

will confront gathering dangers early, before our options become limited and desperate. By showing our resolve today, we are building a future of peace.

In the decisions and missions to come, our military will carry the values of America and the hopes of the world. The people of Iraq, like all human beings, deserve their freedom. And the people of Afghanistan, with the help of the United States Armed Forces, have gained their freedom.

One guardsman from Florida tells of meeting a member of the new Afghan national army. This Afghan soldier said he enlisted to honor the memory of his brother who was killed by the Taliban and to ensure that his own son would live in freedom. The Florida guardsman wrote home that "being here makes me realize that people are giving up their lives to have a fraction of the freedoms we take for granted." He said, "Talking to one soldier made me realize how lucky I am to have been born in the United States of America. I'm hon-

ored to have met an Afghan patriot," he wrote.

Every time I visit this building or any American base around the world, I'm honored to meet American patriots. The men and women of our military bring credit to our flag and security to our country. On behalf of the American people, I thank you for all you've done, for all you will do in the cause of freedom and the cause of peace.

And now I'm pleased to sign the Bob Stump National Defense Authorization Act for Fiscal Year 2003.

NOTE: The President spoke at 2:30 p.m. in the auditorium at the Pentagon. In his remarks, he referred to Secretary of Defense Donald H. Rumsfeld, who introduced the President; and Abd al-Rahim al-Nashiri, Al Qaida's chief of operations for the Persian Gulf. H.R. 4546, approved December 2, was assigned Public Law No. 107-314. The Office of the Press Secretary also released a Spanish language transcript of these remarks.

Statement on Signing the Bob Stump National Defense Authorization Act for Fiscal Year 2003

December 2, 2002

Today I have signed into law H.R. 4546, the "Bob Stump National Defense Authorization Act for Fiscal Year 2003." The Act authorizes the funding necessary to protect the United States and advance its interests abroad. In particular, it authorizes the resources necessary to continue the war against terrorists of global reach, to equip and train our Armed Forces for success in combat, and to support the members of the Armed Forces and their families with a substantial and fully merited increase in basic pay. The Act also grants new authorities to the Department of Defense that will assist in transforming the armed forces to meet future challenges.

A number of provisions of the Act establish new requirements for the executive branch to furnish sensitive information to the Congress on various subjects, including sections 221, 1043, 1065 (enacting 10 U.S.C. 127b(f)(2)(C)(ii) and (iii)), 1205, 1206, 1207, and 1209 (enacting section 722 of Public Law 104-293). The executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to withhold information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

Many provisions of the Act call for executive branch officials to submit recommendations and plans to the Congress, including sections 112(b), 142(c), 221(c), 231 (enacting 10 U.S.C. 196), 234(c), 241(c)(3)(D), 366, 404(c), 513(e), 534(c), 582, 721 (enacting 38 U.S.C. 8111(c)(4) and (f)(2)(C) and (F)), 723, 813, 924, 1043(b)(2), 1061 (enacting 10 U.S.C. 113a), 1207, 1208 (enacting section 1503(b)(8) of Public Law 103-337), 3141(e), 3143, 3176(b)(4) and (d), and 3504(c)(4). The executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to supervise the unitary executive branch. In addition, with respect to provisions that purport to require executive branch officials to submit legislative proposals to the Congress, including sections 513(e), 813, 1061, and 3143, the executive branch also shall construe such provisions in a manner consistent with the President's constitutional authority to submit for the consideration of the Congress such measures as the President judges necessary and expedient.

The executive branch shall construe section 133(2)(B) of the Act as requiring only notification to the Congress and not any form of congressional approval following notification, as any other construction would be inconsistent with the constitutional principles enunciated by the Supreme Court in 1983 in *INS v. Chadha*.

The executive branch shall construe section 2308(e)(1) of title 10 of the United States Code, as enacted by section 801 of the Act, as neither giving the force of law to any quantity set forth in a table, chart, or explanatory text in a joint explanatory statement of a House-Senate committee of conference or in any congressional committee report, nor requiring the exercise of waiver authority under section 2308 to acquire more than a quantity specified in

such a table, chart, or explanatory text. Construing the section otherwise would not be consistent with the bicameralism and presentment requirements of the Constitution for the making of a law.

The executive branch shall implement section 2323 of title 10 of the United States Code, as extended through fiscal year 2006 by section 816 of the Act, in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

Section 242 of the Act vests authority to direct the provision of funds for designated projects, and to select certain projects for funding, in an official who is to be designated by the Under Secretary of Defense for Acquisition, Technology, and Logistics. Under the Constitution, such authority should be exercised only by officers of the United States appointed in accordance with the provisions of the Appointments Clause. Accordingly, the Secretary of Defense shall ensure that the official designated by the Under Secretary under this section is a duly appointed constitutional officer or that the official's exercise of the authority vested is supervised and reviewed by the Under Secretary or another appropriate constitutional officer.

Finally, the executive branch shall construe sections 3155, 3156, and 3160, which purport to require executive branch officials to conduct programs with a foreign country, in a manner consistent with the President's constitutional authority to conduct the foreign affairs of the United States.

GEORGE W. BUSH

The White House,
December 2, 2002.

NOTE: H.R. 4546, approved December 2, was assigned Public Law No. 107-314.