

the monument for study, enjoyment, or volunteer assistance for purposes of conservation and management.

Pelagic Species means Pacific Pelagic Management Unit Species as defined at 50 CFR 660.12.

Pono means appropriate, correct, and deemed necessary by traditional standards in the Hawaiian culture.

Recreational Activity means an activity conducted for personal enjoyment that does not result in the extraction of monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

Special Preservation Area (SPA) means discrete, biologically important areas of the monument within which uses are subject to conditions, restrictions, and prohibitions, including but not limited to access restrictions. SPAs are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research.

Special Ocean Use means an activity or use of the monument that is engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure monument resources. This includes ocean-based ecotourism and other activities such as educational and research activities that are engaged in to generate revenue, but does not include commercial fishing for bottomfish or pelagic species conducted pursuant to a valid permit issued by NOAA.

Stowed and Not Available for Immediate Use means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

Sustenance Fishing means fishing for bottomfish or pelagic species in which all catch is consumed within the monument, and that is incidental to an activity permitted under this proclamation.

Vessel Monitoring System or VMS means a vessel monitoring system or mobile transceiver unit approved by the Office for Law Enforcement for use on vessels permitted to access the monument, as required by this subpart.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

In Witness Whereof, I have hereunto set my hand this fifteenth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

George W. Bush

NOTE: At the time of publication, this proclamation had not been received by the Office of the Federal Register for assignment of a proclamation number.

Statement on Congressional Action on Appropriations Legislation

June 15, 2006

I applaud those Members of Congress who came together in a fiscally responsible way to provide much-needed funds for the war on terror and continued Hurricane Katrina recovery, as well as for securing our border and protecting against a possible avian flu pandemic. Responding to these critical needs in a timely way is not easy, but it must be done if we are to fight terrorism, defend our homeland, enforce our borders, and fulfill our moral obligation to help our fellow Americans in need. I am pleased that Congress has addressed these urgent national priorities within the spending limits I set. House and Senate Leadership and Chairmen Cochran and Lewis deserve great credit for working together to pass a fiscally responsible bill.

Statement on Signing the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006

June 15, 2006

Today, I have signed into law H.R. 4939, the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.” The Act provides additional resources needed to fight the war on terror, help citizens of the Gulf States recover from devastating hurricanes, and protect Americans from a potential influenza pandemic.

Sections 1209 and 2202 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. Although the advance notice contemplated by sections 1209 and 2202 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.

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 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. 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 references in the provisions to consulting to require only notification.

The provision under the heading, “Joint Explosive Device Defeat Fund,” Department of Defense-Military, that 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.

The executive branch shall construe the provision in the Act under the heading “Disaster Relief,” Federal Emergency Management Agency, Department of Homeland Security, that purports to require the Secretary of Homeland Security to submit a housing proposal and expenditure plan for congressional committee approval 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*.

Sections 7030 through 7033 of the Act, inclusive, purport to make changes in or in relation to 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. 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.

George W. Bush

The White House,
June 15, 2006.

NOTE: H.R. 4939, approved June 15, was assigned Public Law No. 109–234.