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on our terms. It's a great goal, and it's a great opportunity, one granted to few nations in history. And with the leadership of the Secretary, we will seize this opportunity.

And finally, I'm pleased that the emergency supplemental funding in this bill is going to allow us to meet some of our urgent priorities. In addition to the 3.5 billion to help prosecute the war on terror, the bill contains 8.2 billion to help New York, Virginia, Maryland, the District of Columbia, and Pennsylvania recover from the attacks by the evil ones. It also devotes an additional 8.4 billion to homeland security.

We're working hard to make sure that our homeland is secure. But the best way to secure America's future is to bring the terrorists to justice and to say to those who think they can hide them, "You, too, are just as guilty as the murderers if you think you can hide them and provide them aid and provide them comfort." We will build the security of America by fighting our enemies abroad and protecting our folks here at home. And we are committed, this administration, and the Congress is committed to these most important goals.

These are good bills that will help America in time of need. And I appreciate the spirit on Capitol Hill that led to its passage. I look forward to working with the Congress as we build our Nation's strength and security. I look forward to working for next year's budget, with the priorities of winning this war and defending our homeland. I'm confident that the spirit that prevailed in late fall will spill over into this year, as we continue to remember the great goals that face this Nation.

It is now my honor, in the heart, in the headquarters of the greatest military in the world, to sign the Department of Defense and emergency supplemental appropriations act. Thank you all for your hospitality. Stay on course. Find the enemy. God bless.

NOTE: The President spoke at 1:25 p.m. in the auditorium, room 5A1070, at the Pentagon. In his remarks, he referred to Representatives Rodney P. Frelinghuysen of New Jersey, James P. Moran of Virginia, and George R. Nethercutt, Jr., of Washington; and Gen. Henry H. Shelton, USA (Ret.), former Chairman of the Joint Chiefs of Staff. H.R. 3338, approved January 10, was assigned Public Law No. 107–117.

Statement on Signing the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002

January 10, 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 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.

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 Public Law 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 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.

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 5 to 15 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 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.

George W. Bush

The White House,
January 10, 2002.

NOTE: H.R. 3338, approved January 10, was assigned Public Law No. 107–117.

Remarks Prior to Discussions With Prime Minister Constandinos Simitis of Greece

January 10, 2002

President Bush. Well, thank you, Mr. Prime Minister. Listen, we're so honored you're here. Thank you so much for coming to America. There is a huge number of Greek-Americans who live in our country who have still got great fondness for their—for your country.

I am most appreciative, sir, of your strong stand against terror. You have been a friend in our mutual concerns about routing out terror around the world, and I want to thank you for that very much.