

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

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

Folder Title: 10/23/2002 [H.R. 5010] [771523] [3]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	5	10/18/2002	P5;
002	Statement	[Draft re: H.R. 5010]	2	N.D.	P5;
003	Memorandum	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	5	10/18/2002	P5;
004	Memorandum	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	5	10/18/2002	P5;
005	Memorandum	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	5	10/18/2002	P5;
006	Memorandum	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	5	10/18/2002	P5;
007	Statement	[Draft re: H.R. 5010]	2	N.D.	P5;

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/23/2002 [H.R. 5010] [771523] [3]

FRC ID:

6361

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]
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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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- 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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008	Magazine	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	6	10/18/2002	P5;

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WHITE HOUSE STAFFING MEMORANDUM

Date: 10-18-02 7:45 PM ACTION / CONCURRENCE / COMMENT DUE BY: 10-22-02 12:00 PMENROLLED BILL H.R. 5010 --DEPARTMENT OF DEFENSE APPROPRIATIONS,
Subject: FY 2003

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

REMARKS:

PLEASE FORWARD COMMENTS TO BETH ROSSMAN, X54790, OR FAX 53729, BY 12:00 P.M.,
TUESDAY, OCTOBER 22, 2002, WITH A COPY TO THE STAFF SECRETARY'S OFFICE, X62702,
OR FAX 62215. THANK YOU.

RESPONSE:

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

Withdrawal Marker

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Memorandum	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	5	10/18/2002	P5;

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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/23/2002 [H.R. 5010] [771523] [3]

FRC ID:

6361

OA Num.:

9468

NARA Num.:

9359

RESTRICTION CODES

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REVISED

SS/ RM NO. 521783

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-18-02 ACTION / CONCURRENCE / COMMENT DUE BY: 10-21-02, 12 NOON

Subject: ENROLLED BILL H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS, FY2003

02 OCT 21 AM '02

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
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HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO BETH ROSSMAN, EXT. 54790, FAX 53729, NO LATER THAN 12 NOON MONDAY, 10-21-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

AKC
10/20
1:30 PM

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

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OK-No Comment

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10/21/02 12:58 PM

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RESPONSE:*OK*

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



OFFICE OF THE VICE PRESIDENT
WASHINGTON

02 OCT 21 PM 12:55

October 21, 2002

MEMORANDUM FOR BETH ROSSMAN
DEPUTY ASSOCIATE DIRECTOR, OMB

FROM: **JONATHAN BURKS** 
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT: **Enrolled Bill H.R. 5010, Department of Defense**
Appropriations, FY 2003

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

REVISEDSS/ RM NO. 521783**WHITE HOUSE STAFFING MEMORANDUM**Date: 10-18-02 ACTION / CONCURRENCE / COMMENT DUE BY: 10-21-02, 12 NOONSubject: ENROLLED BILL H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS, FY2003

02 OCT 21 PM 12:55

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BLAKEMAN	☐	☐	LINDSEY →	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO BETH ROSSMAN, EXT. 54790, FAX 53729, NO LATER THAN 12 NOON MONDAY, 10-21-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

No comment

RESPONSE:

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

REVISED

SS/ RM NO.

521783

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-18-02

ACTION / CONCURRENCE / COMMENT DUE BY: 10-21-02, 12 NOON

Subject: ENROLLED BILL H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS, FY2003

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

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see edit

RESPONSE:

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)
Memorandum	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	5	10/18/2002	P5;

**This marker identifies the original location of the withdrawn item listed above.
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:

10/23/2002 [H.R. 5010] [771523] [3]

FRC ID:

6361

OA Num.:

9468

NARA Num.:

9359

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]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- 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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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

REVISEDSS/ RM NO. 521783**WHITE HOUSE STAFFING MEMORANDUM**Date: 10-18-02 ACTION / CONCURRENCE / COMMENT DUE BY: 10-21-02, 12 NOONSubject: ENROLLED BILL H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS, FY2003

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☐	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
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GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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NO COMMENT**RESPONSE:**

SO 9 10 02 100 002

SENATE STAFF SECRETARY
WHITE HOUSE

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

REVISED

SS/ RM NO.

521783

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-18-02

ACTION / CONCURRENCE / COMMENT DUE BY: 10-21-02, 12 NOON

SIGNING STATEMENT FOR H.R. 5010, DEPARTMENT OF DEFENSE

Subject: APPROPRIATIONS, FY2003

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
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GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE SEND COMMENTS TO STAFF SECRETARY, EXT. 62702, FAX 62215, NO LATER THAN 12 NOON MONDAY, 10-21-02, WITH COPY TO BETH ROSSMAN, EXT. 54790, FAX 53729. THANK YOU.

RESPONSE:

Legislative Affairs (Advised) - m

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

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Statement	[Draft re: H.R. 5010]	2	N.D.	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

10/23/2002 [H.R. 5010] [771523] [3]

FRC ID:

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OA Num.:

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

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REVISED

SS/ RM NO.

521783

0955

WHITE HOUSE STAFFING MEMORANDUM

Date: 10-18-02

ACTION / CONCURRENCE / COMMENT DUE BY: 10-21-02, 12 NOON

ENROLLED BILL H.R. 5010, DEPARTMENT OF DEFENSE APPROPRIATIONS,

Subject: FY2003

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☐	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☐	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
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GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

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October 22, 2002

RESPONSE:The NSC concurs with the attached. ~~statement~~

Condoleezza Rice

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

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Magazine	Department of Defense Appropriations, FY 2003 - To: POTUS - From: Nancy P. Dorn	6	10/18/2002	P5;

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 23, 2002

STATEMENT BY THE PRESIDENT

Today I have signed into law H.R. 5010, the "Department of Defense Appropriations Act, 2003," which provides \$354.8 billion for national security programs administered by the Department of Defense.

I appreciate the bipartisan effort that has gone into producing this Act. It abides by an aggregate FY 2003 funding level that I support of \$759 billion, which is consistent with the House-passed Budget Resolution. My Administration appreciates that the Congress has completed the FY 2003 Defense and Military Construction appropriations bills.

I am disappointed that the Act does not fund the \$10 billion I requested to support the war on terrorism. I am also concerned that the Act cuts \$2.7 billion from my request for operations and maintenance activities at the very time our Armed Forces are engaged in a battle against global terrorism. Without these funds, we may be forced to reduce other important programs to finance the war on terrorism.

Sections 8007 and 8111 of the Act prohibit 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 of such initiation. 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 the advance notice contemplated by sections 8007 and 8111 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 sections 8007 and 8111 in a manner consistent with the constitutional authority of the President.

Section 8066 of the Act provides that, notwithstanding any other provision of law, no funds available to the Department of Defense for fiscal year 2003 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 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 defense 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

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assistance operations might require action of a kind covered by section 8066 sooner than 15 days after notification, the executive branch shall construe section 8066 in a manner consistent with my constitutional duty as Commander in Chief of the Armed Forces.

A proviso in the Act's appropriation for "Operation and Maintenance, Defense-Wide" prohibits implementation of, and purports to prohibit planning for, consolidation of certain offices within the Department of Defense. Similarly, section 8121 of the Act purports to specify the content of future Department of Defense budgetary and programming plans. The executive branch shall construe these provisions relating to planning 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.

Section 8094 of the Act provides that, in implementing a healthcare interagency partnership under that section, Native Hawaiians shall have the status of Native Americans who are eligible for the healthcare services provided by the Indian Health Service. The executive branch shall implement section 8094 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.

Section 8116 of the Act makes certain appropriated funds available for transportation, food, lodging, supplies, fees, and training materials for members of the Armed Forces and their immediate family members while participating in chaplain-led programs, such as retreats and conferences, that assist them in building and maintaining a strong family structure. In implementing this provision, the executive branch shall accord the fullest respect to the fundamental constitutional right of free exercise of religion, subject to the constitutional limitation on establishment of religion and any other applicable law.

GEORGE W. BUSH

THE WHITE HOUSE,
October 23, 2002.

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