



THE WHITE HOUSE  
PRESIDENT  
GEORGE W. BUSH

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For Immediate Release  
Office of the Press Secretary  
December 18, 2006

## **President's Statement on H.R. 5682, the "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006"**

Today I have signed into law H.R. 5682, an Act containing the "Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006." The Act will strengthen the strategic relationship between the United States and India and deliver valuable benefits to both nations.

Section 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 statements as advisory. Also, if section 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. In order to avoid this constitutional question, the executive branch shall construe section 104(d)(2) as advisory. The executive branch will give sections 103 and 104(d)(2) the due weight that comity between the legislative and executive branches should require, to the extent consistent with U.S. foreign policy.

The executive branch shall construe provisions of the Act that mandate, regulate, or prohibit submission of information to the Congress, an international organization, or the public, such as sections 104, 109, 261, 271, 272, 273, 274, and 275, 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.

GEORGE W. BUSH

THE WHITE HOUSE,

December 18, 2006.

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