistent with the	5

	available to the Department of Defense for fiscal year 2002 may be used to transfer defense articles or services, other than intelligence services, to another nation or international organization for international peacekeeping, peace enforcement, or humanitarian assistance operations until 15 days after the President notifies 6 committees of Congress of the planned transfer.	President's duty as Commander in Chief of the Armed Forces		
31.	Sec. 8098 – purports to limit the number of Dept. of Defense military and civilian personnel assigned to legislative affairs, and to mandate the percentage distribution of such personnel among various offices of the Dept.	Could be inconsistent with the President's constitutional authority to supervise the executive branch and as Commander in Chief of the Armed Forces.	but cannot restrict the auth. of the Pres. To control the activities of members of the armed forces	5, 15
32.	Sec. 8173 – prohibits the use of appropriated funds for assistance or other support to the International Criminal Court	Could be inconsistent with the President's constitutional authority in the area of foreign affairs, which enables him to take actions to protect U.S. nationals from the purported jurisdiction of the treaty		4
33.	Sec. 911 – Division B – provide for assistance by executive departments and agencies to the U.S. Capitol police in performance of its duties	Could violate separation of powers of the executive and legislative branches	Atty. Gen. shall serve as the point of contact	11
34.	Sec. 912 – Division B – provide for assistance by executive departments and agencies to the U.S. Capitol	Could violate separation of powers of the executive and legislative branches	Atty. Gen. shall serve as the point of contact	11

Bipartisan Campaign Reform Act of 2002	38 Weekly Comp. Pres. Doc. 517 (H.R. 2356, P.L. 107-155, March 27, 2002)	35.	police in performance of its duties Prevents all individuals, not just unions and corporations, from making donations to political parties in connection with Federal elections	Restricts individual freedom to participate in elections, leading to First Amendment issues	expects courts will solve appropriately	12
		36.	Bans issue advertising	Restrains the speech of a variety of groups on issues of public import in the months closest to an election	expects courts will solve appropriately	12
Farm Security and Rural Investment Act of 2002	38 Weekly Comp. Pres. Doc. 810 (H.R. 2646, P.L. 107-171, May 13, 2002)	37.	Sec. 4404 – prescribes method of appointment of the board of trustees of the fellowship program	Inconsistent with the Appointments Clause of the Constitution	will work to cure defect before appointment	6
		38.	Sec. 6027 – establishes and continues multi-member regional authorities to implement development programs	Might violate the Appointments Clause, since the members are probably not appointed in accordance with the Clause	will work to cure defect before appointment	6
		39.	Sec. 6028 – establishes and continues multi-member regional authorities to implement development programs	“	“	6
Enhanced Border Security and Visa Entry Reform Act of 2002	38 Weekly Comp. Pres. Doc. 822 (H.R. 2535, P.L. 107-173, May 14, 2002)	40.	Sec. 2(6) – purports to require the President to act through a specified assistant or in coordination or consultation with specified officers	The President’s constitutional authority to supervise the unitary executive branch cannot be made subject to requirements to exercise this authority through or in coordination with other officers	shall treat the requirements as precatory	3
		41.	Sec.201(c) (2) – purports to require the President to act through a			3

Export-Import Bank Reauthorizati on Act of 2002	38 Weekly Comp. Pres. Doc. 1014 (S. 1372, P.L. 107- 189, June 14, 2002)	42.	specified assistant or in coordination or consultation with specified officers Sec. 202(a)(3) – purports to require the President to act through a specified assistant or in coordination or consultation with specified officers			3
		43.	Sec. 203 – requires the President to appoint 8/9 of the members of the Commission or Interoperable Data Sharing from a list of nominees provided by the congressional leadership acting jointly	Might violate the Appointments Clause	will construe the Commission’s function as advisory only	6
		44.	Sec. 404(a) – relates to a U.S.- Canadian joint border inspections operations under an international agreement	Might violate the President’s constitutional authority to conduct the foreign affairs of the Nation and to supervise the unitary executive branch		3, 4
		45.	Sec. 7(b) – relates to outreach to certain small businesses	Could be inconsistent with the requirements of equal protection under the Due Process Clause of the 5 th Amendment		9
		46.	Sec. 10(a) – purports to require the Secretary of the Treasury to negotiate with foreign countries and international organizations and to submit a report of the content of such negotiations	Interferes with the President’s constitutional authority to conduct the Nation’s foreign affairs, supervise the unitary executive branch, and withhold information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the	construe as precatory, not mandatory	3, 4, 7

				executive, or the performance of the executive's constitutional duties.		
		47.	Sec. 10(b)(2) – purports to require the Secretary of the Treasury to negotiate with foreign countries and international organizations and to submit a report of the content of such negotiations	Interferes with the President's constitutional authority to conduct the Nation's foreign affairs, supervise the unitary executive branch, and 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.	construe as precatory, not mandatory	3, 4, 7
Small Business Paperwork Relief Act of 2002	38 Weekly Comp. Pres. Doc. 1112 (H.R. 327, P.L.107-198, June 28, 2002)	48.	Sec. 3 – creates a new section 3520 in title 44 of the United States Code which purports to require task force publication of differences in views among executive officers and transmittal of recommendations to congressional committees	Could interfere with the President's constitutional authority to supervise the unitary executive branch, to protect the confidentiality of executive deliberations, and to recommend to the consideration of the Congress such measures as he shall judge necessary and expedient.		1, 3
Legislation on the Codification of Public Buildings, Property, and Works	38 Weekly Comp. Pres. Doc. 1427 (H.R. 2068, P.L. 107-217, August 21, 2002)	49.	Sec. 312(b)(2) – concerns cert in transfers of funds for equipment purchases, states that the executive branch may take action only after receiving the approval of certain committees of Congress.	Infringes on the constitutional requirement of bicameralism and presentment and could contravene <i>INS v. Chadha</i> .		2
		50.	Sec. 3305(a)(3) – concerns the use of land as a site for public building,	Infringes on the constitutional requirement of bicameralism	construe as advisory, not	2

			states that the executive branch may take action only after receiving the approval of certain committees of Congress.	and presentment and could contravene <i>INS v. Chadha</i> .	mandatory	
John F. Kennedy Center Plaza Authorization Act of 2002	38 Weekly Comp. Pres. Doc. 1576 (H.R. 5012, P.L. 107-224, September 18, 2002)	51.	Sec. 12(b)(5) – purports to make the Secretary of Transportation’s entry into contracts subject to the approval of the Board (which includes members of Congress)	Board members’ exercise of such power violates separation of powers		11
Foreign Relations Authorization Act, Fiscal Year 2003	38 Weekly Comp. Pres. Doc. 1658 (H.R. 1646, P.L. 107-228, September 30, 2002)	52.	Sec. 408 – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations or other entities abroad or which purport to direct executive branch officials to use the U.S. voice and vote in international organizations to achieve specified foreign policy objectives	Interfere with the President’s constitutional authorities to conduct the Nation’s foreign affairs, participate in international negotiations, and supervise the unitary executive branch		3, 4
		53.	Sec. 616 – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations or other entities abroad or which purport to direct executive branch officials to use the U.S. voice and vote in international organizations to achieve specified foreign policy objectives			3, 4
		54.	Sec. 621 – purports to direct or burden the conduct of negotiations by the executive branch with			3, 4

	foreign governments, international organizations or other entities abroad or which purport to direct executive branch officials to use the U.S. voice and vote in international organizations to achieve specified foreign policy objectives	
55.	Sec. 633 – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations or other entities abroad or which purport to direct executive branch officials to use the U.S. voice and vote in international organizations to achieve specified foreign policy objectives	3, 4
56.	Sec. 1343(b) – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations or other entities abroad or which purport to direct executive branch officials to use the U.S. voice and vote in international organizations to achieve specified foreign policy objectives	3, 4
57.	Sec. 204 – mandates submission of information to the Congress or the public	Could interfere with the President’s constitutional authority to withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the 7

		Executive, or the performance of the Executive's constitutional duties	
58.	Sec. 215 – mandates submission of information to the Congress or the public		7
59.	Sec. 603 – mandates submission of information to the Congress or the public		7
60.	Sec. 613(b) – mandates submission of information to the Congress or the public		7
61.	Sec. 615 – mandate submission of information to the Congress or the public		7
62.	Sec. 1602 – mandates submission of information to the Congress or the public		7
63.	Sec. 650 – calls for executive branch officials to submit to the Congress recommendations for legislation	Could interfere with the President's constitutional authority to supervise the unitary executive branch and to recommend to the Congress the such measures as he judges necessary and expedient	1, 3
64.	Sec. 1205(d)(5) – calls for executive branch officials to submit to the Congress recommendations for legislation		1, 3
65.	Sec. 1501(7) – calls for executive branch officials to submit to the Congress recommendations for legislation		1, 3
66.	Sec. 214 – sets out U.S. policy with	- Interferes with the	Sec. of State 3, 4

	respect to Jerusalem as the capital of Israel	President's constitutional authority to conduct the Nation's foreign affairs and to supervise the unitary executive branch. - If construed as mandatory, it would interfere with the President's constitutional authority to formulate the position of the United States, speak for the Nation in international affairs, and determine the terms on which recognition is given to foreign states.	may provide such direction as needed.	
67.	Sec. 325 (governs use of funds for minority recruitment, 687 (governs reports on participation by small businesses in procurement contracts by USAID)	Could violate equal protection requirements of the Due Process Clause of the Fifth Amendment		9
68.	Sec. 505 – excludes U.S. Government employees abroad assigned to duty as correspondents for the Voice of America from the statutory responsibilities of the Secretary of State for security of certain U.S. Government personnel abroad and of chiefs of U.S. missions for direction of such personnel	Could interfere with the constitutional authority of the President to conduct the Nation's foreign affairs and to supervise the unitary executive branch	Sec. of State may provide such direction as needed	3, 4

**Continuing
Resolution for
Fiscal Year
2003
(providing
appropriation
s)**

38 Weekly
Comp. Pres.
Doc. 1660 (H.J.
Res. 111, P.L.
107-229,
September 30,
2002)

69.	Sec. 604 – purports to require the imposition of certain sanctions on the PLO or Palestinian Authority based on the determinations that the President makes or fails to make in the report provided for in sec. 603	Some of these sanctions bear on the President’s power with respect to the timing and nature of diplomatic communications.		4
70.	Sec. 645 – purports to require the President to implement a law through a particular subordinate officer in the Department of Commerce	Could be inconsistent with the President’s authority to supervise the unitary executive branch		3
71.	Sec. 686 – makes 7 additional plaintiffs with judgments against Iran eligible for payments under the Victims of Trafficking and Violence Protection Act of 2000	Drawing upon blocked assets to fund victims may not preserve the prerogative of the President in the area of foreign affairs.		4
72.	Sec. 1206 – could be misconstrued to imply a change in the “one China” policy of the United States	Interferes with the President’s constitutional authority to conduct the Nation’s foreign affairs.	but does not imply a change in policy	4
73.	Sec. 1406 – requires that actions to remove items from the munitions list be subject to reprogramming notifications to committees of Congress, but does not subject such actions to any committee approval requirements	Impermissible under the constitutional separation of powers		11
74.	Sec. 117 – purports to prohibit all executive branch agencies from spending any funds made available under the continuing resolution in violation of 44 U.S.C. 501	Violates principles of separation of powers	shall treat as not binding	11

Sudan Peace Act	38 Weekly Comp. Pres. Doc. 1819 (H.R. 5531, P.L. 107-245, October 21, 2002)	75.	Sec. 6(b) – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments	Could interfere with the President’s exercise of his constitutional authorities to conduct the Nation’s foreign affairs, participate in international negotiations, and supervise the unitary executive branch	construe as advisory, not mandatory	3, 4
		76.	Several provisions - purport to require executive branch reports to congressional committees concerning the contents of U.S. diplomatic advocacy, plans for U.S. diplomatic activities to achieve particular foreign policy objectives, and information on particular activities abroad	Could be inconsistent with the President's constitutional authority to withhold information, the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.		4
		77.	Provision defines a particular entity as the “Government of Sudan” for purposes of implementing the act	Could infringe upon the President’s authority to recognize foreign states and to determine what constitutes the governments of such foreign states.		4
Military Construction Appropriation Act, 2003	38 Weekly Comp. Pres. Doc. 1836 (H.R. 5011, P.L. 107-249, October 23, 2002)	78.	Sec. 107 – provides for notice to the Congress of relocation of activities between military installations, initiation of a new installation abroad, or U.S. military exercises involving \$100,000 in construction costs	Could violate the President’s constitutional authority to classify and control access to information bearing on national security	for the most part	7
		79.	Sec. 110 – provides for notice to the Congress of relocation of activities between military installations,			7

Department of Defense Appropriation s Act, 2003	38 Weekly Comp. Pres. Doc. 1834 (H.R. 5010, P.L. 107-248, October 23, 2002)		initiation of a new installation abroad, or U.S. military exercises involving \$100,000 in construction costs		
		80.	Sec. 113 – provides for notice to the Congress of relocation of activities between military installations, initiation of a new installation abroad, or U.S. military exercises involving \$100,000 in construction costs		7
		81.	Sec. 119 – provides for the Secretary of Defense to submit a report to Congress with details of proposed actions to encourage certain cooperating nations to assume a greater share of the common defense burden	Could violate the President's constitutional authority 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	7
		82.	Sec. 8007 – prohibits the use of funds to initiate a special access program or to initiate a new start program, unless the congressional defense committees receive advance notice	Could violate the President's constitutional authority to classify and control access to information bearing on national security	7
		83.	Sec. 8111 – prohibits the use of funds to initiate a special access program or to initiate a new start program, unless the congressional defense committees receive advance notice		7

		84.	Sec. 8066 – provides that no funds available to the Department of Defense for FY2003 may be used to transfer defense articles or services, other than intelligence services, to another nation or international organization until 15 days after the executive branch notifies 6 committees of Congress of the planned transfer	Protection of the U.S. Armed Forces may require action of a kind covered by 8066 sooner than 15 days after notification		5
		85.	Sec. 8121 – purports to specify the content of future Department of Defense budgetary and programming plans	Could be inconsistent with the President's constitutional authority to require the opinions of the heads of departments and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.		1, 14
		86.	Sec. 8094 – provides that, in implementing a health care interagency partnership, native Hawaiians shall have the status of Native Americans who are eligible for healthcare provided by the Indian Health Service	Could be inconsistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Fifth Amendment		9
		87.	Sec. 8116 – makes certain appropriated funds available for transportation, food, lodging, supplies, fees and training materials for members of the Armed Forces and their immediate families while participating in chaplain-led programs	Could violate the fundamental constitutional right of free exercise of religion, subject to the constitutional limitation on establishment of religion and any other applicable law		12
Russian	38 Weekly	88.	Sec. 3(b) – purports to establish	Could violate the presidential	construe as	4

Democracy Act of 2002	Comp. Pres. Doc. 1839 (H.R. 2121, P.L. 107-246, October 23, 2002)		U.S. policy toward Russia	authority to conduct the Nation's foreign affairs	advisory, not mandatory	
Medical Device User Fee and Modernization Act of 2002	38 Weekly Comp. Pres. Doc. 1874 (H.R. 5651, P.L. 107-250, October 26, 2002)	89.	Sec. 201(a) – enacts 704(g)(10) of the Food Drug and Cosmetic Act, which purports to make the operation of the “accredited persons” inspection provisions for medical device establishments dependent upon certain determinations by the Comptroller General	May not be in accordance with the principles set out in <i>Bowsher v. Synar</i>		20
		90.	Several provisions – require executive branch officials to submit recommendations to the Congress	Could violate the President's constitutional authority to submit for the consideration of Congress such measures as he judges necessary and expedient		1
Help America Vote Act of 2002	38 Weekly Comp. Pres. Doc. 1888 (H.R. 3295, P.L. 107-252, October 29, 2002)	91.	Sec. 203(a)(2) – mandates that members of the congressional leadership submit to the President recommendations of persons to be appointed to the Election Assistance Commission	Could impose impermissible constraints on presidential power under the Appointments Clause		6
		92.	Sec. 203(a)(4) – purports to require the President to make appointments to the Congress no later than 120 days after enactment of the new law	The deadline unduly circumscribes the presidential appointment power		6
		93.	Sec. 902(c) – would authorize the Comptroller General (an officer of the legislative branch) to make	Violates the constitutional principle of separation of powers because it attempts to		20

		94.	determinations that would impose binding payment obligations upon entities outside that branch Sec. 101 – concerns the provision of voting assistance	vest executive functions in a member of the legislative branch Could violate equal protection requirements of the Due Process Clause of the Fifth Amendment		9
Niagara Falls National Heritage Area Study Act	38 Weekly Comp. Pres. Doc. 1892 (S. 1227, P.L. 107-256, October 30, 2002)	95.	Sec. 3(d) – purports to require the Secretary of the Interior to submit to the Congress recommendations related to legislation	Could be inconsistent with the President’s constitutional authority to submit for consideration to the Congress legislative proposals as he judges are necessary and expedient		1
21st Century Department of Justice Appropriations Authorization Act	38 Weekly Comp. Pres. Doc. 1971 (H.R. 2215, P.L. 107-271, November 2, 2002)	96.	Sec. 202 – adds a new section to 28 U.S.C. 530D that purports to impose on the executive branch obligations for reporting to Congress activities of the DOJ involving challenges to or nonenforcement of law that conflicts with the Constitution	Could be inconsistent with the President’s 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	XX	3, 7
		97.	Sec. 202(a) – requires that the President report to Congress the issuance of any unclassified executive order that establishes or implements a policy of intra-circuit non-acquiescence or of refraining from enforcing, applying, or administering a Federal statute, rule, regulation, program, or policy	Could be inconsistent with the President’s 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	XX	3, 7

98.	on the ground that it is unconstitutional Sec. 205(b) – amends 18 U.S.C. 1913, relating to use of federal appropriated funds for certain advocacy activities	of the Executive’s constitutional duties Could be inconsistent with the President’s constitutional authority to conduct the Nation’s foreign affairs, to supervise the unitary executive branch, and to recommend to the consideration of the Congress such measures as the President shall judge necessary and expedient.	1, 3, 4
99.	Sec. 207(d) – purports to require executive branch officials to submit to Congress plans for internal executive branch activities or recommendations relating to legislation	Could be inconsistent with the President’s constitutional authority to conduct the Nation’s foreign affairs, to supervise the unitary executive branch, and to recommend to the consideration of the Congress such measures as the President shall judge necessary and expedient.	1, 3, 4
100.	Sec. 309 – purports to require executive branch officials to submit to Congress plans for internal executive branch activities or recommendations relating to legislation		1, 3, 4
101.	Sec. 11025(a) – purports to require executive branch officials to submit to Congress plans for internal executive branch activities or recommendations relating to legislation		1, 3, 4

	Sec. 402 – adds sections to the Omnibus Crime Control and Safe Streets Act of 1968 granting “final authority” to a subordinate of the Atty. General over certain grants and agreements, and allowing the Atty. General to act on behalf of the President to give the subordinate a role representing the U.S. at United Nations and other international for a	Could be inconsistent with the President's constitutional authorities to supervise the unitary executive branch and to conduct the Nation's foreign affairs	3, 4
102.	Sec. 2301(c) – requires the Atty. General to devise a plan to implement recommendations of the GAO to accomplish goals specified in the statute	Could be inconsistent with the principles of <i>INS v. Chadha</i>	2
103.	Sec. 2303(b) – purports to give the Comptroller General (a legislative agent) a right of access to all relevant documents and information that he deems necessary in conducting a study required by the Act	Could be inconsistent with the constitutional authorities of the President 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	3, 7
104.	Sec. 2504 – purports to require the Atty. General to conduct a prosecutor exchange program with a foreign country	Could be inconsistent with the President's constitutional authorities to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.	3, 4

**Legislation to
Provide for
Improvement
of Federal
Education
Research,
Statistics,
Evaluation,
Information,
and
Dissemination
and for Other
Purposes**

38 Weekly
Comp. Pres.
Doc. 1995
(H.R. 3801,
P.L. 107-279,
November 7,
2002)

105.	Sec. 11015 – purports to give U.S. attorneys in certain circumstances exclusive authority to select an annuity broker for structured settlement purposes	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch.	3
106.	Sec. 11026(c) – purports to require all Federal law enforcement agencies to comply with requests from the GAO for certain information in the course of preparation of a report on crime statistics	Could be inconsistent with the constitutional authorities of the President 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.	3, 7
107.	Sec. 115 – relates to proposed priorities for the Institute	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch	3
108.	Sec. 116(c)(2) – purports to require that the President solicit advice regarding individuals to serve on the Board	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch, and to	3

109.	Sec. 116(f) – purports to require that the Board submit to the Director, Secretary, and appropriate congressional committees a report regarding recommendations	select individuals for nomination Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch	1, 3
110.	Sec. 117(d) – makes Commissioners’ duties subject to the approval of the Director	Could be inconsistent with the Recommendations Clause of the Constitution to submit for consideration of Congress such measures as he judges necessary and expedient Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch	3
111.	Sec. 119 – purports to require a biennial report from the Director	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch	3
112.	Sec. 156(b) – regards the furnishing or compilation of surveys	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch	2, 3
113.	Sec. 186(a) – states that the	May be inconsistent with <i>INS v. Chadha</i> , which does not permit Congress by law to authorize a congressional committee to direct an executive branch entity to create a compilation or survey Could be inconsistent with the subject to the	3

	Director may prepare or publish information or reports without the approval of the Secretary or any other office of the Department.	President's constitutional authority to supervise the unitary executive branch	supervision and direction of the Sec. of Education	
114.	Sec. 111(b)(2)(B), – requires taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan politics	Could be inconsistent with First Amendment freedoms and requirements of equal protection and due process under the Due Process Clause of the Fifth Amendment		9, 12
115.	Sec. 114(f)(7) – require taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan politics			9, 12
116.	Sec. 114(f)(8) require taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan politics			9, 12
117.	Sec. 115(a)(1) – require taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan politics			9, 12
118.	Sec. 116(b)(8) – require taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan politics			9, 12
119.	Sec. 116(b)(10) – require taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan			9, 12

	politics			
120.	Sec. 133(c)(7) – require taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan politics			9, 12
121.	Sec. 151(b)(3) – require taking account of race, culture, gender, region, socioeconomics, ideology, secularity and partisan politics			9, 12
122.	Sec. 174 – regards regional educational laboratories for research, development, dissemination, and technical assistance	Could be inconsistent with <i>Printz v. United States</i> , principles governing Federal-State relations	Imposes a duty on States and officials only when the duties are a condition of a federal grant or contract accepted by or under the authority of a state	10
123.	Sec. 102 – purports to require an executive branch official to submit recommendations to Congress	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch Could impinge on his authority to submit only the recs. that he judges necessary		1, 3

		and expedient		
124.	Sec. 103(b) – purports to require an executive branch official to submit recommendations to Congress			1, 3
125.	Sec. 110(c)(4) – purports to require an executive branch official to submit recommendations to Congress			1, 3
126.	Sec. 112(4) – purports to require an executive branch official to submit recommendations to Congress			1, 3
127.	Sec. 214(a)(1)(D)(ii) – provides that voluntarily shared critical infrastructure information shall not be used or disclosed by any Federal employee without the written consent of the person or entity submitting the information, except when disclosure would be to Congress or the Comptroller General	Could be inconsistent with the constitutional authorities of the President 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	not construed as affirmative requirement to share with Congress or Comptroller General	3, 7
128.	Sec. 231 – establishes an “Office of Science and Technology” within the National Institute of Justice, under the authority of the Assistant Atty. General for the Office of Justice	Could be inconsistent with the Appointments Clause	Atty. General to appoint the Director	6

	Programs; 231(b) – headed by a Director appointed based on approval by the Office of Personnel Management		
129.	Sec. 232(e) – provides that the Director of the Office of Science and Technology shall have sole authority over decisions relating to publications issued by the Office	Could be inconsistent with the constitutional authorities of the President to supervise the unitary executive branch	3
130.	Sec. 306(a) – provides that research conducted by the Department shall be unclassified “to the greatest extent practicable”	Could be inconsistent with the President's constitutional and statutory authorities to control access to and protect classified information, intelligence sources and methods, sensitive law enforcement information, and information the disclosure of which could otherwise harm the foreign relations or national security of the United States.	7
131.	Sec. 425 – adds 49 U.S.C. 44901(d)(3), which requires the submission of classified reports concerning the screening of checked baggage for explosives in the aviation system to certain committees of Congress	Could be inconsistent with the President's constitutional and statutory authorities to control access to and protect classified information, intelligence sources and methods, sensitive law enforcement information, and information the disclosure of which could otherwise harm the foreign relations or national security of the United States.	7
132.	Sec. 311(h) – provides for the preparation and transmittal to Congress of reports prepared by the	Could be inconsistent with the constitutional authorities of the President to supervise the	1, 3

	Homeland Security Science and Technology Advisory Committee	unitary executive branch and to recommend for the consideration of the Congress such measures as the President judges necessary and expedient.	
133.	Sec. 414 – purports to require the submission of budget requests for the new Department to the Congress and to require such requests to be in a particular form	Could be inconsistent with the constitutional authority of the President to recommend for the consideration of the Congress such measures as the President judges necessary and expedient.	1
134.	Sec. 476 – purports to require the submission of budget requests for the new Department to the Congress and to require such requests to be in a particular form		1
135.	Sec. 873(c) – purports to require the submission of budget requests for the new Department to the Congress and to require such requests to be in a particular form		1
136.	Sec. 452(c) – prohibits various officers of the Department or the Office of Management and Budget from reviewing reports and other material prepared by the Citizenship and Immigration Services Ombudsman	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch.	3
137.	Sec. 473(f) – purports to require the Secretary of Homeland Security or the Atty. General to comply with requests from GAO for certain information in the course of preparing reports relating to	Could be inconsistent with the constitutional authorities of the President to supervise the unitary executive branch and to withhold information the disclosure of which could	3, 7

	disciplinary action	impair foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.	
138.	Sec. 428(e)(7)(B) – purports to require executive branch officials to submit to Congress plans for internal executive branch activities for recommendations relating to legislation		1, 3
139.	Sec. 460 – purports to require executive branch officials to submit to Congress plans for internal executive branch activities for recommendations relating to legislation		1, 3
140.	Sec. 477(c)(2)(F) – purports to require executive branch officials to submit to Congress plans for internal executive branch activities for recommendations relating to legislation		1, 3
141.	Sec. 882(c)(3) – purport to require executive branch officials to submit to Congress plans for internal executive branch activities for recommendations relating to legislation		1, 3
142.	Sec. 893(a) – purports to require executive branch officials to submit to Congress plans for internal executive branch activities for		1, 3

**Intelligence
Authorization
Act for the
Fiscal Year
2003**

38 Weekly
Comp. Pres.
Doc. 2102
(H.R. 4628,
P.L. 107-306,
November 27,
2002)

	recommendations relating to legislation			
143.	Sec. 1313(a)(2) – provides authority to the Administrative Office of the U.S. Courts to establish a program for providing voluntary separation incentive payments to individuals serving in the judicial branch	Need appropriate respect for principles of judicial independence	construed as excluding members serving in the Federal judiciary	18
144.	Sec. 1331 – adds a section to 5 U.S.C., which requires that, in exercising authority to assign and fund academic degree training for certain Federal employees, and agency take into consideration the need to maintain a balance in gender, race, ethnicity, and disability status	Could be inconsistent with the Equal Protection component of the Due Process Clause of the Fifth Amendment		9
145.	Sec. 325 (enacting 8H(g)(1)(A) of the Inspector General Act of 1978) – relate to submissions of recommendations to Congress	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch		3
146.	Sec. 334 (enacting 8H(g)(1)(A) of the Inspector General Act of 1978) – relate to submissions of recommendations to Congress			3
147.	Sec. 826 (enacting 8H(g)(1)(A) of the Inspector General Act of 1978) – relate to submissions of recommendations to Congress			3
148.	Sec. 825 (enacting 8H(g)(1)(A) of the Inspector General Act of 1978)			3

**Bob Stump
National
Defense
Authorization
Act for Fiscal
Year 2003**

38 Weekly
Comp. Pres.
Doc. 2114
(H.R. 4546,
P.L. 107-314,
December 2,
2002)

149.	– relate to submissions of recommendations to Congress Sec. 342, Title VIII – establish new requirements for the executive branch to disclose sensitive information	Could be inconsistent with the President's constitutional authority 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.	7
150.	501(d) and (e) – relate to the number and activities of military personnel deployed abroad	Could be inconsistent with the President's constitutional authority as Commander in Chief of the Armed Forces.	5
151.	Sec. 221 – establishes new requirements for the executive branch to furnish sensitive information to the Congress on various subjects	Could be inconsistent with the President's constitutional authority 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.	7
152.	Sec. 1043 – establishes new requirements for the executive branch to furnish sensitive information to the Congress on various subjects		7
153.	Sec. 1065 – establishes new requirements for the executive branch to furnish sensitive		7

	information to the Congress on various subjects		
154.	Sec. 1205 – establishes new requirements for the executive branch to furnish sensitive information to the Congress on various subjects		7
155.	Sec. 1206 – establishes new requirements for the executive branch to furnish sensitive information to the Congress on various subjects		7
156.	Sec. 1207 – establishes new requirements for the executive branch to furnish sensitive information to the Congress on various subjects		7
157.	Sec. 1209 – establishes new requirements for the executive branch to furnish sensitive information to the Congress on various subjects		7
158.	Sec. 112(b) – calls for executive branch officials to submit recommendations and plans to the Congress	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch	3
159.	Sec. 142(c) – calls for executive branch officials to submit recommendations and plans to the Congress		3
160.	Sec. 221(c) – calls for executive branch officials to submit recommendations and plans to the Congress		3

161.	Sec. 231 – calls for executive branch officials to submit recommendations and plans to the Congress	3
162.	Sec. 234(c) – calls for executive branch officials to submit recommendations and plans to the Congress	3
163.	Sec. 241(c)(3)(D) – calls for executive branch officials to submit recommendations and plans to the Congress	3
164.	Sec. 366 – calls for executive branch officials to submit recommendations and plans to the Congress	3
165.	Sec. 404(c) – calls for executive branch officials to submit recommendations and plans to the Congress	3
166.	Sec. 534(c) – calls for executive branch officials to submit recommendations and plans to the Congress	3
167.	Sec. 582 – calls for executive branch officials to submit recommendations and plans to the Congress	3
168.	Sec. 721 – calls for executive branch officials to submit recommendations and plans to the Congress	3
169.	Sec. 723 – calls for executive branch officials to submit	3

	recommendations and plans to the Congress	
170.	Sec. 924 – calls for executive branch officials to submit recommendations and plans to the Congress	3
171.	Sec. 1043(b)(2) – calls for executive branch officials to submit recommendations and plans to the Congress	3
172.	Sec. 1207 – calls for executive branch officials to submit recommendations and plans to the Congress	3
173.	Sec. 1208 – calls for executive branch officials to submit recommendations and plans to the Congress	3
174.	Sec. 3141(e) – calls for executive branch officials to submit recommendations and plans to the Congress	3
175.	Sec. 3176(b)(4) – call for executive branch officials to submit recommendations and plans to the Congress	3
176.	Sec. 3176(d) – call for executive branch officials to submit recommendations and plans to the Congress	3
177.	Sec. 3504(c)(4) – calls for executive branch officials to submit recommendations and plans to the Congress	3

178.	Sec. 513(e) – purports to require executive branch officials to submit legislative proposals to the Congress	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch; and the President's constitutional authority consistent with the President's constitutional authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient.		1, 3
179.	Sec. 813 – purports to require executive branch officials to submit legislative proposals to the Congress			1, 3
180.	Sec. 1061 – purports to require executive branch officials to submit legislative proposals to the Congress			1, 3
181.	Sec. 3143 – purports to require executive branch officials to submit legislative proposals to the Congress			1, 3
182.	Sec. 133(2)(B) – says that the Secretary of the Air Force may not enter into a lease for tanker aircraft until a notification for the funds has been submitted in accordance with established procedures	Could be inconsistent with the principles of <i>INS v. Chadha</i>	construed as requiring only notification to Congress, not approval	2
183.	Sec. 801 – enacts 10 U.S.C. 2308(e)(1), which sets forth quantities in tables in reports	Could be inconsistent with the bicameralism and presentment requirements of the Constitution for making a law	but does not give the force of law to any quantity set forth	2

E- Government Act of 2002	38 Weekly Comp. Pres. Doc. 2174	184.	Sec. 816 – extends 10 U.S.C. 2323 through fiscal year 2006	Could be inconsistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment		9
		185.	Sec. 242 – vests authority to direct the provision of funds for designated projects, and to select certain projects for funding, in an official to be designated by the Under Secretary of Defense for Acquisition, Technology, and Logistics	May only be exercised in accordance with the provisions of the Appointments Clause	Sec. of Defense shall ensure that the official is a duly chosen constitutional officer, or that the authority is supervised and reviewed by the Under Secretary or other appropriate officer	6
		186.	Sec. 3155 – purports to require executive branch officials to conduct programs within a foreign country	Could be inconsistent with the President’s constitutional authority to conduct the foreign affairs of the United States		4
		187.	Sec. 3156 – purports to require executive branch officials to conduct programs within a foreign country			4
		188.	Sec. 3160 – purports to require executive branch officials to conduct programs within a foreign country			4
		189.	Sec. 301(c) - preserves the authorities of the Secretary of Defense, the Director of Central	Must be consistent with the President’s constitutional authorities to supervise the		3, 7

Legislation to Reauthorize the Hydrographic Services Improvement Act of 1998	(H.R. 2458, P.L. 107-347, December 17, 2002) 38 Weekly Comp. Pres. Doc. 2179 (H.R. 3883, P.L. 107-372, December 19, 2002)	190.	Intelligence, and other agency heads with regard to the operation, control, and management of national security systems. Sec. 221(a)(4) – provides statutory bases for revocation of commissions or removal from service	unitary executive branch and to protect sensitive national security, law enforcement, and foreign relations information Must not be in derogation of the President’s constitutional authority to remove officers of the U.S.	21
		191.	Sec. 223(b) – provides statutory bases for revocation of commissions or removal from service		21
		192.	Sec. 241(a)(2) – provides statutory bases for revocation of commissions or removal from service		21
		193.	Sec. 222 – provides recommendations for the nomination of candidates	Could be inconsistent with the President’s constitutional authority to nominate and appoint candidates	6
		194.	Sec. 224 – provides recommendations for the nomination of candidates		6
National Science Foundation Authorization Act of 2002	38 Weekly Comp. Pres. Doc. 2178 (H.R. 4664, P.L. 107-368, December 18, 2002)	195.	Sec. 5(f) – purports to condition authorizations of certain appropriations on a subsequent determination by Congress of the existence of successful progress by the executive branch toward specific goals	Could be inconsistent with <i>INS v. Chadha</i>	2
		196.	Sec. 8(10)(A) – regarding support	Could be inconsistent with the	9

		to minority-serving institutions,	equal protection requirements of the Due Process Clause of the Fifth Amendment	
		197. Sec. 9(a)(5) – regarding science enrichment programs for girls,	Could be inconsistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment	1, 3
		198. Sec. 11(b)(3) – regarding awards for performance, 24 – regarding minority-serving institutions undergraduate program	Could be inconsistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment	1, 3
		199. Sec. 14(a) – calls for submission by the executive branch of specified information or recommendations to the Congress	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch, to protect the deliberative processes of the Executive, and to submit to the Congress such recommendations as the President judges necessary and expedient.	1, 3
		200. Sec. 14(b) – calls for submission by the executive branch of specified information or recommendations to the Congress		1, 3
		201. Sec. 18(d) – calls for submission by the executive branch of specified information or recommendations to the Congress		1, 3
Consolidated Appropriations Resolution 2003	39 Weekly Comp. Pres. Doc. 225 (H.J. Res. 2,	202. Sec. 514 of the Foreign Operations Appropriations Act – purports to direct or burden the Executive’s conduct of international	Inconsistent with the President’s constitutional authority to conduct foreign affairs	will construe as advisory 4

P.L.108-7,
February 20,
2003)

	negotiations			
203.	Sec. 556 of the Foreign Operations Appropriations Act – purports to direct or burden the Executive’s conduct of international negotiations			4
204.	Sec. 576 of the Foreign Operations Appropriations Act – purports to direct or burden the Executive’s conduct of international negotiations			4
205.	Sec. 577 of the Foreign Operations Appropriations Act – purports to direct or burden the Executive’s conduct of international negotiations			4
206.	“Andean Counterdrug Initiative” in the Foreign Operations Appropriation Act; Sec. 609 in the Commerce Appropriations Act – purport to limit the President’s authority as commander in chief	Inconsistent with the President’s constitutional authority to command the armed forces	will construe as advisory	5
207.	Sec. 718 of the Agriculture Act; provisions relating to Office of Management and Budget review of executive branch orders, activities, regulations, transcripts and testimony in the Treasury Appropriations Act – purport to limit the President’s authority to supervise the unitary executive branch	Inconsistent with the President’s constitutional authority to supervise the unitary executive branch	will construe as advisory	3

208.	Sec. 561(a) of the Foreign Operations Appropriations Act; mandate, regulate, or prohibit submission of information to the Congress or to the public	Inconsistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties	will construe as advisory	7
209.	Sec. 620 of Treasury Appropriations Act – mandate, regulate, or prohibit submission of information to the Congress or to the public	Inconsistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties	will construe as advisory	7
210.	Sec. 622 of Treasury Appropriations Act – mandate, regulate, or prohibit submission of information to the Congress or to the public	Inconsistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties	will construe as advisory	7
211.	Sec. 568(a) of the Foreign Operations Appropriations Act; mandate, regulate, or prohibit submission of information to the Congress or to the public			7
212.	Sec. 574(d) of the Foreign Operations Appropriations Act;			7

213.	mandate, regulate, or prohibit submission of information to the Congress or to the public Sec. 723 of Agricultural Appropriations Act; provisions purporting to require submission of a request for a supplemental appropriation in the Interior Appropriations Act - mandate or prohibit submission of recommendations to the Congress	Inconsistent with the President's constitutional authority to make recommendations to the Congress		1
214.	Provisions that purport to require congressional committee approval for the execution of a law, including sections 704 relating to fund transfers in the Agriculture Appropriations Act; the provision relating to an expenditure plan for the entry-exit system in the Commerce Appropriations Act; and the provisions on transfer of United States Customs Service aircraft, automated commercial environment, business systems modernization, funds transfers within and among Treasury entities, Secret Service protective mission travel, museum construction, high-intensity drug trafficking area and other funding levels, building prospectus funding levels, use of the Federal building fund for emergency repairs and transfers with the fund, unobligated balances	Inconsistent with <i>INS v. Chadha</i>	Atty. General shall serve as single officer	2

	for salaries and expenses, office improvements, and law enforcement training facilities in the Treasury Appropriations Act.			
215.	Provisions that purport to require congressional committee approval for the execution of a law, including sections 719 relating to fund transfers in the Agriculture Appropriations Act; the provision relating to an expenditure plan for the entry-exit system in the Commerce Appropriations Act; and the provisions on transfer of United States Customs Service aircraft, automated commercial environment, business systems modernization, funds transfers within and among Treasury entities, Secret Service protective mission travel, museum construction, high-intensity drug trafficking area and other funding levels, building prospectus funding levels, use of the Federal building fund for emergency repairs and transfers with the fund, unobligated balances for salaries and expenses, office improvements, and law enforcement training facilities in the Treasury Appropriations Act.	Inconsistent with <i>INS v. Chadha</i>	Atty. General shall serve as single officer	2
216.	Sec. 586 of the Foreign Operations Appropriation Act – requires the President to issue and provide	Could be inconsistent with the President's constitutional authority to withhold		7

Postal Civil Service Retirement System Funding Reform Act of 2003	39 Weekly Comp. Pres. Doc. 460 (S. 380, P.L. 108-18, April 23, 2003)		copies of an order relating to consideration of the release of information	information, the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.		
		217.	Sec. 1017 of the legislative branch Appropriations Act – requires an officer within the executive branch to be authorized to receive requests from the Chief of the Capitol Police and to approve action by the executive branch	Need to preserve proper respect for the distinct powers of the executive and legislative branches and to ensure coordination between them in emergencies	11	
		218.	Sec. 2(c) – vests in certain circumstances in the CSRS Board of Actuaries authority to reconsider, review, and make adjustments with finality in certain determinations, redeterminations, and computations made by the Director of the Office of Personnel Management (OPM)	Inconsistent with the Appointments Clause; Board members are not principal officers because they are not appointed by the President	will comply to the fullest extent that is consistent with the Appointments Clause	6
		219.	Sec. 3(b) – vests in certain circumstances in the CSRS Board of Actuaries authority to reconsider, review, and make adjustments with finality in certain determinations, redeterminations, and computations made by the Director of the Office of Personnel Management (OPM)			6
		220.	Sec. 2(e)(1) – purports to require officials in the executive branch to submit recommendations to the Congress or an agent of the	Could be inconsistent with the constitutional authority of the President to submit for the consideration of the Congress		1

		Congress	such measures as the President judges necessary and expedient.		
		221. Sec. 3(e)(1) – purports to require officials in the executive branch to submit recommendations to the Congress or an agent of the Congress		will construe as giving the President broad discretion whether to certify to the Congress that an applicable waiver or decision is in effect	1
		222. Sec. 3(f)(1)(B) – purports to require officials in the executive branch to submit recommendations to the Congress or an agent of the Congress			1
Clean Diamond Trade Act	39 Weekly Comp. Pres. Doc. 491 (H.R. 1584, P.L. 108-19, April 25, 2003)	223. Sec. 15 – provides that the legislation takes effect on the date the President certifies to the Congress that either 1) an applicable waiver that has been granted by the World Trade Organization is in effect, or 2) an applicable decision in a resolution adopted by the U.N. Security Council pursuant to Chapter VII of the Charter of the U.N. is in effect has occurred	If requiring the President to certify that one of these events had occurred was mandatory, it would raise a serious question whether it unconstitutionally delegated legislative power to international bodies		13
Prosecutorial Remedies and Other Tools to end the	39 Weekly Comp. Pres. Doc. 504 (S. 151, P.L. 108-	224. Sec. 108(d)(3) – calls for the Atty. General to submit recommendations to the Congress	Could be inconsistent with the President’s constitutional authority to submit for the consideration of the Congress		1

Exploitation of Children Today Act of 2003	21, April 30, 2003)			such measures as he judges necessary and expedient		
		225.	Sec. 401(1)(2) – calls for a report to certain committees of the Congress by the Atty. General concerning prosecutorial actions, including the basis on which the Solicitor General decides to grant an appeal in cases dealing with departures from sentencing guidelines	Could be inconsistent with the President's constitutional authority to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.		8
Legislation Concerning Participation of Taiwan in the World Health Organization	39 Weekly Comp. Pres. Doc. 679 (S. 243, P.L. 108-28, May 29, 2003)	226.	Sec. 1(c) – imposes a reporting requirement	Could be inconsistent with the President's constitutional authority to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.		8
Strengthen AmeriCorps Program Act	39 Weekly Comp. Pres. Doc. 876 (S. 1276, P.L. 108-45, July 3, 2003)	227.	Sec. 2(b)(2) – purports to require the CNCS to consult the Director of the Congressional Budget Office in executing 2(b)(1), relating to determination of a formula for calculating certain obligations for recordation	Since CNCS is part of the unitary executive branch, a statute cannot constitutionally require the executive branch to involve a legislative agent in executive decision-making	will construe as requiring only notification of the CBO	3
Higher Education Relief Opportunities for Students	39 Weekly Comp. Pres. Doc. 1081 (H.R. 1412, P.L. 108-76,	228.	Sec. 2(c)	Could be inconsistent with the President's authority under the Recommendations Clause to submit for the consideration of Congress such measures as he		1

Act of 2003	August 18, 2003)			judges necessary or expedient	
Prison Rape Elimination Act of 2003	39 Weekly Comp. Pres. Doc. 1148 (S. 1435, P.L. 108-79, September 4, 2003)	229.	Sec. 7(h) – purports to grant to the Commission a right of access to any federal department or agency information;	Could be inconsistent with the President's constitutional authority to withhold information when its disclosure could impair deliberative processes of the Executive or the performance of the Executive's constitutional duties.	8
		230.	Sec. 7(k)(3) provides for a release of the information to the public		8
Legislative Branch Appropriations Act, 2004	39 Weekly Comp. Pres. Doc. 1287 (H.R. 2657, P.L. 108-83, September 30, 2003)	231.	Sec. 103 – establishes in the H.R. an Office of Interparliamentary Affairs	Could be inconsistent with the President's constitutional authority to conduct the Nation's foreign affairs	4

232.	Sec. 3604 makes specified changes in statements of managers of the House-Senate conference committees that accompanied various bills reported from conference that ultimately became laws	Statements of managers accompanying a conference report do not have the force of law	2
233.	Sec. 3605 makes specified changes in statements of managers of the House-Senate conference committees that accompanied various bills reported from conference that ultimately became laws	Statements of managers accompanying a conference report do not have the force of law	2
234.	Sec. 3610 makes specified changes in statements of managers of the House-Senate conference committees that accompanied various bills reported from conference that ultimately became laws	Statements of managers accompanying a conference report do not have the force of law	2
235.	Sec. 3611 makes specified changes in statements of managers of the House-Senate conference committees that accompanied various bills reported from conference that ultimately became laws	Statements of managers accompanying a conference report do not have the force of law	2
236.	Sec. 3612 makes specified changes in statements of managers of the House-Senate conference committees that accompanied various bills reported from	Statements of managers accompanying a conference report do not have the force of law	2

Department of Defense Appropriations Act, 2004	39 Weekly Comp. Pres. Doc. 1289 (H.R. 2658, Public Law No. P.L. 8-87, October 1, 2003)	237.	conference that ultimately became laws Sec. 3613 makes specified changes in statements of managers of the House-Senate conference committees that accompanied various bills reported from conference that ultimately became laws	Statements of managers accompanying a conference report do not have the force of law	2
		238.	Sec. 8007 – prohibits the use of funds to initiate a special access program or to initiate a new start program, unless the congressional defense committees receive advance notice	Could be inconsistent with the President’s authority to classify and control access to information bearing on national security flows from the Constitution and does not depend on a constitutional grant of authority	7
		239.	Sec. 8013 – prohibits the use of funds to initiate a special access program or to initiate a new start program, unless the congressional defense committees receive advance notice		7
		240.	Sec. 8065 – provides that no funds available to the Dept. of Defense may be used to transfers defense articles and services to another nation or international organization for humanitarian purposes until 15 days after the executive branch notifies six committees of Congress of the proposed transfer	Could be inconsistent with the President’s constitutional authority as Commander in Chief of the Armed Forces	5
		241.	Proviso in the Act’s appropriation for Operation and Maintenance,	Could be inconsistent with the President’s constitutional	1, 14

	Defense-Wide - prohibits implementation of and purports to prohibit planning for consolidation of certain offices within the Department of Defense	authority to require the opinions of the heads of departments and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.		
242.	Sec. 8010(b) – purports to specify the content of a portion of a future budget request to the Congress for the Dept. of Defense	Could be inconsistent with the President's constitutional authority to require the opinions of the heads of departments and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.		1, 14
243.	Sec. 8041(b) – purports to specify the content of a portion of a future budget request to the Congress for the Dept. of Defense		will construe as requiring only notification	1, 14
244.	Sec. 8115 – purports to specify the content of a portion of a future budget request to the Congress for the Dept. of Defense			1, 14
245.	Sec. 8005 – relates to requests to congressional committees for reprogramming of funds for	Could be inconsistent with <i>INS v. Chadha</i>		2
246.	Proviso in the appropriation for "Operation and Maintenance, Air Force" earmarks an amount of funds for a grant to a college for the purpose of funding minority aviation training	Must be consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Fifth Amendment	will construe the classified annex references as advisory in effect	9
247.	Sec. 8089 - provides that, in implementing a healthcare interagency partnership under that	Must be consistent with the requirement to afford equal protection of the laws under the		9

Department of Homeland Security Appropriation s Act of 2004	39 Weekly Comp. Pres. Doc. 1292 (H.R. 2555, P.L. 108-90, October 1, 2003)		section, Native Hawaiians shall have the status of Native Americans who are eligible for healthcare services	Due Process Clause of the Fifth Amendment		
		248.	Sec. 8082 – makes clear that the classified annex accompanies but is not incorporated as a part of the Act	Does not meet the bicameralism and presentment requirements of the Constitution for the making of a law		
		249.	Sec. 8091 – makes clear that the classified annex accompanies but is not incorporated as a part of the Act			2
		250.	Sec. 8117 – makes clear that the classified annex accompanies but is not incorporated as a part of the Act		will construe as calling solely for notification	2
		251.	Sec. 8131 – makes clear that the classified annex accompanies but is not incorporated as a part of the Act			2
		252.	Sec. 504 – purports to require congressional committee approval for the execution of a law	Inconsistent with <i>INS v. Chadha</i>		2
		253.	Sec. 511 – purports to require congressional committee approval for the execution of a law		will construe as advisory	2
		254.	Sec. 516 (and others) – purport to require congressional committee approval for the execution of a law			2
		255.	Sec. 519 – purports to allow an agent of the legislative branch to prevent implementation of the law unless the legislative agent reports	Inconsistent with <i>INS v. Chadha</i>	but situations may arise where he needs to act promptly	2

Check Clearing for the 21st Century Act	39 Weekly Comp. Pres. Doc. 1485 (H.R. 1474, P.L. 108-100, October 28, 2003)	256.	to Congress that the executive branch has met certain conditions Sec. 16(b) – purports to require executive branch officials to submit to the Congress recommendations for legislative action	Must be consistent with the President’s authority under the Recommendations Clause to submit for the consideration of the Congress such measures as he judges necessary and expedient	1
		257.	Sec. 1108 – prohibits the use of appropriated funds for certain activities unless the congressional defense committees receive advance notice	Could be inconsistent with the constitutional authority of the President to classify and control access to information bearing on the national security.	7
		258.	Sec. 1113 – prohibits the use of appropriated funds for certain activities unless the congressional defense committees receive advance notice		7
		259.	Title III – creates an Inspector General of the CPA	Could be inconsistent with the President's constitutional authorities to conduct the Nation's foreign affairs, to supervise the unitary executive branch, and as Commander in Chief of the Armed Forces	3, 4, 5
Emergency Supplemental Appropriation s Act for Defense and for the Reconstructio n of Iraq and Afghanistan, 2004		260.	Sec. 3001(h)(4)(B) (and others) – require disclosure of information	Could be inconsistent with the President's constitutional authority to withhold	7

Department of the Interior and Related Agencies Appropriations Act, 20004	39 Weekly Comp. Pres. Doc. 1576 (H.R. 2691, P.L. 108-108, November 10, 2003)		information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.		
		261.	Sec. 101 – purports to require the executive branch to submit to the Congress in certain circumstances a request for supplemental appropriation for the enactment of other legislation	Could be inconsistent with the President's constitutional authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient.	will construe as requiring only notification 1
		262.	Sec. 325 – purports to require the executive branch to submit to the Congress in certain circumstances a request for supplemental appropriation for the enactment of other legislation		does not require the Executive to submit recs. to Congress nor to specify procedures by which the Exec. must formulate recs. that he makes 1
		263.	Other provisions - purport to require the consent or approval of committees of the Congress before executive branch execution of aspects of the Act or purport to preclude executive branch execution of a provision of the Act upon the written disapproval of such committees (Unnumbered	Could contravene the principles set forth in <i>INS v. Chadha</i>	but the situation may arise where the President needs to act promptly under his powers 2

Animal Drug User Fee Act of 2003	39 Weekly Comp. Pres. Doc. 1644 (S. 313, P.L. 108-130, November 18, 2003)	264.	sections) Sec. 4(a) – purports to require the Secretary of Health and Human Services to submit legislative recommendations to the Congress and to establish procedures by which the Secretary must formulate such recommendations	Could be inconsistent with the Constitution's exclusive commitments to the President of the authority to submit for the consideration of the Congress such measures as he judges necessary and expedient and the authority to supervise the unitary executive branch.		1, 3
				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		7
Military Construction Appropriations Act, 2004	39 Weekly Comp. Pres. Doc. 1680 (H.R. 2559, P.L. 108-132, November 22, 2003)	265.	Sec. 107 – provides for notice to the Congress of relocation of activities between military installations, initiation of a new installation abroad, or U.S. military exercises \$100,000 in construction costs			7
		266.	Sec. 110 – provides for notice to the Congress of relocation of activities between military installations, initiation of a new installation abroad, or U.S. military exercises \$100,000 in construction costs			7
		267.	Sec. 113 – provides for notice to the Congress of relocation of activities between military installations, initiation of a new installation abroad, or U.S. military exercises \$100,000 in construction costs			7
		268.	Sec. 119 – provides for the Secretary of Defense to submit a report to Congress with details of proposed actions to encourage certain cooperating nations to	Could be inconsistent with the President's constitutional authority to withhold information the disclosure of which could impair foreign	will construe as advisory7	7

National Defense Authorization Act for Fiscal Year 2004	39 Weekly Comp. Pres. Doc. 1683 (H.R. 1588, P.L. 108-136, November 24, 2003)		assume a greater share of the common defense burden	relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.		
		269.	Sec. 128 – establishes a commission of eight congressionally-designated members to study the U.S. military facility structure overseas and provides for commission access to information	Could be inconsistent with the President's constitutional authority 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.	will construe as advisory	7
		270.	Sec. 541(a) – amends 10 U.S.C. 991 to purport to place limits on the number of days on which a member of the Armed Forces may be deployed, unless an officer who has been delegated authority under 541(a) approves it	Could be inconsistent with the President's constitutional authority as Commander in Chief and to supervise the unitary executive branch.		3, 5
		271.	Sec. 1023 – purports to place restrictions on use of the U.S. Armed Forces in certain situations	Could be inconsistent with the President's constitutional authority as Commander in Chief and to supervise the unitary executive branch.		3, 5
		272.	Sec. 903 – amends 10 U.S.C. 153 to require the Secretary of Defense to provide for a report to the Congress by the Chairman of the Joint Chiefs of Staff of a plan for mitigating risks identified by the Chairman	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch and as Commander in Chief.	will construe as authorizing neither representation of the United States nor disclosure of	3, 5

			national security information protected by law or Executive Order.	
273.	Sec. 924 – places restrictions upon the exercise of certain acquisition authority by the Director of the National Security Agency	Could be inconsistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief.		3, 5
274.	Sec. 3622 – purports to establish an interparliamentary working group on nuclear nonproliferation and security	Could be inconsistent with the President's constitutional authority to conduct the Nation's foreign relations and as Commander in Chief		4, 5
275.	Sec. 320(b)(5) – calls for executive branch officials to submit to the Congress proposals for legislation	Could be inconsistent 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 judges necessary and expedient.		1, 3
276.	Sec. 320(e) – calls for executive branch officials to submit to the Congress proposals for legislation			1, 3
277.	Sec. 335 – calls for executive branch officials to submit to the Congress proposals for legislation			1, 3
278.	Sec. 528 – calls for executive branch officials to submit to the Congress proposals for legislation			1, 3

279.	Sec. 647(c)(2) – calls for executive branch officials to submit to the Congress proposals for legislation	1, 3
280.	Sec. 923(d)(1)(F) – calls for executive branch officials to submit to the Congress proposals for legislation	1, 3
281.	Sec. 1051 – calls for executive branch officials to submit to the Congress proposals for legislation	1, 3
282.	Sec. 111(c) – requires the executive branch to furnish information to the Congress or to other entities on various subjects	7
283.	Sec. 903 – requires the executive branch to furnish information to the Congress or to other entities on various subjects	7
284.	Sec. 924 – requires the executive branch to furnish information to the Congress or to other entities on various subjects	7
285.	Sec. 1202 – requires the executive branch to furnish information to the Congress or to other entities on various subjects	7
286.	Sec. 1204 – requires the executive	7

Shall construe as consistent with the President's constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative process of the Executive, or the performance of the Executive's constitutional duties

			branch to furnish information to the Congress or to other entities on various subjects			
			287. Sec. 111(c) – requires the executive branch to furnish information to the Congress or to other entities on various subjects			
			288. Sec. 903 – requires the executive branch to furnish information to the Congress or to other entities on various subjects			
			289. Sec. 924 – requires the executive branch to furnish information to the Congress or to other entities on various subjects			
			290. Sec. 1202 – requires the executive branch to furnish information to the Congress or to other entities on various subjects			
			291. Sec. 1204 – requires the executive branch to furnish information to the Congress or to other entities on various subjects			
			292. Sec. 1504(b) – requires the executive branch to furnish information to the Congress or to other entities on various subjects			
			293. 2808 – requires the executive branch to furnish information to the Congress or to other entities on various subjects			
			294. Provisions that direct the Secretary of a military department to perform the Secretary’s duties through a			
Energy and Water Development	39 Weekly Comp. Pres. Doc. 1732				will construe as requiring only notification	3, 5
				Could be inconsistent with the constitutional authority of the President to supervise the		2

Appropriations Act, 2004	(H.R. 2754, P.L. 108-137, December 1, 2003)		particular military officer (Title I)	unitary executive branch and as Commander in Chief.	
		295.	Sec. 209 – purports to require the approval of the committees of Congress before executive branch execution of aspects of the Act or to preclude executive branch execution of a provision of the Act upon the written disapproval of such a committee	Inconsistent with <i>INS v. Chadha</i>	2
		296.	Sec. 303 – purports to require the approval of the committees of Congress before executive branch execution of aspects of the Act or to preclude executive branch execution of a provision of the Act upon the written disapproval of such a committee		2
21st Century Nanotechnology Research and Development Act	39 Weekly Comp. Pres. Doc. 1744 (S. 189, P.L. 108-153, December 3, 2003)	297.	Sec. 2(d)(2) – purports to call for executive branch officials to submit to the Congress proposals for legislation	Could be inconsistent 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 judges necessary and expedient.	1, 3
		298.	Sec. 3(c)(1) – purports to call for executive branch officials to submit to the Congress proposals for legislation		1, 3
		299.	Sec. 4(d) – purports to call for executive branch officials to submit		1, 3

Medicare Prescription Drug, Improvement, and Modernization Act of 2003	39 Weekly Comp. Pres. Doc. 1774 (H.R. 1, P.L. 108-173, December 8, 2003)	300.	to the Congress proposals for legislation Sec. 5(d) – purports to call for executive branch officials to submit to the Congress proposals for legislation		1, 3
		301.	Sec. 2(b)(4)(E) – purports to establish interdisciplinary nanotechnology research centers in geographically diverse locations	Must be consistent with the Government's obligation under the Due Process Clause of the Fifth Amendment to ensure equal protection of the laws	9
		302.	Sec. 1012 – creates a commission and working group, both with most of their members designated by members of Congress or the Comptroller General, a legislative agent. Sec. 1012(h)(3) and 1014(j)(3) purport to give the commission and the working group a right to secure directly from executive departments and agencies information they seek to perform their duties.	Could be inconsistent with the constitutional authorities of the President to supervise the unitary executive branch and to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.	3, 8
		303.	Sec. 1014 – creates a commission and working group, both with most of their members designated by members of Congress or the Comptroller General, a legislative agent. Sec. 1012(h)(3) and 1014(j)(3) purport to give the commission and the working group a right to secure directly from executive departments and agencies information they seek to perform		3, 8

	their duties.		
304.	Sec. 802 – calls for the President to submit to the Congress proposals for legislation in the event that a Medicare funding warning is issued	Could be inconsistent with the constitutional authorities of the President to supervise the unitary executive branch and to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.	3, 8
305.	Sec. 101(b) – calls for executive branch officials to submit to the Congress proposals for legislation	Could be inconsistent with the constitutional authorities of the President to supervise the unitary executive branch and to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.	3, 8
306.	Sec. 109(d)(2) – calls for executive branch officials to submit to the Congress proposals for legislation		3, 8
307.	Sec. 410A(e) – calls for executive branch officials to submit to the Congress proposals for legislation		3, 8
308.	Sec. 434(f) – calls for executive branch officials to submit to the Congress proposals for legislation		3, 8
309.	Sec. 507(c)(3) – calls for executive branch officials to submit to the		3, 8

Syria Accountability and Lebanese Sovereignty Restoration Act of 2003	39 Weekly Comp. Pres. Doc. 1795 (H.R. 1828, P.L. 108-175, December 12, 2003)	310.	Congress proposals for legislation Sec. 645(a)(2) – calls for executive branch officials to submit to the Congress proposals for legislation			3, 8
		311.	Congress proposals for legislation Sec. 649(g) – calls for executive branch officials to submit to the Congress proposals for legislation			3, 8
		312.	651(d)(2) – calls for executive branch officials to submit to the Congress proposals for legislation			3, 8
		313.	Sec. 911(f) – calls for executive branch officials to submit to the Congress proposals for legislation			3, 8
		314.	Sec. 1014(o) – calls for executive branch officials to submit to the Congress proposals for legislation			3, 8
		315.	Sec. 5 - purports to impose upon the President requirements to take certain actions against Syria unless the President either determines and certifies to the Congress that the Government of Syria has already taken them, or determines that it is in the national security interest of the United States to waive such requirements and reports the reasons for that determination to the Congress	A law cannot burden or infringe the President's exercise of a core constitutional power by attaching conditions precedent to the use of that power.	will construe in a manner consistent with the President's constitutional authority to conduct the Nation's foreign affairs and as Commander in Chief	4, 5
		316.	Sec. 6 – requires an officer in the executive branch to furnish information to the Congress on various subjects involving Syria and terrorism	Could be inconsistent with the President’s constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the		7

**Vision 100 –
Century of
Aviation
Reauthorization Act**

39 Weekly
Comp. Pres.
Doc. 1795
(H.R. 2115,
P.L. 108-176,
December 12,
2003)

317.	Subtitle A of title II – amends 49 U.S.C. 106 to abolish the Air Traffic Services Subcommittee and create, separate from the Council, an Air Traffic Services Committee (ATSC), vesting in it substantial governmental authority, including some non-advisory authority	deliberative processes of the Executive, or the performance of the Executive’s constitutional duties The provisions of sec. 106 that refer to approval or other non-advisory functions of the ATSC will be construed to require only notice to the ATSC and an opportunity for the ATSC to express its views until the date on which the last Senate-confirmed member of the ATSC is appointed.	6
318.	Sec. 202 – enacts 49 U.S.C. 106(p)(7)(B)(iii) to purport to limit the qualifications of the pool of people from which the President may select ATSC members	Could be inconsistent with the Appointments Clause	6
319.	Sec. 304(a) – enacts 49 U.S.C. 47171 to purport to mandate the process for cooperation among agencies in the executive branch in conducting environmental reviews for certain airport projects	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch	3
320.	Sec. 323(b)(2) – relates to certain disputes	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch	3
321.	Sec. 411(i) – concerns the provision of executive branch information and records to the National Commission on Small Community Air Service	Could be inconsistent with the President's constitutional authority to withhold information the disclosure of which could impair the foreign	7

		relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties		
322.	Sec. 601(a) – enacts 49 U.S.C. 46111, relating to access to and use of classified information	Could be inconsistent with the President's constitutional authority to classify and control access to information bearing on the national security		7
323.	Sec. 702 – relates to the award of certain governmental scholarships	Could be inconsistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment	“independent” construed as meaning independent from the FAA but not from the Secretary’s statutory authority will construe as advisory	9
324.	Sec. 703 – relates to the award of certain governmental scholarships			9
325.	Sec. 712 – enacts 49 U.S.C. 44511(f), requiring the Secretary of Transportation to appoint an independent governing board for a 4-year airport cooperative research pilot program ^{3, 4}	Could be inconsistent with the President’s constitutional authority to supervise the unitary executive branch, and with the Appointments Clause		6
326.	Sec. 812(a) – purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations, or other entities abroad	If construed as mandatory, would impermissibly interfere with the President's constitutional authority to conduct the Nation's foreign affairs, participate in international negotiations, and		3, 4

**Intelligence
Authorization
Act for Fiscal
Year 2004**

39 Weekly
Comp. Pres.
Doc. 1798
(H.R. 2417,
P.L. 108-177,
December 13,
2003)

327.	Sec. 312(b) – enacts 506(A)(c) of the National Security Act of 1947, which purports to require the President to request that the Congress enact laws appropriating funding for a major intelligence system	supervise the unitary executive branch. Could be inconsistent with the President’s exclusive authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient and to supervise the unitary executive branch, and to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.	1, 3, 8
328.	Sec. 341(b) – purports to require the Atty. General and the Director of Central Intelligence, acting through subordinates, to establish certain policies and procedures relating to espionage prosecutions	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch.	3
329.	Sec. 376 – relates to making available classified information to the courts	Could be inconsistent with the President's constitutional authority to classify and control access to information bearing on the national security	7
330.	Sec. 106, subtitle D of title III – seek to require the executive branch to furnish information to the Congress on various subjects	Could be inconsistent with the President's constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the	will construe as advisory 7

		331.	Sec. 319 – relates to improvement of equality of employment opportunities in the intelligence community	Executive, or the performance of the Executive's constitutional duties. Could be inconsistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Fifth Amendment	9
		332.	Sec. 502 – purports to place restrictions on the use of U.S. Armed Forces and other personnel in certain operations	Could be inconsistent with the President's constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the unitary executive branch.	3, 5
Federal Law Enforcement Pay and Benefits Parity Act of 2003	39 Weekly Comp. Pres. Doc. 1836 (S. 1683, P.L. 108-196, December 19, 2003)	333.	Sec. 2(b)(2) – calls for submission by the executive branch of legislative recommendations	Could be inconsistent with the President's constitutional authority to supervise the unitary executive branch and to submit for the consideration of the Congress such measures as the President judges necessary and expedient.	1, 3
Defense Production Reauthorization Act of 2003	39 Weekly Comp. Pres. Doc. 1836 (S. 1680, P.L. 108-195, December 19, 2003)	334.	Sec. 7(c) – enacts sec. 123(c) of the Defense Production Act of 1992 amendments, which purports to require the executive branch to undertake consultations with foreign nations on specific matters and to report thereon to Congress	Could be inconsistent with the constitutional authorities of the President to conduct the Nation's foreign relations 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	4, 7

Consolidated Appropriation s Act, 2004 (CAA)	40 Weekly Comp. Pres. Doc. 137 (H.R. 2673, P.L. 108- 199, January 23, 2004)	335.	§ 514 of the Foreign Operations Appropriations Act (FOAA)	duties. These sections direct or burden the Executive's conduct of foreign relations	will construe the provisions as advisory only.	4
"	"	336.	§ 531 FOAA	"	"	4
"	"	337.	§ 548 FOAA	"	"	4
"	"	338.	§ 557 FOAA	"	"	4
"	"	339.	§ 570 FOAA	"	"	4
"	"	340.	§ 571 FOAA	"	"	4
"	"	341.	§ 589 FOAA	"	"	4
"	"	342.	§ 610 FOAA	"	"	4
"	"	343.	§ 618 (b) FOAA	"	"	4
"	"	344.	§ 404 Commerce, Justice, State Appropriations Act (CJSAA)	"	"	4
"	"	345.	§ 612 CJSAA	"	"	4
"	"	346.	§ 635 CJSAA	"	"	4
"	"	347.	§ 610 of the CJSAA	Limits the President's authority as Commander in Chief	will construe the provisions as advisory only.	5
"	"	348.	§610 (3) of the CJSAA	Limits the President's authority to supervise the unitary executive branch	will construe the provisions as advisory only.	3
"	"	349.	§ 618 of the Transportation, Treasury Appropriations Act (TTAA)	"	"	3
"	"	350.	§ 628 TTAA	"	"	3
"	"	351.	§ 604(c)(3)(B) of the FOAA	Restricts the President's authority to make appointments	will construe the provisions as advisory	6

"	"	352.	Subsections 112(a) and (d) of the CJSAA	"	only.	6
"	"	353.	§ 637(e)(2) of the CJSAA	Authority to determine and impose national security classification and withhold information		7
"	"	354.	§ 721 of the Agriculture Appropriations Act (AAA)	Sole control over the authority to make recommendations to Congress		1
"	"	355.	§ 404 TTAA	"	"	1
"	"	356.	§ 121 of the Veteran's Affairs, Housing and Urban Dev. Appropriations Act. (VAHUDA)	Rejection of mandatory report or approval from Congress		2
"	"	357.	§ 223 VAHUDA	"	"	2
"	"	358.	§ 584 of the FOAA	If requiring the President to certify that one of these events had occurred was mandatory, it would raise a serious question whether it unconstitutionally delegated legislative power to international bodies		13
"	"	359.	§ 704 of the AAA	Could be inconsistent with <i>INS v. Chadha</i>	will construe as requiring only notification	2
"	"	360.	§ 718 AAA	"	"	2
"	"	361.	§ 732 AAA	"	"	2
"	"	362.	§ 786 AAA	"	"	2
"	"	363.	§ 436(5) of the District of Columbia Appro. Act. (DCAA)	"	"	2
"	"	364.	§ 207 of the Labor, Health and Human Services Appro. Act. (LHHAA)	"	"	2

"	"	365.	§ 201 TTAA	"	"	2
"	"	366.	§ 211 TTAA	"	"	2
"	"	367.	§ 212 TTAA	"	"	2
"	"	368.	§ 217 TTAA	"	"	2
"	"	369.	§ 403 TTAA	"	"	2
"	"	370.	§ 526 TTAA	"	"	2
"	"	371.	§ 533 TTAA	"	"	2
"	"	372.	§ 614 TTAA	"	"	2
"	"	373.	§ 623 TTAA	"	"	2
"	"	374.	§ 643 TTAA	"	"	2
"	"	375.	§ 111 of VAHUDA	"	"	2
"	"	376.	§ 409 of the CJSAA	Authority to determine and impose national security classification and withhold information		7
"	"	377.	§ 646 of the TTAA	Power to supervise the unitary executive		3
"	"	378.	Several provisions of the CAA	Equal protection requirements of the Due Process clause of the Fifth Amendment		9
"	"	379.	§ 153 of the CAA	Authority to determine and impose national security classification and withhold information		7
"	"	380.	§ 154 CAA	"	"	7
"	"	381.	§ 161 of the CAA	Power to supervise the unitary executive	will not construe this section to affect the power of the President to modify or amend the exec order to which	3

					the provisions refers	
NASA Flexibility Act of 2004	40 Weekly Comp. Pres. Doc. 278 (S. 610, P.L. 108- 201, February 24, 2004)	382.	§ 3 - purport to require or regulate the submission of certain plans, recommendations, and budget requests to the Congress.	Power to supervise the unitary executive, authority to determine and impose national security classification and withhold information		3, 7
Legislation on Amendments to the Mexico- United States Agreement on the Border Environment Cooperation Commission and the North American Development Bank	40 Weekly Comp. Pres. Doc. 550 (H.R. 254, P.L. 108- 215, April 5, 2004)	383.	§ 1 - purports to direct the President to instruct United States representatives on the Board of Directors of the North American Development Bank to take a particular position with respect to certain grant proposals.	Unimpeded authority to conduct negotiations for foreign affairs		4
"	"	384.	§ 2(5) purports to require the annual report of the Secretary of the Treasury to include a description of discussions between the US and Mexican gov'ts.	"	"	4
"	"	385.	§ 2 (6) "	"	"	4
Legislation To Provide for the Conveyance to the Utrok Atoll Local Government	40 Weekly Comp. Pres. Doc. 579 (H.R. 2584, P.L. 108- 219, April 13, 2004)	386.	§ 101 (c) - purports to require the Utrok Atoll local government, in consultation with the Government of the Republic of the Marshall Islands, to submit a plan to four committees of the United States Congress for the use of the ship to	Unimpeded authority to conduct negotiations for foreign affairs		4

of a
Decommissioned National
Oceanic and
Atmospheric
Administration Ship, and
for Other
Purposes

Legislation To
Address the
Participation
of Taiwan in
the World
Health
Organization

Legislation To
Provide for
the Transfer
of the
Nebraska
Avenue Naval
Complex

Department of
Defense
Appropriation
s Act, 2005

40 Weekly
Comp. Pres.
Doc. 1070 (S.
2092 , P.L.
108-235, June
14, 2004)

40 Weekly
Comp. Pres.
Doc. 1194
(H.R. 4322,
P.L. 108-268,
July 2, 2004)

40 Weekly
Comp. Pres.
Doc. 1453
(H.R. 4613,
P.L. 108-287,
August 5,
2004)

be conveyed.

387.

§ 1 (c) - reporting requirement
section.

Power to supervise the unitary
executive, authority to
determine and impose national
security classification and
withhold information

4

388.

§ 1 (g)(3) - purports to make
consultation with specified
Members of Congress a
precondition to execution of the
law, as calling for, but not
mandating, such consultation.

Separation-of-powers claims
based on *INS v. Chadha*

2

389.

§ 8007 of the Act prohibits the use
of funds to initiate a special access
program, a new overseas
installation, or a new start program,
unless the congressional defense
committees receive advance notice.

The Supreme Court of the
United States has stated that the
President's authority to classify
and control access to
information bearing on the
national security flows from the
Constitution and does not
depend upon a legislative grant
of authority. The executive
branch shall construe sections
8007, 8011, and 8106 in a

7

				manner consistent with the constitutional authority of the President.		
"	"	390.	§ 8011	"	"	7
"	"	391.	§ 8106	"	"	7
"	"	392.	§ 8064 of the Act provides that, notwithstanding any other provision of law, no funds available to the Department of Defense for FY 2005 may be used to transfer defense articles or services, other than intelligence services, to another nation or an international organization for international peacekeeping, peace enforcement, or humanitarian assistance operations, until 15 days after the executive branch notifies 6 committees of the Congress of the planned transfer.	The President shall construe section 8064 in a manner consistent with the President's constitutional authority as Commander in Chief.		5
"	"	393.	Sections 8010(b) purports to specify the content of a portion of a future budget request to the Congress for the Department.	The executive branch shall construe these provisions relating to planning and making of budget recommendations in a manner consistent with the President's constitutional authority to require the opinions of the heads of departments and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.		1, 14
"	"	394.	§ 8036	"	"	1, 14
"	"	395.	§ 8041 (b)	"	"	1, 14

“	“	396.	§ 8110 “	“	“	1, 14
“	“	397.	§ 8116 “	“	“	1, 14
"	"	398.	§ 8005 of the Act relating to requests to congressional committees for reprogramming of funds.	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 v. Chadha.		2
"	"	399.	Provisos within the appropriation for "Operation and Maintenance, Air Force" earmarks funds for a grant to a college for the purpose of funding minority aviation training, a proviso within the appropriation for "Operation and Maintenance, Defense-Wide" earmarks funds for a program for Asian American/Pacific Islander students.	Pres shall implement the provisos and sections 8014 and 8021 in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.		9
“	“	400.	§ 8014 of the Act grant contracting-related exceptions or preferences to Native Hawaiian organizations.	“	“	9
“	“	401.	§ 8021 of the Act grant contracting-related exceptions or preferences to Native Hawaiian organizations.	“	“	9
"	"	402.	§ 8101 purports to prohibit alteration of command responsibility or permanent assignment of forces until 270 days after submission of a plan for such alteration to the congressional defense committees.	Taken as advisory, as any other construction would be inconsistent with the constitutional grant to the President of the authority of Commander in Chief.		9
"	"	403.	§ 8124 relates to integration of foreign intelligence information.	Shall be construed in a manner consistent with the President's		3, 5

"	"	404.	§ 12001 purports to assign the Secretary of Defense the duty to negotiate with a foreign country.	constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the unitary executive branch. Shall be construed in a manner consistent with the President's constitutional authority to conduct the Nation's foreign affairs, which includes the authority to determine who shall negotiate for the United States under the President's direction with a foreign country.	4
Coast Guard and Maritime Transportation Act of 2004	40 Weekly Comp. Pres. Doc. 1518 (H.R. 2443, P.L. 108-293, August 9, 2004)	405.	§ 217 calls for submission of legislative recommendations to the Congress.	Shall be construed 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.	1, 3
"	"	406.	§ 708 [c](2) "	"	1, 3
"	"	407.	§ 803 [c](11) "	"	1, 3
Military Construction Appropriations and Emergency Hurricane Supplemental Appropriation	40 Weekly Comp. Pres. Doc. 2385 (H.R. 4837, P.L. 108-324, October 13, 2004)	408.	§ 107 of the Act provides for notice to the Congress of relocation of activities between military installations, initiation of a new installation abroad, U.S. military exercises involving \$100,000 in construction costs, specific actions to encourage foreign nations to	The executive branch shall construe these sections in a manner consistent with the constitutional authority of the President.	11

s Act, 2005

			assume a greater share of the common defense burden, and initiation of certain types of programs.			
"	"	409.	§ 110 "	"	"	11
"	"	410.	§ 113 "	"	"	11
"	"	411.	§ 118 "	"	"	11
"	"	412.	§ 303 "	"	"	11
"	"	413.	§ 128 of the Act purports to require Department of Defense officials to respond in writing within 21 days to any question or inquiry from the congressional military construction appropriations subcommittees.	Shall be construed 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		3, 7
"	"	414.	§ 110(d)(2) of the Alaska Natural Gas Pipeline Act as contained in Division C of the Act, relating to submission of legislative recommendations.	Construed in a manner consistent with the President's exclusive constitutional authority to recommend for the consideration of the Congress such measures as the President judges necessary and expedient.		1
District of Columbia Appropriation s Act, 2005	40 Weekly Comp. Pres. Doc. 2454 (H.R. 4850, P.L. 108-335, October 18, 2004)	415.	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	The specifications contained the joint statement of congressional managers is inconsistent with the constitutional requirement of bicameralism and presentment and so is not legally binding. The executive		2

		conference report on the Act.	branch shall treat the specifications in a manner reflecting the comity between the executive and legislative branches on such matters.	
"	"	416. § 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 § 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.	1
"	"	417. § 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 2ommittees, 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.	2
Department of Homeland Security Appropriations Act, 2005	40 Weekly Comp. Pres. Doc. 2453 (H.R. 4567, P.L. 108-334, October 18, 2004)	418. Provisions of the Act that purport to require congressional committee approval for the execution of a law: 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	Any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in INS v. Chadha.	2

			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.			
"	"	419.	§ 504 relates to unobligated balances.	"	"	2
"	"	420.	§ 508 relating to training facilities.	"	"	2
"	"	421.	§ 510 relating to prospectuses.	"	"	2
"	"	422.	"Customs and Border Protection" provision 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.	Part of the executive power vested in the President by Article II of the Constitution.		15
"	"	423.	"Acquisition, Construction, and Improvements" provision relating to the Coast Guard purports to require inclusion of an amount for a particular purpose in the	Construed 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.		1
"	"	424.	§514, calls for submission of legislative recommendations to the Congress.	"		1
"	"	425.	§ 518 of the Act purports to direct the conduct of security and suitability investigations.	Shall construe this provision in a manner consistent with the President's exclusive		3, 5, 7

"	"	426.	§ 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.	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	2
North Korean Human Rights Act of 2004	40 Weekly Comp. Pres. Doc. 2453 (H.R. 4011, P.L. 108-333, October 18, 2004)	427.	§ 107 of the Act purports to direct negotiations with foreign governments and international organizations.	The executive branch shall construe such section as advisory, in accordance with the constitutional principles enumerated in the Chadha decision. Shall implement § 107 in a manner consistent with the Constitution's grant to the President of the authority to conduct the foreign affairs of the U.S.	4
Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005	40 Weekly Comp. Pres. Doc. 2673 (H.R. 4200, P.L. 108-375 October 28, 2004)	428.	§ 326 of the Act, amending sections 3551, 3552, and 3553 of title 31, United States Code, purports to require an executive branch official to file with the Comptroller General a protest of a proposed contract for private sector performance of agency functions previously performed at higher cost by Federal employees, whenever a majority of those Federal employees so	The executive branch shall construe § 326 in a manner consistent with the President's constitutional authority to supervise the unitary executive branch, including the making of determinations under § 326.	3

		requests, unless the official determines, free from any administrative review, that no reasonable basis exists for the protest.		
"	"	429. § 574 of the Act amends sections 3037, 5046, 5148, and 8037 of title 10, United States Code, to prohibit Department of Defense personnel from interfering with the ability of a military department judge advocate general, and the staff judge advocate to the Commandant of the Marine Corps, to give independent legal advice to the head of a military department or chief of a military service or with the ability of judge advocates assigned to military units to give independent legal advice to unit commanders.	The executive branch shall construe § 574 in a manner consistent with the President's constitutional authorities to take care that the laws be faithfully executed, to supervise the unitary executive branch, and as Commander in Chief.	" 3, 5
"	"	430. § 1021, purporting to place restrictions on the use of the U.S. Armed Forces in certain operations, and sections 1092 and 1205, relating to captured personnel and to contractor support personnel.	Shall construe in a manner consistent with the President's constitutional authority as Commander in Chief and to supervise the unitary executive branch.	" 3, 5
"	"	431. § 1203 of the Act creates a Special Inspector General for Iraq Reconstruction, under the joint authority of the Secretaries of State and Defense, as a successor to the Inspector General of the Coalition	Shall be construed in a manner consistent with the President's constitutional authorities to conduct the Nation's foreign affairs, to supervise the unitary executive branch, and as	3, 4, 5

			Provisional Authority under title III of Public Law 108-106. Title III as amended by section 1203.	Commander in Chief of the Armed Forces.	
"	"	432.	§ 1207(b)(1) of the Act, which purports to direct an executive branch official to use the U.S. voice and vote in an international organization to achieve specified foreign policy objectives.	The executive branch shall construe as advisory since any other construction would impermissibly interfere with the President's constitutional authorities to conduct the Nation's foreign affairs and supervise the unitary executive branch.	3, 4
"	"	433.	The phrase "generally recognized principles of international law" in § 1402(c) refers to customary international law as determined by the President for the Nation.	The executive branch also shall construe this section as is consistent with the President's constitutional authority to conduct the Nation's foreign affairs.	4
"	"	434.	§ 1406 (b) "	"	4
"	"	435.	§ 3147 of the Act, relating to availability of certain funds if the Government decides to settle certain lawsuits.	Shall construe in a manner consistent with the Constitution's commitment to the President of the executive power and the authority to take care that the laws be faithfully executed, including through litigation and decisions whether to settle litigation.	15
"	"	436.	§ 315 amends § 391 of Public Law 105-85.	The executive branch shall implement these provisions in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to	1, 3

			recommend for the consideration of the Congress such measures as the President judges necessary and expedient.	
“	“	437.	§ 343(2) “	“ 1, 3
“	“	438.	§ 506(b) calls for executive branch officials to submit to the Congress proposals for legislation.	“ 1, 3
“	“	439.	§ 517 [c] ”	“ 1, 3
“	“	440.	§ 571 (b) “	“ 1, 3
“	“	441.	§ 574 (d)(8) “	“ 1, 3
“	“	442.	§ 576 [c] “	“ 1, 3
“	“	443.	§ 577 [c] “	“ 1, 3
“	“	444.	§ 643 [c] “	“ 1, 3
“	“	445.	§ 643 (e) “	“ 1, 3
“	“	446.	§ 651 (g)(2) “	“ 1, 3
“	“	447.	§ 666 [c] “	“ 1, 3
“	“	448.	§ 841 [c] “	“ 1, 3
“	“	449.	§ 3114 (d)(2) “	“ 1, 3
“	“	450.	§ 3142 [c] “	“ 1, 3
“	“	451.	§ 1511(d) of the Act, which purports to make consultation with specified Members of Congress a precondition to the execution of the law.	The executive branch shall construe this section as calling for, but not mandating 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. 11
		452.	§ 112(b)(6) amending section 3624 in Public Law 106-398, call for the executive branch to furnish information to the Congress, a legislative agent, or other entities on	The executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to withhold 7

		various subjects.	information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.	
“	“	453. § 213 [c] “	“	7
“	“	454. § 513 (e)(1) “	“	7
“	“	455. § 912 (d) “	“	7
“	“	456. § 1021(f)	“	7
“	“	457. § 1022 (b) “	“	7
“	“	458. § 1042 “	“	7
“	“	459. § 1047 “	“	7
“	“	460. § 1202 “	“	7
“	“	461. § 1204 “	“	7
“	“	462. § 1207 [c] “	“	7
“	“	463. § 1207 (d)(2) “	“	7
“	“	464. § 1208 “	“	7
“	“	465. § 1214 “	“	7
“	“	466. § 3166 (a) “	“	7
Veterans Health Programs Improvement Act of 2004	40 Weekly Comp. Pres. Doc. 2886 (H.R. 3936, P.L. 108-422 November 30, 2004)	467. § 414(e)(4)(D) of the Act requires the Secretary of Veterans Affairs (Secretary) to include, in a written notice of a mission change for any of several departmental medical facilities, an analysis of any alternatives to the mission change proposed by the Department of Veterans Affairs.	The executive branch shall construe this provision 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 the deliberative processes of the Executive or the performance of the Executive's constitutional	3, 8

			duties.		
"	"	468.	§ 501(c) of the Act purports to require the Secretary to submit to the Congress recommendations for changes in law in certain circumstances.	The executive branch shall implement this provision 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 judges necessary and expedient.	1, 3
Individuals with Disabilities Education Improvement Act of 2004	40 Weekly Comp. Pres. Doc. 2886 (H.R. 1350, P.L. 108-422 December 3, 2004)	469.	Provisions of the Act that require taking account of race, culture, gender, age, region, socioeconomics, ideology, secularity, and partisan politics, including § 612 of the Individuals with Disabilities Education Act, as enacted by section 101 of the Act	Shall construe in a manner consistent with the First Amendment and the requirement of the Due Process Clause of the Fifth Amendment to the Constitution to afford equal protection of the laws	9, 12
"	"	470.	§ 616	"	9, 12
"	"	471.	§ 618 "	"	9, 12
"	"	472.	§ 637 "	"	9, 12
"	"	473.	§ 663 "	"	9, 12
"	"	474.	§ 664 "	"	9, 12
"	"	475.	§ 681 "	"	9, 12
			§ 177(b)(3) of the Education Sciences Reform Act of 2002, as enacted by section 201(a)(2) of the Act.	Shall construe in a manner consistent with the First Amendment and the requirement of the Due Process	9, 12

		476.	§ 615(e)(2)(G) of the Individuals with Disabilities Education Act, as enacted by section 101 of the Act, as establishing a duty for a State to follow the specified statutory exclusionary rule only when that duty is a condition of a Federal grant or contract accepted by or under the authority of that State.	Clause of the Fifth Amendment to the Constitution to afford equal protection of the laws. Shall construe as consistent with the principles governing Federal-State relations enunciated by the Supreme Court of the United States in <i>Printz v. United States</i> .	10
Miscellaneous Trade and Technical Corrections Act of 2004	40 Weekly Comp. Pres. Doc. 2912 (H.R. 1047, P.L. 108-429 December 3 , 2004)	477.	§ 1560(b) of the Act, relating to interaction between the Bureau of Customs and Border Protection of the Department of Homeland Security and the Government of Canada.	Shall construe in a manner consistent with the President's constitutional authority to conduct the Nation's foreign affairs and to supervise the unitary executive branch.	3, 4
"	"	478.	§ 401(I) of the Tariff Act of 1930, as amended by subsection 1561(a) of the Act.	As is consistent with the Appointments Clause of the Constitution, the executive branch shall construe not to authorize the exercise of significant U.S. Governmental authority by foreign law enforcement officers.	6
"	"	479.	§ 629(e) of the Tariff Act of 1930, as enacted by section 1561(b) of the Act, provides that any foreign customs or agriculture inspection official stationed in the United States under section 629(e) may exercise such functions, perform	The executive branch shall construe section 629(e) to authorize the executive branch to allow the specified foreign government officials to perform functions of such foreign government inside the United	6

			such duties, and enjoy such privileges and immunities as U.S. officials may be authorized to perform or are afforded in that foreign country by treaty, agreement, or law.	States on the same basis as the specified U.S. Government officials may perform their U.S. Government functions in that foreign country and, as is consistent with the Appointments Clause of the Constitution, shall not construe the provision to authorize the exercise of significant U.S. Governmental authority by foreign officials.	
Consolidated Appropriations Act, 2005	40 Weekly Comp. Pres. Doc. 2924 (H.R. 4818, P.L. 108-447 December 8 , 2004)	480.	Provisions in the Commerce-Justice-State Appropriations Act, § 406.	The executive branch shall construe as advisory provisions of the CAA that purport to direct or burden the Executive's conduct of foreign relations or to limit the President's authority as Commander in Chief.	4, 5
“	“	481.	Provisions in the Commerce-Justice-State Appropriations Act, § 611	“	4, 5
“	“	482.	Provisions in the Commerce-Justice-State Appropriations Act, § 609	“	4, 5
“	“	483.	Provisions in the Commerce-Justice-State Appropriations Act, § 627	“	4, 5
“	“	484.	Provision regarding voting in the United Nations Security Council under the heading "Contributions for International Peacekeeping Activities"	“	4, 5
“	“	485.	In the Foreign Operations	“	4, 5

			Appropriations Act, § 506 (FOAA)			
“	“	486.	FOAA § 514	“	“	4, 5
“	“	487.	FOAA § 531	“	“	4, 5
“	“	488.	FOAA § 547	“	“	4, 5
“	“	489.	FOAA § 561	“	“	4, 5
“	“	490.	FOAA § 562	“	“	4, 5
“	“	491.	FOAA § 580	“	“	4, 5
“	“	492.	FOAA § 585	“	“	4, 5
“	“	493.	FOAA § 593	“	“	4, 5
“	“	494.	"Other Bilateral Economic Assistance, Economic Support Fund"	“	“	4, 5
“	“	495.	"Andean Counterdrug Initiative"	“	“	4, 5
“	“	496.	Division J ("Other Matters"), section 3(b)(3) of the 225th Anniversary of the American Revolution Commemoration Act.	“	“	4, 5
“	“	497.	Such provisions include in the Transportation-Treasury Appropriations Act, § 618.	The executive branch shall also construe the provisions of the CAA in a manner consistent with the President's authority to supervise the unitary executive branch, including the authority to direct which officers in the executive branch shall assist the President in faithfully executing the law.		3
”	”	498.	Transportation-Treasury Appropriations Act, § 628	“	”	3
”	”	499.	Language relating to review by the Office of Management and Budget (OMB) of executive branch orders,	“	”	3

			activities, regulations, transcripts, and testimony, particularly language relating to OMB review of certain matters in reports to be submitted to the Congress through the Secretary of the Army.			
“	”	500.	Agriculture Appropriations Act, § 717	The executive branch shall construe provisions in the CAA that purport to mandate or regulate submission of information to the Congress, other entities outside the executive branch, or the public, in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.		7
“	“	501.	Commerce-Justice-State Appropriations Act (CJSAA) § 407	“	“	7
“	“	502.	CJSAA § 409	“	“	7
“	“	503.	Provisions concerning a budget proposal under the heading "National Intellectual Property Law Enforcement Coordination Council"	“	“	7
“	“	504.	Energy and Water Appropriations Act (EWAA) § 112	“	“	7
“	“	505.	EWAA § 113	“	“	7
“	“	506.	EWAA § 503	“	“	7

“	“	507.	Foreign Operations Appropriations Act (FOAA), § 559.	“	“	7
“	“	508.	Labor-HHS-Education Appropriations Act, a provision under the heading "Department of Health and Human Services, Office of “the Secretary"	“	“	7
“	“	509.	Transportation-Treasury Appropriations Act (TTAA), § 522	“	“	7
“	“	510.	TTAA § 618	“	“	7
“	“	511.	VA-HUD Appropriations Act, section 210	“	“	7
“	“	512.	Division J, section 16 of the L-1 Visa and H-1B Visa Reform Act.	“	“	7
“	“	513.	Such provisions include: in the Foreign Operations Appropriations Act, § 509.	The executive branch shall construe provisions of the CAA that purport to make consultation with the Congress a precondition to the execution of the law as calling for, but not mandating, 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.		11
“	“	514.	FOAA § 512	“	“	11
“	“	515.	FOAA § 543	“	“	11
“	“	516.	FOAA § 569	“	“	11
“	“	517.	FOAA § 588	“	“	11
“	“	518.	Provisions under the heading "International Disaster and Famine Assistance,"	“	“	11

“	“	519.	Provisions under the heading "Transition Initiatives,"	“	“	11
“	“	520.	Provisions under the heading "Andean Counterdrug Initiative,"	“	“	11
“	“	521.	Provisions under the heading "Debt Restructuring"	“	“	11
“	“	522.	Interior and Related Agencies Appropriations Act, provisions under the heading "National Park Service, Historic Preservation Fund," and "Administrative Provisions, Smithsonian Institution."	“	“	11
“	“	523.	Interior and Related Agencies Appropriations Act, provisions under the heading "Administrative Provisions, Smithsonian Institution."	“	“	1
“		524.	Agriculture Appropriations Act, § 721	The executive branch shall construe provisions that purport to require or regulate submission by executive branch officials of legislative recommendations to the Congress consistently with the President's constitutional authority to recommend to the Congress such measures as he judges necessary and expedient.		1
“	“	525.	Commerce- Justice-State Appropriations Act (CJSAA) § 628	“	“	1
“	“	526.	CJSAA § 902	“	“	1
“	“	527.	Interior and Related Agencies Appropriations Act, § 102	“	“	1

“	“	528.	Transportation-Treasury Appropriations Act, § 404	“	“	1
“	“	529.	VA-HUD Appropriations Act, § 215.	“	“	1
“	“	530.	Division K, section 152 of the Small Business Reauthorization and Manufacturing Assistance Act of 2004.	“	“	1
“	“	531.	§ 601 of the Energy and Water Appropriations Act, section 2 of the amended Tennessee Valley Authority Act.	Shall be construed consistently with the President's constitutional authority to make nominations and appoint officers.		6
“	“	532.	Such provisions include: in the Agriculture Appropriations Act (AAA), § 705	The executive branch shall construe as calling solely for notification the provisions of the CAA that are inconsistent with the requirements of bicameral passage and presentment set forth in the Constitution, as construed by the Supreme Court of the United States in 1983 in INS v. Chadha.		2
“	“	533.	AAA § 718	“	“	2
“	“	534.	AAA § 736	“	“	2
“	“	535.	Provision under the heading "Food and Drug Administration, Salaries and Expenses"	“	“	2
“	“	536.	Energy and Water Appropriations Act, § 303	“	“	2
“	“	537.	Interior and Related Agencies	“	“	2

Appropriations Act (IRAAA), §
305

“	“	538.	IRAAA, § 313	“	“	2
“	“	539.	IRAAA, § 329	“	“	2
“	“	540.	IRAAA, § 332	“	“	2
“	“	541.	IRAAA § 333	“	“	2
“	“	542.	Provisions under the headings "United States Fish and Wildlife Service, Administrative Provisions,"	“	“	2
“	“	543.	Provisions under the headings "National Park Service, Construction,"	“	“	2
“	“	544.	Provisions under the headings "Department of the Interior, Departmental Management, Salaries and Expenses,"	“	“	2
“	“	545.	Provisions under the headings "Natural Resource Damage Assessment and Restoration, Administrative Provisions,"	“	“	2
“	“	546.	Provisions under the headings "Forest Service, Wildland Fire Management,"	“	“	2
“	“	547.	Provisions under the headings "Administrative Provisions, Forest Service,"	“	“	2

“	“	548.	Provisions under the headings "Indian Health Service, Indian Health Facilities,"	“	“	2
“	“	549.	Provisions under the headings "Administrative Provisions, Indian Health Service,"	“	“	2
“	“	550.	Provisions under the headings "Administrative Provisions, Smithsonian Institution"	“	“	2
“	“	551.	Labor-HHS-Education Appropriations Act, § 208	“	“	2
“	“	552.	Provision under the heading “Pension Benefit Guaranty Corporation"	“	“	2
“	“	553.	Transportation-Treasury Appropriations Act (TTAA), § 201	“	“	2
“	“	554.	TTAA § 211	“	“	2
“	“	555.	TTAA § 212	“	“	2
“	“	556.	TTAA § 217	“	“	2
“	“	557.	TTAA § 218	“	“	2
“	“	558.	TTAA § 403	“	“	2
“	“	559.	TTAA § 510	“	“	2
“	“	560.	TTAA § 511	“	“	2
“	“	561.	TTAA § 614	“	“	2
“	“	562.	TTAA § 623	“	“	2
“	“	563.	TTAA § 642	“	“	2
“	“	564.	Provisions under the headings "Department of Transportation, Office of the Secretary, Salaries and	“	“	2

Expenses,"

“	“	565.	Provisions under the headings "Federal Transit Administration, Administrative Expenses,"	“	“	2
“	“	566.	Provisions under the headings "Department of the Treasury, Departmental Offices, Salaries and Expenses,"	“	“	2
“	“	567.	Provisions under the headings "Internal Revenue Service, Business Systems Modernization,"	“	“	2
“	“	568.	Provisions under the headings "Office of Administration, Salaries and Expenses,"	“	“	2
“	“	569.	Provisions under the headings "High Intensity Drug Trafficking Areas Program,"	“	“	2
“	“	570.	Provisions under the headings "Real Property Activities, Federal Building Fund, Limitations on Availability of Revenue"	“	“	2
“	“	571.	VA-HUD Appropriations Act, § 111	“	“	2
“	“	572.	Provisions under the headings "Department of Veterans Affairs, Departmental Administration, Construction, Minor Projects"	“	“	2
“	“	573.	Provisions under the headings "Department of Transportation, Office of the Secretary, Working Capital Fund,"	“	“	2
“	“	574.	Provisions under the headings	“	“	2

		"National Aeronautics and Space Administration, Administrative Provisions."			
"	"	575.	A number of provisions in the CAA purport to allocate funds for specified projects and amounts set forth in the joint explanatory statement of managers that accompanied the CAA; to make changes in statements of managers that accompanied various appropriations bills reported from conferences in the past; or to direct compliance with a report of one committee of one House of Congress.	The executive branch shall construe these provisions in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.	2
			Such provisions include in the Foreign Operations Appropriations Act, § 595.		
"	"	576.	Labor-HHS-Education Appropriations Act, provisions under the heading "Innovation and Improvement,"	"	2
"	"	577.	Labor-HHS-Education Appropriations Act, provisions under the heading "Rehabilitation Services and Disability Research,"	"	2
"	"	578.	Labor-HHS-Education Appropriations Act, provisions under the heading "Higher Education,"	"	2
"	"	579.	Labor-HHS-Education Appropriations Act, provisions	"	2

			under the heading "Institute of Education Sciences"			
“	“	580.	Transportation-Treasury Appropriations Act(TTAA), § 125	“	“	2
“	“	581.	TTAA § 173	“	“	2
“	“	582.	VA-HUD Appropriations Act, provisions under the headings "Community Development Fund	“	“	2
“	“	583.	VA-HUD Appropriations Act, provisions under the headings "Department of Housing and Urban Development, Management and Administration, Salaries and Expenses."	“	“	2
“	“	584.	Several provisions of CAA relate to race, ethnicity, or gender.	The executive branch shall construe such provisions in a manner consistent with the requirements that the Federal Government afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.		9
“	“	585.	§ 12 of the Legislative Branch Appropriations Act authorizes overseas travel for members of the U.S. Capitol Police in support of travel by Senators.	To ensure consistency with the President's constitutional authority to conduct the Nation's foreign affairs, the executive branch shall construe section 12 as authorizing travel for the limited purposes of advance, security, and protective functions in support of the official travel of Senators.		4
"	"	586.	The term "intelligence gathering"	The executive branch shall		15

			in § 1007 of the Legislative Branch Appropriations Act, which relates to activities of the U.S. Capitol Police outside their geographic jurisdiction, as limited to collection of information for law enforcement and protective functions authorized by other laws relating to the U.S. Capitol Police.	construe the term, as any other construction would be inconsistent with the Constitution's vesting of the executive power in the President.	
"	"	587.	§ 638 of the Transportation-Treasury Appropriations Act, relating to assignment of executive branch employees to perform functions in the legislative branch.	The executive branch shall construe , in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and as Commander in Chief, and recognizing that the President cannot be compelled to give up the authority of his office as a condition of receiving the funds necessary to carrying out the duties of his office.	3, 5
Veterans Benefits Improvement Act of 2004	40 Weekly Comp. Pres. Doc. 2933 (S. 2486, P.L. 108-454 December 10 , 2004)	588.	§3677(d)(2)(B) of title 38, United States Code, as enacted by section 108 of the Act, purports to require the Secretary of Veterans Affairs to make a recommendation to the Congress on whether to continue a specified pilot project beyond its statutory expiration date, which would require enactment of legislation.	The executive branch shall implement these 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 judges necessary and expedient.	1, 3
"	"	589.	§ 4332 of title 38, as amended by section 202 of the Act, purports to	"	1, 3

Intelligence Reform and Terrorism Prevention Act of 2004	40 Weekly Comp. Pres. Doc. 2985 (S. 2845, P.L. 108-458 December 17, 2004)		require officials in the executive branch to submit recommendations for legislative action in certain circumstances.			
		590.	§ 1022 as amended by sections 1011 and 1031, section 703(b), 704, and 706(f) of the Public Interest Declassification Act of 2000 as amended by section 1102, section 601 of the Foreign Intelligence Surveillance Act of 1978 as amended by section 6002, section 207 of the Afghan Freedom Support Act of 2002 as amended by section 7104, section 112(b) of title 1, United States Code, as amended by section 7120, and section 878 of the Homeland Security Act as amended by section 7407.	The executive branch shall construe provisions in the Act that mandate submission of information to the Congress, entities within or outside the executive branch, or the public, in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.		3, 7
“	“	591.	§ 1061 “	“	“	3, 7
“	“	592.	§ 3001 (f)(4) “	“	“	3, 7
“	“	593.	§ 5201 “	“	“	3, 7
“	“	594.	§ 5403 (e) “	“	“	3, 7
“	“	595.	§ 8403 “	“	“	3, 7
“	“	596.	§ 101A(f) of the National Security Act of 1947 “	“	“	3, 7
“	“	597.	§ 102A(c)(7) of the National Security Act of 1947 “	“	“	3, 7
"	"	598.	Such provisions include sections 1094, as amended by section 1023,	To the extent that provisions of the Act purport to require or		1, 3

and section 44925 of title 49, United States Code, as amended by section 4013. To the extent that provisions of the Act, including section 3001(g) and section 102A(e) of the National Security Act of 1947 as amended by section 1011, purport to require consultation with the Congress as a condition to execution of the law, the executive branch shall construe such provision as calling for, but not mandating, such consultation.

regulate submission by executive branch officials 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 submit for congressional consideration such measures as the President judges necessary and expedient.

“	“	599.	§ 1095	“	“	1, 3
“	“	600.	§ 4012 (b) “	“	“	1, 3
“	“	601.	§ 4019 “	“	“	1, 3
“	“	602.	§ 5201 “	“	“	1, 3
“	“	603.	§ 6303 “	“	“	1, 3
“	“	604.	§ 6403 “	“	“	1, 3
“	“	605.	§ 7119 “	“	“	1, 3
“	“	606.	§ 7208 “	“	“	1, 3
“	“	607.	§ 7213 “	“	“	1, 3
“	“	608.	§ 7502 “	“	“	1, 3
“	“	609.	§ 7802 “	“	“	1, 3
“	“	610.	§ 7803 “	“	“	1, 3
“	“	611.	§ 8403 [c] “	“	“	1, 3
		612.	§ 119B(g) of the National Security Act of 1947	“	“	1, 3
		613.	Several provisions of the Act, including Title III purport to regulate access to classified national	The executive branch shall construe such provisions in a manner consistent with the Constitution's commitment to		4, 5, 15

			security information.	the President of the executive power, the power to conduct the Nation's foreign affairs, and the authority as Commander in Chief.		
“	“	614.	§ 7601 “	“	“	4, 5, 15
”	”	615.	Such provisions include § 103A(a) of the National Security Act of 1947, as amended by sections 1011, 1014, 1021, and 1031 of the Act.	The executive branch shall construe as advisory provisions of the Act that purport to regulate the means by which the President obtains recommendations or information from subordinates in the executive branch, as is consistent with the constitutional commitment to the President of authority to supervise the unitary executive branch and to require the opinions of principal officers of executive departments.		3, 14
“	“	616.	103B(d) of the National Security Act of 1947	“	“	3, 14
“	“	617.	§ 106 of the National Security Act of 1947	“	“	3, 14
“	“	618.	§ 119 (h) of the National Security Act of 1947	“	“	3, 14
“	“	619.	§ 101 (a) of the National Security Act of 1947	“	“	3, 14
“	“	620.	§ 4026	The executive branch shall construe as advisory provisions of the Act that purport to	“	4

require the conduct of negotiations with a foreign government or otherwise direct or burden the President's conduct of foreign relations, including

“	“	621.	§ 4072(c)(2) to the extent it involves foreign diplomats and other foreign officials.	“	“	4
“	“	622.	§ 5301 to the extent it involves foreign diplomats and other foreign officials.	“	“	4
“	“	623.	§ 7116	“	“	4
“	“	624.	§ 7204	“	“	4
“	“	625.	§ 7210	“	“	4
“	“	626.	§ 7217	“	“	4
“	“	627.	§ 7303 [c]	“	“	4
“	“	628.	§ 7703	“	“	4
“	“	629.	§ 104 (d)	“	“	4
“	“	630.	§ 206(d)(1) of the Afghanistan Freedom Support Act as amended by section 7104.	“	“	4
"	"	631.	Provisions of the Act that relate to race, ethnicity, or gender.	Construed in a manner consistent with the requirement that the Federal Government afford equal protection of the laws under the Due Process		9

Clause of the Fifth Amendment
to the Constitution.

**Specialty
Crops
Competitiveness Act of
2004**

40 Weekly
Comp. Pres.
Doc. 3009
(H.R. 3242,
P.L. 108-???)
December 21 ,
2004)

632. § 1408A of the National
Agricultural Research, Extension,
and Teaching Policy Act of 1977,
as amended by section 303 of the
Act, purports to require the
Secretary of Agriculture to take into
consideration certain advisory
board-approved findings and
recommendations in preparing the
Secretary's annual departmental
budget proposal to the President
and to disclose to the Congress how
the Secretary addressed each such
recommendation.

The executive branch shall
construe section 1408A in a
manner consistent with the
President's constitutional
authority to supervise the
unitary executive branch, to
require the opinions of principal
officers of the executive
departments, to recommend for
the consideration of the
Congress such measures as the
President shall judge necessary
and expedient, and to withhold
information the disclosure of
which could impair the
deliberative processes of the
Executive or the performance
of the Executive's constitutional
duties.

1, 3, 8, 14

**Intelligence
Authorization
Act for Fiscal
Year 2005**

40 Weekly
Comp. Pres.
Doc. 3012
(H.R. 4548,
P.L. 108-???)
December 23,
2004)

633. § 105 that mandates submission of
information to the Congress.

The executive branch shall
construe provisions in the Act,
in a manner consistent with the
President's constitutional
authority to supervise the
unitary executive branch and to
withhold information that could
impair foreign relations,
national security, the
deliberative processes of the
Executive, or the performance

3, 7

				of the Executive's constitutional duties.		
“	“	634.	§ 107 “	“	“	3, 7
“	“	635.	§ 305 “	“	“	3, 7
		636.	§ 502 of the Act purports to place restrictions on use of the U.S. Armed Forces and other personnel in certain operations.	The executive branch shall construe the restrictions in that section as advisory in nature, so that the provisions are consistent with the President's constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the unitary executive branch.		3, 5
”	”	637.	§ 614 purports to require or regulate submission by executive branch officials 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 submit for congressional consideration such measures as the President judges necessary and expedient.		1, 3
“	“	638.	§ 615	“	“	1, 3
Communications Legislation	40 Weekly Comp. Pres. Doc. 3013 (H.R. 5419, P.L. 108-???, December 23, 2004)	639.	§ 104 amends section 158(a)(2) of the National Telecommunications and Information Administration Organization Act to call for executive branch officials to submit to congressional committees funding profiles for a specified 5-	The executive branch shall construe the provision in a manner consistent with the constitutional authority of the President to recommend for the consideration of the Congress such measures, including		1

			year program.	proposals for appropriations, as he judges necessary and expedient.	
"	"	640.	§ 202 enacts sections 113(g)(5) and 118(d) of the National Telecommunications and Information Administration Organization Act, which purport to condition the execution of a law upon notification to congressional committees coupled with either approval by the committees or the absence of disapproval by the committees within a specified time.	The executive branch shall construe the provisions to legally require only notification to the committees, as any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in INS v. Chadha. The Secretary of Commerce will continue as a matter of comity to work with the committees on matters addressed by these provisions.	2
“ Comprehensive Peace in Sudan Act of 2004	“ 40 Weekly Comp. Pres. Doc. 3013 (S. 2781, P.L. 108- ??? December 23, 2004)	641.	§ 204 “	“	2
		642.	§ 6 (a) of the Act for example, appears to require the President to implement the measures set forth in section 6(b)(2) of the earlier Sudan Peace Act (Public Law 107-245), which purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international financial institutions, and the United Nations Security Council.	If construed as mandatory, would impermissibly interfere with the President's exercise of his constitutional authorities to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.	3, 4
Emergency	41 Weekly	643.	Subsection 1025(d) of the Act,	Construed as advisory, as	5

**Supplemental
Appropriations
Act for Defense,
the Global War
on Terror, and
Tsunami Relief
Act, 2005**

Comp. Pres.
Doc. 790
(H.R. 1268,
P.L. 109-13
May 11, 2005)

purports to determine the
command relationships among
certain elements of the U.S.
Navy forces.

any other construction would
conflict with the President's
constitutional authority as
Commander in Chief.

“	“	644.	§ 2104 purports to require congressional committee approval prior to certain obligations or expenditures of funds appropriated by the Act.	The executive branch shall construe such provisions to require only prior notification to 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 <i>INS v. Chadha</i> .	“	2
“	“	645.	§ 6024 “	“	“	2
“	“	646.	§ 6025 purports to regulate the content of the President's annual budget submission, which is a proposal for enactment of legislation to appropriate funds. In addition, section 301 calls for submission of legislative recommendations by an executive branch official to the Congress.	The executive branch shall construe these and any other similar provisions in a manner consistent with the Constitution's commitment to the President of exclusive authority to supervise the unitary executive branch and to recommend for the consideration of the Congress such measures as the President shall judge	“	1, 3

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006	41 Weekly Comp. Pres. Doc. 1243 (H.R. 2361, P.L. 109-54 August 2, 2005)	647.	Provisions of the Act that purport to require congressional committee or individual leaders' approval prior to execution of the law.	necessary and expedient. 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.		2
			These provisions include language under the headings "United States Fish and Wildlife Service, Administrative Provisions,"			
		648.	Language under the headings "National Park Service, Construction,"	“	“	2
		649.	Language under the headings "Departmental Management, Salaries and Expenses,"	“	“	2
		650.	Language under the headings "Natural Resources Damage Assessment and Restoration, Administrative Provisions,"	“	“	2
		651.	Language under the headings "Forest Service, Wildland Fire Management,"	“	“	2
“	“	652.	Language under the headings "Administrative Provisions,	“	“	2

			Forest Service,"			
“	“	653.	Language under the headings "Administrative Provisions, Indian Health Service,"	“	“	2
“	“	654.	Language under the headings "Administrative Provisions, Smithsonian Institution,"	“	“	2
“	“	655.	§ 130 of the Act.	“	“	2
“	“	656.	§ 405 of the Act.	“	“	2
“	“	657.	§ 421 of the Act.	“	“	2
“	“	658.	§ 422 of the Act.	“	“	
“	“	659.	§ 435 of the Act.	“	“	2
“	“	660.	Provisions of the Act, such as language under the headings "National Park Service, Historic Preservation Fund," purports 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.	“	3, 15
“	“	661.	Provisions of the Act, such as language under the headings "Environmental Protection Agency, State and Tribal Assistance Grants,"	“	“	3, 15
“	“	662.	Provisions of the Act, such as language under the headings	“	“	3, 15

“	“	663.	"Administrative Provisions, Smithsonian Institution," § 101 purports 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.	“	1
		664.	§ 102 “	“		1
		665.	Language under the headings "State and Tribal Assistance Grants," 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.		2
		666.	Language under the headings “Environmental Protection Agency,"	“		2
		667.	Language under the headings "Department of Health and Human Services, Indian Health Services,"	“		2
Signing the Energy Policy Act of 2005	41 Weekly Comp. Pres. Doc. 1267	668.	§ 365(e)(2) of the Act, which purports to require disclosure of an internal executive branch	Shall construe in a manner consistent with the President's constitutional		3

(H.R. 6 , P.L.
109-??/ August
8, 2005)

recommendation.

authority to supervise the
unitary executive branch and
preserve the confidentiality
of its deliberations.

“	“	669.	§ 110(d) of the Act, that the Congress reserves the right to revert to previous schedules for daylight savings time.	Shall construe as referring to reversion by enactment of a law in accordance with the bicameral passage and presentment requirements specified in the Constitution.	“	2
“	“	670.	§ 211 of the Energy Reorganization Act made by section 629 of the Act relates to dissemination of official information by employees of the Department of Energy and the Nuclear Regulatory Commission.	Shall be construed in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.	“	3
“	“	671.	Provisions of the Act that purport to direct the conduct of communications, negotiations, and other relations with foreign governments and international organizations, including sections 643(c)(2).	Shall construe in a manner consistent with the Constitution's commitment to the President of authority to conduct the Nation's foreign relations.	“	4
“	“	672.	§ 795 (d) of the Act	“	“	4
“	“	673.	§ 814 of the Act	“	“	4
“	“	674.	§ 972 of the Act	“	“	4
“	“	675.	§ 985 of the Act	“	“	4
“	“	676.	§ 732, 734(a)(2), 736, and 737 of the Global Environmental Protection Assistance Act (GEPA) as contained in section 1611 of the Act.	“	“	4

“	“	677.	§ 734 (a)(2) – GEPAA	“	“	4
“	“	678.	§ 736 – GEPAA	“	“	4
“	“	679.	§ 737 - GEPAA	“	“	4
“	“	680.	§ 342(j) purports to require executive branch officials to submit legislative recommendations to the Congress.	The executive branch shall construe such provisions in a manner consistent with the Constitution's commitment to the President of the authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient and to supervise the unitary executive branch.	“	1, 3
“	“	681.	§ 351 (h)(3)	“	“	1, 3
“	“	682.	§ 704 [c]	“	“	1, 3
“	“	683.	§ 706(e)(5)	“	“	1, 3
“	“	684.	§ 957(a)(2)(C)	“	“	1, 3
“	“	685.	§ 1221 (b)	“	“	1, 3
“	“	686.	§ 1234 [c]	“	“	1, 3
“	“	687.	§ 1272 (2)	“	“	1, 3
“	“	688.	§ 1509 (b)(2)	“	“	1, 3
“	“	689.	§ 1541 [c](6)	“	“	1, 3
“	“	690.	§ 1831 [c]	“	“	1, 3
“	“	691.	§ 1835	“	“	1, 3
“	“	692.	§ 1836 (b)(2)	“	“	1, 3
“	“	693.	§ 543(a)(3) of the National Energy Conservation Policy Act contained in section 102(b).	“	“	1, 3
“	“	694.	§ 170H (f)(3)(B) of the Atomic Energy Act of 1954 contained in	“	“	1, 3

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users	41 Weekly Comp. Pres. Doc. 1273 (H.R. 3 , P.L. 109-?? August 10, 2005)	695.	section 651(d)(1). § 9007 of the Solid Waste Disposal Act, contained in section 1528 of the Act.	Shall construe in a manner consistent with the various legal immunities conferred by the Constitution on members of the legislative, executive, and judicial branches of the Federal Government to protect the effective functioning of the three branches.	“	19
		696.	Provisions of the Act that make legislative classifications based on race, ethnicity, or gender	Shall construe in a manner consistent with the requirement of the Due Process Clause of the Fifth Amendment to afford equal protection of the laws.	“	9
		697.	§ 1909 of the Act establishes commissions - solely to provide advice on transportation systems, motor vehicle taxes, and infrastructure financing - whose memberships are predominantly or wholly appointed by Members of the Congress.	Shall construe in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and to withhold information the disclosure of which could impair the deliberative processes of the Executive or the performance of the Executive's constitutional duties.		3, 8
		698.	§ 1141 “	“	“	3, 8
		699.	§ 1142 “	“	“	3, 8
		700.	Subsection 1909(b) relating to access by the commissions to agency information.	“	“	3, 8

“	“	701.	§ 1141 (f)	“	“	3, 8
“	“	702.	§ 1142 (g)	“	“	3, 8
“	‘	703.	§ 1914(a) of the Act, which purports to require execution of that section in consultation with congressional committees.	Shall construe as calling for, but not mandating, such consultation, as is consistent with the constitutional provisions concerning the separate powers of the Congress to legislate and the President to execute the laws.	“	11
“	“	704.	Provisions of the Act - including § 2003(f)(3)(B) purports to require executive branch officials to submit legislative recommendations to the Congress.	The executive branch shall construe such provisions in a manner consistent with the Constitution's commitment to the President of the authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient and to supervise the unitary executive branch.	“	1, 3
“	“	705.	§ 2016(d) of the Act.	“	“	1, 3

“	“	706.	§ 3011 (f) of the Act.	“	“	1, 3
“	“	707.	§ 3016 [c] of the Act.	“	“	1, 3
“	“	708.	§ 5503(f) of title 49, United States Code, as contained in section 4149 of the Act.	“	“	1, 3
“	“	709.	§ 111(d)(4)(F) of title 49, as contained in section 5601 of the Act.	“	“	1, 3
“	“	710.	Described qualifications and lists of nominees under section 4305(b).	The executive branch shall construe these provisions as recommendations only, consistent with the provisions of the Appointments Clause	“	6

“	“	711.	§ 326(e) of title 23, United States Code, as contained in section 6004 of the bill, which deems a State agency to be a Federal agency for certain purposes in limited circumstances.	Shall construe in a manner consistent with the President's exclusive constitutional authority to faithfully execute the laws and supervise the unitary executive branch, and with proper regard for the role of the States in our Federal system.	“	3, 11
“	“	712.	§ 39 of title 18, United States Code, as contained in section 4143 of the Act, which relates to warrantless searches and seizures of vehicles, drivers, cargo, property, packages, and “records.	The executive branch shall implement this provision in a manner consistent with the Fourth Amendment to the Constitution.	“	16
”	”	713.	§ 5121 of title 49, as contained in section 7018 of the Act.	“	“	16
“	“	714.	§ 1603 of the Act refers to legislative reports accompanying prior public laws as if they had binding legal effect.	Such reports do not satisfy the constitutional requirements of bicameral approval and presentment to the President needed to give them the force of law.	“	2
“	“	715.	Provisions of the Act that make legislative classifications based on race, ethnicity, or gender.	The executive branch shall construe these provisions in a manner consistent with the requirement of the Due Process Clause of the Fifth Amendment to afford equal protection of the laws.	“	9
Department of	41 Weekly	716.	The provisions of the Act that	These provisions are calling		2

Homeland Security Appropriations Act, 2006	Comp. Pres. Doc. 1558 (H.R. 2360 , P.L. 109-90 October 18, 2005)		purport to require congressional committee approval for the execution of a law. These provisions include those under the heading : "United States Visitor and Immigrant Status Indicator Technology;"	solely for notification. Any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in INS v. Chadha.		
"	"	717.	Provisions under the heading "Automation Modernization, Customs and Border Protection;"	"	"	2
"	"	718.	Provisions under the heading "Air and Marine Interdiction, Operations, Maintenance, and Procurement, Customs and Border Protection;"	"	"	2
"	"	719.	Provisions under the heading "Automation Modernization, Immigration and Customs Enforcement;"	"	"	2
"	"	720.	Provisions under the heading "Salaries and Expenses, United States Secret Service;"	"	"	2
"	"	721.	Provisions under the heading "Research, Development, Acquisition, and Operations, Science and Technology for the Domestic Nuclear Detection Office;"	"	"	2
"	"	722.	§ 504	"	"	2
"	"	723.	§ 505	"	"	2
"	"	724.	§ 509	"	"	2

"	"	725.	§ 511 “	“	“	2
"	"	726.	§ 526 “	“	“	2
"	"	727.	§ 538 “	“	“	2
“	“	728.	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 once every 7 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.	“	15
“	“	729.	§ 516 of the Act purports to direct the conduct of security and suitability investigations.	To the extent that section 516 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.	“	3, 5, 7
“	“	730.	§ 518 of the Act purports to allow an agent of the legislative	The executive branch shall construe such section as	“	2

			branch to prevent implementation of the law unless the legislative agent reports to the Congress that the executive branch has met certain conditions.	advisory, in accordance with the constitutional principles enumerated in the Chadha decision.		
“	“	731.	§ 527 refers to joint explanatory statements of managers accompanying conference reports on specified acts.	Such statements do not satisfy the constitutional requirements of bicameral approval and presentment to the President needed to give them the force of law.	“	2
“	“	732.	§ 529 of the Act, relating to privacy officer reports,	Shall construe in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.	“	2
Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006	41 Weekly Comp. Pres. Doc. 1701 (H.R. 2744 , P.L. 109-97 November 10, 2005)	733.	§ 705 purport to require congressional committee approval for the execution of a law as calling solely for notification.	The executive branch shall construe as any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in INS v. Chadha.		2
“	“	734.	§ 716 “	“	“	2
“	“	735.	§ 732 “	“	“	2
		736.	Language under the heading "Food and Drug Administration, Salaries and Expenses” “	“	“	2
“	“	737.	§ 715, which purports to regulate the transmission of information by	Shall construe in a manner consistent with the President's	“	3

			employees at the Department of Agriculture.	constitutional authority to faithfully execute the laws and to supervise the unitary executive branch.		
“	“	738.	§ 719, which purports to regulate the transmittal of legislative recommendations by executive branch officials to the Congress.	Shall construe in a manner consistent with the President's constitutional authority to recommend such measures to the Congress as he deems necessary and expedient.	“	1
“	“	739.	Several provisions of the bill relate to race or ethnicity.	The executive branch shall construe such provisions in a manner consistent with the requirement that the Federal Government afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.	“	9
Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006	41 Weekly Comp. Pres. Doc. 1718 (H.R. 3057 , P.L. 109-102 November 14, 2005)	740.	Sections 506(a) purport to direct the content of certain international negotiations and communications or by directing the Executive Branch to collaborate with other entities in the development of foreign policy.	May burden the President's constitutional authority to conduct foreign relations.		4
"	"	741.	§ 514 “	“	“	4
"	"	742.	§ 551 “	“	“	4
"	"	743.	§ 561 (a) “	“	“	4
"	"	744.	§ 561 (d) “	“	“	4
"	"	745.	§ 562 “	“	“	4
"	"	746.	§ 575 (a) “	“	“	4
"	"	747.	§ 590 (b) “	“	“	4

"	"	748.	§ 593 “	“	“	4
“	“	749.	Sections 506(e) purport to make consultation with the Congress a precondition to the execution of the law as calling for, but not mandating, such consultation.	Shall construe as is consistent with the Constitution's provisions concerning the separate powers of the Congress to legislate and of the President to execute the laws.	“	11
"	"	750.	§ 509 (b) “	“	“	11
"	"	751.	§ 512 “	“	“	11
"	"	752.	§ 534(k) “	“	“	11
"	"	753.	§ 543 (b) “	“	“	11
"	"	754.	§ 564 (b) “	“	“	11
"	"	755.	§ 576 [c] “	“	“	11
"	"	756.	§ 595 “	“	“	11
"	"	757.	Language under the heading “Andean Counterdrug Initiative,” Department of State”		"	11
"	"	758.	Language under the heading "Transition Initiatives," USAID; "		"	11
	"	759.	Language under the heading "Debt Restructuring," Department of the Treasury”		"	11
Energy and Water Development Appropriations Act, 2006	41 Weekly Comp. Pres. Doc. 1751 (H.R. 2419 , P.L. 109-103 November 19, 2005)	760.	§ 101 of the Act calls for consultation with the Congress as a precondition to the execution of a law.	Shall be construed as is consistent with the Constitution's provisions concerning the separate powers of the Congress to legislate and the President to execute the laws.		11
"	"	761.	§ 303 “	“	“	11
Science, State,	41 Weekly	762.	§ 405 asserts the authority to	The executive branch shall		4, 5

Justice, Commerce, and Related Agencies Appropriations Act, 2006	Comp. Pres. Doc. 1764 (H.R. 2862 , P.L. 109- 108 November 2005)		recognize foreign states and negotiate international agreements on behalf of the United States.	construe as advisory the provisions of the Act that purport to direct or burden the Executive's conduct of foreign relations, including the authority to recognize foreign states and negotiate international agreements on behalf of the United States, or limit the President's authority as Commander in Chief.	
"	"	763.	§ 413	"	4, 5
"	"	764.	§ 414	"	4, 5
"	"	765.	§ 631	"	4, 5
"	"	766.	§ 637	"	4, 5
"	"	767.	Language under the heading "International Trade Administration, Operations and Administration" and "Contributions for International Peacekeeping Activities"	"	4, 5
Military Quality of Life and Veterans Affairs Appropriations Act, 2006	41 Weekly Comp. Pres. Doc. 1799 (H.R. 2528 , P.L. 109- 114 November 30, 2005)	768.	Language under the heading "Department of Defense Base Closure Account 2005,"	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	4, 5

				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.		
"	"	769.	Language under the heading "Department of Veterans Affairs, Information Technology Systems,"	"	"	2
"	"	770.	Language under the heading "Department of Veterans Affairs, Construction, Major Projects,"	"	"	2
"	"	771.	§ 128	"	"	2
"	"	772.	§ 129	"	"	2
"	"	773.	§ 130	"	"	2
"	"	774.	§ 201	"	"	2
"	"	775.	§ 211	"	"	2
"	"	776.	§ 216	"	"	2
"	"	777.	§ 225	"	"	2
"	"	778.	§ 226	"	"	2
"	"	779.	§ 227	"	"	2
"	"	780.	§ 229	"	"	2
"	"	781.	Several provisions of the Act require notice to the Congress, including sections 107 which require notice of the relocation of activities between military installations, initiation of a new	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		5, 7

installation abroad, U.S. military exercises involving \$100,000 in construction costs, and the initiation of certain types of programs.

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.

"	"	782.	§ 110	"	"	"	5, 7
"	"	783.	§ 113	"	"	"	5, 7
"	"	784.	§ 118	"	"	"	5, 7
"	"	785.	§ 118 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. The Constitution commits to the President the primary responsibility for conducting the foreign relations of the	4

				United States, including the exclusive responsibility for formulating the position of the United States in international fora and conducting negotiations with foreign nations.		
“	“	786.	§ 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.	“	4
Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006	41 Weekly Comp. Pres. Doc. 1800 (H.R. 3058 , P.L. 109-115 November 30, 2005)	787.	§ 183	The executive branch shall construe as calling solely for notification those provisions of the Act that are inconsistent with the requirements of bicameral passage and presentment set forth in the Constitution, as construed by the Supreme Court of the United States in 1983 in INS v. Chadha.		2
”	”	788.	§ 201	“	“	2

"	"	789.	§ 205	"	"	2
"	"	790.	§ 211	"	"	2
"	"	791.	§ 212	"	"	2
"	"	792.	§ 217	"	"	2
"	"	793.	§ 218	"	"	2
"	"	794.	§ 603	"	"	2
"	"	795.	§ 608	"	"	2
"	"	796.	§ 710	"	"	2
"	"	797.	§ 711	"	"	2
"	"	798.	§ 720	"	"	2
"	"	799.	§ 838	"	"	2
"	"	800.	§ 841	"	"	2
"	"	801.	Provision under the heading: "Department of "Transportation, Office of the Secretary, Salaries and Expenses,"	"	"	2
"	"	802.	Provision under the heading: "Department of Transportation, Office of the Secretary, Working Capital Fund,"	"	"	2
"	"	803.	Provision under the heading: "Federal Transit Administration, Administrative Expenses,"	"	"	2
"	"	804.	Provision under the heading: "Department of the Treasury, Departmental Offices, Salaries and Expenses,"	"	"	2
"	"	805.	Provision under the heading: "Internal Revenue Service, Business Systems Modernization,"	"	"	2

"	"	806.	Provision under the heading: "High Intensity Drug Trafficking Area Program,"	"	"	2
"	"	807.	Provision under the heading: "General Services Administration, Federal Buildings Fund,"	"	"	2
"	"	808.	Provision under the heading : "National Archive and Records Administration, Electronic Records Archives."	"	"	2
"	"	809.	Specific provisions that raise this concern include language under the heading "Office of Management and Budget, Salaries and Expenses" relating to the review of executive branch orders, activities, regulations, transcripts, and testimony, and relating to the review of certain matters in reports to be submitted to the Congress through the Secretary of the Army. § 120	The executive branch shall construe the provisions of the Act in a manner consistent with the President's authority to supervise the unitary executive branch and take care that the laws be faithfully executed, including the authority to direct which officers in the executive branch shall assist the President in faithfully executing the law.		3
"	"	810.	§ 182	The executive branch shall construe provisions in the Act that purport to mandate or regulate submission of information to the Congress, other entities outside the executive branch, or the		7

			public in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. "		
"	"	811.	§ 818	"	7
"	"	812.	§ 820	"	7
"	"	813.	Language under the heading "Operating Subsidy Grants to the National Passenger Railroad Corporation.	"	7
"	"	814.	Certain provisions in the Act purport to allocate funds for specified purposes as set forth in the joint explanatory statement of managers that accompanied the Act; to make changes in statements of managers that accompanied various appropriations bills reported from conferences in the past; or to direct compliance with a committee report. Such provisions include § 710.	The executive branch shall construe these provisions in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.	2
"	"	815.	Language under the heading	"	2

"Community Planning and
Development, Community
Development Fund,"

"	"	816.	Language under the heading "Department of Housing and Urban Development, Management and Administration, Salaries and Expenses,"	"	"	2
"	"	817.	Language under the heading "Office of Management and Budget, Salaries and Expenses."	"	"	2
"	"	818.	§ 182	The executive branch shall construe provisions that purport to require or regulate the submission of legislative proposals to the Congress by executive branch officials consistently with the President's constitutional authority to recommend to the Congress such measures as he judges necessary and expedient and authority to supervise the unitary executive branch.		1, 3
"	"	819.	§ 208	"	"	1, 3

"	"	820.	§ 219 "	"	"	1, 3
"	"	821.	§ 315 "	"	"	1, 3
"	"	822.	§ 818 "	"	"	1, 3
"	"	823.	§ 809 seeks to prohibit the expenditure of funds for the salaries of "any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person."	The executive branch shall construe this provision in a manner consistent with the President's constitutional authority to make recess appointments.		22
"	"	824.	§ 836, relating to assignment of executive branch employees to perform functions in the legislative branch.	Shall construe in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and as Commander in Chief, and recognizing that the President cannot be compelled to give up the authority of his office as a condition of receiving the funds necessary to carrying out the duties of his office.		3, 5
"	"	825.	Certain provisions of the Act relate to race, ethnicity, or gender.	The executive branch shall construe such provisions in a manner consistent with the requirement that the Federal Government afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.		9
Department of Defense, Emergency Supplemental	41 Weekly Comp. Pres. Doc. 1918 (H.R. 2863,	826.	§ 8007 of the Act prohibits the use of funds to initiate a special access program, a new overseas	The Supreme Court of the United States has stated that the President's authority to		5, 7

**Appropriations
to Address
Hurricanes in
the Gulf of
Mexico, and
Pandemic
Influenza Act,
2006**

P.L. 109-??
December 30,
2005)

installation, or a new start
program, unless the
congressional defense
committees receive advance
notice.

classify and control access to
information bearing on the
national security flows from
the Constitution and does not
depend upon a legislative
grant of authority. Although
the advance notice
contemplated by sections
8007, 8011, and 8093 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 of the Armed Forces
while protecting certain
extraordinarily sensitive
national security
information. The executive
branch shall construe these
sections in a manner
consistent with the
constitutional authority of
the President.

"	"	827.	§ 8011	"	"	5, 7
"	"	828.	§ 8093	"	"	5, 7

“	“	829.	§ 8059 of the Act provides that, notwithstanding any other provision of law, no funds available to the Department of Defense for fiscal year 2006 may be used to transfer defense articles or services, other than intelligence services, to another nation or an international organization for international peacekeeping, peace enforcement, or humanitarian assistance operations, until 15 days after the executive branch notifies six committees of the Congress of the planned transfer.	To the extent that protection of the U.S. Armed Forces deployed for international peacekeeping, peace enforcement, or humanitarian assistance operations might require action of a kind covered by section 8059 sooner than 15 days after notification, the executive branch shall construe the section in a manner consistent with the President's constitutional authority as Commander in Chief.	“	5
“	“	830.	A proviso in the Act's appropriation for "Operation and Maintenance, Defense-Wide" purports to prohibit planning for consolidation of certain offices within the Department of Defense.	The executive branch shall construe these provisions relating to planning and making of budget recommendations in a manner consistent with the President's constitutional authority to require the opinions of the heads of departments, to supervise the unitary executive branch, and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.	“	1, 3, 14
”	”	831.	§ 8010(b) purports to specify the content of portions of future budget	“	”	1, 3, 14

			requests to the Congress.			
"	"	832.	§ 8032 “	“	"	1, 3, 14
"	"	833.	§ 8037 (b) “	“	"	1, 3, 14
"	"	834.	§ 8100 “	“	"	1, 3, 14
“	“	835.	§ 8005 of the Act relates to requests to congressional committees for reprogramming of funds.	Shall be construed as calling solely for notification, as any other construction would be inconsistent with the constitutional principles enunciated by the Supreme Court of the United States in INS v. Chadha.		2
“	“	836.	§ 8104, relating to integration of foreign intelligence information	The executive branch shall construe this provision in a manner consistent with the President's constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the unitary executive branch.		3, 5
“	“	837.	§ 8106 of the Act purports to prohibit the President from altering command and control relationships within the Armed Forces.	Shall be construed as advisory, as any other construction would be inconsistent with the constitutional grant to the President of the authority of Commander in Chief.		5
“	“	838.	§ 8119 prohibits the President from altering command and control relationships within the Armed Forces.	“		5

“	“	839.	Provisions of the Act relating to race, ethnicity, gender, and State residency – § 8014.	The executive branch shall construe in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Constitution's Fifth Amendment.	9
“	“	840.	Provisions of the Act relating to race, ethnicity, gender, and State residency – § 8020	“	9
“	“	841.	Provisions of the Act relating to race, ethnicity, gender, and State residency – § 8057	“	9
“	“	842.	Title X in Division A of the Act, relating to detainees.	The executive branch shall construe in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and as Commander in Chief and consistent with the constitutional limitations on the judicial power, which will assist in achieving the shared objective of the Congress and the President, evidenced in Title X, of protecting the American people from further terrorist attacks. Further, in light of	3, 5, 17

the principles enunciated by the Supreme Court of the United States in 2001 in *Alexander v. Sandoval*, and noting that the text and structure of Title X do not create a private right of action to enforce Title X, the executive branch shall construe Title X not to create a private right of action.

“	“	843. Language in Division B of the Act, under the heading "Office of Justice Programs, State and Local Law Enforcement Assistance," purports to require the Attorney General to consult congressional committees prior to allocating appropriations for expenditure to execute the law.	Because the President's constitutional authority to supervise the unitary executive branch and take care that the laws be faithfully executed cannot be made by law subject to a requirement to consult with congressional committees or to involve them in executive decision- making, the executive branch shall construe the provision to require only notification.	3
“	“	844. Certain provisions in the Act purport to allocate funds for specified purposes as set forth in the joint explanatory statement	The executive branch shall construe all these provisions in a manner consistent with the bicameral passage and	2

			of managers that accompanied the Act or other Acts; to make changes in statements of managers that accompanied various appropriations bills reported from conferences in the past; or to direct compliance with a committee report. Such provisions include section 8044 in Division A.	presentment requirements of the Constitution for the making of a law.	
“	“	845.	“ § 5022	“	2
“	“	846.	“ § 5023	“	2
“	“	847.	“ § 5024	“	2
“	“	848.	“ Language under the heading "Natural Resources Conservation Service, Conservation Operations" in Division B, of the Act.	“	2
“	“	849.	§ 8073 in Division A purports to give binding effect to legislative documents not presented to the President.	“	2
“	“	850.	“ § 8082 in Division A	“	2
Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations	41 Weekly Comp. Pres. Doc. 1920 (H.R. 3010, P.L. 109-?? December 30, 2005)	851.	§ 103 - certain provisions of the Act that purport to require congressional committee approval for the execution of a law.	The executive branch shall construe as calling solely for notification, as any other construction would be inconsistent with the constitutional principles enunciated by the Supreme	2

Act, 2006

Court of the United States in
INS v. Chadha.

“	“	852.	§ 208 "	“	“	2
“	“	853.	Language under the heading "Pension Benefit Guaranty Corporation Fund." "	“	“	2
“	“	854.	Provisions in the Act that purport to mandate or regulate submission of information to the Congress - language under the heading "Department of Health and Human Services, Office of the Secretary, General Departmental Management."	The executive branch shall construe in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.	“	7
“	“	855.	Certain provisions of the Act relate to race, ethnicity, or gender.	The executive branch shall construe such provisions in a manner consistent with the requirement that the Federal Government afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.	“	9
National Defense	42 Weekly Comp. Pres.	856.	§ 352 calls for executive branch officials to submit to the	The executive branch shall implement these provisions		1, 3

Authorization Act for Fiscal Year 2006	Doc. 23 (H.R. 1815, P.L. 109- 163 January 6, 2006)		Congress proposals for legislation, including budget proposals for enactment of appropriations, or purport to regulate or require disclosure of the manner in which the President formulates recommendations to the Congress for legislation.	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 judges necessary and expedient.	
"	"	857.	§ 360	"	1, 3
"	"	858.	§ 403	"	1, 3
"	"	859.	§ 562	"	1, 3
"	"	860.	§ 818	"	1, 3
"	"	861.	§ 2822	"	1, 3
"	"	862.	§ 1206(d) of the Act, which purports to regulate formulation by executive branch officials of proposed programs for the President to direct.	Shall be construed in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to require the opinions of heads of executive departments.	3, 14
"	"	863.	§ 1513(d) of the Act, which purports to make consultation with specified Members of Congress a precondition to the execution of the law.	Shall be construed as calling for but not mandating 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	11

				laws.		
"	"	864.	§ 905 calls for the executive branch to furnish information to the Congress on various subjects.	The executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to withhold information the disclosure of which could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.	"	7
"	"	865.	§ 932	"	"	7
"	"	866.	§ 1004	"	"	7
"	"	867.	§ 1212	"	"	7
"	"	868.	§ 1224	"	"	7
"	"	869.	§ 1227	"	"	7
"	"	870.	§ 1304	"	"	7
"	"	871.	§ 1222 of the Act refers to a joint explanatory statement of a committee of conference on a bill as if the statement had the force of law.	The executive branch shall construe the provision in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.	"	2
Trafficking Victims Protection	42 Weekly Comp. Pres. Doc. 39 (H.R.	872.	§ 104(e)(2) purports to require the Secretary of State, prior to	The executive branch shall construe this reporting		4, 5

Reauthorization Act of 2005	972, P.L. 109-164 January 10, 2006)		voting for a new or reauthorized peacekeeping mission under the auspices of a multilateral organization (or, in an emergency, as far in advance as is practicable), to submit to the Congress a specific report.	requirement in a manner consistent with the President's constitutional authority as Commander in Chief and the President's constitutional authority to conduct the Nation's foreign affairs.	
Deficit Reduction Act of 2005	42 Weekly Comp. Pres. Doc. 215 (S.1932, P.L. 109-??? February 8, 2006)	873.	§ 1936(d)(2) of the Social Security Act as enacted by section 6034 of the Act, purports to make consultation with a legislative agent a precondition to execution of the law, to call for but not mandate such consultation.	The executive branch shall construe this section as is consistent with the Constitution's provisions concerning the separate powers of the Congress to legislate and the President to execute the laws.	11
"	"	874.	§ 5006(b) of the Act calls for executive branch officials to submit legislative recommendations to the Congress.	The executive branch shall construe such provisions 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.	1, 3
"	"	875.	§ 401A(a)(2)(C) of the Higher Education Act of 1965 as enacted by section 8003 of the Act. "	"	1, 3

"	"	876.	§ 5008(c)	"	"	1, 3
USA PATRIOT Improvement and Reauthorization Act of 2005	42 Weekly Comp. Pres. Doc. 425 (H.R. 3199, P.L. 109-??? March 9, 2006)	877.	§ 106 (a) calls for furnishing information to entities outside the executive branch.	Shall construe 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, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.	"	3, 7
"	"	878.	§ 119	"	"	3, 7
"	"	879.	§ 756(e)(2) calls for an executive branch official to submit to the Congress recommendations for legislative action.	Shall construe 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 he judges necessary and expedient.	"	1, 3
Coastal Barrier Resources Reauthorization Act of 2005	42 Weekly Comp. Pres. Doc. 1019 (S. 1869, P.L. 109-??? May 25,	880.	§ 3(c)(2) purport to require executive branch officials to submit legislative recommendations to the	The executive branch shall construe such provisions in a manner consistent with the Constitution's commitment to		1, 3

	2006)		Congress.	the President of the authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient and to supervise the unitary executive branch.		
"	"	881.	§ 4(c)(3)(C)	"	"	1, 3
"	"	882.	§ 4(c)(3)(D)	"	"	1, 3
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006	42 Weekly Comp. Pres. Doc. 1159 (H.R. 4939, P.L. 109-234 June 15, 2006)	883.	§ 1209 of the Act prohibit use of certain funds appropriated in the Act to initiate new start programs unless the congressional defense committees receive advance written notice.	The Supreme Court of the United States has stated that the President's authority to classify and control access to information bearing on the national security flows from the Constitution and does not depend upon a legislative grant of authority. The executive branch shall construe these sections in a manner consistent with the constitutional authority of the President.		7
"	"	884.	§ 2202	"	"	7
"	"	885.	Subsection 1304(a) of the Act amends section 550 of Public Law 109- 102 to purport to require the President to consult with committees of the Congress	Because the President's constitutional authority to supervise the unitary executive branch and take care that the laws be	"	3

			prior to exercising authority granted to the President by section 550. Subsection 1304(b) purports to require the Secretary of State to consult such committees prior to exercising authority under that provision.	faithfully executed cannot be made by law subject to a requirement to consult with congressional committees or to involve them in executive decision-making, the executive branch shall construe the references in the provisions to consulting to require only notification.	
"	"	886.	The provision under the heading, "Joint Explosive Device Defeat Fund," Department of Defense-Military, calls for the reporting to congressional committees of information that may include highly sensitive and classified national security information.	Will be construed consistently with the President's constitutional responsibility to control the dissemination of such information.	7
"	"	887.	The provision in the Act under the heading "Disaster Relief," Federal Emergency Management Agency, Department of Homeland Security, purports to require the Secretary of Homeland Security to submit a housing proposal and expenditure plan for congressional committee approval.	Shall be construed as calling solely for notification, as any other construction would be inconsistent with the constitutional principles enunciated by the Supreme Court of the United States in <i>INS v. Chadha</i>.	2
"	"	888.	§ 7030 of the Act, purports to make changes in or in relation to	The executive branch shall construe these provisions in a	2

			statements of managers that accompanied various appropriations bills reported from House-Senate conferences in the past. Also, a provision in chapter 9 of the Act under the heading "Emergency Relief Program," Federal Highway Administration, Department of Transportation, purports to give binding effect to a document not presented to the President.	manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.	
"	"	889.	§ 7031	"	2
"	"	890.	§ 7032	"	2
"	"	891.	§ 7033	"	2
Coast Guard and Maritime Transportation Act of 2006	42 Weekly Comp. Pres. Doc. 1325 (H.R. 889, P.L. 109-241 July 11, 2006)	892.	§ 408(c) of the Act, purports to make consultation with a legislative agent a precondition to execution of the law.	Shall be construed 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.	11
"	"	893.	§ 801 of the Act purports to require the Secretary of the department in which the Coast Guard is operating to work at the International Maritime Organization with foreign	The executive branch shall construe the provision to be advisory, as is consistent with the constitutional commitment to the President of responsibility for	4

			nations toward specified international objectives.	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.	
Pension Protection Act of 2006	42 Weekly Comp. Pres. Doc. 1470 (H.R. 4, P.L. 109-280 August 17, 2006)	894.	§ 221(a) of the Act, calls for the submission of legislative recommendations to the Congress.	Shall be construed in a manner consistent with the constitutional authority of the President 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.	1, 3
"	"	895.	§ 1632(b)(1)	"	1, 3
"	"	896.	§ 1634(e) purports to require the United States Trade Representative to submit to congressional committees the contents of the negotiating positions of the United States and foreign countries in certain international trade negotiations.	The executive branch shall construe section 1634(e) in a manner consistent with the President's constitutional authority to conduct the Nation's foreign affairs including negotiations with foreign countries, supervise the unitary executive branch, and to withhold information the disclosure of which could	3, 4, 7

**Department of
Defense
Appropriations
Act, 2007**

42 Weekly
Comp. Pres.
Doc. 1703
(H.R. 5631,
P.L. 109-289
September 29,
2006)

897.

§ 8007 of the Act prohibits the use of funds to initiate a special access program or a new start program, unless the congressional defense committees receive advance notice.

impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

The Supreme Court of the United States has stated that the President's authority to classify and control access to information bearing on the national security flows from the Constitution and does not depend upon a legislative grant of authority. Although the advance notice contemplated by sections 8007, 8084, and 9005 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 of the Armed Forces while protecting certain extraordinarily sensitive

3, 5, 7

				national security information. The executive branch shall construe these sections in a manner consistent with the constitutional authority of the President.		
“	“	898.	§ 8084	“	“	3, 5, 7
“	“	899.	§ 9005	“	“	3, 5, 7
“	“	900.	§ 8050 of the Act provides that, notwithstanding any other provision of law, no funds available to the Department of Defense for fiscal year 2007 may be used to transfer defense articles or services, other than intelligence services, to another nation or an international organization for international peacekeeping, peace enforcement, or humanitarian assistance operations, until 15 days after the executive branch notifies six committees of the Congress of the planned transfer.	To the extent that protection of the U.S. Armed Forces deployed for international peacekeeping, peace enforcement, or humanitarian assistance operations might require action of a kind covered by section 8050 sooner than 15 days after notification, the executive branch shall construe the section in a manner consistent with the President's constitutional authority as Commander in Chief.	“	5
“	“	901.	A proviso in the Act's appropriation for "Operation and Maintenance, Defense-Wide" purports to prohibit planning for consolidation of certain offices	The executive branch shall construe these provisions relating to planning and making of budget recommendations in a	“	1, 3

			within the Department of Defense.	manner consistent with the President's constitutional authority to require the opinions of the heads of departments, to supervise the unitary executive branch, and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.		
“	“	902.	§ 8010(b) purports to specify the content of portions of future budget requests to the Congress.	“	“	1, 3
“	“	903.	§ 8032(b) “	“	“	1, 3
“	“	904.	§ 8089 “	“	“	1, 3
“	“	905.	§ 8005 of the Act, relating to requests to congressional committees for reprogramming of funds.	Shall be construed as calling solely for notification, as any other construction would be inconsistent with the constitutional principles enunciated by the Supreme Court of the United States in INS v. Chadha.	“	2
“	“	906.	§ 8093 relates to integration of foreign intelligence information.	Shall be construed in a manner consistent with the President's constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the	“	3, 5

unitary executive branch.

“	“	907.	§ 8095 of the Act, which purports to prohibit the President from altering command and control relationships within the Armed Forces.	Shall be construed as advisory, as any other construction would be inconsistent with the constitutional grant to the President of the authority of Commander in Chief.	“	5
“	“	908.	§ 8101 “	“	“	5
“	“	909.	§ 8013 of the Act as it relates to race, ethnicity, gender, and State residency.	Shall be construed in a manner consistent with the requirement to afford equal protection of the laws under the Due Process Clause of the Constitution's Fifth Amendment.	“	9
“	“	910.	§ 8018 “	“	“	9
“	“	911.	§ 8048 “	“	“	9
“	“	912.	§ 8039 of the Act purports to allocate funds for specified purposes as set forth in the joint explanatory statement of managers that accompanied the Act and to direct compliance with a classified annex which was not incorporated into the Act and for which presentment was not made.	The executive branch shall construe all these provisions in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law.	“	2

“	“	913.	§ 8064 “	“	“	2
		914.	Generally geared towards those provisions that purport to require congressional committee approval for the execution of a law. Such as those under the headings "United States Visitor and Immigrant Status Indicator Technology;"	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.		2
“	“	915.	Provisions under the heading: "Automation Modernization, Customs and Border Protection;"	"	“	2
“	“	916.	Provisions under the heading: "Border Security Fencing, Infrastructure, and Technology, Customs and Border Protection;"	"	“	2
“	“	917.	Provisions under the heading: "Air and Marine Interdiction, Operations, Maintenance, and Procurement, Customs and Border Protection;"	"	“	2
“	“	918.	Provisions under the heading: "Automation Modernization,	"	“	2

**Department of
Homeland
Security
Appropriations
Act, 2007**

42 Weekly
Comp. Pres.
Doc. 1742
(H.R. 5441,
P.L. 109-295
October 4,
2006)

Immigration and Customs
Enforcement;"

“	“	919.	Provisions under the heading: "Protection, Administration, and Training, United States Secret Service;"	"	“	2
“	“	920.	Provisions under the heading: "Preparedness, Management and Administration;"	"	“	2
“	“	921.	Provisions under the heading: "United States Citizenship and Immigration Services;"	"	“	2
“	“	922.	Provisions under the heading: "Management Administration, Science and Technology;"	"	“	2
“	“	923.	Provisions under the heading: "Research, Development, Acquisition, and Operations, Science and Technology;"	"	“	2
“	“	924.	§ 504 “	"	“	2
“	“	925.	§ 505 “	"	“	2
“	“	926.	§ 509 “	"	“	2
“	“	927.	§ 511 “	"	“	2
“	“	928.	§ 552 “	"	“	2

“	“	929.	§ 513 of the Act purports to direct the conduct of security and suitability investigations.	To the extent that § 513 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.	“	3, 5, 7
“	“	930.	§ 514 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.	“	2
“	“	931.	§ 522 of the Act, relating to privacy officer reports.	Shall be construed in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.	“	3
“	“	932.	§ 558 purports to direct or burden the conduct of negotiations by the executive branch with foreign governments or other entities	Such provisions, if construed as mandatory rather than advisory, would impermissibly interfere with the President's	“	3, 4

			abroad, the executive branch shall construe them as advisory.	constitutional authorities to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.	
“	“	933.	Provisions of the Act, including under the heading "Office of the Secretary and Executive Management" refer to joint explanatory statements of managers accompanying conference reports on specified acts.	Such statements do not satisfy the constitutional requirements of bicameral approval and presentment to the President needed to give them the force of law.	2
“	“	934.	§ 521 “	“	2
“	“	935.	§ 539 “	“	2
“	“	936.	§ 540 “	“	2
“	“	937.	§ 559 “	“	2
“	“	938.	§ 503(c) of the Homeland Security Act of 2002, as amended by § 611 of the Act, provides for the appointment and certain duties of the Administrator of the Federal Emergency Management Agency.	The executive branch shall construe § 503(c)(2) in a manner consistent with the Appointments Clause of the Constitution.	6
			§ 503(c)(2) vests in the President authority to appoint the Administrator, by and with the		

advice and consent of the Senate,
but purports to limit the
qualifications of the pool of
persons from whom the
President may select the
appointee in a manner that rules
out a large portion of those
persons best qualified by
experience and knowledge to fill
the office.

“	“	939.	Also, § 503(c)(4) purports to regulate the provision of advice within the executive branch and to limit supervision of an executive branch official in the provision of advice to the Congress.	The executive branch shall construe § 503(c)(4) in a manner consistent with the constitutional authority of the President to require the opinions of heads of departments and to supervise the unitary executive branch. Accordingly, the affected department and agency shall ensure that any reports or recommendations submitted to the Congress are subjected to appropriate executive branch review and approval before submission.	“	3, 14
“	“	940.	§ 507(f)(6) of the Homeland Security Act of 2002, as amended by section 611 of the Act	The executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to supervise the	“	1, 3

			purport to require in certain circumstances that an executive branch official submit legislation for the consideration of the Congress.	unitary executive branch and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.		
“	“	941.	§ 689i(a)(4)(B)(iv)	“	“	1, 3
“	“	942.	§ 689j(b)(2)(E) of the Act	“	“	1, 3
“	“	943.	Several provisions of the Act purport to direct the President to perform the President's duties "acting through" a particular officer. These provisions include section 303(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by section 633 of the Act.	The executive branch shall construe such provisions in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch.	“	3
“	“	944.	§ 1802 of the Homeland Security Act of 2002, as amended by section 671 of the Act.	“	“	3
“	“	945.	§ 643,	“	“	3
“	“	946.	§ 644	“	“	3
“	“	947.	§ 689 (i)	“	“	3
“	“	948.	§ 689 (j)	“	“	3
“	“	949.	§ 623 relating to race, ethnicity, and gender.	Shall be construed in a manner consistent with the	“	9

“ National Heritage Areas Act of 2006	“ 42 Weekly Comp. Pres. Doc. 1815 (S. 203, P.L. 109-338 October 12, 2006)	950. § 697 “ 951. A number of provisions of the Act purport to give to management entities or local coordinating entities, composed of individuals who are not officers of the United States appointed in accordance with the Appointments Clause of the Constitution, significant governmental authority, such as authority to make grants from Federal appropriated funds to implement management plans for heritage areas.	requirement of the Due Process Clause of the Fifth Amendment to the Constitution to afford equal protection of the laws. “ As is consistent with the Appointments Clause and with requirements in the Act concerning approval by the Secretary of the Interior of the management plans, the executive branch shall construe the provisions to require exercise by the Secretary of the Interior of the significant governmental authority given by the provisions, specifically including the exercise by the Secretary of final authority over any disbursement of Federal appropriated funds by a management entity or local coordinating entity. Shall construe in a manner consistent with the President's constitutional authority to recommend for the consideration of the Congress such measures as	“ “ “ 9 6 1, 3
Safe Port Act	42 Weekly Comp. Pres. Doc. 1817 (H.R. 4954, October 13, 2006)	952. Provisions of the Act that purport to require executive branch officials to submit recommendations for legislation to the Congress, including		

			section 201.	the President judges necessary and expedient and to supervise the unitary executive branch.		
“	“	953.	Subsection 401(c) and subsection 2(d) of the Act of March 3, 1927, as amended by section 402 of the Act, that purport to make consultation with congressional committees a precondition to execution of the law.	Shall construe 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.	“	11
“	“	954.	Subsection 301(h)(2) of the Customs Procedural Reform and Simplification Act of 1978, as amended by section 403 of the Act, which purports to give a subordinate official within the executive branch authority to prevent an action by the superior official to whom the subordinate official reports.	Shall construe in a manner consistent with the President's constitutional authority to supervise the unitary executive branch.	“	3
“	“	955.	§ 709 of the Act, purports to direct the President to perform the President's duties "acting through" a particular officer.	The executive branch shall construe in a manner consistent with the constitutional authority of the President to supervise the	“	3

unitary executive branch.

“	“	956.	Provisions of the Act that purport to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations, or other entities abroad, that purport to direct executive branch officials to negotiate with foreign governments or in international organizations to achieve specified foreign policy objectives, or that purport to require the executive branch to disclose deliberations between the United States and foreign countries. Such provisions include subsections 205(d) of the Act.	The executive branch shall construe the following as advisory. Such provisions, if construed as mandatory rather than advisory, would impermissibly interfere with the President's constitutional authorities to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.	“	3, 4
“	“	957.	Subsection 205 (i) of the Safe Port Act.	“	“	3, 4
“	“	958.	Subsection 803 (b) of the Safe Port Act.	“	“	3, 4
“	“	959.	Subsection 431(b) of the Homeland Security Act of 2002, as amended by section 301 of the Act.	“	“	3, 4
“	“	960.	Subsection 629(h) of the Tariff	“	“	3, 4

John Warner National Defense Authorization Act for Fiscal Year 2007	42 Weekly Comp. Pres. Doc. 1836 (H.R. 5122, P.L. 109-364 October 17, 2006)		Act of 1930, as amended by section 404 of the Act.					
		961.	Several provisions of the Act call for executive branch officials to submit to the Congress recommendations for legislation, or purport to regulate the manner in which the President formulates recommendations to the Congress for legislation. These provisions include § 516(h) of the Act.	The executive branch shall construe these 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 deems necessary and expedient.	“	1, 3		
		“	“	962.	“ § 575(g) of the Act.	“	“	1, 3
		“	“	963.	“ § 603(b) of the Act.	“	“	1, 3
		“	“	964.	“ § 705 (d) of the Act.	“	“	1, 3
		“	“	965.	“ § 719(b) of the Act.	“	“	1, 3
		“	“	966.	“ § 721 (e) of the Act.	“	“	1, 3
		“	“	967.	“ § 741 (e) of the Act.	“	“	1, 3
		“	“	968.	“ § 813 of the Act.	“	“	1, 3
		“	“	969.	“ § 1008 of the Act.	“	“	1, 3
		“	“	970.	“ § 1016 (d) of the Act.	“	“	1, 3
		“	“	971.	“ § 1035 (b)(3) of the Act.	“	“	1, 3
		“	“	972.	“ § 1047 (b) of the Act.	“	“	1, 3
		“	“	973.	“ § 1102 of the Act.	“	“	1, 3
		“	“	974.	“ § section 118(b)(4) of title 10, United States Code, as amended by § 1031 of the Act.	“	“	1, 3

“	“	975.	“ § 2773b of title 10 as amended by § 1053 of the Act	“	“	1, 3
“	“	976.	“ § 403 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) as amended by § 403 of the Act.	“	“	1, 3
“	“	977.	§ 914 of the Act, which purport to make consultation with specified Members of Congress a precondition to the execution of the law, as calling for but not mandating such consultation.	The executive branch shall construe as is consistent with the Constitution's provisions concerning the separate powers of the Congress to legislate and the President to execute the laws.	“	11
“	“	978.	§ 1512 of the Act, which purport to make consultation with specified Members of Congress a precondition to the execution of the law, as calling for but not mandating such consultation.	“	“	11
“	“	979.	A number of provisions in the Act call for the executive branch to furnish information to the Congress or other entities on various subjects. These provisions include § 219 of the Act.	The executive branch shall construe such provisions in a manner consistent with the President's constitutional authority 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	“	7

				Executive's constitutional duties.		
“	“	980.	“ § 313	“	“	7
“	“	981.	“ § 360 of the Act.	“	“	7
“	“	982.	“ § 1211 of the Act.	“	“	7
“	“	983.	“ § 1212 of the Act.	“	“	7
“	“	984.	“ § 1213 of the Act.	“	“	7
“	“	985.	“ § 1227 of the Act.	“	“	7
“	“	986.	“ § 1402 of the Act.	“	“	7
“	“	987.	“ § 3116 of the Act.	“	“	7
“	“	988.	“ § 427 of title 10, United States Code, as amended by § 932 of the Act.	“	“	7
“	“	989.	“ § 1093 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) as amended by § 1061 of the Act.	“	“	7
“	“	990.	§ 1011(b)(2) of the Act, which purports to prohibit the Secretary of the Navy from retiring a specified warship from operational status unless, among other things, a treaty organization established by the U.S. and foreign nations gives formal notice that it does not desire to maintain and operate	The executive branch shall construe as advisory. If construed as mandatory rather than advisory, the provision would impermissibly interfere with the President's constitutional authority to conduct the Nation's foreign affairs and as Commander in Chief.	“	4, 5

		991.	that warship. § 1211, which purports to require the executive branch to undertake certain consultations with foreign governments and follow certain steps in formulating and executing U.S. foreign policy.	The executive branch shall construe in a manner consistent with the President's constitutional authorities to conduct the Nation's foreign affairs and to supervise the unitary executive branch.		3, 4
Northern California Coastal Wild Heritage Wilderness Act	42 Weekly Comp. Pres. Doc. 1836 (H.R. 233, P.L. 109-362 October 17, 2006)	992.	§ 4(i)(2) of the Act purports to give binding legal effect to guidelines in an appendix to a report issued by a congressional committee, which was not incorporated into the Act and for which presentment was not made.	Consistent with the bicameral approval and presentment requirements of the Constitution for the making of a law, the executive branch shall, in carrying out the Act, take appropriate account of the guidelines as a matter of comity between the executive and legislative branches.		2
Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006	42 Weekly Comp. Pres. Doc. 2179 (H.R. 5682, P.L. 109-401 December 18, 2006)	993.	§ 103 of the Act purports to establish U.S. policy with respect to various international affairs matters.	My approval of the Act does not constitute my adoption of the statements of policy as U.S. foreign policy. Given the Constitution's commitment to the presidency of the authority to conduct the Nation's foreign affairs, the executive branch shall construe such policy		4

“	“	994.	Also, if § 104(d)(2) of the Act were construed to prohibit the executive branch from transferring or approving the transfer of an item to India contrary to Nuclear Suppliers Group transfer guidelines that may be in effect at the time of such future transfer, a serious question would exist as to whether the provision unconstitutionally delegated legislative power to an international body.	statements as advisory. In order to avoid this constitutional question, the executive branch shall construe section 104(d)(2) as advisory.	“	13
“	“	995.	Provisions of the Act that mandate, regulate, or prohibit submission of information to the Congress, an international organization, or the public, such as § 104.	The executive branch shall construe in a manner consistent with the President's constitutional authority to protect and control information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.	“	7
“	“	996.	“ § 109		“	7
“	“	997.	“ § 261		“	7

“	“	998.	“ § 271	“	7
“	“	999.	“ § 272	“	7
“	“	1000.	“ § 273	“	7
“	“	1001.	“ § 274	“	7
“	“	1002.	“ § 275	“	7
Tax Relief and Health Care Act of 2006	42 Weekly Comp. Pres. Doc. 2195 (H.R. 6111, P.L. 109-432 December 20, 2006)	1003.	§ 406(c)(2) in Division A, which calls for executive branch officials to submit legislative recommendations to the Congress.	The executive branch shall construe provisions of the Act, 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.	1, 3
“	“	1004.	§ 203(b) in Division B, which calls for executive branch officials to submit legislative recommendations to the Congress.	“	1, 3
“	“	1005.	Provisions of the Act that purport to require concurrence of State officials as a precondition to execution of the laws, including § 415(b) of the Surface Mining Control and Reclamation Act of 1977 as amended by § 207 in Division C. and section	The executive branch shall construe as advisory and as 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.	15

Postal Accountability and Enhancement Act	42 Weekly Comp. Pres. Doc. 2196 (H.R. 6407, P.L. 109-435 December 20, 2006)	1006.	311(d) in Division C, Provisions of the Act that purport to require concurrence of State officials as a precondition to execution of the laws, including § 415(b) of the Surface Mining Control and Reclamation Act of 1977 as amended by § 311(d) in Division C.	“	“	15
		1007.	§ 4005(b) in Division D and section 213A(f) of the Caribbean Basin Economic Recovery Act as amended by § 5002 in Division D, that purport to make consultation with committees of Congress a precondition to execution of the law.	The executive branch shall construe this provision 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.	“	11
		1008.	§ 3662 of title 39, United States Code, as enacted by section 205 of the Act.	The executive branch shall construe these provisions 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	“	3, 23

			the unitary executive branch and the constitutional limitation of Federal courts to deciding cases or controversies.		
“	“	1009.	§ 3663 of title 39, United States Code, as enacted by section 205 of the Act.	“	3, 23
“	“	1010.	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.	“	3
“	“	1011.	§ 407 of title 39, as enacted by § 405 of the Act.	“	3, 4

“	“	1012.	Subsection 202(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.	The executive branch shall construe 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..	“	6
“	“	1013.	Subsection 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.	“	“	6
“	“	1014.	Purported deadline in subsection 605(c) for the making of an appointment.	The executive branch shall also construe this deadline as advisory the as is consistent with the Appointments Clause.	“	6
“	“	1015.	Provisions of the Act that call for executive branch officials to submit legislative recommendations to the Congress. Such provisions include subsection 504(d) and section 2009 of title 39, as amended by	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	“	1, 3

			section 603 of the Act	unitary executive branch and to recommend for congressional consideration such measures as the President shall judge necessary and expedient.		
“	“	1016.	Such provisions include § 2009 of title 39, as amended by section 603 of the Act.	“	“	1, 3
“	“	1017.	§ 701(a)(2)	“	“	1, 3
“	“	1018.	§ 702 (b) of the Act.	“	“	1, 3
“	“	1019.	§ 703 (b) of the Act.	“	“	1, 3
“	“	1020.	§ 708 (b) of the Act.	“	“	1, 3
“	“	1021.	§ 709 (b)(2) of the Act.	“	“	1, 3
National Transportation Safety Board Reauthorization Act of 2006	42 Weekly Comp. Pres. Doc. 2199 (H.R. 5076, P.L. 109-443 December 21, 2006)	1022.	§ 2(a)(2) of the Act requires the Board to develop an operating plan for the National Transportation Safety Board Academy, obtain and respond to comments from a legislative agent regarding that plan, submit the plan to congressional committees with a description of modifications made in response to comments from the legislative agent, and then implement the plan within 2 years.	The executive branch shall construe the provision in a manner consistent with the Constitution's provisions concerning the separate powers of the Congress to legislate and the President to execute the laws.	“	11
“	“	1023.	§ 1113(c) of title 49, United States Code, as amended by section 9(f) of the Act, which	The executive branch shall construe in a manner consistent with the	“	1, 3

			relates to the Board's review and comment or approval of documents submitted to the President, Director of the Office of Management and Budget, or Congress.	constitutional authority of the President 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.	
“	“	1024.	§ 11(c) of the Act, relating to executive branch reports to the Congress concerning investigations of alleged criminal and fraudulent activities in connection with a specified project.	The executive branch shall in a manner consistent with the constitutional authorities of the President to supervise the unitary executive branch and to withhold information the disclosure of which could impair the performance of the Executive's constitutional duties, including the conduct of investigations and prosecutions to take care that the laws be faithfully executed.	“ 3, 8
Palestinian Anti-Terrorism Act of 2006	42 Weekly Comp. Pres. Doc. 2199 (S. 2370, P.L. 109-446 December 21, 2006)	1025.	§ 2 of the Act purports to establish U.S. policy with respect to various international affairs matters.	Approval of the Act does not constitute my adoption of the statements of policy as U.S. foreign policy. Given the Constitution's commitment to the presidency of the authority to conduct the Nation's foreign affairs, the executive branch shall	“ 4

			construe such policy statements as advisory. The executive branch will give section 2 the due weight that comity between the legislative and executive branches should require, to the extent consistent with U.S. foreign policy.		
“	“	1026.	§ 3(b) of the Act, which relates to access to certain information by a legislative agent.	“ The executive branch shall in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.	7
“	“	1027.	§ 11 of the Act, which relates to a report on certain assistance by foreign countries, international organizations, or multilateral development banks.	“	7
“	“	1028.	§ 620K(e)(2)(A) and 620L(b)(4)(B)(i) of the Foreign Assistance Act of 1961, as enacted by sections 2(b)(2) and 3(a) of the Act, purport to require the President to consult	“ Because the constitutional authority of the President to supervise the unitary executive branch and take care that the laws be faithfully executed cannot be	3

		with committees of the Congress prior to exercising certain authority granted to the President by sections 620K and 620L.	made by law subject to a requirement to consult with congressional committees or to involve them in executive decision making, the executive branch shall construe the references in the provisions to consulting to require only notification.	
“	“	1029. § 620L(b)(4)(B)(i) of the Foreign Assistance Act of 1961, as enacted by sections 2(b)(2) and 3(a) of the Act, purport to require the President to consult with committees of the Congress prior to exercising certain authority granted to the President by sections 620K and 620L.	“	3
“	“	1030. § 7 of the Act, which relates to establishing or maintaining certain facilities or establishments within the jurisdiction of the United States.	The executive branch shall in a manner consistent with the President's constitutional authority to conduct the Nation's foreign affairs, including the authority to receive ambassadors and other public ministers.	4
“	“	1031. § 9, which purports to direct or burden the conduct of negotiations by the executive	The executive branch shall construe as advisory the provisions of the Act, such as	3, 4

branch with entities abroad.

§ 9. Such provisions, if construed as mandatory rather than advisory, would impermissibly interfere with the President's constitutional authorities to conduct the Nation's foreign affairs, including protection of American citizens and American military and other Government personnel abroad, and to supervise the unitary executive branch.

**Office of
National Drug
Control Policy
Reauthorizati
on Act of 2006**

42 Weekly
Comp. Pres.
Doc.
(H.R. 6344,
December 29,
2006)

1032. § 704(f)(5) of the 1998 Act, as amended by § 103(e) of the Act, which prohibits taking certain action if it is contrary to the expressed intent of the Congress.

The executive branch shall construe as referring to action contrary to a law.

2

“

“

1033. Provisions of the Act that refer to submission of requests to the Congress for reprogramming or transfer of funds, or to obtaining congressional committee approval, such as § 708(c)(6) of the 1998 Act, as enacted by sections 401 and 501 of the Act.

The executive branch shall also construe as requiring only notification. Any other construction of these provisions would be inconsistent with the constitutional principles enunciated by the Supreme Court of the United States in *INS v. Chadha*.

“

2

“	“	1034.	“ § 709(b)(2) of the 1998 Act, as enacted by sections 401 and 501 of the Act.	“	“	2
“	“	1035.	Provisions of the Act that purport to authorize or require executive branch officials to submit legislative recommendations to the Congress. Such provisions include section 711(a)(4) of the 1998 Act as enacted by section 103(f) of the Act and section 1103(2)(D) of the Act.	The executive branch shall construe 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.	“	1, 3
“	“	1036.	Such provisions include section 711(a)(4) of the 1998 Act as enacted by section 103(f) of the Act and section 1110(c) of the Act.	“	“	1, 3
“	“	1037.	Provisions of the Act that concern the making of reports or the submission of classified national security information to the Congress. Such provisions include § 704(c)(2)(A), 706, 711(a)(4), and 711(b)(4) of the 1998 Act, as enacted by sections 103(f),	The executive branch shall construe in a manner consistent with the constitutional authority of the President to supervise the unitary executive branch and to withhold information the disclosure of which could impair foreign relations, the national security, the	“	3, 7

			105(b), and 201 of the Act, and sections 1104, 1109, and 1110 of the Act.	deliberative processes of the Executive, or the performance of the Executive's constitutional duties.		
“	“	1038.	“ § 706 of the 1998 Act, as enacted by sections 103(f), 105(b), and 201 of the Act, and sections 1104, 1109, and 1110 of the Act.	“	“	3, 7
“	“	1039.	“ § 711 (a)(4) of the 1998 Act, as enacted by sections 103(f), 105(b), and 201 of the Act, and sections 1104, 1109, and 1110 of the Act.	“	“	3, 7
“	“	1040.	“ § 711 (b)(4) of the 1998 Act, as enacted by sections 103(f), 105(b), and 201 of the Act, and sections 1104, 1109, and 1110 of the Act.	“	“	3, 7
“	“	1041.	§ 704(c)(1)(C) of the 1998 Act, as enacted by section 105 of the Act, that purport to regulate the content of executive agency budget submissions to an officer within the executive branch in the development of the President's annual budget submission.	The executive branch shall construe in a manner consistent with the constitutional authority of the President to require the written opinions of the principal officers of the executive departments and to supervise the unitary executive branch.	“	3, 14
“	“	1042.	§ 704(c)(3)(C) of the 1998 Act,	“	“	3, 14

			as enacted by section 105 of the Act, that purport to regulate the content of executive agency budget submissions to an officer within the executive branch in the development of the President's annual budget submission.			
Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006	43 Weekly Comp. Pres. Doc. ??? (H.R. 5946, P.L. 109-479 January 12, 2007)	1043.	Provisions of the Act that purport to direct or burden the conduct of negotiations by the executive branch with foreign governments or international organizations. Such provisions include subsections 609(c) and 610(b) of the High Seas Driftnet Fishing Moratorium Protection Act, as enacted by § 403 of the Act.	The executive branch shall construe 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 with a foreign country, when, in consultation with whom, and toward what objectives, and to supervise the unitary executive branch.	“	3, 4
“	“	1044.	§ 408 of the Act.	“	“	3, 4
“	“	1045.	§ 505 of the Marine Mammal Protection Act of 1972, as enacted by § 902 of the Act.	“	“	3, 4
“	“	1046.	Subsection 505(a) of the Marine Mammal Protection Act of 1972, as enacted by section 902 of the Act, purports to condition the authority granted to the President	. The executive branch shall construe these provisions in a manner consistent with the Appointments Clause.	“	6

		to make appointments upon prior consideration of recommendations from particular sources and purports 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.			
“	“	1047.	Also, provisions of the Act, such as section 303A(c)(6)(D)(i) of the Magnuson-Stevens Fishery Conservation and Management Act, as enacted by section 106 of the Act, purport to give significant governmental authority of the United States to individuals who are not appointed in accordance with the Appointments Clause of the Constitution	“	“ 6
Department of Defense Appropriations Act, 2008	43 Weekly Comp. Pres. Doc. 1498 (H.R. 3222, P.L. 110-116, November 13, 2007)	1048.	Certain provisions identical to those in prior bills that might be considered inconsistent with presidential responsibilities, including: § 8005, which relates to requests to congressional committees for	Inconsistent w/ <i>INS. v. Chadha</i> .	Shall be construed as requiring solely notification 2

	reprogramming of funds			
1049.	§ 8009 prohibits the use of funds for certain programs unless the congressional defense committees receive advanced notice	The Supreme Court has stated the President's authority to classify and control access to info bearing on national security flows from the Constitution and doesn't depend upon a legislative grant of authority. Although the advanced 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 of the Armed Forces while protecting certain extraordinarily sensitive national security information	Shall construe in a manner consistent with the Constitutional authority of the President	3,5,7
1050.	§ 8085 “	“	“	3,5,7
1051.	§ 8012(b) purports to specify the content of portions of future budget requests to the Congress	Inconsistent with President's authority to require the opinions of heads of departments, to supervise the unitary executive, and to recommend to Congress such	Will construe in a manner consistent with this authority	1,3,14

		measures as the President judges to be necessary and expedient		
1052.	§ 8034(b) “	“	“	1,3,14
1053.	§ 8089 “	“	“	1,3,14
1054.	§ 8091 “	“	“	1,3,14
1055.	§ 8116 “	“	“	1,3,14
1056.	The provision under the heading “Operation and Maintenance, Defense Wide” purporting to prohibit planning for consolidation of certain offices w/in the Dept. of Defense	“	“	1,3,14
1057.	§ 8052 Provides that, notwithstanding any other provision of law, no funds available to the Dept. of Defense for fiscal year 2008 may be used to transfer defense articles or services, other than intelligence services, to another nation or an international organization for peacekeeping, peace enforcement, or humanitarian assistance operations until 15 days after the executive branch notifies Congress of the planned transfer	Inconsistent with the President’s authority as commander-in-chief	To the extent that protection of the US Armed Forces deployed for international peacekeeping, enforcement, or humanitarian assistance operations might require action of a kind covered by § 8052 sooner than	5

					15 days after notification, the executive branch shall construe the section in a manner consistent with the President's constitutional authority as Commander-in-Chief	
		1058.	§ 8082, which prohibits the President from altering command and control relationships w/in the Armed Forces	Inconsistent with the President's authority as commander-in-chief	Shall be construed as advisory	5
Consolidated Appropriations Act of 2008	43 Weekly Comp. Pres. Doc. 1638 (H.R. 2764, P.L. 110-161, December 26, 2007)	1059.	Provisions similar to those in prior appropriations bills approved by Congress	Inconsistent with Presidential authority	Shall be interpreted in the same manner as previously	11
Sudan Accountability and Divestment Act of 2007	43 Weekly Comp. Pres. Doc. 1646 (S. 2271, P.L. 110-174,	1060.	Provisions purporting to authorize state and local governments to divest from companies doing business in named sectors of Sudan	May interfere with Federal government's sole authority to implement a national foreign policy by insulating state and local divestment	Shall be construed as consistent with this authority	4,15

	December 31, 2007)			actions from Federal oversight		
National Defense Authorization Act for Fiscal Year 2008	44 Weekly Comp. Pres. Doc. 115 (H.R. 4986, P.L. 110-181, January 28, 2008)	1061.	§ 841, which establishes the Commission on Wartime Contracting in Iraq and Afghanistan	Purports to impose requirements that could inhibit the President's ability to carry out his constitutional obligations to take care that the laws be faithfully executed to protect national security, to supervise the executive branch, and to execute his authority as Commander in Chief	Shall be construed in a manner consistent with the constitutional authority of the President	3, 5, 15
		1062.	§ 846, which protects contractors from reprisal for disclosure of certain information	"	"	3, 5, 15
		1063.	§ 1079, which requires the head of any element of the intelligence community to make available a document or information if requested by selected members of certain committees of Congress	"	"	3, 5, 15
		1064.	§ 1222, which limits the availability of funds for certain purposes in Iraq	"	"	3, 5, 15
Consolidated Security, Disaster	44 Weekly Comp. Pres. Doc. 1280	1065.	Certain provisions similar to those in previous appropriations bills passed by Congress	Might be construed as inconsistent with the President's constitutional	Shall be construed in the same	11

Assistance, and Continuing Appropriation s Act, 2009 Duncan Hunter National Authorization Act for Fiscal Year 2009	(H.R. 2638, P.L. 110-329, September 30, 2008)			responsibilities	manner as previously stated	
	44 Weekly Comp. Pres. Doc. 1346 (S. 3001, P.L. 110-417, October 14, 2008)	1066.	§ 851, which clarifies and modifies authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan as established in the National Defense Authorization Act for Fiscal Year 2008 (P.L. 110-181)	Purports to impose requirements that could inhibit the President’s ability to carry out his constitutional obligations to take care that the laws are faithfully executed, to protect national security, to conduct diplomatic negotiations, to supervise the executive branch, to appoint officers of the United States, and to execute his authority as Commander in Chief	Shall be construed in a manner consistent with the constitutional authority and obligations of the President	3, 4, 5, 6, 15
		1067.	§ 902, which establishes the Director of Operational Energy Plans and Programs position	“	“	3, 4, 5, 6, 15
		1068.	§ 1211(2), which prohibits the use of funds from exercising United States control of oil resources in Iraq	“	“	3, 4, 5, 6, 15
		1069.	§ 1508(b), which requires the U.S. government to initiate negotiations with the government of Iraq regarding whether Iraq shall share the costs	“	“	3, 4, 5, 6, 15

Inspector General Reform Act of 2008	44 Weekly Comp. Pres. Doc. 1345 (H.R. 928, P.L. 110-409, October 14, 2008)	1070.	of combined operations as a part of Operation Iraqi Freedom, and the Secretary of State to submit a report to Congress § 8, which includes provisions purporting to direct or regulate the content of the President's budget and provisions purporting to direct to President to include the comments of the Inspectors General with respect to the submissions	Inconsistent with the President's constitutional authority to recommend for congressional consideration such measures as the President shall judge as necessary and expedient	Shall be construed in a manner consistent with this authority	1

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