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Weekly Compilation of

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friends of the Pan Am victims deserve great credit for their persistence in helping to improve aviation security. Credit also is due to members of the Commission and the Congress who worked together with us to improve the bill. H.R. 5732 is a living memorial to those whose lives were so cruelly cut short by the terrorists responsible for bombing Pan Am 103.

I do have reservations about certain provisions of this Act. I am particularly concerned with those provisions that purport to restrict the President's authority under the Constitution to conduct our foreign policy, including the authority to conduct negotiations on behalf of the United States. For example, the Act includes requirements that the Secretary of State conduct negotiations on aviation security issues, including the control of terrorism.

While, as a policy matter, I will always endeavor to consult with the Congress on such foreign policy issues, I am obligated to defend the constitutional authority of the Presidency. Accordingly, I direct executive branch officials affected by H.R. 5732 to interpret its provisions so as not to conflict with my constitutional authority in the field of foreign affairs.

In signing this legislation, I am doing more than signing a bill into law. This Act reflects the workings of the American democracy, an effort by private citizens, the Congress, and the executive branch to join in the common cause against international terrorism. H.R. 5732 is an expression of our national unity and determination to continue our fight against international terrorists and to help prevent another tragedy like Pan Am 103.

George Bush

The White House,
November 16, 1990.

Note: H.R. 5732, approved November 16, was assigned Public Law No. 101-604.

Statement on Signing the National and Community Service Act of 1990

November 16, 1990

Today I am signing S. 1430, the "National and Community Service Act of 1990."

There can be no nobler goal than to strengthen the American ethic of community service and to help translate this ethic into meaningful action. S. 1430 will make an important contribution to achieving this goal.

I am particularly pleased that S. 1430 includes provisions for the initial funding of a private, nonprofit foundation that will promote the ethic of community service, disseminate information about successful local activities to other communities across the Nation, and stimulate the development of new leaders and their community service initiatives. Government cannot rebuild a family or reclaim a sense of neighborhood, and no bureaucratic program will ever solve the pressing human problems that can be addressed by a vast galaxy of people working voluntarily in their own backyards. The Points of Light Foundation will help that galaxy to grow and flourish in the years ahead.

S. 1430 also includes a number of new programs that use more traditional techniques of fostering community service, including Federal grants and demonstration projects. An important role can be played by programs of this kind, and I am committed to ensuring that these new initiatives are administered in an effective fashion. I note that participants in some of the new programs will be paid by the Government to engage in community service. Although the use of financial incentives may be appropriate in some circumstances, I have reservations about the wisdom of employing "paid volunteers" to the extent contemplated by S. 1430.

I must also note that there are constitutional defects in two provisions of S. 1430. Section 190 creates a Commission on National and Community Service to administer several of the programs established by the Act. The Commission in turn is to be administered by a Board of Directors composed of 21 members appointed by the President and confirmed by the Senate. Section 190(b), however, purports to limit the President's choice of nominees to the Board. Under section 190(b), the Board must be "balanced according to the race, ethnicity[,] age and gender of its members"; must include no more than 11 members of the same political party; must include seven

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members nominated by the Speaker of the House of Representatives; and must include seven members nominated by the Majority Leader of the Senate.

Under the Appointments Clause of the Constitution, article II, section 2, clause 2, congressional participation in such appointments may be exercised only through the Senate's advice and consent with respect to Presidential nominees. Accordingly, the restrictions in section 190(b) on my choice of nominees to the Board of Directors are without legal force or effect. I direct the Attorney General to prepare remedial legislation for submission to the Congress during its next session, so that the Act can be brought into compliance with the Constitution's requirements.

In addition, section 602(b) of S. 1430 purports to condition my authority to transfer certain funds from one account to another on the subsequent approval of congressional committees. This attempt to condition my authority constitutes a legislative veto device of the kind declared unconstitutional in *INS v. Chadha*, 462 U.S. 919 (1983), and I will treat it as having no legal force or effect.

George Bush

The White House,
November 16, 1990.

Note: S. 1430, approved November 16, was assigned Public Law No. 101-610.

Letter to the Speaker of the House and the President Pro Tempore of the Senate on the Deployment of Additional United States Armed Forces to the Persian Gulf

November 16, 1990

Dear Mr. Speaker: (Dear Mr. President:)

There have been a number of important developments in the Persian Gulf region since my letter of August 9, 1990, informing you of the deployment of U.S. Armed

Forces in response to Iraq's invasion of Kuwait. In the spirit of consultation and cooperation between our two branches of Government and in the firm belief that working together as we have we can best protect and advance the Nation's interests, I wanted to update you on these developments.

As you are aware, the United States and Allied and other friendly governments have introduced elements of their Armed Forces into the region in response to Iraq's unprovoked and unlawful aggression and at the request of regional governments. In view of Iraq's continued occupation of Kuwait, defiance of 10 U.N. Security Council resolutions demanding unconditional withdrawal, and sustained threat to other friendly countries in the region, I determined that the U.S. deployments begun in August should continue. Accordingly, on November 8, after consultations with our Allies and coalition partners, I announced the continued deployment of U.S. Armed Forces to the Persian Gulf region. These Forces include a heavy U.S. Army Corps and a Marine expeditionary force with an additional brigade. In addition, three aircraft carriers, a battleship, appropriate escort ships, a naval amphibious landing group, and a squadron of maritime prepositioning ships will join other naval units in the area.

I want to emphasize that this deployment is in line with the steady buildup of U.S. Armed Forces in the region over the last 3 months and is a continuation of the deployment described in my letter of August 9. I also want to emphasize that the mission of our Armed Forces has not changed. Our Forces are in the Gulf region in the exercise of our inherent right of individual and collective self-defense against Iraq's aggression and consistent with U.N. Security Council resolutions related to Iraq's ongoing occupation of Kuwait. The United States and other nations continue to seek a peaceful resolution of the crisis. We and our coalition partners share the common goals of achieving the immediate, complete, and unconditional withdrawal of Iraqi forces from Kuwait, the restoration of Kuwait's legitimate government, the protection of the lives of citizens held hostage by Iraq both in

SIGNING STATEMENT
P.L. 101-610

STATEMENT BY PRESIDENT OF THE UNITED STATES

STATEMENT BY PRESIDENT GEORGE BUSH UPON
SIGNING S. 1430

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November 19, 1990

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GEORGE BUSH

The White House,
November 16, 1990.