

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 01/10/2002 [H.R. 3338] [2]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Statement	[Draft re: H.R. 3338]	4	N.D.	P5;
002	Statement	[Draft re: H.R. 3338]	4	N.D.	P5;
003	Statement	[Draft re: H.R. 3338]	4	N.D.	P5;
004	Statement	[Draft re: H.R. 3338]	4	N.D.	P5;
005	Statement	[Draft re: H.R. 3338]	4	N.D.	P5;
006	Statement	[Draft re: H.R. 3338]	4	N.D.	P5;
007	Statement	[Draft re: H.R. 3338]	4	N.D.	P5;

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Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/10/2002 [H.R. 3338] [2]

FRC ID:

782

RESTRICTION CODES

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012	Speech	[Draft #6] Defense Appropriations Bill Signing - From: John Gibson	3	01/10/2002	P5; P6/b6;
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020	Speech	[Draft #4] Defense Appropriations Bill Signing - From: John Gibson	3	01/10/2002	P5; P6/b6;
021	Routing Memo	[Re: H.R. 3338] - To: Harriet E. Miers - From: Condoleezza Rice	1	01/09/2002	P5;
022	Speech	[Draft #4] Defense Appropriations Bill Signing - From: John Gibson	3	01/10/2002	P5; P6/b6;

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Final

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 3338, the Department of Defense and Emergency Supplemental Appropriations for Recovery From and Response to Terrorist Attacks on the United States Appropriations Act, which provides \$317.2 billion for national security programs administered by the Department of Defense. It also provides \$20.0 billion in emergency supplemental funding for the consequences of the September 11th attacks, including \$3.5 billion for the Department of Defense that is urgently needed to prosecute the war on terrorism. The Act provides appropriations for the Nation's defense and supplemental appropriations for many agencies for recovery from and response to terrorist attacks on the United States. In particular, the Act provides the resources needed to continue the war against global terrorism, pursue an effective missile defense, properly support members of the Armed Forces and their families, and begin to transform our Armed Forces to meet the military requirements of the 21st century.

I appreciate the bipartisan effort that has gone into producing this Act. It abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion and the agreed upon level enacted in P.L. 107-38, the Emergency Supplemental Appropriations Act for Recovery from and response to the Terrorists Attacks on the United States that occurred on September 11, 2001.

Public Law 107-38 -- legislation crafted and enacted with strong bipartisan cooperation -- provided a total of \$40 billion in emergency funding to the Emergency Response Fund. The \$40 billion in emergency expenses was provided to assist victims of the attacks and to deal with other consequences of the attacks, including the costs of : (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks; (2) providing support to counter, investigate, or prosecute domestic or international terrorism; (3) providing increased transportation security; (4) repairing public facilities and transportation systems damaged by the attacks; and (5) supporting national security. As required by P.L. 107-38, I designated the entire \$40 billion as an emergency funding requirement. To date, my Administration has transferred \$19.7 billion of the first \$20 billion, which was made available to agencies, without requiring any further congressional action, to address the immediate needs and consequences of the attacks.

The second \$20 billion provided in this Act will continue those efforts. The funds in this Act include: \$3.5 billion for Defense Department operations; \$8.2 billion for New York, Virginia, Maryland, the District of Columbia, and Pennsylvania to help those areas recover from the terrorist attacks; and \$8.4 billion for homeland security activities. I am proud that we worked together with such bipartisan spirit in the weeks following the despicable attacks on our Nation. My Administration will work together with the Congress to address

additional needs as they become known during the second session of the 107th Congress.

The Act funds the vast majority of my request for critical pay raises and other quality of life programs. It supports my commitment to improving the quality of life of our military personnel and their families by including pay raises of five to fifteen percent. The Act also funds many of my modernization priorities, including conversion of Trident submarines to submarines that can carry cruise missiles. However, because it provides approximately \$2 billion less than requested, the Act does not adequately fund all my critical priorities, specifically the readiness of our forces. The \$2 billion reduction is largely achieved by cuts to Operation and Maintenance programs. While a small portion of that reduction is offset in dollar terms by congressional increases, those increases are for programs of a much lower priority. As a result, these cuts will place our military forces in the all too familiar predicament of having to choose either to sacrifice near-term readiness or to forego critical repair of family housing, defer important depot maintenance of our weapon systems, and reduce base operations.

Section 8007 of the Act 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. The U.S. Supreme Court has stated that 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. Although 30-day advance notice can be provided in most situations as a matter of comity, situations may arise, especially in wartime, in which the President must promptly establish special access controls on classified national security information under his constitutional grants of the executive power and authority as commander in chief of the armed forces. The executive branch shall construe Section 8007 in a manner consistent with the constitutional authority of the President.

Section 8072 of the Act provides that, notwithstanding any other provision of law, no funds 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 executive branch notifies six committees of Congress of the planned transfer. The provision does not affect transfers using funds available to the Department of Defense if the recipient is other than a nation or an international organization or if the transfer is of intelligence services, such as provision of or accommodation procurements for imagery intelligence, geospatial information, or cryptological support. The provision also does not affect transfers of defense articles or services using funds contained in the Act that are available to the Central Intelligence Agency rather than the

Department of Defense. 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 8072 sooner than 15 days after notification, Section 8072 shall be construed in a manner consistent with my constitutional duty as commander in chief of the armed forces.

Provisos in Section 8098 of the Act purport to limit during fiscal year 2002 the number of Department of Defense military and civilian personnel assigned to legislative affairs or legislative liaison functions and to mandate the percentage distribution of such personnel among various offices of the Department. While limitation of the number of Department of Defense personnel assigned to legislative affairs and legislative liaison functions is a laudable goal, the executive branch shall construe Section 8098 in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and as commander in chief of the armed forces. In particular, Section 8098 cannot constitutionally restrict the authority of the President to control the activities of members of the armed forces, including whether and how many members of the armed forces assigned to the office of the chairman of the joint chiefs of staff, the combatant commands, or any other element of the Department of Defense shall perform legislative affairs or legislative liaison functions.

Section 8173 prohibits the use of appropriated funds for assistance or other support to the International Criminal Court (ICC). While section 8173 clearly reflects that Congress agrees with my Administration that it is not in the interests of the United States to become a party to the ICC treaty, I must note that this provision must be applied consistent with my constitutional authority in the area of foreign affairs, which, among other things, will enable me to take actions to protect U.S. nationals from the purported jurisdiction of the treaty.

Sections 911 and 912 in Division B of the Act provide for assistance by executive departments and agencies, including the armed forces, to the U.S. Capitol Police in the performance of its duties. Safeguarding the Congress and its ability to carry out its constitutional role is vital to the continuity of our constitutional government, and the executive branch will assist as needed and appropriate. In carrying out these sections, it is important to ensure proper respect for the separate constitutional roles and authorities of the executive and legislative branches. With the aim of ensuring that respect within the executive branch, the Attorney General shall serve as the single point of contact within the executive branch for requests from the legislative branch, including the U.S. Capitol Police, for assistance under Sections 911 and 912, and the District of Columbia National Guard and Federal law enforcement authorities shall enter into an agreement under Section 912 only with the prior approval of the Attorney General.

Section 208 of Division B makes a technical correction to subsection 626(c) of Public Law 107-77 (the FY 2002 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act), but does nothing to alter the effect of that provision or any other provision of law. Since the enactment of subsection 626(c) and consistent with it, the Executive Branch has encouraged the courts to act, and will continue to encourage the courts to act, in a manner consistent with the obligations of the United States under the Algiers Accords that achieved the release of U.S. hostages in 1981.

SS/ RM NO. 505332

WHITE HOUSE STAFFING MEMORANDUM

Chris

Date: 1-8-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-9-02 NOON

SIGNING STATEMENT - H.R. 3338 - DEFENSE AND EMERGENCY
SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM AND RESPONSE TO
Subject: TERRORIST ATTACKS ON THE UNITED STATES ACT, FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to the Staff Secretary no later than NOON, Wednesday, January 9, 2001 with a cc to Beth Rossman. The Signing Statement needs to be read in conjunction with the Enrolled Bill Memo. Thank you.

ok

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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CALIO	☒	☐	LINDSEY	☒	☐
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— 1-9
Larry Hindsey
going to
check one
sentence

11:55

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TRANSMISSION OK

TX/RX NO	1508	
CONNECTION TEL		62710
CONNECTION ID	CEQ	
ST. TIME	01/08 13:49	
USAGE T	02'42	
PGS. SENT	5	
RESULT	OK	

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SIGNING STATEMENT - H.R. 3338 - DEFENSE AND EMERGENCY
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Subject: TERRORIST ATTACKS ON THE UNITED STATES ACT, FY 2002

	ACTION	FYI		ACTION	FYI
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FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

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WHITE HOUSE STAFFING MEMORANDUM

Date: 1-8-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-9-02 NOON

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Harriet E. Miers
Assistant to the President
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Ext. 62702

Withdrawal Marker

The George W. Bush Library

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Statement	[Draft re: H.R. 3338]	4	N.D.	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/10/2002 [H.R. 3338] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

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TRANSMISSION OK

TX/RX NO 1507
 CONNECTION TEL 66212
 CONNECTION ID
 ST. TIME 01/08 13:37
 USAGE T 02'43
 PGS. SENT 5
 RESULT OK

SS/ RM NO. 505332

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SS/ RM NO. 505332

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-8-02

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TX/RX NO 1512
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 01/08 14:05
 USAGE T 02'53
 PGS. SENT 5
 RESULT OK

SS/ RM NO. 505332

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CEA concurs

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Sk AMC 1/9 6:00 PM

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OFFICE OF THE VICE PRESIDENT
WASHINGTON

January 9, 2002

'02 JAN 9 AM 10:32

MEMORANDUM FOR ELIZABETH ROSSMAN
DEPUTY ASSOCIATE DIRECTOR, OMB

FROM: JONATHAN BURKS 
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

**SUBJECT: Enrolled Bill H.R. 3338 – Defense and Emergency
Supplemental Appropriations for Recovery From and
Response to Terrorist Attacks on the United States
Act, FY 2002**

The Office of the Vice President has reviewed the above-referenced draft and concurs in the recommendation to sign the enrolled bill.

cc: Harriet Miers
Staff Secretary

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-8-02

ACTION / CONCURRENCE / COMMENT DUE BY: 1-9-02 NOON

02 JAN 5 PM 1:37

SIGNING STATEMENT - H.R. 3338 - DEFENSE AND EMERGENCY

SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM AND RESPONSE TO

Subject: TERRORIST ATTACKS ON THE UNITED STATES ACT, FY 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS	☐	☐
DANIELS	☐	☒	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☐	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

REMARKS:

Please forward comments directly to the Staff Secretary no later than NOON, Wednesday, January 9, 2001 with a cc to Beth Rossman. The Signing Statement needs to be read in conjunction with the Enrolled Bill Memo. Thank you.

RESPONSE:

Legislative Affairs (Harriet) - rh

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	[Draft re: H.R. 3338]	4	N.D.	P5;

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For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/10/2002 [H.R. 3338] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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HAGIN	☐	☐	CLERK	☐	☒
HAWKINS	☒	☐		☐	☐

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January 9, 2002

RESPONSE:

The NSC concurs, with one change on pg. 2

for *BIR*
Condoleezza Rice
Assistant to the President
for National Security Affairs

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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SUPPLEMENTAL APPROPRIATIONS FOR RECOVERY FROM AND RESPONSE TO

Subject: TERRORIST ATTACKS ON THE UNITED STATES ACT, FY 2002

1/12/01 PM 1:21

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
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OK - NEC

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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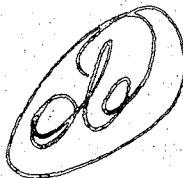
02 JAN 9 PM 1:55

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RESPONSE:



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STATEMENT BY THE PRESIDENT

2002
Today I have signed into law H.R. 3338, the Department of Defense and Emergency Supplemental Appropriations for Recovery From and Response to Terrorist Attacks on the United States Appropriations Act, which provides \$317.2 billion for national security programs administered by the Department of Defense. It also provides \$20.0 billion in emergency supplemental funding for the consequences of the September 11th attacks, including \$3.5 billion for the Department of Defense that is urgently needed to prosecute the war on terrorism. The Act provides appropriations for the Nation's defense and supplemental appropriations for many agencies for recovery from and response to terrorist attacks on the United States. In particular, the Act provides the resources needed to continue the war against global terrorism, pursue an effective missile defense, properly support members of the Armed Forces and their families, and begin to transform our Armed Forces to meet the military requirements of the 21st century.

bullet
I appreciate the bipartisan effort that has gone into producing this Act. It abides by the agreed upon aggregate funding level for Fiscal Year 2002 of \$686 billion and the agreed upon level enacted in P.L. 107-38, the Emergency Supplemental Appropriations Act for Recovery from and response to the Terrorists Attacks on the United States that occurred on September 11, 2001.

2001
Public Law 107-38 -- legislation crafted and enacted with strong bipartisan cooperation -- provided a total of \$40 billion in emergency funding to the Emergency Response Fund. The \$40 billion in emergency expenses was provided to assist victims of the attacks and to deal with other consequences of the attacks, including the costs of: (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks; (2) providing support to counter, investigate, or prosecute domestic or international terrorism; (3) providing increased transportation security; (4) repairing public facilities and transportation systems damaged by the attacks; and (5) supporting national security. As required by P.L. 107-38, I designated the entire \$40 billion as an emergency funding requirement. To date, my Administration has transferred \$19.7 billion of the first \$20 billion, which was made available to agencies, without requiring any further congressional action, to address the immediate needs and consequences of the attacks.

✓ The second \$20 billion provided in this Act will continue those efforts. The funds in this Act include: \$3.5 billion for Defense Department operations; \$8.2 billion for New York, Virginia, Maryland, the District of Columbia, and Pennsylvania to

help those areas recover from the terrorist attacks; and \$8.4 billion for homeland security activities. I am proud that we worked together with such bipartisan spirit in the weeks following the despicable attacks on our Nation. My Administration will work together with the Congress to address additional needs as they become known during the second session of the 107th Congress.

The Act funds the vast majority of my request for critical pay raises and other quality of life programs. It supports my commitment to improving the quality of life of our military personnel and their families by including pay raises of five to fifteen percent. The Act also funds many of my modernization priorities, including conversion of Trident submarines to submarines that can carry cruise missiles. However, because it provides approximately \$2 billion less than requested, the Act does not adequately fund all my critical priorities, specifically the readiness of our forces. The \$2 billion reduction is largely achieved by cuts to Operation and Maintenance programs. While a small portion of that reduction is offset in dollar terms by congressional increases, those increases are for programs of a much lower priority. As a result, these cuts will place our military forces in the all too familiar predicament of having to choose either to sacrifice near-term readiness or to forego critical repair of family housing, defer important depot maintenance of our weapon systems, and reduce base operations.

Section 8007 of the Act 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. The U.S. Supreme Court has stated that 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. Although 30-day advance notice can be provided in most situations as a matter of comity, situations may arise, especially in wartime, in which the President must promptly establish special access controls on classified national security information under his constitutional grants of the executive power and authority as commander in chief of the armed forces. The executive branch shall construe Section 8007 in a manner consistent with the constitutional authority of the President.

Section 8072 of the Act provides that, notwithstanding any other provision of law, no funds 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 executive branch notifies six committees of Congress of the planned transfer. The provision does not affect transfers using funds available to the Department of Defense if the recipient is other than a nation or an international organization or if the transfer is of intelligence services, such as provision of or accommodation procurements for imagery intelligence, geospatial information, or cryptological support. The provision also does not affect transfers of defense articles or services using funds contained in the Act that are available to the Central Intelligence Agency rather than the Department of Defense. 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~~ 8072 sooner than 15 days after notification, ~~Section~~ 8072 shall be construed in a manner consistent with my constitutional duty as commander in chief of the armed forces.

✓ Provisos in ~~Section~~ 8098 of the Act purport to limit during fiscal year 2002 the number of Department of Defense military and civilian personnel assigned to legislative affairs or legislative liaison functions and to mandate the percentage distribution of such personnel among various offices of the Department. While limitation of the number of Department of Defense personnel assigned to legislative affairs and legislative liaison functions is a laudable goal, the executive branch shall construe ~~Section~~ 8098 in a manner consistent with the President's constitutional authority to supervise the ~~unitary~~ executive branch and as commander in chief of the armed forces. In particular, ~~Section~~ 8098 cannot constitutionally restrict the authority of the President to control the activities of members of the armed forces, including whether and how many members of the armed forces assigned to the office of the chairman of the joint chiefs of staff, the combatant commands, or any other element of the Department of Defense shall perform legislative affairs or legislative liaison functions.

✓ Section 8173 prohibits the use of appropriated ^{the} funds for assistance or other support to the International Criminal Court (ICC). While section 8173 clearly reflects that Congress agrees with my Administration that it is not in the interests of the United States to become a party to the ICC treaty, I must note that this provision must be applied consistent with my constitutional authority in the area of foreign affairs, which, among other things, will enable me to take actions to protect U.S. nationals from the purported jurisdiction of the treaty.

✓ Sections 911 and 912 in Division B of the Act provide for assistance by executive departments and agencies, including the armed forces, to the U.S. Capitol Police in the performance of

its duties. Safeguarding the Congress and its ability to carry out its constitutional role is vital to the continuity of our constitutional government, and the executive branch will assist as needed and appropriate. In carrying out these sections, it is important to ensure proper respect for the separate constitutional roles and authorities of the executive and legislative branches. With the aim of ensuring that respect within the executive branch, the Attorney General shall serve as the single point of contact within the executive branch for requests from the legislative branch, including the U.S. Capitol Police, for assistance under Sections 911 and 912, and the District of Columbia National Guard and Federal law enforcement authorities shall enter into an agreement under Section 912 only with the prior approval of the Attorney General.

Section 208 of Division B makes a technical correction to subsection 626(c) of Public Law 107-77 (the FY 2002 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act), but does nothing to alter the effect of that provision or any other provision of law. Since the enactment of subsection 626(c) and consistent with it, the Executive Branch has encouraged the courts to act, and will continue to encourage the courts to act, in a manner consistent with the obligations of the United States under the Algiers Accords that achieved the release of U.S. hostages in 1981.

The White House,

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 3338, the "Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002," which provides \$317.2 billion for national security programs administered by the Department of Defense. It also provides \$20 billion in emergency supplemental funding for the consequences of the September 11th attacks, including \$3.5 billion for the Department of Defense that is urgently needed to prosecute the war on terrorism. The Act provides appropriations for the Nation's defense and supplemental appropriations for many agencies for recovery from and response to terrorist attacks on the United States. In particular, the Act provides the resources needed to continue the war against global terrorism, pursue an effective missile defense, properly support members of the Armed Forces and their families, and begin to transform our Armed Forces to meet the military requirements of the 21st century.

I appreciate the bipartisan effort that has gone into producing this Act. It abides by the agreed-upon aggregate funding level for Fiscal Year 2002 of \$686 billion and the agreed upon level enacted in Public Law 107-38, the "2001 Emergency Supplemental Appropriations Act for Recovery from and Response to the Terrorists Attacks on the United States" that occurred on September 11, 2001.

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The second \$20 billion provided in this Act will continue those efforts. The funds in this Act include: \$3.5 billion for Department of Defense operations; \$8.2 billion for New York, Virginia, Maryland, the District of Columbia, and Pennsylvania to help those areas recover from the terrorist attacks; and \$8.4 billion for homeland security activities. I am proud that we worked together with such bipartisan spirit in the weeks following the despicable attacks on our Nation. My Administration will work together with the Congress to address additional needs as they become known during the second session of the 107th Congress.

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Section 8072 of the Act provides that, notwithstanding any other provision of law, no funds 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 executive branch notifies six committees of Congress of the planned transfer. The provision does not affect transfers using funds available to the Department of Defense if the recipient is other than a nation or an international organization or if the transfer is of intelligence services, such as provision of or accommodation procurements for imagery intelligence, geospatial information, or cryptological support. The provision also does not affect transfers of defense articles or services using funds contained

in the Act that are available to the Central Intelligence Agency rather than the Department of Defense. 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 8072 sooner than 15 days after notification, section 8072 shall be construed in a manner consistent with my constitutional duty as ✓ commander in chief of the armed forces.

Provisos in section 8098 of the Act purport to limit during fiscal year 2002 the number of Department of Defense military and civilian personnel assigned to legislative affairs or legislative liaison functions and to mandate the percentage distribution of such personnel among various offices of the Department. While limitation of the number of Department of Defense personnel assigned to legislative affairs and legislative liaison functions is a laudable goal, the executive branch shall construe section 8098 in a manner consistent with the President's constitutional authority to supervise the ✓ executive branch and as commander in chief of the armed forces. In particular, section 8098 cannot constitutionally restrict the authority of the President to control the activities of members of the armed forces, including whether and how many members of the Armed Forces assigned to the office of the Chairman of the Joint Chiefs of Staff, the combatant commands, or any other element of the Department of Defense shall perform legislative affairs or legislative liaison functions.

Section 8173 prohibits the use of appropriated funds for assistance or other support to the International Criminal Court (ICC). While section 8173 clearly reflects that the Congress agrees with my Administration that it is not in the interests of the United States to become a party to the ICC treaty, I must note that this provision must be applied consistent with my constitutional authority in the area of foreign affairs,

which, among other things, will enable me to take actions to protect U.S. nationals from the purported jurisdiction of the treaty.

Sections 911 and 912 in Division B of the Act provide for assistance by executive departments and agencies, including the Armed Forces, to the U.S. Capitol Police in the performance of its duties. Safeguarding the Congress and its ability to carry out its constitutional role is vital to the continuity of our constitutional Government, and the executive branch will assist as needed and appropriate. In carrying out these sections, it is important to ensure proper respect for the separate constitutional roles and authorities of the executive and legislative branches. With the aim of ensuring that respect within the executive branch, the Attorney General shall serve as the single point of contact within the executive branch for requests from the legislative branch, including the U.S. Capitol Police, for assistance under sections 911 and 912, and the District of Columbia National Guard and Federal law enforcement authorities shall enter into an agreement under section 912 only with the prior approval of the Attorney General.

Section 208 of Division B makes a technical correction to subsection 626(c) of Public Law 107-77 (the FY 2002 Commerce, Justice, State, the Judiciary and Related Agencies Appropriations Act), but does nothing to alter the effect of that provision or any other provision of law. Since the enactment of subsection 626(c) and consistent with it, the executive branch has encouraged the courts to act, and will continue to encourage the courts to act, in a manner consistent with the obligations of the United States under the Algiers Accords that achieved the release of U.S. hostages in 1981.

THE WHITE HOUSE,

OFFICE OF THE EXECUTIVE CLERK
TRACKING SHEET FOR PRESIDENTIAL DOCUMENTS

TITLE:

H.R. 3338-DOD Appropriations

LDA 1/18/2002

TYPE DOCUMENT:

PROCLAMATION

LETTER(S)

EXECUTIVE ORDER

MESSAGE TO THE CONGRESS/SENATE

MEMORANDUM

STATEMENT BY THE PRESIDENT

DECISION MEMORANDUM

SIGNING STATEMENT

DETERMINATION (numbered)

TREATY/CONVENTION/AGREEMENT, etc.

OTHER:

RECEIVED: (Advance: 1/9/02 Time: 4 a.m./p.m.)
In final: 1/ /02 Time: a.m./p.m.

SENT TO CORRESPONDENCE FOR TYPING IN FINAL:

(Advance: 1/9/02 Time: 4 a.m./p.m.)
In final: 1/ /02 Time: a.m./p.m.

TO HARRIET MIERS' OFFICE:

(For staffing: 1/9/02 Time: 5:00 a.m./p.m.)
In final: 1/ /02 Time: a.m./p.m.

*INFO, INCLUDING STENCIL AND DISC, TO PRESS OFFICE:

Date: 1/10/02 Time: 2:48 a.m./p.m.)
POSTED: 1/ /02 Time: a.m./p.m.

NOTIFICATIONS:

(Person/time)

NSC (#), when appropriate -- Desk Officer;
W.H. Situation Room -- x6-9425.

(Person/time)

Ginger Gregory, x6-2230, Legislative Affairs
(for messages to the Congress)

(Person/time)

(Other)

(Person/time)

(Other)

OTHER INFORMATION:

For the —
President's
review

Document Originally
Attached to
Following Page

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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/10/2002 [H.R. 3338] [2]

FRC ID:

782

FOIA IDs and Segments:**OA Num.:**

733

NARA Num.:

1459

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

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WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-9-02 5:00 PMSubject: DEFENSE APPROPRIATIONS BILL SIGNING REMARKS - JANUARY 10, 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT <i>conned</i>	☒	☐	HUBBARD	☒	☐
CARD <i>see query</i>	☒	☐	HUGHES	☒	☐
BLAKEMAN	☐	☐	IRASTORZA	☐	☐
BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO <i>ok</i>	☒	☐	LINDSEY	☒	☐
CONNAUGHTON	☒	☐	MIERS <i>edits</i>	☐	☐
DANIELS <i>(see comments)</i>	☒	☐	RICE	☒	☐
FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☒	ROVE	☒	☐
GONZALES <i>ok</i>	☒	☐	SPELLINGS <i>ok</i>	☒	☐
HAGIN	☐	☐	CLERK	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1539
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 01/09 15:26
 USAGE T 01'50
 PGS. SENT 4
 RESULT OK

SS/ RM NO. _____

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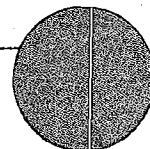
 *** TX REPORT ***

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/10/2002 [H.R. 3338] [2]

FRC ID:

782

OA Num.:

733

NARA Num.:

1459

FOIA IDs and Segments:**RESTRICTION CODES****Presidential Records Act - [44 U.S.C. 2204(a)]**

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 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1537
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 01/09 15:17
 USAGE T 01'50
 PGS. SENT 4
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-9-02 5:00 PMSubject: DEFENSE APPROPRIATIONS BILL SIGNING REMARKS - JANUARY 10, 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
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BOLTEN	☒	☐	JOHNSON	☐	☐
CALIO	☒	☐	LINDSEY	☒	☐
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FLEISCHER	☒	☐	RIDGE	☒	☐
GERSON	☐	☒	ROVE	☒	☐
GONZALES	☒	☐	SPELLINGS	☒	☐
HAGIN	☐	☐	CLERK	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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Assistant to the President
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Ext. 62702

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The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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01/10/2002 [H.R. 3338] [2]

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TRANSMISSION OK

TX/RX NO	1536	
CONNECTION TEL		62710
CONNECTION ID	CEQ	
ST. TIME	01/09 15:15	
USAGE T	01'51	
PGS. SENT	4	
RESULT	OK	

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

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Harriet E. Miers
Assistant to the President
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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

01/10/2002 [H.R. 3338] [2]

FRC ID:

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FOIA IDs and Segments:

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SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

CHRIS

Date: 1-9-02 ACTION / CONCURRENCE / COMMENT DUE BY: 1-9-02 5:00 PM

Subject: DEFENSE APPROPRIATIONS BILL SIGNING REMARKS - JANUARY 10, 2002

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HAWKINS	☒	☐		☐	☐

REMARKS:

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OK

RESPONSE:

Harriet E. Miers
Assistant to the President
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Ext. 62702



EXECUTIVE OFFICE OF THE PRESIDENT
Office of Management and Budget

From the Office Of

Robin Cleveland

Associate Director for National Security
And International Affairs

FAX TRANSMITTAL COVER SHEET

Number of pages (including cover sheet): _____

Date: 1/8/02

To: Krista Ritico

cc: Harriet Myers

Fax Number: 60204, 62215 Voice Number: _____

Comments: Re: Comments on Defense Signing Statement
Attached

From: Kayn

Date:

1/9/02

Time:

2:45 PM



White House Staffing Request for OMB

Subject:

Defense Appropriations Bill Signing Remarks (1/10/02)

	Lead	Action	FYI
Daniels		☐	☐
DD		☐	☐
DDM	☐	☐	☐
Smythe	☐	☐	☒
Pelletier	☐	☒	☐
Smith	☐	☐	☐
Capretta	☐	☐	☐
Peacock	☐	☐	☐
Cleveland	☒	☐	☐
McMillin	☐	☐	☐
Lefkowitz	☐	☐	☐
Emery	☐	☐	☐
Everson	☐	☐	☐
Forman	☐	☐	☐
Christian	☐	☐	☐
Jukes (5-6148)	☐	☐	☐
	☐	☐	☐
	☐	☐	☐
	☐	☐	☐

cc: Keller, Altoft

Reply to

Lead No

1/9/02, 4:45pm

Later Than:

Remarks:

- See White House Staffing Memorandum (attached)
- Please give comments to "Lead" for transmittal

This Reviewer has:

☐ No Comment

☒ Comments, as listed below or attached

Final Clearance for OMB:

Cleared by: *Both Rossman/R Cleveland*Date: *1/9/02*
☐ No Comment
Reported by: *K. Carson*Time: *4:25pm*
☒ Comment
To: *Krista Ritarro*

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUMDate: 1-9-02ACTION / CONCURRENCE / COMMENT DUE BY: 1-9-02 5:00 PMSubject: DEFENSE APPROPRIATIONS BILL SIGNING REMARKS - JANUARY 10, 2002

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Routing Memo	[Re: H.R. 3338] - To: Harriet E. Miers - From: Condoleezza Rice	1	01/09/2002	P5;

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